

VRP 04

Ymchwiliad i hawliau pleidleisio i garcharorion

Inquiry into voting rights for prisoners

Ymateb gan: Bwrdd Cyfiawnder Ieuencid

Response from: Youth Justice Board



Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid

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# The Youth Justice Board for England and Wales

As a non-departmental public body (NDPB) with a unique focus on children in the youth justice system (YJS), the Youth Justice Board for England and Wales (YJB) welcomes the opportunity to respond to the Ministry of Justice's consultation on *their Future vision for Probation*.

Our statutory responsibilities along with the expertise of our Board enable us to set standards for, and monitor the operation of, the youth justice system. Our work with Youth Offending Teams (YOTs) gives us an operational focus, which allows us to inform national policy and maintain a focus on the continuous performance improvement of youth justice services.

The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services.

We are particularly interested in this consultation because of the focus on the rights of children in the Youth Justice System.

If you have any questions regarding this response, please contact Darren Trollope, Head of Planning and Advice Wales ([Darren.trollope@yjb.gov.uk](mailto:Darren.trollope@yjb.gov.uk))

## Vision

Every child lives a safe and crime-free life, and makes a positive contribution to society.

## System Aims

- 1) To reduce the number of children entering the youth justice system
- 2) To reduce reoffending from children in the youth justice system
- 3) To improve the safety and wellbeing of children in the youth justice system
- 4) To improve the positive outcomes of children in the youth justice system

## Our role

The role of the YJB is to oversee the youth justice system in England and Wales. The statutory responsibilities of the YJB include:

- Advising the Secretary of State on the operation of, and standards for, the youth justice system;
- Monitoring the performance of the youth justice system;
- Identifying and promoting good practice;
- Commissioning research and publishing information

While the YJB is responsible for overseeing the performance of youth justice services including multi-agency youth offending teams (YOTs), the YJB does not directly deliver or manage these services.

# YJB Response

The YJB welcomes the opportunity to provide evidence to the Committee. This response does not seek to respond in detail to each of the questions the Commission has posed, but rather addresses the considerations in relation to the extension of voting rights to children under the age of 18.

The YJB welcomes the focus placed on children in the youth justice system, as highlighted by the terms of reference of the inquiry. Children are often overlooked when such policies are considered.

When considering voting rights for children in the Youth Justice System (YJS), the Committee should recognise in line with a Children's Rights Approach, promoting equality and non-discrimination should be a primary consideration in policy development. All young people are entitled to their rights and involvement in the YJS should not preclude this. While the full breadth of children's rights set out to enable participation, provide for, and protect children, Article 12 of the United Nations Convention on the Rights of the Child states that Children have a right to have a say in the decisions that affect them. Any proposal to extend voting rights to all children of 16-17 should equally apply to children who are in, or at risk of entering the YJS; whether they are serving community or custodial sentences.

Children in contact with the YJS are by the nature of their involvement and circumstances vulnerable and can face multiple barriers to equality of opportunity. These barriers should be identified and removed. Children should be provided with additional assistance to take full advantage of what they are entitled to so they can contribute to the decisions that affect them. The terms of reference for the inquiry considers the need for special considerations for children in custody. From a children's rights perspective, there is no distinction and therefore any special considerations would be matters of practicality.

The number of first time entrants into the youth justice system in Wales has reduced by 88% over the last 10 years. This is due to the system becoming increasingly diversionary because of national initiatives aimed at increasing police discretion to deal with low-level offences (through the introduction of youth restorative disposals/community resolutions) and the flexibility to use pre-court disposals (for minor offences). Likewise, the numbers of children from Wales in custody has reduced from 164 in 2008/9, to 27 in October 2018 and 84% overall.

Because of these reductions, most children in the YJS are accommodated in the community. Should voting rights be extended to under 18s they would be treated as any other child of voting age. As stated previously, the YJB considers these rights be equally applied to children in custody. When considering the small number of children in custody, the matter is one of practicality: processes and mechanisms should be in place to facilitate a vote by either postal or physical means. Additionally, to ensure children are meaningfully empowered to vote, they should be provided with information that is accessible and appropriate to their developmental level and maturity.

Of the 27 Welsh children in custody in October 2018 (the latest information at the time of writing). A breakdown of these numbers reveals the following points that have a bearing on any policy considerations:

- 25 of the 27 are aged 16 or over;
- almost 30% are on remand awaiting sentence. In many cases the sentence outcome may be a Youth Rehabilitation Order, where the sentence is served in the community;

- 17 are in custody in Wales, the remainder are placed in secure establishments in England;

In considering the importance of ensuring equal rights for children in the YJS, research advocates a rounded model of desistance practice that takes account of the wider social context of children and young people's behaviour. It points to the importance of trusted professional relationships as a medium for change, and points to a focus on individual empowerment and enhanced social inclusion as being objectives as opposed to simply focussing on reduced reoffending. Having the right to vote would be a means of enhancing the capability of children to make an active contribution as member of society and contribute to increased social inclusion.

Further; a recent Her Majesty's Inspectorate of Probation Report on Desistance and Young People, published in 2016, set out what it sees as essential elements for an effective approach to working with children in the YJS. Several recommendations in the report are relevant considerations for the inquiry:

- using custody sparingly; custody seriously limits future life chances and opportunities
- personalisation; the process of desistance will be different from young person to young person – one size does not fit all
- recognition of the significance of social contexts and the need to work with them; family, school, peers, community and work promoting redemption; recognising and rewarding attempts to give up crime; encouraging and confirming positive change; using restorative approaches
- creating opportunities for change and integration; the experience of being a part of (adult) society; rewarding constructive activities.

## **Conclusion**

The YJB welcomes the need to consider children as part of the inquiry but the implied distinction between children in custody and any other children is a flawed premise. YJB believes that there should be equal opportunities for children in the Youth Justice System. It is clear from a rights-based approach that there is no distinction between children, regardless of where they reside (community or custody).

Providing children in the YJS with a right to vote and an opportunity to have a say in shaping the services in their community could be a powerful tool in helping shift a child's identity from pro criminal to pro social and help children lead safe and crime-free lives while making positive contributions to society.