

Revision of AYM's "Where We Stand Statements"

September 2021

The AYM website includes a set of "Where we Stand" statements which are in need of an overhaul. The AYM Board offers the following statements for endorsement by the membership at the AGM.

For ease of comparison we show the current statements alongside proposed new ones. In re-writing them we hope these statements might be useful to our members when they are asked to respond to consultation documents locally and nationally. Using these statements, they can respond with the confidence that their association has a clear view on the issue. Links are added to relevant, published documents.

There are new statements on Child First practice, SEND, ACE and Trauma, Management Development and Sector-led Improvement, reflecting our work in these areas over the last few years.

Subject Area	Current Statement	Proposed New Statement
Impact of the criminal justice system on children	We believe the age of criminal responsibility at 10 years of age is too low and should be raised to at least 12.	We support implementation of the Council of Europe resolution 2010 to "set the minimum age of criminal responsibility at at least 14 years of age, while establishing a range of suitable alternatives to formal prosecution for (children)". (1) (note: the UK remains a founder member of the Council of Europe.)
	Work to prevent children and young people from offending for the first time should be prioritised to prevent them entering the youth justice system and the cost of this to both young people themselves and society.	We support the principal aim of the youth justice system, namely to prevent offending by children (2) and call for investment in local services aimed at helping children refrain from criminal activities and anti-social behaviour.
Prosecution of looked after children		We support the National Protocol on Reducing Unnecessary Criminalisation of Looked After Children and Care Leavers (3) and we work with partners to assist its implementation.
	that anti social behaviour orders are necessary as a last resort for dealing with anti social behaviour (ASB). We support the use of Acceptable Behaviour Contracts as an effective way of dealing with ASB by young people which	(Delete)

	do not require court appearances/convictions.	
Prosecution of older children	We believe those who turn 18 years of age while waiting for proceedings against them to begin should automatically be dealt with in the youth justice system and sentenced as children.	We support efforts to ensure that the justice system completes proceedings against children in a timely manner. In particular we support the UN Convention on the Rights of the Child (2019) that our “youth justice system should extend protection to children who were below the age of 18 at the time of the commission of the offence but who turn 18 during the trial or sentencing process.”(4)
Spent Convictions	Children and young people moving into adulthood and beyond should not be penalised for having to declare all but the most serious convictions committed as a youth.	We support efforts (5) to reform the Rehabilitation of Offenders Act (1974) to ensure that fewer people have their careers prospects damaged by having to declare convictions obtained when a child.
Use of secure accommodation	That the punishment of custody for children* and young people lies in the loss of liberty itself and therefore should only be used: <ul style="list-style-type: none"> • As a last resort • Where the public have to be protected Where young people have to be sent to custody they should be held in small local secure units close to their home.	We recognise that a small minority of children in the justice system may need to spend a period of time in secure accommodation for the protection of the public. We believe that such accommodation is most effective when provided in small units close to their home area. We therefore support the view of the Children’s Commissioner that “We need a radical new approach to reducing the numbers of children in custody to an absolute minimum and transforming secure care for children so that rehabilitation is at its heart.” (6). We believe that education is an important part of this rehabilitation and that children must feel safe whilst subject to such provision.
Equality of access to services	We believe that children* and young people have the right to have equal access to all appropriate services within the youth justice system and must not be excluded on the grounds of age, gender, disability, ethnic background, skin colour, language, faith, health, social and economic backgrounds,	We believe that children have the right to have equal access to all appropriate services within the youth justice system and must not be excluded on the grounds of age, gender, disability, ethnic background, cultural heritage, skin colour, language, faith, health, social and economic backgrounds (including care status), sexuality or other prejudice. We share the determination of the Youth Justice Board and others to address the disproportionate representation of children from minority ethnic groups in the youth justice system (7). We proudly support the Black Lives Matter movement (8). We

	sexuality or other prejudice.	encourage our members to be alert to and to challenge the unequal treatment of any children.
Child First Practice		<p>We welcome the view from research that “responding to young people that come into contact with the youth justice system as ‘children’ and not ‘offenders’ can enhance lives, reduce offending, promote safer communities and lead to fewer victims” (9).</p> <p>We promote a Child First model of practice across all parts of the youth justice system which prioritises the best interests of children and works collaboratively with them and their families to build pro-social behaviour.</p>
Adverse Childhood Experiences/ SEND		<p>We support work that increases our understanding to help mitigate the impact of adverse childhood experiences and early trauma on the neurological development and behaviour of children in the justice system.</p> <p>We welcome research into the impact on behaviour of brain development during adolescence and support policy developments that take account of this research</p> <p>We believe that all children entering the youth justice system should be assumed to have special educational needs including speech and language and communication difficulties unless a full assessment proves otherwise. (10)</p>
Restorative Justice	We fully support restorative approaches and are committed to them being embedded in youth justice. These enable children* and young people to accept responsibility for their choices and actions, to reflect on how they interact together and find positive ways forward to prevent harm and conflict	We fully support restorative approaches and are committed to them being embedded in youth justice. These enable children to accept responsibility for their choices and actions, to reflect on how they interact with others and find positive ways forward to prevent harm and conflict. (11)
Victims of youth crime/Public confidence.	YOTs are committed to the welfare of the victims of crime; and will take their needs and perspectives into account when working with young people who have offended and/or	<p>We support efforts to ensure that the youth justice system has the confidence of victims of youth crime, particularly through the implementation of the Code of Practice for Victims of Crime. (12)</p> <p>We recognise and support the important role played by community volunteers in the youth</p>

	<p>committed anti-social behaviour. For example, YOTs will make contact with the victims of children* and young people who have offended to seek out victim(s)' comment on their experience(s) and future interventions. The YOTs will work with these young people to encourage change in their attitudes/future behaviour towards known victims and to prevent further victimisation.</p>	<p>justice system, particularly through their work as volunteer panel members with YOTs.</p> <p>We support the full engagement of YOT managers with local criminal justice boards and equivalent, local arrangements designed to maintain oversight of the criminal justice system and promote a collaborative approach to addressing its challenges. (13)</p>
<p>Local youth justice partnerships</p>	<p>Youth justice work should be undertaken by dedicated and specialist youth justice workers led by senior managers with substantial youth justice experience positioned at a senior level within local structures.</p>	<p>We welcome and support the focus of HM Inspectorate of Probation and others on governance and leadership of YOTs, and agree that an effective local management board “supports and promotes the delivery of a high-quality, personalised and responsive service for all children”. (14)</p> <p>We take the view that the YOT Manager has a key strategic role in facilitating and encouraging multi-agency working at a local level and should be equipped with substantial youth justice experience and positioned at a such a level within local structures that she/he can liaise directly with chief officers of partner agencies.</p>
<p>Promoting best practice</p>		<p>We support and encourage research into effective practice in youth justice.</p> <p>We support and encourage sector-led activity to improve practice across the system by sharing and rewarding innovative practice (15), training operational managers and aspiring future leaders, and encouraging the engagement of all YOT managers in a peer review process. (16)</p>

1. <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Zfc2VtYmx5LmNvZS5pbnQvbncveG1sL1hSZWYvW DJILURXLWV4dHluYXNwP2ZpbGVpZD0yMTA5MCZsYW5nPUVO&xsl=aHR0cDovL2Zfc2VtYmx5LmNvZS5pbnQvbncveG1sL3hzbC1mby9QZGYvWFJlZi1XRC1BVC1YTUwYUERGlnhzbA==&xsltparams=ZmlsZWlkPTIxMDkw>
2. <https://www.legislation.gov.uk/ukpga/1998/37/section/37>

3. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765082/The national protocol on reducing unnecessary criminalisation of look ed-after children and care .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765082/The_national_protocol_on_reducing_unnecessary_criminalisation_of_look_ed-after_children_and_care_.pdf)
4. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwo w8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>
5. <http://www.unlock.org.uk/wp-content/uploads/youth-criminal-records-report-2018.pdf>
6. <https://www.childrenscommissioner.gov.uk/report/injustice-or-in-justice/>
7. <https://yjresourcehub.uk/over-representation-and-disproportionality.html>
8. <https://blacklivesmatter.com/about/>
9. <https://www.lboro.ac.uk/schools/social-sciences-humanities/news/2021/child-first-approach-justice/>
10. <https://afaeducation.org/coaching-programmes/youth-justice-send/youth-justice-send/>
11. <https://restorativejustice.org.uk/resources/restorative-justice-youth-offending-teams-information-pack>
12. <https://www.gov.uk/guidance/work-with-victims-and-restorative-justice-youth-offending-teams>
13. <https://www.gov.uk/government/groups/criminal-justice-board>
14. <https://www.justiceinspectrates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/06/Youth-domain-one-RaG.pdf>
15. <https://aym.org.uk/events/john-hawkins-award/>
16. <https://yjresourcehub.uk/youth-justice-sector-improvement-partnership.html>