

The experiences of young people attending court

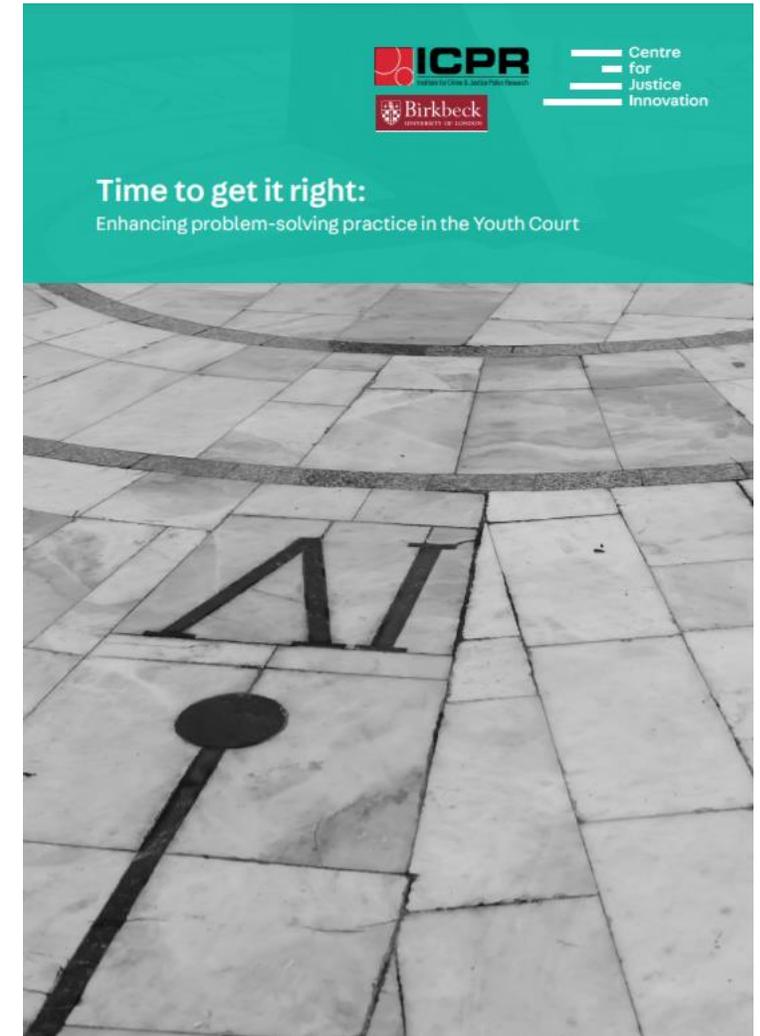
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 **Centre
for
Justice
Innovation**

Findings taken from a larger research project: Enhancing Problem-solving practice in the youth court

Aims of the research:

- Increase knowledge of underlying problems faced by court-involved children and young people;
- Develop understanding of their experiences in court and also the experiences of families and complainants;
- Gain knowledge about existing youth court practice;
- Improve understanding of opportunities for change, including the main barriers to change.



Methodology

Three research sites in England

- Two urban, one rural
- Five youth courts
- 11 Youth offending teams / services

Activities

- 25 interviews with young people
- 56 interviews with practitioners
- 7 interviews with other members of the public (family members of defendants, alleged victims)
- 5 days of court observation (template based on initial interview findings)
- Review of Asset+ assessments
- Literature review

All data collection pre-Covid

Context findings

1) Young people attending court have high needs which may create difficulty in engaging with court processes

- Speech and language needs: 50-73%
- Contact with mental health services: 28%-40%
- NEET: 20-50%

2) Young people's experience was complicated by significant delays in cases coming to court

- Police using “released under investigation” powers
- Cases being heard out of sequence
- Young people returning to court mid-way through successful engagement

Context findings

3) Youth court processes were not always adapted to young people's needs

- Sometimes sharing waiting areas with adult offenders
- Long waiting times on the day and poor communications
- Not always in adapted courtrooms
- Lack of specialist training for defence solicitors

4) Some young people were being brought to court unnecessarily

- Lack of appropriate advice in police station caused some cases to escalate
- In a small number of cases young people in school and in care were inappropriately in court for minor matters

Framing young people's experiences – procedural fairness

Four components of procedural fairness:

- Understanding
- Voice
- Respect
- Trust

Understanding

“you have no idea of the actual court process so you’re kind of in the dark”

“[no one explained] Just how they were doing things, whether to stand or sit, who to talk to, how it worked.”

“I didn’t even know what my sentence was, ‘cause all they said was a bunch of numbers.”

“The ones in youth court talked to me directly so I understood better.”

Voice

“I didn’t think I could even slip a word in edgeways. I felt like I could only speak when I was being spoken to and that wasn’t very often at all...that was just ‘yes’, ‘no’.””

“You just have to listen to what the judge says and when he tells you to stand up you have to stand up, but you can’t ask questions.”

Respect

[the magistrates were] “not very polite, I felt like they were like I was less than them”

[One magistrate was] “talking down to me, calling me disgusting and stupid”

“They were just showing basic respect really.”

“The usher said ‘it won’t be long now’ which was really nice to hear, she was friendly.”

Trust

“I much prefer having the same people so I don’t have to explain myself constantly.”

“You’re supposed to be innocent until proven guilty, but it was the complete opposite way around... They’re there to sentence, not think you’re innocent.”

“I’m trying not to give a bad impression, so I keep quiet.”

Recommendations

- **Tackle pre-court delays and maximise diversion opportunities pre-court**
- **Improve the procedural fairness and specialisation of youth courts**
- **Bolster services to improve collaborative supervision and intervention for vulnerable children and young people**
- **Ensure that courts, YOTs and support services for children are properly resourced**

Download our research

Briefing: Young people's voices on youth court

<https://justiceinnovation.org/publications/young-peoples-voices-youth-court>

Research report: Time to get it right: Enhancing problem-solving practice in the Youth Court

<https://justiceinnovation.org/publications/time-get-it-right-enhancing-problem-solving-practice-youth-court>

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