



The Michael Sieff Foundation

Working together for children's welfare

Sieff Foundation Working Group on Special Educational Needs & Disabilities (SEND), Neurodivergence and Youth Justice

Call for Evidence

Government statistics show that 80% of children cautioned or sentenced within the Youth Justice System (YJS) are from the Special Educational Needs and Disability (SEND) cohort¹. Children with neuro-disabilities have higher rates entering custody from an earlier age, receive longer custodial sentences and are associated with higher rates of reoffending and more violent crimes². The Sieff Foundation is launching a call for evidence on how cases in the justice system involving children with SEND and neurodivergence can be most effectively and efficiently handled. The Sieff Foundation Working Group on SEND, Neurodivergence and Youth Justice invites submissions from interested parties on the following questions:

1. What is the current thinking on the treatment of SEND and neurodivergent children in the Youth Justice System?
2. How best to achieve the current mandate of “Children First” from the UN Convention of the Rights of Children (UNCRC)³ for children under 18 with SEND and neurodivergence in the Youth Justice System?
3. Whether there might be ways of dealing with cases currently in the Youth Justice System (YJS) involving the SEND and neurodivergent cohort more appropriately and cost effectively outside of the YJS?
4. How viable would it be for this cohort of children to be dealt with through the SEND tribunal system?
5. What might be the advantages and disadvantages in using the tribunal system for cases involving under 18s with SEND or neurodivergence?
6. How can the work of relevant government departments, public bodies, multi-agency teams, courts and tribunals best be coordinated to deal with cases in the justice system involving children with SEND and neurodivergence?

¹ “The proportion of children in England that had been cautioned or sentenced for any offence that had ever been recorded as having SEN was 80% and for a serious violence offence was 86%.” Department of Education and Ministry of Justice, *Education, children's social care and offending: Descriptive statistics (March 2022)*. For the latest dashboard statistics see: <https://explore-education-statistics.service.gov.uk/find-statistics/education-children-s-social-care-and-offending-local-authority-level-dashboard/2019-20>

² The British Psychological Society, (2015). Children and Young People with Neuro-Disabilities in the Criminal Justice System.

³ The UNCRC embodies the idea that every child should be recognised, respected and protected as a rights holder and as a unique and valuable human being. It applies to all persons under the age of 18. One of the key principles underpinning the UNCRC is the “best interests of the child (Article 3)”: whenever decisions or actions are taken that affect children, the best interests of the child must be a primary consideration.

7. What are the most effective mechanisms to ensure that children with SEND and neurodivergence are constructively and fully engaged in the justice process?

The Working Group welcomes submissions from the following:

- Government and other public bodies involved in dealing with children with SEND and neurodivergence including (but not limited to):
 - Ministries of Health, Welfare, Education and Justice
 - Youth Justice Board (YJB)
 - Child and Adolescent Mental Health Services (CAMHS)
 - Youth Offending Teams (YOTS)
 - CPS (including Area Youth Justice Leads and Youth Justice Specialists)
- Judges, retired judges, non-judicial office holders and administrators from the SEND tribunal system and from other parts of the courts and tribunals judiciary
- Legal practitioners and organisations working in the youth justice and SEND fields
- Parents and others with direct involvement with children with SEND and neurodivergence
- SEND and neurodivergent children and young people
- Specialists in SEND and neurodivergence
- Academics specialising in SEND, neurodivergence, youth justice, courts and tribunals

How to respond to this Call for Evidence

The Working Group is accepting **written submissions** to this Call for Evidence.

The written submissions should be provided in either as a Word or PDF file and sent electronically to the Sieff Foundation at the following email address: david@michaelsieff-foundation.org.uk

Alternative forms of submissions

The Working Group will also accept other forms of submissions such as voice notes where this would facilitate interested parties in providing a submission. Please send these as a file to the Sieff Foundation at the same email address as the written submissions.

Deadline for all submissions is 5:00pm on Friday 15 March 2024

Accessibility

If you require this document to be sent to you in a different format, or if you have any other specific accessibility requirements, please do get in touch so we can make reasonable adaptations.

Contact

For any queries about the Working Group or the Sieff Foundation please contact: David Hitchcock, Secretary Michael Sieff Foundation, david@michaelsieff-foundation.org.uk

A copy of this Call for Evidence document is available online:

<https://www.michaelsieff-foundation.org.uk/pdfs/Sieff-Foundation-Call-for-Evidence-2-Feb-2024.pdf>