

**Sentencing Children and
Young People –
Overarching Principles and
Offence Specific Guidelines
for Sexual Offences and
Robbery**
Response to consultation

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Foreword



this is of the utmost importance and it is a message it was careful to reinforce.

The Council hopes that these guidelines will improve consistency in the approach to sentencing children and young people.

**Lord Justice Treacy
Chairman, Sentencing Council**

On behalf of the Sentencing Council I would like to thank all those who responded to the consultation on sentencing guidelines for children and young people. I also extend my thanks to the members of the judiciary who gave their time to participate in the research exercises undertaken to inform the development of these guidelines, as well as the groups who hosted feedback events. As with all Sentencing Council consultations, the views put forward by all respondents were carefully considered, and the range of views and expertise were of great value in informing the definitive guidelines.

The guidelines for sentencing children and young people are unique and reflect the different approach that must be taken to that when dealing with adults. The general approach taken in the consultation was well received and has been retained but there have been several significant amendments following consultation.

You will notice that the guideline has been re-titled '*Sentencing Children and Young People*'. This change in terminology has been reflected throughout the guidelines (in the consultation guidelines the term 'youth' or 'young offender' was used) and is an important change incorporated following consultation.

The guidelines focus heavily on the welfare considerations for children and young people and frequently remind sentencers of the principal aim of the youth justice system, which is to prevent re-offending. The Council believes

Introduction

In May 2016 the Sentencing Council published a consultation on draft guidelines on sentencing children and young people, made up of an *Overarching Principles* guideline and two offence specific guidelines on sexual offences and robbery. There was an existing *Overarching Principles – Sentencing Youths* guideline published in 2009 by the predecessor body of the Sentencing Council, the Sentencing Guidelines Council (SGC). The SGC also produced offence-specific guidelines for children and young people within its definitive robbery guideline (published 2006) and within its definitive guideline on the Sexual Offence Act 2003 (published April 2007). The Sentencing Council has subsequently published new adult guidelines for sexual offences and robbery but decided it was not appropriate to include new guidelines for children and young people within this. Therefore the existing SGC guidelines remained in force, alongside the *Overarching Principles*. The Council felt that the guidelines for sentencing children and young people were piecemeal and so committed to reviewing the guidelines as a standalone project, offering consolidated, up to date guidance.

The Sentencing Council did not look to fundamentally change the SGC *Overarching Principles* but did seek to offer more comprehensive guidance in a more accessible format. The approach the Sentencing Council took to the offence specific guidelines is fundamentally different to the existing SGC guidelines or any existing adult guidelines, recognising the need for a unique approach when sentencing children and young people.

The Council consulted on these draft guidelines between 12 May and 3 August 2016. During the consultation period the Council attended consultation events to discuss the consultation with the following bodies: Transition 2 Adulthood; The Howard League; The

International Centre: Researching Child Sexual Exploitation, Violence and Trafficking, University of Bedfordshire; Prison Reform Trust; and ConsultGov (at this event the attendees were children and young people). The Council is grateful to all those who hosted events.

The definitive guideline will apply to all children and young people who are sentenced on or after 1 June 2017, regardless of the date of the offence. However the guilty plea section applies to all children or young people when the first hearing is on or after 1 June 2017.

Guidance for sentencing children and young people set out in the 2006 robbery guideline and the 2007 sexual offences guideline, both produced by the Sentencing Guidelines Council, are replaced by this guideline once in force.

Summary of research

To assist the Council in developing the guidelines, the following research was conducted between 2012 and 2016:

In 2012, qualitative face-to-face interviews were conducted with fifteen magistrates, five district judges and one Crown Court judge. These interviews explored how sentencers approached the sentencing of children and young people, as well as what guidance was used and how. This research highlighted the sentencers' emphasis on the principal aims of the youth justice system – to prevent offending by children and young people and to have regard to their welfare, as well as support for general guidance on sentencing children and young people and offence specific guidelines.

An online survey of magistrates and district judges who sit in a Youth Court was undertaken in 2014.¹ The aim of the survey was to help understand the needs and preferences of magistrates and district judges with regard to the youth guidelines. In particular, this stage of research indicated the types of offence for which sentencers would find offence specific guidelines useful.

Qualitative face-to-face interviews were undertaken in 2015 on the *Overarching Principles* guidelines, and the offence specific guidelines for robbery and sexual assault. Seventeen interviews were conducted with eighteen sentencers: fourteen magistrates and four district judges. This stage of research yielded detailed feedback on the *Overarching Principles* guideline.

In 2016, a final stage of twenty-six qualitative face-to-face interviews was conducted with five Crown Court judges, ten district judges and eleven magistrates. These interviews primarily focused on the offence specific guidelines for robbery and sexual offences. During these interviews, participants were asked to undertake a sentencing exercise whereby they sentenced a hypothetical scenario both as they would under current practice and then using the draft guideline for the relevant offence. In addition to the sentencing exercise, participants were asked more general questions about the guidelines regarding their format and content. The research demonstrated that the guidelines were well received by most sentencers who participated, and that there appeared to be a tendency towards community sentences when using the draft guidelines.

In sum, the research undertaken at various stages of guideline development helped to develop the format and detailed content of both the *Overarching Principles* and offence specific guidance for robbery and sexual offences.

¹ Sentencers were invited to participate via a Magistrates' Association newsletter, and 138 responses were received.

Summary of responses

The consultation sought views from consultees across all three of the guidelines: **Overarching Principles – Sentencing Youths, Sexual offences and Robbery offences** (as titled when consulted on). The **Overarching Principles** is a lengthy guideline and so the consultation sought to ask explicit questions about the key proposals only, although question 17 did ask if there were any comments about the guideline as a whole. The **sexual offences and robbery offences guidelines** also incorporated two case studies each to obtain detailed responses on the workability of the draft guidelines and whether any difficulties arose.

There were a total of 56 responses to the consultation of which 41 provided email or paper responses and 15 responded online.

Breakdown of respondents

Type of respondent	Number
Magistrates (6 collective responses)	13
Charity/not for profit organisations	12
Legal professionals (4 collective responses)	7
Judiciary (All collective responses)	5
Other	5
Academics (1 collective response)	4
Government	3
Youth Offending Teams (2 collective responses, 1 individual Youth Offending Team Officer)	3

Police/law enforcement (collective responses)	2
Parliament	1
Prosecution (collective response)	1
Total	56

Feedback received from the Council's consultation events and interviews with sentencers during the consultation period is reflected in the responses to individual questions below.

In general, there was a positive response to the proposals. In particular the extended guidance on welfare considerations throughout all three guidelines was well received. However, the Council was also grateful for constructive criticism and considered suggestions for amending parts of the draft guidelines. The principal substantive themes emerging from responses to the *Overarching Principles* related to:

- the terminology used when referring to children and young people;
- the welfare considerations, particularly the issue of Black, Asian and Minority Ethnic (BAME) groups;
- subsequent referral orders and when they are no longer a suitable sentence; and
- the definition of persistent offenders, particularly regarding those who are before the court for several offences committed in a short space of time, with no previous findings of guilt.

The principal substantive themes emerging from responses to the Sexual Offences guideline related to:

- requests for greater detail in the introductory paragraph which provides

details of background factors that may have led to a child or young person's offending;

- concerns about the inclusion of the non - custodial factor 'no psychological or physical harm caused to the victim';
- clarification/ changes to the custodial and non - custodial factors; and
- requests for expansion to the personal mitigating factors.

- more detailed factors within the personal mitigation sections of both guidelines.

The principal substantive themes emerging from responses to the Robbery guideline related to:

- requests for an additional non - custodial factor;
- clarification of a non - custodial factor; and
- additional personal mitigating factors.

The Council has carefully considered all of the responses it has received from consultation and interviews with sentencers and has made a number of changes in these main areas, alongside some more minor adjustments. This has resulted in:

- a change in the terminology used;
- the inclusion of a reference to BAME children and young people;
- the incorporation of a section on reducing a sentence for a guilty plea;
- amendments made across the Overarching Principles to significant sections (such as the guidance on referral orders and persistent offenders);
- an expansion of the introductory text in the sexual offences guideline;
- amendments to the non - custodial and custodial factors of both guidelines; and

Cross cutting issues

Terminology

A key issue raised at the majority of the consultation events and throughout the consultation responses was the use of the words 'youth' and 'young offender' throughout the guideline. Both the Howard League and the Law Society (amongst others) criticised this terminology for different reasons. The Howard League felt that the use of such terminology contradicted the welfare principles iterated throughout the guideline and the Law Society was critical of the fact that it has no statutory definition, as well as the fact that it could be pejorative.

“The language used throughout the guidelines is inconsistent with the overarching principles. What you call people matters...the welfare principle requires us to see children who commit offences as children first and offenders second. The language in the guideline does not facilitate this. Labelling children “young offenders” entrenches their identity as offenders, which undermines the aim of preventing reoffending.” **The Howard League**

“The reference to ‘youth’ lacks statutory definition, and moreover could be interpreted as a pejorative term [...] we would suggest the guideline use the expression ‘child or young person,’ to maintain consistency with the legislation.” **Law Society**

The terminology was also a point raised for discussion at most of the consultation events we held, with those in attendance favouring the terms children or children and young people.

The Council also reflected on the fact that the term youth tends to be less utilised across the wider criminal justice system; for example, the recent review of the Youth Justice System,

headed by Charlie Taylor, refers to children and the Ministry of Justice used the word children, rather than youths, when submitting their response to the consultation.

For these reasons, the Council felt it appropriate to replace all references to youths and young offenders with the term 'children and/or young people.' Although the consultation was published as 'Sentencing Youths...' from here on within this document it will be referred to as 'Sentencing Children and Young People...' to reflect this amendment.

Overarching Principles – Sentencing Youths: Specific issues

Section one: General approach

The first two questions of the consultation asked consultees if they agreed with the general principles set out for sentencing children and young people and the factors to be taken into account when considering their welfare. The vast majority of respondents did; 87 per cent and 94 per cent respectively. There have been several minor amendments made to section one following comments received at consultation and during events but this section will focus on only the most substantive changes or the issues that received a large amount of comments.

Six respondents suggested that a reference to the international obligation that custody is a last resort for children and young people should be included in this section. Although this was referred to later on in the draft guideline (at paragraph 6.42 where custodial sentences are discussed) respondents felt that it was of paramount importance and so should be mentioned upfront. This has been reflected at paragraph 1.3 of the definitive guideline.

Four respondents mentioned the useful function of restorative justice, believing it to be of particular value when working with children and young people as it can play a key role in achieving the key aims of the youth justice system.

“The concept of restorative justice (RJ) is not referred to, despite your helpful comments about not criminalising youths and rehabilitation being at the core of sentencing....RJ can play a critical part in achieving these outcomes [and] [...] has a strong evidence base in reintegrating people.” **Association of YOT Managers**

The Council agreed with these comments and included a reference to restorative justice at paragraph 1.4.

Eight respondents, including the Youth Justice Board and Barnado’s requested that some reference to brain development is included in this section. Four of these responses explicitly referred to the developmental impact that brain injury or traumatic life experiences can have and the subsequent impact on adolescent behaviour, with the remaining four proposing that a reference to the fact that a young person’s brain is not fully developed and the effect this can have on their decision making, risk taking and offending behaviour. The Council, taking these views into account, inserted a reference to the fact that children and young people are not fully developed at paragraph 1.5. It also inserted the following as a factor the court should be alert to when having regard to the welfare of a child or young person: *‘Any experiences of brain injury or traumatic life experience (including exposure to drug and alcohol abuse) and the developmental impact this may have had’* (paragraph 1.12).

It is worth noting that paragraph 1.12 has changed considerably from the version included in the consultation guideline. This was not an amendment suggested by respondents but adopted by the Council who, on review, felt that it was inconsistent. Some of the factors listed as welfare considerations were related to personal vulnerabilities or health concerns, whereas others were more general, for example, discussing why a young person may conduct themselves inappropriately in court. None of the factors have been removed but they have been reordered so this list focuses only on personal vulnerabilities a child or young

person may have. The wording has also become more neutral and no longer comments on the 'high incidence' of certain vulnerable groups. This ensures that the guideline remains relevant even if there is a change in the representation of these groups and reinforces the fact that sentencers should have regard to these factors as they are an important welfare consideration in themselves, not only because there may be a high incidence of them within the criminal justice system.

Four respondents, including the Justice Committee, felt that the consultation guideline placed too much weight on chronological age and Barnado's commented that developmental age should also be a consideration.

"As well as chronological and emotional the developmental age of the child should also be considered. In many areas children with developmental disabilities and special educational needs often receive additional support up to 25 before they are considered an adult, recognising [this] (such as in access to statutory social service provisions for example)." **Barnado's**

Section five of the guideline did state that *'the emotional age and maturity of the offender is of at least equal importance as their chronological age'* when it comes to determining a custodial sentence. However, the Council acknowledged that this is an important consideration for all children and young people, not just those being sentenced to custody, and so paragraph 1.5 now reads *'When considering a child or young person's age their emotional and developmental age is of at least equal importance to their chronological age (if not greater.'* Furthermore the Council repeats this policy at paragraph 4.10 of the guideline (in the section dealing with the age and maturity of the child or young person) and emphasises the original point included in the section on custodial sentences by emboldening the text and expanding the reference to include developmental age.

Nine respondents disagreed with the reference to deterrent sentencing (paragraph 1.10) suggesting it presented a retrograde act in sentencing children and young people, that it was not in keeping with the principles of acting in the best interests of the child's welfare and preventing further offending and that there is no supporting evidence for its effectiveness. However, two respondents, a magistrate and the Justice Committee, supported its inclusion.

"Deterrence is an important factor in retaining the confidence of victims in the criminal justice process." **Magistrate**

The Council carefully considered whether the reference to deterrent sentencing should be retained and concluded it should be for two reasons. Firstly, the legislation as it currently stands does include, as a purpose of sentencing, 'the reduction of crime (including its reduction by deterrence)' and so this section is only referencing existing legislation, not creating a new policy. Secondly, the Council has sought to ensure that this legislative principle is used sparingly when dealing with children and young people, incorporating a policy that this should be restricted to serious offences and can, and often will, be outweighed by considerations of the child or young person's welfare.

Seven respondents noted that looked after children and young people are often convicted of an offence that would not have come before the court in a 'typical' domestic setting. Some suggested that this should be explicitly referred to, possibly with a reference to the Crown Prosecution Service's (CPS) guidance, and that courts should be reminded that they can refer the case back to the CPS in such instances. The Council did not deem it appropriate to reference the CPS guidance or referring cases back to the CPS as it falls outside the remit of sentencing. However, following on from these responses it has included an acknowledgment that looked after children and young people *'may be before the court for a low level offence that the police would not have been involved in, if it had*

occurred in an ordinary family setting' (paragraph 1.16).

Following a suggestion from the Howard League the information on looked after children and young people has been extended to consider the possible impact that a custodial sentence may have on a young person's ability to accrue leaving care rights, and, following a suggestion from the Prison Reform Trust, a reminder has been inserted that leaving care can be a difficult transition and sentencers should be alert to any effect this may have had on the young person's behaviour (paragraph 1.17).

Six respondents highlighted the absence of any reference to Black, Asian and Minority Ethnic groups (BAME), as well as it being brought up for discussion at several consultation events. This representation of BAME groups has been part of a wider discussion within the criminal justice system and the recent interim report from the review, headed by David Lammy MP, shows that there may be racial bias in both the adult and youth justice system.

"The Guideline rightly draws attention to the fact that looked after children are over-represented in the youth justice system [...] the evidence of overrepresentation of children from minority ethnic communities is equally stark [...] the Children's Commissioner considers that such factors might reasonably be taken into consideration when addressing issues of welfare and the guideline would be improved by including reference to this issue."
Children's Commissioner for England

Although the Council does not usually reference BAME groups, as sentencing guidelines should improve consistency and remove any racial bias from sentencing, it agreed that the nature of this guideline presented a unique opportunity to address these issues. Accordingly, a paragraph relating to the representation of BAME children and young people has been incorporated at paragraph 1.18.

Section two: Allocation

Question three of the consultation asked consultees if they were content that the guidance on grave crimes clearly and accurately reflects the relevant legislation and case law; 94 per cent of those who answered this question agreed that it did but some minor amendments were suggested. Paragraph 2.1 of the consultation guideline read '*Cases involving young people and in particular those under 15 years of age should, wherever possible, be tried in the youth court.*' The reference to those under 15 years old has been removed following suggestions by three respondents who said this principle should apply to all children and young people.

The Criminal Bar Association & South Eastern Circuit and the Magistrates' Association both suggested that the word substantially should be included at paragraph 2.8 of the consultation, '*The test to be applied by the court is whether there is a **real prospect** that a sentence in excess of two years' detention will be imposed.*' The Council discussed the need to be careful to distinguish between policy and legislative principles; the legislation states that the test should be whether the sentence would likely be in excess of two years', rather than substantially so. Therefore the Council felt including the word substantially here could be incorrectly implying that this is a legislative test. However, the Council does support the widely accepted policy that the court should consider whether the sentence is likely to be substantially in excess of two years and so has incorporated this in the flowcharts. Paragraph 2.10 of the consultation guideline already stated that a child or young person aged between 12-17 years old should be sent or committed to the Crown Court when a sentence **substantially** beyond two years is a realistic possibility but it was noted by some respondents that this word had been omitted when referring to 10-11 year olds. It was also noted that the wording was slightly different for children of this age and, rather than stating a sentence substantially beyond two years, it stated 'a sentence exceeding two years.' One comment queried

whether there was a difference between 'beyond' and 'exceeded' and thought, for the sake of clarity, the language ought to be the same. These comments were taken on board and the guidance now reflects the same policy for all children and young people (including within the flowcharts).

Question four asked consultees if they were content that the allocation section included all the necessary considerations; 92 per cent agreed although some minor amendments were made in light of comments.

Question five asked whether the allocation flowcharts included all the necessary considerations and would respondents use them regularly. 76 per cent of respondents agreed that the flowcharts included the necessary consideration and 75 per cent of respondents thought they would use them regularly (and 20 per cent were either not sure or would not because they are not relevant to their role). Several respondents did comment that the interests of justice test was missing from the second and third flowchart; this has now been remedied. Three respondents felt that the flowcharts oversimplified a complex area; however four respondents stated that they were easy to follow and would be useful.

Several respondents commented that the box 'Should a sentence beyond two years be available?' diluted the statutory test for grave crimes and ought to include whether there is a 'real prospect' of such a sentence being imposed. However, the South Tyneside case² discussed this 'real prospect' test in great detail and concluded that there was unlikely to be sufficient information at the outset of a case to determine whether there is a 'real prospect' of a sentence in excess of two years being imposed, without more information about the offence and the child or young person. The preceding text does explain this in detail (paragraph 2.10) but there is a risk that if the flow charts include the

words 'real prospect' and they are referred to in isolation then the practice endorsed in South Tyneside could be overlooked, with sentencers concluding that there is a real prospect based on only the limited facts before them. To address this issue the Council has inserted the following proviso, '*This [the flowchart] is intended to be a reference tool only; for full guidance on allocation, particularly for grave crimes, please see pages 7-10.*' The Council also hopes that this will counteract the criticism that it has oversimplified the allocation process by using flowcharts.

Section four: Determining the sentence

Question six asked if consultees agreed with the approach taken to the assessment of seriousness; 85 per cent of those who answered did. However, five respondents commented that the principal aims of the youth justice system ought to be given more weight or reiterated. Paragraph 4.1 has sought to address this by reiterating that the principal aim of the youth justice system is to prevent re-offending by children and young people and by adding in welfare as a key element for consideration. The order of this list has also changed, as having the principal aim of the youth justice system as the final item could mean it is overlooked or imply it is of less importance than the others.

Four respondents disliked the fact that the assessment of culpability and harm was no different to that in the adult guideline; this was also discussed extensively at the event hosted by the Howard League. Paragraph 4.4 of the consultation guideline did attempt to address the diminished responsibility of children and young people in comparison to adults but in response to this criticism this has been more directly linked to the assessment of culpability and expanded to include reference to mental health, maturity and external influences (paragraph 4.5).

² R (on the application of the DPP) v South Tyneside Youth Court [2015] EWHC 1455 (Admin)

“One of the most important steps in sentencing is to assess the seriousness of the offence. Paragraphs 4.2 to 4.8 could be better adapted to the specific task of sentencing youths. What has happened to all the good points raised in paragraphs 1.4 to 1.13? Paragraph 4.4 gives a brief resume of some of those issues, but when it comes to Culpability in 4.6 we could be dealing with adults. Surely this paragraph should be adapted so as to reflect the points well made in 1.4?” **Professor Andrew Ashworth**

The consultation guideline reads at paragraph 4.4 *‘There is an expectation that in general a young person will be dealt with less severely than an adult offender although this distinction diminishes as the offender approaches age 18...’* Four respondents disliked this diminished distinction, with the Law Society pointing out that even for young adults courts will make allowances for age and that this seems to suggest that a 17 year old should receive a penalty almost the same as an ordinary (as opposed to young) adult offender. Other respondents commented that it contradicts research that shows the developmental process continues up until age 25 (this has been a wider discussion within the criminal justice system).³ As such this reference to the distinction in treatment for children and young people approaching the age of 18 has been removed from this section and from a later section where it was reiterated (paragraphs 5.47 of the consultation document).

Aggravating and mitigating factors

Question seven asked consultees if they agreed with the proposed aggravating and mitigating factors; 79 per cent did.

The Justice Committee noted that it is not specified that the factors are non-exhaustive, as in our other guidelines; this has been rectified. Some respondents noted that the statutory

aggravating factor *‘Offence motivated by, or demonstrating hostility based on the victim’s personal characteristics (for example sex, race, sexual orientation (or presumed sexual orientation)’* was not included; this has subsequently been added.

There were a few other suggested amendments to the proposed aggravating factors although there was little consensus amongst the responses. The Law Society and the Criminal Bar Association & South Eastern Circuit had concerns with the *‘Failure to comply with current court orders.’* The Law Society suggested that sufficient information may not be available to determine whether this should be treated as an aggravating factor for individual children and young people as sometimes they may be complying well with most of the order (and perhaps the more onerous or rehabilitative parts) but still be in breach. The Council considered this factor but determined that this information should be included in the report from the Youth Offending Team and a sentencer can consider what weight this factor, if any, should be given based on the individual circumstances of the non - compliance.

Some respondents suggested that *‘Involving others through bullying and peer pressure’* should be extended to include coercion and manipulation; this change has been reflected in the guideline.

There was little consensus amongst the responses relating to mitigating factors. A few respondents suggested that experiences of trauma and bereavement/loss should be added so this has been incorporated in to the factor *‘Unstable upbringing including but not limited to...’* This factor has also been amended, following a discussion at the consultation event hosted by the University of Bedfordshire. Attendees felt that this factor was too dense and as it contained so many important background factors it should be broken down for greater clarity. Further elements have been added to this factor based on consultation responses and discussions at this event, including disrupted experiences in

³ The Justice Committee is currently producing a report on a young adult offender inquiry and work is being undertaken to pilot young adult courts across the country.

accommodation and exposure to neglect or abuse of others. The element of lack of attendance at school has been amended to read *'disrupted experiences in [...] education'* as some respondents were concerned that some children and young people do not attend school through their own volition and this may have little or no connection to an unstable upbringing.

Further mitigating factors that were suggested by respondents have been incorporated, such as *'In education, work or training'* and *'particularly young or immature child or young person (where it affects their responsibility).'*

Where appropriate, these amendments to the aggravating and mitigating factors have also been reflected in the offence specific guidelines for sexual offences and robbery.

Section five: Guilty plea

The Council consulted on its guideline *Reduction in Sentence for a Guilty Plea* from 11 February to 5 May 2016. This guideline included guidance on the appropriate reduction for children and young people. However, some respondents to this consultation expressed concerns that this guideline may be too prescriptive for children and young people and does not offer sufficient advice on possible wider issues, such as mental health or social background. It was also pointed out that due to particular rules that apply to disposals in the youth justice system (for example referral orders and DTOs) there are different practical issues that need to be considered. For these reasons the Council agreed with suggestions that this guidance would be better incorporated within the *Overarching Principles* guideline.

Any relevant changes made to the *Reduction in Sentence for Guilty Plea* adult guideline have been mirrored in this section (see the consultation response document for *Reduction in Sentence for a Guilty Plea* guideline for further information). As the policy for reduction in sentence for a guilty plea in relation to children and young people has changed

considerably since the consultation version the Magistrates' Association and the Youth Justice Board were asked to review and comment on the alterations; both were content with the guidance offered and supported it being incorporated within the *Overarching Principles* guideline.

One substantive change made to this guidance in relation to children and young people is the inclusion of information when sentencing to a detention and training order (DTO), under *'Applying the reduction'* (paragraph 5.9). As a DTO can only be made for the periods prescribed the Council thought it would be useful to provide explicit guidance on how a reduction would apply in these circumstances.

The information on imposing one type of sentence rather than another (paragraph 5.10 – 5.12) mainly reflects the adult guideline but some amendments have been made specific to children and young people, following on from consultation responses. In particular the Youth Justice Board was concerned at the original guidance that stipulated a guilty plea could be reflected by reducing a community sentence to a fine.

"The rehabilitative and reparative elements of personalised community sentences are included with the aim of ensuring that children and young people acknowledge responsibility and to promote reintegration, thus preventing further offending. A fine does not offer such benefits, and the reduction of a community sentence to a fine may therefore result in further offending by children and young people." **Youth Justice Board** (response to consultation for Reduction in Sentence for a Guilty Plea guideline)

Taking these views into account the Council removed the reference to fines and the guideline instead states that the court can reduce a community sentence *'to a different means of disposal'* (the youth court has a wider range of options available to it.) The Council also added a further option that the reduction for a guilty plea could be made by reducing the length or severity of a community sentence, thus ensuring that any rehabilitative elements that are deemed necessary are not affected.

The Council also inserted a reminder that the court should always have regard to the principal aim of the youth justice system and seek to ensure that any sentence imposed is likely to be effective in achieving this (paragraph 5.11).

Finally the Council carefully considered whether a child or young person should receive a reduction in sentence for entering a guilty plea where they have been sentenced to a referral order. The Council was mindful of the fact that a referral order is a sentence that is only available when a child or young person pleads guilty, and so that child or young person will have already benefitted from their guilty plea. In addition referral orders are predominantly rehabilitative in nature, and may become unworkable if they are reduced significantly. The Council, therefore, took the view that no guilty plea reduction should be available where a referral order is imposed. The Council then consulted with some key groups, including HMCTS' Legal Training Network, the Justices' Clerks' Society, the Judicial College, the Magistrates' Association, the Youth Justice Board and the office of the Chief Magistrate who all supported this policy.

reason, and as there is no legal definition of the term, the Council decided to retain this policy.

Six respondents disagreed with paragraph 5.9 of the consultation, "*When a young offender is being sentenced in a single appearance for a series of separate, comparable offences committed over a short space of time then the court could justifiably consider the offender to be a 'persistent offender,' despite the fact that there may be no previous findings of guilt.*" Respondents felt that this contradicts the principles of sentencing children and young people, as well as the rest of the guideline, as it does not allow children and young people the chance to address their offending behaviour, as advocated elsewhere.

"We find such a conclusion unattractive because the youth in such a situation would have had no engagement with the Youth Offending Team, and therefore, would have received no assistance with addressing the root of his/her offending. To categorise him or her as persistent would be to depart from the spirit and aims of youth sentencing." **Criminal Bar Association and the South Eastern Circuit of the Bar of England and Wales**

Section six: Available sentences

Persistent offenders

Question eight asked consultees if they agreed with the definition of persistent offenders; 61 per cent did, 25 per cent did not and the remainder of respondents were unsure. Six respondents disagreed with the fact that previous admissions of guilt such as cautions could demonstrate evidence of persistence. Some respondents suggested that only serious previous offences should be taken into account and the Youth Justice Board were concerned that this policy may unduly penalise looked after children who are at greater risk of having had such contact and therefore being criminalised. However, this is not a new policy proposed by the Council; the existing SGC guideline takes such out of court admissions of guilt into account when determining persistence. For this

The Council carefully considered these comments and in order to address these criticisms inserted additional guidance, '*In these cases the court should consider whether the child or young person has had prior opportunity to address their offending behaviour before imposing one of the optional sentences available for persistent offenders only; if the court determines that the child or young person has not had an opportunity to address their behaviour and believes that an alternative sentence has a reasonable prospect of preventing reoffending then this alternative sentence should be imposed.*'

Additional minor amendments have been made to this section; the reference to reprimands and final warnings has been removed as they are no longer available (and any record of one is unlikely to be deemed relevant in the

assessment of persistence due to the lapse in time) and committing less serious offences has been included as a possible indication of a child or young person attempting to desist from crime, at the suggestion of the Magistrates' Association.

Referral orders

Consultees were asked, at question twelve, if there was sufficient advice given on discretionary referral orders and when they may no longer be a suitable disposal (paragraphs 5.19 - 5.22 of the consultation guideline). 79 per cent of respondents agreed although three respondents were concerned with the following: *"Before a court imposes a further referral order it must be satisfied that [...] the imposition of such a sentence has a reasonable prospect of preventing re-offending."* These respondents were concerned that this appeared to be setting a higher threshold for referral orders than other sentences, when in fact it is the principal aim of the youth justice system as a whole. Other respondents felt that there was insufficient guidance on how to assess whether a discretionary referral order would have a reasonable prospect of working and the Judicial Youth Justice Committee proposed some fuller guidance. The Council considered these comments and agreed with the wording proposed by the Youth Justice Committee regarding subsequent referral orders:

"Second or subsequent referral orders should be considered in those cases where:

- (a) *the offence is not serious enough for a [youth rehabilitation order] YRO but the child or young person does appear to require some intervention OR*
- (b) *the offence is serious enough for a YRO but it is felt that a referral order would be the best way to prevent further offending..."*

The Council also amended the reference to preventing re-offending to make clear that this

is the principal aim of the youth justice system, and not just referral orders.

Staff working in Youth Justice Policy at Ministry of Justice (MOJ) also suggested that the guideline should make reference to the role that restorative justice has in referral orders as they can play a key role in rehabilitating youths. The Council agreed that restorative justice can be a particularly useful tool when sentencing children and young people and so incorporated such a reference at paragraph 6.20.

Finally, staff from Youth Justice Policy at MOJ and the Judicial Youth Justice Committee both suggested that guidance should be included on Youth Offender Panels, particularly in relation to 'pre - panels'. Pre - panels are Youth Offender Panels that are brought together in advance of a sentencing hearing to agree a suggested Referral Order package in order to help inform the sentencing court. Pre - panels may be particularly useful in cases where children or young people, who have offended for the first time and are on the cusp of custody (where the court must impose either custody or a referral order), appear before the court. The pre-panel may be able to agree an intensive contract and the court, knowing exactly what the referral order will entail, may be able to conclude that the referral order will be a suitable disposal as an alternative to custody. As custody is always a last resort for children and young people the Council agreed that this guidance would be useful and it has been inserted at paragraph 6.21.

Following discussion of the guideline post-consultation the Council also decided to insert extra guidance regarding the suggested length of the referral order (paragraph 6.22): *'The youth offending team may propose certain requirements and the length of these requirements may not correspond to the above table; if the court still feels these requirements will best achieve the aims of the youth justice system then they may still be imposed.'* This is to capture scenarios where the offence seriousness may indicate a length of referral order that does not correspond with the length

of a requirement that may best achieve the aim of rehabilitating the child or young person. The Council wanted sentencers to feel confident that if appropriate they could impose a shorter or longer referral order than the seriousness of the offence dictates, if this will best achieve the aims of the youth justice system.

Youth rehabilitation orders (YRO)

Question thirteen asked consultees if they agreed with the information regarding YROs and whether the additional information would allow them to be better informed. 93 per cent agreed with the guidance although only 67 per cent thought it would make them better informed (25 per cent were unsure).

Some minor amendments have been made to this section. At the suggestion of the Youth Justice Board, the Council have amended the aims of an intensive YRO to also 'seek to [...] enable help or change for the child or young person' as well as seeking to ensure control.

Two respondents suggested that the general section on YROs should also remind sentencers that the requirements of the order are not too onerous so as to make breach almost inevitable (rather than this just being stated in the YRO with intensive supervision and surveillance section); this has been included at paragraph 6.26. The minimum and maximum periods available for each requirement have also been incorporated at paragraph 6.27 (where relevant), following on from consultation responses.

Custodial sentences

Question 14 asked consultees if they agreed that the provisional starting point for custody for 15-17 years olds should be changed to between one half to two thirds of the appropriate adult sentences (as opposed to half to three quarters as in the existing guideline). 79 per cent of respondents agreed with the increase in the reduction (and a further two respondents appeared to have misunderstood the proposal and thought that the Council was

proposing an increase in sentence lengths, rather than an increase in the reduction). However, the majority of respondents, despite welcoming the move from the existing guidelines, had reservations with the policy. Five respondents do not believe there should be a reference to adult sentences at all, as it is just a 'mini-adult' policy and two respondents warned that this could lead to unintended consequences.

"We do not think it is appropriate that adult guidelines are employed at all when the young offender is under 18 years though accept that in the absence of offence specific guidelines this will continue to operate for some time. Furthermore the principle of providing sentences to youth that are 1/2 or 2/3 the length adult sentences may result in unforeseen consequences. This principle could result in young people habitually receiving short sentences, leading to enormous disruption in education, employment, housing and relationships. This in turn increases the risk of further offending when the young person leaves custody which then can result in the young person repeatedly returning to custody for short periods: the young person gets caught in a 'revolving door'." **NOTA**

The Council had carefully considered, prior to consultation, whether a reference to adult guidelines was appropriate and it ultimately concluded that it was, as without this guidance there is no starting point offered at all and no consistent approach will be taken. The Council had sought to ensure that this is not contradictory to the welfare considerations of the youth justice system by specifying that this should not be applied mechanistically. However, taking on board the above comments the Council has made amendments to this section, emphasising the reminder that 'the emotional and developmental age and maturity of the child or young person is of at least equal importance to their chronological age' (paragraph 6.46) and including the following at paragraph 6.47: 'The court should bear in mind the negative effects a short custodial sentence can have; short sentences disrupt education and/or training and family relationships and

support which are crucial stabilising factors to prevent re-offending.’

The Judicial Youth Justice Committee also commented that the fact that the reduction was in bold text was misleading, and if anything the word ‘may’ should be in bold. Although ostensibly a minor detail, the Council agreed that actually the emphasis, and the subsequent interpretation that follows, was substantive.

Section seven: Breach of orders (etc)

Question fifteen and sixteen asked consultees whether they found it useful to have more extensive detail on breach of orders (as the existing guideline only details breach of a YRO) and whether this information is best placed as an appendix, as proposed. 90 per cent of respondents agreed that the additional information is useful and 76 per cent agreed that it was best placed as an appendix (18 per cent thought it would be better placed within the main body of the text and the rest were unsure). As the majority of respondents were content with the placing the Council has retained it as an appendix. Some minor changes have been made following consultation but nothing substantive.

Accessibility

One of the key aims of the Council when producing this guideline was to make it a functional tool that users can easily reference. In order to achieve this, the Council streamlined information into tables and flowcharts where possible. Question five asked consultees if they would use the allocation flowcharts on a regular basis (where relevant to their role) and question ten asked if the table detailing sentences available by age (page 23) was helpful and likely to be used as a quick reference tool. As discussed above the flowcharts were positively received with the majority of respondents stating they were likely to use them. 94 per cent of respondents agreed that the sentences available by age table was helpful and 95 per

cent thought they were likely to use them as a quick reference tool.⁴

“We welcome the Sentencing Council’s efforts to make the guidelines more accessible and believe the draft guidelines succeed in this aim by making use of tables and flowcharts.”
Justice Committee

“The YJB welcomes the updated youth specific overarching sentencing principles and the ambition to make them more accessible.”
Youth Justice Board

⁴ Fewer people answered the second part of the question; the percentages count only those who responded to this particular question, not all overall respondents to the consultation.

Sexual Offences guideline: Specific issues

Question 18 of the consultation asked consultees if they found the short narrative on sentencing youths for sexual offences helpful.

81 per cent said that they did find it helpful, 16 per cent did not respond or said that they were not sure. A couple of respondents requested clarity on whether the list of background factors is non - exhaustive. The Council has amended the guideline to clearly state that these factors are ...'a non - exhaustive list of factors that illustrate the type of background factors that may have played a part in leading a child or young person to commit an offence of this kind'.

Many respondents commented that whilst the narrative was helpful it needed to be expanded. A number of additional factors were proposed. The NSPCC proposed adding that the child or young person may have been the victim of neglect, or may have witnessed the neglect or abuse of another. Several respondents, including the Youth Justice Board, the Law Society, and the NSPCC suggested the inclusion of a factor relating to mental health concerns, learning disabilities and/or communication needs. In addition an academic proposed an additional factor about the environment that the child or young person has grown up in where certain behaviours are accepted as 'normal'.

We would also add under background factors 'Peer group, school or neighbourhoods where harmful sexual norms and attitudes are reproduced rather than challenged'. – Dr Lucie Shuker (The International Centre: Researching

child sexual exploitation, violence and trafficking at the University of Bedfordshire)

All of these changes, plus a number of minor changes have been made to the guideline.

Question 19 of the consultation asked consultees if they agreed with the non - custodial factors. The majority of respondents, 86 per cent, agreed with the factors indicating a non - custodial sentence. The London Criminal Courts Solicitors' Association (LCCSA), Central and South West Staffordshire Bench of Magistrates, the NSPCC, Barnardo's and NOTA were all concerned by the factor 'no psychological or physical harm caused to the victim'. Respondents felt that almost all victims would suffer some form of harm, albeit it may not have become apparent by the date of the sentencing hearing. The LCCSA suggested that the factor be amended to 'minimal psychological or physical harm caused to the victim'. The Council agreed with this proposal and has made the change.

Question 20 of the consultation asked consultees if they agreed with the custodial factors. 82 per cent of the respondents agreed with the factors. Again there were a number of proposals for changes. The Criminal Bar Association and the South Eastern Circuit suggested removing 'sustained incident':

We have concerns in relation to inclusion of a "sustained incident". Our collective experience indicates that sentencers often find an incident to be sustained if it is more than momentary or more than a very quick incident. Given the stated overlap between a sustained incident and psychological or physical harm to a victim we consider that inclusion of this factor may cause problems. - Criminal Bar Association and the South Eastern Circuit

The Council has, therefore, removed this factor. A further proposed amendment was suggested to the factor 'use or threats of violence':-

Use of threats or violence could be expanded to read 'against the victim or someone known to the victim' to reflect what is known about young people not resisting or reporting abuse in order to prevent another person (sibling/friend) being harmed. **Dr Lucie Shuker**

This change has also been made.

Question 21 of the consultation asked consultees if they agreed with the aggravating factors. 93 per cent did agree, but there were requests for two further aggravating factors; 'use of a weapon', and 'offence motivated by, or demonstrating hostility based on a protected characteristic'. Both of these factors have been added.

Question 22 asked if any of the step two factors should be considered at step one. A number of suggestions were made including moving 'significant planning', 'breach of trust', 'grooming' and 'blackmail' to step one. On reflection the Council felt that there was a danger in having too many factors at step one, especially were they would be listed as 'custodial factors' as this would lead to too many children or young people falling within the custodial sentencing bracket. For that reason none of these factors have been moved to step one.

Questions 23 and 24 of the consultation sought views on the offence and personal mitigating factors. Most respondents agreed with the factors, but one of the main proposals, relating to the personal mitigating factors, was that they should be separated out. Similar comments were made about this section of the Overarching Principles, and as detailed above at page 13, the Council agreed with the proposals to separate out the factors and add additional ones.

Question 25 asked if consultees agreed with the 'Review the Sentence' step of the guideline. All of those that commented agreed with the inclusion of this step.

This is good - it is important the sentencer sits back after going through the structure to ensure it is the right sentence for the individual – **Legal Adviser, HMCTS**

As a result of comments received at consultation events the Council has chosen to add some extra text to remind the court that they must read this guideline alongside the Overarching Principles which contains 'comprehensive guidance on the sentencing principles and welfare considerations that the court should have in mind when sentencing children and young people.'

The Council also decided that the guideline should include information about Referral Orders to assist courts in dealing with cases where the child or young person has committed an offence for the first time and the court is faced with the option of referral order or DTO. This additional information has also been provided in the Overarching Principles, as detailed above at page 16.

In addition, under the custodial sentences part of this step the Council has chosen to remind sentencers that 'if a custodial sentence is imposed a court must state its reasons for being satisfied that the offence is so serious that no other sentence would be appropriate and, in particular, why a YRO with ISS or fostering could not be justified'.

Questions 26 and 27 asked consultees' views on the sentences imposed within two case studies which were used in the consultation paper to illustrate how the guideline should work. Those who responded agreed with the outcomes in the case studies, although many commented that more details about the child or young person would be needed to properly sentence such cases.

Robbery guideline: Specific issues

Question 28 of the consultation asked consultees if they agreed with the non - custodial factors. All of those who commented agreed with the factors, however there were suggestions for changes:

The adult guidelines include factors such as performed limited function under direction, involvement through coercion, exploitation and pressure and mental disorder linked to the commission of the offence. South Eastern Circuit and Criminal Bar Association

The Council has added the factor 'Involved through coercion, intimidation or exploitation' to the youth guideline.

Question 29 of the consultation asked consultees if they agreed with the custodial factors. 96 per cent of the respondents agreed with the factors however the factor 'threat or use of a bladed article, firearm or imitation firearm' prompted some concern.

... the opening statement of the Guideline refers to the fact that the principles applying to the sentencing of children differ significantly from those that apply to adults. The reference here to the adult guideline on robbery as a rationale for establishing the factors that indicate that the custodial threshold has been passed would appear to be in tension with that earlier statement. In particular, given the propensity for children to act impulsively, we consider that the threat of a bladed article, firearm or imitation firearm – particularly where the child is not actually in possession of such a weapon – should not automatically be considered to cross the threshold. The Children's Commissioner for England

In terms of the custody threshold, we would query whether the threat of a knife only (which could simply indicate bravado) should be included, but only 'the use of significant force or a weapon. The Law Society

The Council has, therefore, amended this factor to 'Threat or use of a bladed article, firearm or imitation firearm (where a weapon is produced)'.

Question 30 of the consultation asked consultees if they agreed with the aggravating factors. All of those who responded agreed with the factors. Further to the request to add the factor 'offence motivated by, or demonstrating hostility based on a protected characteristic' to the sexual offences guideline, the Council have also added it to the robbery guideline.

Question 31 asked if any of the step two factors should be considered at step one. As with the sexual offences guideline, a number of suggestions were made including moving 'leading role in a group', 'vulnerable victim targeted' and 'high value' to step one. For the same reasons as above the Council were concerned that adding too many factors to the custodial factors at step one would lead to an increase in the number of children/ young people receiving custodial sentences. As there was only a handful of requests for such changes the Council decided to leave the factors at step two.

Questions 32 and 33 of the consultation sought views on the offence and personal mitigating factors. Most respondents agreed with the factors. The Council of HM Circuit Judges requested the addition of the factor 'child or young person in education, training or employment'. This has been added.

As with the sexual offences guideline one of the main proposals, relating to the personal mitigating factors, was that they should be separated out. Similar comments were made about this section of the Overarching Principles, and as detailed above at page 13, the Council agreed with the proposals to separate out the factors and add additional ones.

Question 34 asked consultees' views on the sentence imposed within the case study. 91 per cent of those who responded agreed with the sentence.

Conclusion and Next Steps

The consultation has been an important part of the Council's consideration of this guideline. Responses received from a variety of sources have informed changes made to the definitive guideline.

The definitive guideline will apply to all children and young people aged between 10 and 17 sentenced on or after 1 June 2017, regardless of the date of the offence.

Throughout the development of the guideline the equality impacts of the guideline have been fully considered. The Council was aware when drafting the consultation that there is evidence to suggest that looked after children are over-represented in the youth justice system and so, a reference to the additional considerations that should be taken into account when dealing with such children and young people was included. This was widely welcomed by respondents and has been retained in the definitive guideline, along with some additional considerations suggested. Respondents also suggested the Council should consider including a similar consideration of Black, Asian and Minority Ethnic children and young people, as they are also a group that evidence suggests are over-represented in the youth justice system. The Council agreed with this and a reference to BAME children and young people has been incorporated into the definitive guideline.

Following the implementation of the definitive guideline, the Council will monitor the impact of the guideline.

Annex A

Consultation Questions

1) Do you agree with the general principles for sentencing youths? Are there any additional principles that should be included?
2) Do you agree with the factors that should be taken into account when considering the welfare of a young person? Are there any additional factors that should be included?
3) Are you content that the guidance on grave crimes clearly and accurately reflects the relevant legislation and case law? If you disagree please state why.
4) Does the allocation section include all the necessary considerations? Do you have any general observations on this section?
5) a) Do the flowcharts include all the necessary considerations for allocation? b) Do you think you would refer to these flowcharts on a regular basis when considering sentence levels (legal practitioners/sentencers)? c) Do you have any general observations about these flowcharts?
6) Do you agree with the approach taken to the assessment of seriousness? Is the approach useful and does it provide you with greater structure when assessing seriousness?
7) Do you agree with the aggravating and mitigating factors included? Please state which, if any, should be removed or added.
8) Do you agree with the Council's approach to "persistent offenders?" If you disagree, please give your reasons why.
9) Should there be any other considerations taken into account when assessing whether a young offender should be categorised as a "persistent offender?"
10) Is the table helpful? Are you likely to use it as a quick reference tool?
11) Do you agree that the varying long term effects of different sentences should be taken into consideration when determining the sentence?
12) Is there sufficient guidance offered on the suitability of discretionary referral orders, in particular when they may no longer be the most suitable disposal for preventing re-offending?
13) Is the additional detail regarding the requirements of a YRO helpful? If you are a sentencer do you feel that this will make you better informed when considering the requirements proposed in youth sentencing reports?
14) Do you agree that, in light of current sentencing practice, the provisional starting point for 15-17 years old compared to the appropriate adult sentence should be changed, to between one half and two thirds?
15) Is it helpful to have guidance on breach of all orders, rather than just guidance on breach of a YRO?
16) Do you agree that this information is best placed as an appendix, rather than incorporated into the main body of the text?
17) Reviewing the draft Overarching Principles guideline as a whole (Annex C) do you have any observations or comments about any parts of the guideline?
18) Do you find the short narrative on sentencing youths for sexual offences is helpful? If not please specify what you would add or remove and why.
19) Do you agree with the harm and culpability factors proposed at step one which indicate a non-custodial sentence? If not, please specify which you would add or remove and why.
20) Do you agree with the harm and culpability factors proposed at step one which indicate that the starting point should be a custodial sentence? If not, please specify which you would add or remove and why.

21) Do you agree with the aggravating factors for this offence? Please state which, if any, should be removed or added.

22) Should any of the factors be considered at step one? If so, why?

23) Are there any offence specific mitigating factors that should be added?

24) Are there any offender specific mitigating factors that should be added?

25) Do you agree with the inclusion of this step? Please state what, if anything, should be removed or added?

26) Do you consider that the sentence passed in case study A is proportionate? If you do not agree, please tell us what sentence should be passed and why.

27) Do you consider that the sentence passed in case study B is proportionate? If you do not agree, please tell us what sentence should be passed and why.

28) Do you agree with the harm and culpability factors proposed at step one which indicate a non-custodial sentence? If not, please specify which you would add or remove and why.

29) Do you agree with the harm and culpability factors proposed at step one which indicate a custodial sentence? If not, please specify which you would add or remove and why.

30) Do you agree with the aggravating factors for this offence? Please state which, if any, should be removed or added.

31) Should any of the factors be considered at step one? If so, why?

32) Are there any mitigating factors that should be added?

33) Do you consider that the sentence passed in case study C is proportionate? If you do not agree, please tell us what sentence should be passed and why.

34) Do you consider that the sentence passed in case study D is proportionate? If you do not agree, please tell us what sentence should be passed and why.

Annex B

Consultation Respondents

Responses were received from the following:

Mary Alderson, HMCTS	School
Anonymous	Judicial Youth Justice Committee
Dr Raymond Arthur, School of Law, Northumbria University	Just for Kids Law and Youth Justice Legal Centre
Professor Andrew Ashworth, University of Oxford	Justice Select Committee
The Association of Panel Members (AOPM)	Kingston Crown Court Judges
Association of YOT managers	Kirklees Bench Youth Panel
Barnados	The Law Society
Chair, Cambridgeshire Youth Panel	Legal Committee of Her Majesty's Council of District Judges (Magistrates' Courts) of England and Wales
Janet Carter	The London Criminal Courts Solicitors' Association (LCCSA)
Sara Cator, Chairman of Norfolk Youth Panel	London Youth Panel Chairman Forum
Central and SW Staffordshire Bench	Magistrates' Association
Chairman, Cheshire Magistrates Youth Panel	Ministry of Justice
Children's Commissioner	National Crime Agency
Clinks	National Organisation for Treatment of Sexual Abusers (NOTA)
ConsultGov	North London Justice Area Youth Panel
Council of HM Circuit Judges	Norwich Crown Court
Criminal Bar Association & South Eastern Circuit	NSPCC
Criminal Justice Alliance	Police Federation of England and Wales
Criminal Law Solicitors' Association (CLSA)	Prison Reform Trust
Crown Prosecution Service (CPS)	Restorative Justice Council
Ruth Dash, Youth Court	Dr Lucie Shuker, The International Centre at the University of Bedfordshire
Chairman, Denbighshire youth panel	Alison Smailes, Youth Offending Team
Derbyshire Combined Youth Panel	South East London Bench
Claire Donovan	Standing Committee for Youth Justice
Nathalie Fontenay, Integrated Safeguarding unit, Leeds city council	Jane Stevens
Jackie Hamilton, Magistrate	Transition 2 Adulthood
Jennifer Hathaway, Buckinghamshire YOT	Warwickshire Youth Justice Service
Howard League	Youth Justice Board
Professor Peter Hungerford-Welch, City Law	

