

**The Rt Hon Robert Buckland QC MP  
Lord Chancellor & Secretary of State for Justice**

By email

8 July 2020

Dear Lord Chancellor

It was good to meet with you and Minister Frazer in the early weeks of my appointment. I am now pleased to follow this meeting with my first quarterly update letter to you. I have been pleased with the personal engagement and support I have received from yourself and Minister Frazer and I hope this can continue with both myself and Colin Allars.

I wanted to notify you of discussions that took place during the latest Youth Justice System Oversight Group (YJSOG) held on 3 June, which I chair. This group sits across Whitehall and is attended by senior officials from a range of government departments and other key organisations with a role to play in the end to end youth justice system. The group provides an opportunity for oversight of the whole system, allowing attendees to focus on children who might otherwise be forgotten. We use the group to identify areas for collective action which supports children in or at risk of entering the system. I was grateful to Minister Frazer for her attendance at the June meeting which helped to reinforce the importance of the issues.

The meeting focused on COVID-19, and children's experience of it. Attendees had the privilege of hearing via a short film from a number of children, about their experiences and their hopes and fears. Despite a façade of bravado, the children we heard from were frightened, unsure about their future and had clearly been impacted significantly by their experience over the past months. All were however keen to be involved with the design of policies affecting their futures. Through our consultation networks we will do what we can to facilitate this.

Departmental updates from attendees on their response for children to the pandemic, confirmed the valiant efforts underway currently to deal with the immediate impacts but almost all acknowledged that there is some way to go to understand and identify appropriate responses for the longer-term consequences that children are facing. There is clearly much for us all to do if COVID-19 is not to have a long tail of negativity for children in the criminal justice system and those who may as a result be catapulted into it, damaging their and the country's prospects for the future.

Following the meeting last month, I have asked my office to work with members of YJSOG to highlight some key workstreams that are already taking place with this mind.

It is clear these partners have looked at child-focused solutions for children as we move beyond the immediate recovery phase of the pandemic. If we are to truly influence and properly shape this generational opportunity to improve the lives of children so drastically affected by the pandemic, there needs to be a similar and collective approach across all public services. I therefore ask that you serve as an ambassador for children at risk of being drawn into the justice system in your work with your Cabinet colleagues. A Ministerial focus on collective and collaborative child-centred solutions for children should be how we move forward – ensuring that children are always included in recovery plans, that look at long-term effects and potential solutions to what the pandemic has created. With your help and support, I would like to extend the reach of the YJB into other government departments. All too often, the MoJ does not hold the necessary levers to fulfil the principal aim of the youth justice system: to prevent offending by children. Levers and potential blockers are often held by other government departments, whether

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these are around housing, family support, education or support in health-related matters. In such cases a simple criminal justice response stands very little chance in helping children turn their lives around. I would be very happy to discuss this with you further. Meanwhile, you may be interested in a piece of advice we will be sending to Minister Frazer in the next week around our Child First principles which may also support your thinking in relation to the Sentencing White Paper and how children are reflected within this context.

The next YJSOG meeting will take place in September. At this time, I want to encourage colleagues to look to longer term strategies and plans for children taking us beyond the current pandemic and into the future. I want to ensure that we support children to realise their potential both for their and our country's benefit.

The impacts of COVID-19 will cast a long shadow for our most vulnerable children including those in contact with the youth justice system.

My predecessor Charlie Taylor and YJB colleagues have consistently highlighted our concerns about the under-18 secure estate. Despite efforts to improve, much of the present estate and its operation does not meet the needs of the children it holds or the rehabilitative objectives of the youth justice system. We acknowledge the work and effort of the Youth Custody Service (YCS) and the many positive steps that have been taken, but violence remains too high, separation too common and a universal ethos focussed on rehabilitation remains an aspiration rather than a reality. It is approaching four years since the Government committed to Secure Schools and challenges which ought to have been foreseeable from the outset remain to be resolved. This cannot be right. We welcomed Minister Frazer's briefing to MoJ senior staff on 2 July that Secure Schools will form part of the MoJ's Spending Review proposals – in our view they must, alongside investment in the whole youth justice system and management arrangements which put children first rather than operating in the shadow of adult provision.

For the past four months the secure estate for children has been largely locked down. In noting this, we acknowledge the outstanding achievements of staff at all levels across HMPS in keeping deaths so low across the whole system. We supported the lockdown from the outset, facilitating effective communication with Local Authorities in support and we applaud the child-friendly communications with children and their families which the YCS produced. We welcome the reduced secure population over the past few weeks although note that ECTR has delivered no releases of children, illustrating vividly what happens when an adult policy is lifted and shifted across to children without being tailored to suit. Where we are today with the secure estate population perhaps shows what might be possible if there were a further push on sentencing for children, saving the taxpayer money but far more important, creating better opportunities for rehabilitation if more children were as a result kept out of custody. We hope that the planned White Paper might provide the basis for a more rehabilitative approach.

We are grateful for the assurance that Jo Farrar gave to the recent Criminal Justice Board that child secure facilities will be prioritised for lifting of the current lock down restrictions and we recognise fully the challenges entailed. Against that background, we are though seriously concerned about the negative impact for children associated with this long period of near isolation and the lack of meaningful education and rehabilitative support. We fear that if present conditions continue, a child will take their life but we fear also that children who were already marginalised and disadvantaged, will as a result of the trauma they have faced and the schooling they have missed, find it even harder to turn their lives around. Whilst we have raised these issues across partners and will continue to do so, we are not convinced yet that this is featuring sufficiently in recovery plans of all who have a part in delivery. We know that our concerns about the immediate and long-term negative impacts for children are shared by others. We would ask that you and Minister Frazer do what you can to support our effort in highlighting the needs of this all too often forgotten group of children across Whitehall and beyond. Above all, we urge that a return to even a basic regime be instigated at all sites as quickly as this is possible, noting that some of the timescales being discussed for this to happen mean that meanwhile children are at risk. Similar though perhaps not quite as extreme considerations apply to those under supervision in the community and without concerted effort, children in or on the margins of the criminal justice system will be particularly negatively affected.

In the context of COVID-19 we have additionally sought to support cross CJS containment and recovery work affecting children. We were grateful for the creation recently of a judicially led group to oversee changes affecting children and in response to our representations that the roll out of virtual courts was tempered to provide protection for children. It will be important that measures necessary in the emergency circumstances created by the pandemic are assessed carefully rather than simply rolled forward and as the courts get back to fuller operation it will be important not to overload other parts of the system. YOTs are generally small in scale and whilst they have risen superbly to the challenges presented by the pandemic, they will not all have the operational stretch that some other parts of the system can create.

I would like additionally to highlight the work that the YJB has been doing to tackle over-representation of children from minority groups within the youth justice system. Our work has aimed to focus attention of all who have the opportunity to influence on the unexplainable disproportionality which exists. Over 50% of the population in secure facilities being BAME children is not acceptable. Closer to home, we have work to do within our own organisation to increase BAME representation and I hope to do that in my recommendation to you in the recent recruitment of new Board members. You will be aware that there has been much recent focus on David Lammy's review, the YJB has delivered against the recommendation for us in that report and continues to shine a spotlight on issues of overrepresentation which no one has justified to us.

Finally, you will be aware of the work that is currently being done in Wales on the Youth Justice Blueprint. I recently met with the Welsh First Minister and was encouraged by the commitment to this work. Welsh Government has prioritised the Blueprint in their cross-departmental continuity and recovery plans. The key areas for delivery under the Blueprint are prevention, sustainability of trauma-informed practice and the future of secure provision. The latter can only be achieved through continued support and partnership from central Government, and I am aware that Welsh Ministers continue to have and value their positive dialogue with Minister Frazer.

If you or Minister Frazer would like to discuss any of these issues in more detail, I would welcome the opportunity to meet with you.

Yours sincerely,

Personal Data

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