



The Michael Sieff Foundation

Working together for children's welfare

**The Michael Sieff Foundation Anniversary Conference
20 YEARS ON**

**Preventing the abuse of children and young people and
protecting their emotional and mental health**

**19th - 21st November 2007
at Cumberland Lodge, Windsor Great Park**

Professor Rod Morgan, Professor of Criminal Justice, University of Bristol, and former Youth Justice Board chairman.

I interpreted the Youth Justice Board job according to statute, which was to advise ministers and oversee the efficacy of the system in terms of crime reduction. Since I resigned I have been pursuing the causes which prompted my resignation – challenging the number of children and young people in custody and the number we are criminalising – because the two are in the medium to long term closely related.

In my first week in the Board job in April 2004 I learned about the inquest into the death of Joseph Scholes, aged 16, who hanged himself in Stoke Heath Young Offenders Institution in March 2002. He had a history of self harm; his mother decided when he was 15 that she could no longer cope with him; he went to live with father; he was taken into care; almost immediately after being placed in a residential home he went on a drinking spree with other children from the home and got involved in a street robbery of other children; while awaiting sentence for this offence he cut himself to the bone; despite it being his first offence and his being peripheral to the group offence, partly because of sentencing guidance on street robbery at the time, he was sentenced to a 2 year Detention and Training Order. There was no non-YOI place available, so he was placed at Stoke Heath, in the Health Centre, and nine days later, he hanged himself with a noose made from a bed sheet. He left a note: "I love you Mum and Dad. I'm sorry. I just can't cope. Don't be sad. It's no one's fault. I just can't go on."

I went to Stoke Heath. I made a subsequent speech at a NACRO conference on mental health about what I found. It is not the job of the YJB to pretend that everything in the garden is lovely. If there are contradictions and dilemmas, we have a duty to educate the public about them. In my judgement the Home Office should have acceded in the Scholes case to the coroner's recommendation that there be a public inquiry.

In my third week in office Gareth Myatt died aged 15, at Rainsbrook Secure Training Centre. He did not die at his own hands. He died while being restrained by three members of staff. That case remained unresolved throughout my period in office, first because the Crown Prosecution Service took over two years to determine whether the staff involved should be prosecuted and when I resigned in February 2007, three years later, the inquest had still not taken place. I will pick up some points from that case.

The current stresses arise from an overcrowded system. It should arguably cost more than it does. There are high proportions of children with mental health problems or precociously risky behaviour patterns. We have near record high numbers in an overcrowded custodial system -

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approximately twice as many as 15 years ago. The advances of recent years are being thrown into reverse. Educational and other programmes are being disrupted, young people are being held distant from home and the risk of disturbance and self-harm increased.

There is an accumulation of evidence suggesting that children and young people's well-being in the UK and their respect for the law is not being advanced. There is a growing realisation that criminalising children and young people is counter-productive except in the most serious cases. Whereas research evidence shows that criminalising minor offenders increases rather than reduces the likelihood of further offending, we are criminalising more and more children and young people. There was a 26 per cent increase during the period 2002-6, when all the evidence suggests that youth crime fell. Every Child Matters does not seem to matter for them.

In my opinion there has to be a root and branch review of the Youth Justice System. This is necessary to reverse the soaring increase in the criminalisation of children and young people. I believe the most effective way to achieve this major reform is to get Government ministers inside. I believe that the new team of ministers wishes to tackle these issues. I sense that the new Department for Children appreciates that reducing youth crime is as much a matter for them as the Home Office and the Ministry of Justice, that we have to shift the centre of expenditure gravity away from custody towards community crime prevention, and that we have to put in place support for the tens of thousands of parents who are desperate for assistance in controlling the behaviour of their adolescent children.

I believe that we need the following:

- Children with mental health problems must be taken out of the criminal justice system to ensure that their welfare needs are met.
- The Home Office 'Offences Brought to Justice' target must either be abandoned or fundamentally amended to eliminate the incentive for the police to meet the target by arresting minor youth offenders.
- Schools must be made, once again, the stable, inclusive lynchpins in young people's lives, which for most children they used to be. The school should be the intimate place where young people are personally known to staff and where all levels of ability and aspiration are catered for, Teaching staff should work in partnership with social and mental health workers and the police. Anti-social behaviour and minor offending should be dealt with in situ without referral, so as to avoid considerable delay and additional expense to the overburdened courts and youth offending teams.

Youth custody will continue to be necessary for grave offences and for serious repeat young offenders. Both custody and criminalisation should be a last resort. Criminalisation has all too often been allowed to become the first resort. It should be a scarce, last ditch resource as agreed when we signed up to the UN Convention on the Rights of the Child.