



The Association of Youth Offending Team Managers (AYM) response to the Police, Crime, Sentencing and Courts Bill

About the AYM

The Association of Youth Offending Team Managers (AYM) is the professional association for heads of Youth Offending Services and managers in Youth Offending Teams in England.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda.

Our members run services providing community-based supervision for children and young people who offend. We also work closely with staff in secure units and young offender institutions to ensure that young people in custody have as smooth a transition as possible back into the community

Although there is no formal consultation, the below response identifies areas where we feel that the proposals will prevent offending by children but also areas where it has been identified that the proposals may inhibit the rehabilitation of children.

Response

The provisions for children, including the role of the youth justice system appear somewhat ignored in the main body of the paper, for instance, within the introduction the following assertion is made,

Improving Confidence: Confidence in non-custodial sentencing options is low, and we need to win back the confidence of the judiciary and the public in our delivery of community sentencing.

This assertion is in stark contrast to the reducing rates of custodial sentences for children which is mentioned later in the paper.

Therefore, the majority of this below response concentrates upon Section 5 which is the section of the Bill which deals specifically with youth justice.

Reparation Orders

We agree with the proposal to remove Reparation Orders. These are now rarely utilised as restorative justice is delivered in other ways and with other sentencing options.

Rehabilitation

It is recognised that access to appropriate accommodation is key to reducing the likelihood of children reoffending and that placements for children on remand and who are released from custody are, as for a number of complex children, difficult to access and therefore we would

welcome the work of the Ministry of Justice together with the Department for Education to ensure that this important need is met.

We would also welcome a reduction in periods after which a conviction becomes spent as outlined in chapter 4. However, for children who have received convictions it is not only employment to which they face a significant barrier but also to training and higher education provision. There are examples of training providers and colleges refusing to admit children to courses due to previous offences. These establishments who hold these views do not work collaboratively with Youth Offending Services to ensure that those children have access to education, training or employment.

Detention and Training Order Reform

The proposal to allow Courts to make a DTO of any length appears a common-sense approach and allowing the period remand or bail (with electronic curfew) to be subtracted from the sentence length also appears sensible. However, there are some concerns that children who are remanded to custody do not have access to the rehabilitative programmes and support within custodial settings and therefore this requires addressing.

Moving the release point for the most serious violent and sexual offences

In regard to increasing the possible release point for those who receive a custodial sentence, from half way to two thirds for those children who commit certain offences; (attempted murder, soliciting murder and manslaughter) and receive 7 years or longer custodial sentence. We do not feel that this takes into account the maturity of the child and we do not accept the rationale that *spending longer in custody also means that those who commit these offences will have more time to focus on rehabilitative interventions and education, as well as longer to prepare for life in the community.*

Tariff starting points for murder

There are reservations regarding the change of starting point for children receiving a life sentence for murder. It is felt that the newly introduced “nuanced approach” would actually lead to more children receiving a higher minimum tariff than at present.

Tougher community sentences: Electronic Monitoring

There are some concerns regarding the introductions of the addition of a standalone location monitoring requirement to the Youth Rehabilitation Order. Anecdotal experience of this type of electronic monitoring has caused difficulties for children continually charging the apparatus.

We also believe the assertion within the paper that electronic monitoring of any sort may reduce the impact of child exploitation on a child is misguided and is not reflected in our experiences of child exploitation.

Tougher community sentences: Intensive Supervision and Surveillance

There are some reservations regarding the proposal to extend the ISS provision from 6 months to 12 months. We understand that there was a previous pilot of this option and that the feedback from this pilot was not supportive of the extended period.

Of greater concern was the proposal that location monitoring requirement would be a mandatory requirement for all intensive supervision and surveillance requirements. The purpose of this requirement, when not issued in conjunction with an exclusion requirement, appears without purpose, and again, may increase the likelihood of children breaching their Orders through failing to charge their devices. It is felt that this option would have little support across the youth justice system.

Tougher community sentences: Intensive fostering

The previous pilots of intensive fostering were limited and highly resource intensive. This approach may not be compatible with the contextual safeguarding model which is being widely adopted by children's services and youth justice services. This would need careful consideration and review.

Remand

It is considered that any intervention which reduces the unnecessary remand of children would be welcome.

Mandatory Sentences

In addition to the above comments which focus on chapter 5 of the white paper there are also some concerns in relation to the use of mandatory sentencing for children. The paper suggests that these changes will impact on children who have committed a second offence of possession of offensive weapon and/ or threatening behaviour with an offensive weapon, making it more likely that they will receive a minimum 4 month DTO sentence. We would argue that this is not in line with the main objective of the paper, which is to support rehabilitation, and is in direct contradiction to the assertion of the paper that short custodial sentences are likely to increase the propensity to reoffend rather than reduce it. This proposal also does not consider the element of child exploitation that is being increasingly observed across the youth justice system.

Sentencing 17-year olds

We do not accept that for those children facing a custodial sentence at the age of 17 should be treated as an 18 year old. This is in contradiction to all the other legislation relevant to children and is a move away from a distinct youth justice system for children.

Disproportionality

Overall, this Bill does not take into account the significant needs of children within the justice system and does not recognise the impact this will have on equality for all children and could lead to significant groups of children being adversely affected. We are particularly concerned about the impact this Bill could have on children who are Non-white British and children in care.