

Justice Committee

Oral evidence: [Children and Young Adults in the Secure Estate](#), HC 190

Tuesday 8 September 2026

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[Watch the meeting](#)

Members present: Tessa Munt (Acting Chair); Janet Daby; Sir Ashley Fox; Warinder Juss; and Sarah Russell.

Questions 96 to 154

Witnesses

[I](#): Laura Cooper, Youth Justice Lawyer, Youth Justice Legal Centre; and Steph Roberts-Bibby, Chief Executive, Youth Justice Board for England and Wales.

[II](#): Dame Rachel de Souza, Children's Commissioner for England.

Written evidence from witnesses:

[Youth Justice Board for England and Wales \[CYA0061\]](#)

[Children's Commissioner for England \[CYA0064\]](#)

Examination of witnesses

Witnesses: Laura Cooper and Steph Roberts-Bibby.

Q96 **Chair:** Welcome to this session of the Justice Committee. This is the second session of our youth justice inquiry, with a focus on sentencing in youth justice cases, and community-based alternatives to custody. For our second panel we will hear from the Children's Commissioner, but first we will hear from the Youth Justice Board and the Youth Justice Legal Centre. Before we begin our questioning, the members of the Committee will need briefly to make declarations of interest.

Sir Ashley Fox: Good afternoon. I am Ashley Fox, the Member for Bridgwater. I am a former solicitor and my interests are on the register.

Chair: I am Tessa Munt. I am acting Chair this afternoon, until we elect our Chair for the next session of Parliament. I am the Member of Parliament for Wells and Mendip Hills, which is in Somerset. I am a director and the vice-chair of WhistleblowersUK, which is a not-for-profit organisation, and the chair of the all-party parliamentary group on penal affairs.

Sarah Russell: Hello. I am Sarah Russell, the Member for Congleton. My interests are as on the register, but I am a member of various trade unions, I chair the all-party parliamentary group on access to justice and I am a solicitor.

Janet Daby: Good afternoon. Good to see you both. I am Janet Daby, the Member of Parliament for Lewisham East, and my declarations of interest are on the register.

Warinder Juss: Good afternoon. I am Warinder Juss, the Member of Parliament for Wolverhampton West. I am a solicitor, although not practising, and a member of the GMB trade union executive council. I am also an officer and member of various APPGs, including the one on penal affairs.

Q97 **Chair:** Thank you. Can I ask you briefly to introduce yourselves and the work of your organisations?

Laura Cooper: I am Laura Cooper. I am a director of the Youth Justice Legal Centre. I am a specialist youth justice lawyer. The Youth Justice Legal Centre is a centre of excellence and innovation in youth justice, law and practice. We support professionals to get better outcomes for children, with the aim that that benefits the wider community and society.

Steph Roberts-Bibby: Hi, everyone. I am Steph Roberts-Bibby. I am the chief exec of the Youth Justice Board. We are an arm's length body of government, sponsored by the Ministry of Justice. We have a number of statutory functions that come out of the Crime and Disorder Act—namely to provide advice to Ministers on how best to prevent children from



offending. We have a number of other functions relating to overseeing the system, exchanging information and publishing data, sharing best practice, and commissioning and undertaking research on the cohort of children in the system.

Q98 **Chair:** Thank you very much. Could you provide an overview of the youth sentencing framework, and explain how it differs from the one that applies to adults?

Laura Cooper: The sentencing framework is, rightly, intended to be extremely different from the adult framework. It is important to start with the child, and not go to the adult guidelines. A number of guiding principles must be considered and followed in relation to children. There is an entirely different approach. You have to look at a number of different key principles. Under section 37 of the Crime and Disorder Act there is the statutory aim of preventing offending. You must have regard to the welfare of the child and their best interests, under the UNCRC. Obviously, these are all reflected in the Sentencing Council guidelines for children and young people. There has to be a very individualised approach.

That is brought together with the Child First principles embedded by the YJB in its national standards. A lot of the principles of the current approach to sentencing children are, I would say, rightly there. You have to look at the individual child—their age, developmental maturity and many different factors such as trauma, exploitation and neurodiversity. That approach is very different from the approach to adults, in that the statutory aims are different; the approach to sentencing an adult is focused on the punishment of the offender and the reduction of crime under section 57 of the Sentencing Act.

The framework recognises that preventing offending requires a fundamentally different approach. That is set out and highlighted in the case of *R v. ZA*, which said that there needs to be and there has to be a root-and-branch difference of approach when sentencing children.

Q99 **Chair:** Thank you very much. Did you want to say anything?

Steph Roberts-Bibby: I would just add a couple of comments. Laura rightly said that the primary purpose of the youth justice system is to prevent children from offending. That is different from the adult justice system. Indeed, we think that there is quite a lot that the adult justice system could learn from the success of the youth justice system over the last 10 years in particular.

The sentencing framework, for us, feels really strong. There is something there about the application of that framework, and making sure that it is applied consistently, particularly when we are talking about out-of-court resolutions and the diversionary offer for children. Those are my only practical points of application.

Q100 **Chair:** Do you have a sense that any changes are needed? Have you very



specific recommendations?

Steph Roberts-Bibby: I think some of the guidance, particularly, could be updated. For instance, in our view the referral order guidance is out of date and would benefit from being reviewed. Laura may have some additional comments. There is also something about the evidence base. Laura also brought in the evidence base that the Youth Justice Board has developed over the last 10 years, known as the Child First framework. There are four elements to that framework. I can go through them, if that is helpful, but I am mindful of time.

Chair: Briefly—that would be kind.

Steph Roberts-Bibby: There are four tenets. We have pulled together all of the most up-to-date evidence base for what we know prevents children from offending. The first is acknowledging that a child is a child, and the rights of that child. Really critical is acknowledging the responsibility of adults to children and that we have a responsibility to help them and meet their needs. The second is building a positive and pro-social identity, and always looking for a strength in a child, to be able to build on their capacity and capability to lead a crime-free life. The third is about collaborating with children and hearing their voices clearly in the planning of the services that they receive.

The final one is diverting from stigma. A lot of the work that we have been doing with the sector is about appropriately trying to divert children away from the system, because we know that that works best to prevent children from offending. When children touch the criminal justice system, they are much more likely to reoffend.

There has been success in the last 10 years in reducing the number of children who come into the system—a reduction of about 51% in the number of children in custody, which I think you heard about in your previous session. Equally, there has been a reduction in reoffending rates, in the last eight years, of 10.4 percentage points. That is quite significant and has been achieved by the sentencing framework and operationalising the evidence in practice.

Q101 **Chair:** Thank you. Laura, did you want to add anything?

Laura Cooper: If it is helpful, I would quite like to add to some of the points that Steph mentioned on implementation. We would agree with Steph that the principles are largely there. There are some brilliant principles, but the difficulty in what we see in our work at YJLC and through our national advice line is, as Steph said, in the implementation of the principles and ensuring that there is a mechanism so that they always happen consistently in practice. That is the difficulty that we see. Through our advice line we see cases where diversion and out-of-court disposals are not properly considered, as Steph said, where safeguarding and exploitation become secondary to the offending behaviour, and



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where age, maturity, communication needs and wider circumstances are not given sufficient weight, as these great principles require.

Sometimes the outcome for the child can be heavily reliant—we see this specifically in our work—on whether the lawyer and the youth justice service have specialist youth justice knowledge. It is not right that the outcome for the child should be dependent on that and whether they push those factors. We see that nationally through our advice line, from different cases.

Additionally, looking at racial disproportionality, the deeper you are in the system—particularly in custody—are those principles of diversion, individualisation and custody as a last resort genuinely being applied consistently to each child? We do not see that as the case.

The ZA case is an example of that. In that case, the lawyers and the judge did not refer to the child-specific robbery guidelines, and they focused too heavily on robbery guidelines. At appeal, the way a child should be approached was set out. It was only a couple of years ago, and it was still not being consistently applied in that case, which led to a much higher sentence for the child. There are a number of other things, but maybe we will get on to them.

Chair: I invite you to write to us.

Q102 **Sarah Russell:** Earlier this year, significant controversy was generated by the sentencing of three children in the Fordingbridge case. Do you have reflections on the wider implications of that case for the youth justice system? I would add that there were some concerns about misreporting in that case, so if there are things that you would like to clarify before you give your answer, to make sure that the context makes sense for the wider viewer, please do.

Laura Cooper: Yes. In terms of your initial question—sorry, could you repeat the first initial question?

Q103 **Sarah Russell:** Do you have any reflections on the wider implications of the Fordingbridge case for the youth justice system?

Laura Cooper: Obviously, that case was particularly shocking, but it is really important that we do not abandon all fundamental youth justice principles and the evidence base around them because of such cases. While recognising the horrendous impact on the victims, it is important to look at the evidence base. Reoffending rates for sexual offences by children are lower than many other forms of offending. There are specialist mechanisms for assessing and addressing harmful sexual behaviour, in the form of AIM assessments and multidisciplinary interventions. They are specifically designed to understand risk and prevent reoccurrence.

Q104 **Sarah Russell:** Can you clarify what an AIM assessment is, please?



Laura Cooper: AIM assessments look specifically at the risks around sexual offending. They are evidence-based therapeutic assessments. Again, it comes down to what intervention is most likely to prevent the child from harming someone again. That is what we have to come back to and think about when looking to deal with that child, prevent further harm to them, and ensure that the child is rehabilitated.

Part of that is improving public understanding of why we have these principles for children, the evidence on preventing further offending, and how those things do not necessarily mean that we are not dealing with it seriously. We are looking at what the evidence says works in preventing further harm to another child.

Steph Roberts-Bibby: Our reflections are that confidence in the justice system matters. We are really clear on that, particularly in cases involving violence against women and girls. I want to call out the bravery of those girls in coming forward. We should not dismiss public concern in this or indeed any other case.

It is really important, though, that individual judges, members of the judiciary and youth justice services, are not unfairly critiqued—I think that is your point around some of the facts of the case, potentially, but I do not want to be misleading—for applying the legal framework in place and in which they operate. Our view was that at the time and from what we saw—we do not always look at individual cases—those individuals were required to do what they did in the case.

I want to give the public some reassurance, which is part of our role in overseeing the system, that the overwhelming majority of children do not commit offences of this seriousness. Where they do, we have to balance accountability, public protection, the voice of the victims—who in this case were also children—and the long-term goal of preventing future violence. I say that because it is really important that people understand the complexity and messiness of this.

We know, however, from some of our data, that proven sexual offences by children rose by 47% in 2023 to 2024. I am not minimising this, but a number of those are non-contact. I do not want to scaremonger. We can provide that information to you, but there is clearly a need for us, collectively, as a society and a community, to do as much as we can to meet children's needs and prevent them from causing harm to other children. That is a summary of our reflections in this case. I hope that that is helpful.

Sarah Russell: It is helpful. My concern is that, almost invariably, if I go into a Scout group, or a Ranger or Guide group—basically a group of middle to upper teenagers—at some point a young woman will probably take me aside and tell me a story of being sexually assaulted, sometimes quite seriously, by a boy of her own or a similar age. I worry, because the victims are children as well, whether we are finding the right balance in the youth sentencing framework between the fact that, yes, children



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are committing the offences, but their victims are children, too. Those children have rights, as well.

Sir Ashley Fox: May I add to that, Chair?

Chair: Yes.

Q105 **Sir Ashley Fox:** I just wanted to challenge you. You said how important the child is, who is actually the criminal in this case, and that your priority is to ensure that they do not reoffend.

I wonder whether you have the balance wrong, particularly when children commit very serious offences, and whether, when the focus is all on their rehabilitation and not on their being punished and seen to be punished so that the victims get some feeling of justice done, you undermine support and trust in the justice system by your focus on the one aim of rehabilitation. There is a justified societal aim in punishing those criminals, albeit that they are children.

Steph Roberts-Bibby: First, I think I have acknowledged the victims. I think I was very clear in what I said about victims. Our justice system must better hear—I want to be really clear about that—the voices of victims, and particularly child victims, and women and girls. I do not think we ever say that the needs of those children who have offended are more important than the needs of children who have been harmed, or, indeed, of any adult who has been harmed. We want to be very clear on that.

What we know—and this is solely from the evidence; it is not me, Steph Roberts-Bibby, a random person walking down the street—is that the evidence shows us what works best to prevent offending. We can look at the adult system in comparison. This is not me saying that the whole of the adult criminal justice system should not focus on punishment; I am not saying that. But we see much better success in terms of long-term outcomes and reduction of harm against others by applying the evidence base.

As an evidence-led organisation, we will continue to do that. There is clearly more work to do to better understand how we meet the needs of victims across the criminal justice system, and I know from recent announcements that the Government are investing more heavily in services for victims. We would want to think about how that can be applied, particularly to children.

Laura Cooper: I support what you said, Steph. Adding another point—not specifically on sexual offending, but in general—children are often both victims and offenders. It overlaps, often, in many cases, so that is a consideration as well. I agree with you, absolutely: I think victims need better information. We see it through our advice line, as well, when they contact us, that they are not getting information about what is happening with their case, so there is a whole piece around that, which we definitely



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see is missing, to ensure that they understand what is happening and why that outcome is being given to the child.

Q106 Sir Ashley Fox: Forgive me, but this is not just a question of information for the victims. This is about the criminals receiving a punishment that is seen by society and the victims as just. Very often, if the aim of the courts system and the punishment is to rehabilitate the criminal, my view is that we lose sight of the need to punish the criminals and for society to see that they have been punished.

Steph Roberts-Bibby: We could give you some data, Sir Ashley, on what we call the victim-perpetrator paradigm—the number of children who have been victims before they became perpetrators, which might be helpful for your discussions, but this goes back to the first point we made about the sentencing framework.

The law says that the purpose of the youth justice system is to prevent further offending. It does not say it is to punish, in the way that the framework for adults does. No one goes to work to do a bad job, so I think people come at this from, “What does the evidence tell us? What does the legislation require that I do?” At the moment, the legislation—the Crime and Disorder Act 1998—is very clear: the youth justice system is there to prevent future and further offending.

I think that that talks to not only the sentencing framework but also the role of custody. I know, again, that you spoke about that a lot. We know that taking children into what I call the depths of imprisonment contributes to higher reoffending rates, particularly when their needs are not being met. We are unable to give them any offence-related work, because they may be locked in their rooms for 22 or 23 hours a day. They are not gaining meaningful access to education, and they are not having their full range of health needs met or their trauma addressed.

Laura Cooper: I think the latest statistics, as well, that were published on 30 July, were that reoffending rates for those given custodial sentences were 57%. Obviously, there are other factors and complex reasons for this.

Steph Roberts-Bibby: We can provide some data on that as well. I have reoffending rates broken down by sentence. For custodial sentences, it is a 61.7% reoffending rate, versus a referral order or a youth rehabilitation order, which are both lower.

Q107 Warinder Juss: I just want to come in following on from the previous line of questioning. I understand that members of the public want to see offenders being punished, but is it not right to focus on preventing reoffending? The main purpose of that is not only about the individual who has offended, but preventing further victims in the future. That is paramount, isn't it? Would you agree?

Steph Roberts-Bibby: That is in our vision statement. We talk about the Child First evidence base. That is all with a view to preventing further



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harm to others. It is not just about the perpetrator or the child who has committed the offence.

Laura Cooper: Then it comes down, as well, to the messaging to explain why that is helping everyone else. It is not just rehabilitating that child who has done something quite harmful; it will also help further victims, as you say.

Chair: Thank you.

Q108 **Janet Daby:** Just for context, a custodial sentence is used as a last resort for an offence where a fine or a type of community sentence cannot be justified. Steph, I want to come to you. Is custody currently being used as a last resort for children and young people?

Steph Roberts-Bibby: I feel that custody is generally being used when a child has been found guilty of an offence. For me, the concern is about the high levels of remand and the unnecessary use of remand, which is very high. There is much more that we could do and are trying to do—and should be doing—to prevent children from being taken into that environment, particularly when so many of them do not go on to get a custodial sentence. We have further traumatised them, separated them from family and loved ones, locked them in rooms for 22 hours a day and perhaps exacerbated any underlying mental health conditions and disrupted their education, if they are in education. So we need to look at how to continue to reduce remand.

We are clear that there is a place for custody in the most exceptional and serious offences. That should be available to us, but the current arrangements for delivery of care to children in custody are, in our view, not fit for purpose. I want to be really clear: that is not about operational failures. It is about systemic failures that impact on particular groups of children more than others.

Laura spoke a bit earlier about disproportionality, particularly of children from global majority backgrounds—black, brown and mixed-background children—but also children with special educational needs, neurodiversity or underlying mental health conditions.

Q109 **Janet Daby:** This is a question for both of you. How should the sentencing framework be updated to ensure that custody is used as a last resort?

Laura Cooper: Obviously at the moment the court has to be satisfied that it is so serious that neither a fine nor a community sentence can be justified, and the court has to take into account the circumstances that we have been talking about—age and maturity—and consider alternatives. Then, if it imposes custody, it must give reasons why no other sanction is appropriate, specifically referring to a youth rehabilitation order with an intensive supervision and surveillance order.



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Two things would ensure the strengthening of custody as a last resort. I support the Alliance for Youth Justice's proposals to potentially increase that to the most serious offences, where the child presents a serious and continuing risk to the public and cannot be managed in the community. That has to be paired, as Steph said, with properly funded, intensive community alternatives—accommodation, supervision and therapeutic support available consistently.

I think Steph is probably going to talk a little about pilots in different parts of the country that are working really well. I think there is room, absolutely, to ensure that the principle of last resort is put on to a footing that makes it much clearer, and that there have to be community alternatives available, so that the court feels that it has a good option for vulnerable children with complex needs who have committed serious offences to be really supported in those communities.

Steph Roberts-Bibby: We are seeing a reduction in the use of the detention and training order as a sentence. The majority of children being sentenced to custody are being sentenced predominantly for very violent offences. We are talking about murder, manslaughter, GBH and rape, as we discussed in the Fordingbridge case. However, other children are still being remanded unnecessarily.

As part of that we have done some work across London, in particular, on an alternative to custody for remand, to try to reduce the number of children being remanded. It is called the London Accommodation Pathfinder project and we can provide information on that. We are having real success with the reoffending rates of the cohort of children there. That, for us, provides a test: those children have been charged with serious offences, but there is a range of mechanisms in place to make sure that the public are protected, including GPS tagging and a really strong ratio of staff to children. Staff are also part of a trauma-informed package of support, so that the courts have real confidence that children will get a better outcome through that offer, as will the public and victims.

As part of the spending review, the Government are funding some additional work on remand pilots, to develop other models, or indeed similar models to the London accommodation project, to try to help to reduce the unnecessary remanding of children.

That takes me a step further, and I want to challenge us all in this respect. Other jurisdictions do not do this. If we want to put ourselves alongside other modern, civilised societies, they do not remand and sentence the number of children that we do. We need to look at what works in other contexts and how we can apply it. It is great that we have some funding and that we are doing that alongside youth justice services, to try to improve services in the community, but quite often children are remanded because that provision is not there. This money will hopefully address that gap.



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Q110 Janet Daby: I think it would be very helpful, if the Chair agrees, if you would send us some information on the London accommodation project. In terms of managing disproportionality, and children who are vulnerable, with neurodiverse needs, how do you think the sentencing framework should be updated to put protections in place for those cohorts of children and young people?

Steph Roberts-Bibby: I did not answer that question, did I? Sorry, I went off on one. I have spoken about greater and more effective use of remand and local authority accommodation, so I would look at how we can strengthen that.

For those children who we think pose a significant risk to others, we need to make sure that they are placed in the right provision. Our view is that the secure estate would benefit from smaller units, geographically dispersed, with staff who are skilled, trained and experienced in working with traumatised children. That is not necessarily about the sentencing framework. It is about how the system is structured. We think there would be benefits in outcomes by doing that.

There is also something about trying to drive consistency—we have spoken about this before—because we know that certain groups are being over-represented. How do we drive consistency through pre-sentence reports, making sure that the needs of children who are seen as different—dare I say it—are being taken into account in sentencing, because we see the groups that I have already covered being over-represented?

We have some newly published information—we can send a link—on diversionary data where we see huge geographical variations in the number of children being diverted from the system. Again, we can share that. This is the first time we have published it, and we would hope to be able to progress that going forward to drill down into specific groups and types of offences as well.

Q111 Janet Daby: Do you want to add to that, Laura?

Laura Cooper: To add a couple of points, if we want to make custody the last resort—with the points you are making about disproportionality and neurodiversity—as Steph said when talking about diversion, we need to look at not just the end of the sentencing point but the fact that a lot of the child's journey is in an adult setting throughout the system. It starts really early and that disproportionality increases throughout the whole process.

We need to think about the fact that children are in adult police custody environments and then they are in adult magistrates courts. Often, there are not many youth courts sittings. That is another reason there are issues around remand, because they appear before an adult magistrates court without people who have specific knowledge and have no package ready in time and, therefore, they are remanded. Often—this is a



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particular issue—they are remanded for their own welfare until there is a placement. Then they are released later into a placement, but that does not meet the high statutory criteria under sections 98 or 99 of LASPO to remand to actual custody.

So in some cases there is unlawful remand to custody until they can find a placement. The child is going through a system designed primarily for adults and that will lead to disproportionality issues where people are not picking up on all the different issues around neurodiversity. The other point is that we would obviously support mandatory ongoing youth justice specialist training for lawyers.

Q112 Janet Daby: That is all very helpful information for the Committee. Steph, I want to direct you to young adults. The Centre for Crime and Justice Studies stated that the average length of a custodial sentence for young adults aged 18 to 25 has increased by 65% since 2010. Do you know why that is, and what does it indicate?

Laura Cooper: I do not. Janet, you probably know that we look only at children from 10 to 18. However, if you want me to speculate and share my personal view, there may be some similar trends around the sexual offending we have seen—potentially. We know that the number of children in the system being sentenced is predominantly for violence, so that may also be playing out with young adults.

Young adults are an interesting group and more should be done collectively to better understand their needs. The evidence tells us that young adults' needs are distinctly different from those of children aged 10 to 17 and, therefore, the system needs to respond to them better.

Q113 Janet Daby: To come back to Steph, the Bar Council's recommendation is to increase the criminal age of responsibility from 10 to 14. What is the difference and what is your view on this?

Steph Roberts-Bibby: Our view is that there is evidence that we should review the age of criminal responsibility. We are significantly out of step—I spoke about other jurisdictions earlier—with international standards. We also know so much more about brain development in childhood that affects behaviour now than we knew 60 years ago, when it was originally set. That is quite a big time gap. We know that the age of criminal responsibility is much higher in other countries. It is 12 in Scotland, Uganda, Canada and Saudi Arabia; it is 15 years old in Greece, Finland, Denmark and the Philippines. We know that children who offend are extremely likely to have very complex welfare needs. We think that, to make our communities safer, there should be a review of age in order to better meet their needs.

Increasing the age would obviously reduce the number of younger children entering the criminal justice system, although, to be very clear, the number of 10-year-olds is low. We think that would reduce the harmful impact of the criminal justice system on those children.



We know that welfare-based approaches to offending by younger children are much more successful—we have spoken about that today—in preventing harm. We think that increasing the age of criminal responsibility would not mean that harmful behaviours would be ignored. On the contrary, we just think that it would be co-ordinated better if that intervention came through children's services, health, education and the police rather than through the courts.

- Q114 **Janet Daby:** Should the Government's plan to reform the youth sentencing framework prohibit custodial sentences of 12 months or less, as advocated by the Children's Commissioner?

Steph Roberts-Bibby: We would advocate for a reduction of sentences of 12 months or less because there are alternatives that we know from the evidence would better prevent offending. Did I answer your question?

- Q115 **Janet Daby:** Yes. Finally, as a Committee we have recently been informed about the extension of the use of PAVA in under-18 YOI institutions. Could you clarify for us your previous view when this was first introduced and what your present view is of this?

Steph Roberts-Bibby: I am more than happy to talk to that. We are firmly opposed to the use of PAVA spray on children. We made a statement originally to say that that was our position. We think that extending the trial is a move in the wrong direction.

We can find no evidence that the use of PAVA is reducing violence in the secure estate and making children feel safer. We are concerned about the disproportionate impact on groups of children, particularly black boys, neurodivergent children and those with speech, language and communication difficulties who may not be able to read cues and understand things in the way other children can.

The Government have laid out an answer in the youth justice White Paper in terms of their intention to move to smaller, locally based units, which we would support. We think that would be a much better way to address some of the challenges, because we know that smaller environments are proven to be safer. We worry about the erosion of trust between children and staff in the secure estate when, in effect, they are being harmed by the use of pepper spray.

- Q116 **Sarah Russell:** We have touched very briefly on remand, so I am not going through all the suggested questions in detail. Currently, about 44% of the custodial youth population is children remanded into custody, and more than half of them will not receive a custodial sentence at the end of it. The proportion has changed considerably. Has the proportion changed because the youth estate has reduced? Is it a similar number overall, or has something materially changed?

Steph Roberts-Bibby: It is a combination of both things happening. The overall population has reduced because of the success of the system in following the evidence base, diverting children, and using alternatives



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appropriately. However, we see that the group of children who are coming into the system—some previous witnesses spoke to this—have multiple, complex needs that require support from multiple services. Those provisions are not always readily available—Laura spoke to this—at the right time in the community.

What we need are not only beds for children from the privatised market but beds with holistic, trauma-informed, wraparound support that we have real assurance will work to meet the needs of the child so they do not cause harm. I think that addresses where there has been an increase, because some of those private provisions are very expensive for local authorities—we are talking thousands of pounds. So remanding into custody could be seen as a cheaper option.

Q117 Sarah Russell: You mentioned the lack of sitting days of youth courts. Do you know from the statistics how many children are being sentenced, or have their hearings in the mags versus the youth court versus the Crown court? Where do you think that should be, if it is not where you think it should be currently?

Steph Roberts-Bibby: I do not think we have that data but I am happy to take it away and have a look at that. We hear anecdotal examples where children are considered in the wrong context. We certainly know that that involves, as Laura said, children being remanded.

Laura Cooper: For us, we train youth justice services around the country and we hear regularly that in some areas of the country children are remanded because there is only a youth court sitting once every two weeks. They are invariably in an adult setting when they have their first appearance, hence the remand. That is a concern we hear anecdotally around the country from youth justice services when we train them around court, bail and remand.

Q118 Sarah Russell: One of my other concerns is the fact that there is no potential for the Attorney General to make references for unduly lenient sentences associated with either the magistrates court or the youth court. Do you have any information or sense around whether or not children are being sentenced in those courts, versus the Crown court, and to what extent and with what regularity for serious violent offences?

Steph Roberts-Bibby: I think you are asking whether I think there is any evidence they are being sentenced inappropriately. Tell me if I am putting words in your mouth; I do not intend to.

We do not have any evidence to suggest that. We are very close to the frontline centres, so if youth justice services felt that children were being inappropriately sentenced, we would expect to pick that up. We have some concerns about net-widening that may come from some of the potential changes in the White Paper.

We will provide advice as soon as the Government start to consult on those changes to sentencing, to make sure we are not net-widening and



bringing in more children. I think the intent of the White Paper is absolutely honourable. There is a bit that could be strengthened in looking at the current evidence base, and that might include some of the data to which you referred.

Q119 Sarah Russell: When you talk about net-widening, specifically what do you mean?

Steph Roberts-Bibby: Net-widening is where you may bring more children into the system because you are going to change some of the sentencing framework. I am trying to think of a good example. You may be trying to think about an alternative sentence perhaps, but that may then create a gap which means that, rather than a child getting a community sentence, they may be brought into custody.

Q120 Sarah Russell: Where children are not getting community sentences because there are not consistently available community options in terms of remand because there is nowhere else for them to go or after sentencing, what is hindering community sentences or non-remand options? Are they different problems, and how should they be addressed?

Laura Cooper: There is one area we see with variable levels of intensive provision. Obviously, the direct alternative to custody is a youth rehabilitation order with intensive supervision and surveillance.

When it first came in, intensive supervision and surveillance was very much about being an alternative to custody. As it says, it is about structured activities with electronic tags and so forth. Steph might be able to say something about this, but, anecdotally, in youth justice services when we deliver sentencing training, ISS is variable. Some areas do not have it; some areas do; some areas cannot afford it. It is really varied and, therefore, that option before the court can be limited for some children in different areas of the country. They just do not have that alternative available.

Steph Roberts-Bibby: That speaks to the earlier point when I talked about the sentencing framework being pretty robust. It is about the application of that by geography and locality. I wrote down a number of things when Laura was speaking. The first is capacity. Do you have workforce capacity to be able to do intensive supervision and surveillance? We would expect a child to be working with a youth justice worker probably on a daily basis. They would be expected to attend somewhere and to be doing something constructive, whether that is reparation work, education or training.

Laura Cooper: It is a lot of the day.

Steph Roberts-Bibby: It is a lot of the day that they are expected to be doing something. Of course, that needs resource, so there is something about workforce capacity.



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The second is about the capacity of partner agencies as well. These are children with the most complex needs. They may be on a waiting list for mental health intervention; they may be awaiting an assessment for neurodiversity statementing.

The other matter is accommodation, which we have already spoken about quite a lot. A lot of this comes down to capacity, resource and the right specialist skills, which have developed. That is why so many children are being kept out of custody, but there is still a gap in community provision.

Q121 Sarah Russell: Do you think that that capacity is more likely to affect children in rural areas?

Steph Roberts-Bibby: I think it affects children with specific needs rather than the area. It affects a group of children. We know that there is over-representation of children from Gypsy, Roma and Traveller backgrounds, those from black and minority ethnic backgrounds, those from deprived communities, children with speech, language and communication issues, those with special educational needs and those who have experienced trauma. Those children could come from a rural community; they could come from a city. We do not have any evidence to say that rural children are being impacted more, although I take the point. We cover Wales as well. Sometimes in those areas there is sparsity and density.

Sarah Russell: That is what I was thinking about.

Steph Roberts-Bibby: One thing we recommended in part of the White Paper is to look at the funding of services and how money is allocated to those according to infrastructure, geography and local costs in terms of funding services going forward.

Q122 Chair: I am going to plead with you to make your answers a little shorter.

Steph Roberts-Bibby: I am sorry.

Chair: Please do not apologise. You are very welcome to write to us with any detail, if you want to expand on any answer.

Q123 Warinder Juss: There was a question about why children from minority ethnic groups are over-represented in the custodial remand population. Could you answer that?

Steph Roberts-Bibby: Laura and I were talking about this outside. We have done some work around pre-sentence reports and are looking at a sample of them. We know that quite often black and minority ethnic children, when we did the analysis of a number of pre-sentence reports, receive different and poorer outcomes than those for white children. We think that is about professional judgment; it is about not necessarily focusing on a child's needs; and we think that could be around adultification, for which there is an evidence base. We know that children



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who are non-white, including some Gypsy, Roma and Traveller children, are considered to be older than their actual biological age.

Laura Cooper: I agree with Steph. There is a real issue around adultification. That begins right at the police station.

Steph Roberts-Bibby: Even at school.

Laura Cooper: Even at school, absolutely. That is something we see and we talk to youth justice services around the country in delivering training. As Steph said, that pre-sentence report is a really good illustration of it because it was a sample, it was anonymous and it showed that white children's reports were more likely to look at their trauma, health and life experiences; for black children there was a greater reference to things like peer influences and personality traits. That impacts on the risk, culpability and factors inside a pre-sentence report, which then results in different outcomes at sentence.

Steph Roberts-Bibby: We can share that report with you. I am making a note of the things you are asking for so we can share them with you.

Warinder Juss: That would be really helpful.

Q124 **Sarah Russell:** To follow that up, there has been a lot of discussion about the Sentencing Council and whether the lack of diversity within the judiciary is contributing to disproportionality in outcomes. Do you have any gut feeling about what proportion of this problem is associated with that?

One thing being attempted was consistent use of pre-sentencing reports in adult prisoners as a mechanism to avoid that disproportionality. If what you are saying is that the disproportionality is contained within the reports, that will not function.

Steph Roberts-Bibby: I do not think we have a sense by breaking it down by the junctures of the system. We think this disproportionality starts much earlier. I rudely interrupted Laura when she was talking about policing, but I think it starts much earlier in terms of health and education. This is a systemic, structural issue.

We put out our own statement on anti-racist practice, trying to get all the statutory partners to think about their practice. There has been some real progress in that. For instance, there is some work the Crown Prosecution Service has done. I do not think we could attribute, say, 20% of it to that in that way; it is much more complex.

Q125 **Janet Daby:** As for adultification, there is clearly a lack of understanding about what that is and the impact it has where children are viewed to be adults and, therefore, are discriminated against. The expectations are a lot higher. I just wonder whether you sense that, where that happens to children from diverse ethnic minority backgrounds, it means that the training in terms of adultification is being understood and accepted.



Steph Roberts-Bibby: That is a really good point. Perhaps Laura can answer for the legal element. We have done quite a lot of work on this with Jahnine Davis, who is a specialist in adultification. We did a podcast together; we have been sharing that across the sector. It really ties in with the work we have done on the London accommodation project.

There are some great resources. We can share those with the Committee, if that would be helpful, because we think there is a gap. We are trying to address that at frontline practice and will continue to do that going forward, but Laura might want to pick up on the training.

Laura Cooper: We absolutely see that and we deliver training on adultification. We work with Jahnine Davis as well on that. There was a pilot last year on children in police custody. We trained police officers, lawyers and all those people working at the police station in a couple of venues. That led to better outcomes: a reduction in children being remanded overnight and an increased understanding of some of those issues in terms of adultification. You are right that there is an issue around understanding, learning, ongoing learning and training around adultification.

Q126 **Warinder Juss:** I want to ask about community-based alternatives to custodial sentences. We know that someone who has had a community-based sentence is half as likely to reoffend than somebody who has had a custodial sentence. In your view, what are the most effective community-based alternatives, and why would you come to that opinion?

Laura Cooper: I think that community-based sentences are the best. The best ones look individually at what that child needs to prevent offending and further harm. They are individualised and looking at the particular needs of the child, whether that is communication and learning support, or whether that is therapeutic care and the ability to tailor that community-based alternative around the exact child in preventing offending.

Q127 **Warinder Juss:** What do you say is the best community-based alternative in your view?

Steph Roberts-Bibby: I can give you the proven reoffending rates by index disposal. Our view is that this should not be compared for effectiveness. I am probably not going to answer your question, but I can give you all the information we have.

For the reoffending rates for 2024—this is by disposal—for cautions, the reoffending rate is 21.6%; for youth discharge, it is 37.6%; for youth fines, it is 31.1%; for referral orders, it is 26.1%. Interestingly, referral orders are lower than fines, which we think shows the power of intervention. Youth rehabilitation orders are 60% and custodial sentences 61.7%. That is the data for 2024. We think there needs to be more work to better understand which is the most effective, but you can see that referral orders out of all those but one—a caution—got the second to



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lowest reoffending rate, so there is something working with referral orders.

Laura Cooper: I am sorry; I did not know you were asking which specific one was available. I think it is as minimal as is needed to support that child to prevent reoffending. As Steph says, referral orders were intended for a great purpose in being rehabilitative and preventing offending. There are issues around referral orders, in that the mandatory terms can mean that there is an issue between being given a referral order and a custodial sentence. The lack of options of having a youth rehabilitation order can at times be problematic. We see that being problematic sometimes.

Another issue with referral orders is that lawyers can think that there is still an issue around them not being a conviction and they do not have the criminal records implications. They are a conviction. The big difference is that having either a conviction or an outright disposal can make a significant difference on the implications for your criminal records and the long-term future of children.

Another issue is that sometimes the incentive to plead guilty can be a little problematic. There is evidence that one in seven children had a defence but pleaded guilty because they wanted to get that referral order. There can be concerns around that with referral orders. It is a good order, but some things need to be looked at or need strengthening around that.

Q128 **Warinder Juss:** What would you say to the argument that community-based alternatives to custody are not sufficiently robust to manage those young people who are at higher risk of harming others and reoffending?

Steph Roberts-Bibby: I think we would challenge that. If you have a robust referral order with lots of interventions, that can be more challenging for a child. That is where you are relying on the professional judgment of practitioners who are working with a child to make an assessment of the child's capability to engage in such a way that they will make progress and not cause harm to others. Ultimately, that is what we want, is it not? We want to make sure that further harm is not being caused.

Q129 **Warinder Juss:** Moving on, the Government have said that no child should be in custody just because the right community placement is not available. The Standing Committee for Youth Justice also said that a custodial sentence should not be given just because the local authority is not providing the services it has a duty to provide. How realistic do you think is the ambition to have a community placement when that is the right decision?

Steph Roberts-Bibby: It is possible once those services have been established. We are going through that process at the moment, with the additional investment of making sure that the right capacity is there in



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the right places. We need to be clear that that is not there at the moment.

For example, the London accommodation project can have a handful of children at any one time, for all of London. That is not me being dismissive of the fantastic work that collectively we have done, which is proving to be innovative and delivering positive results, but it will take time. It absolutely is doable and that transformation is starting, but all of this is dependent on funding.

We answered questions earlier about the things that need to be in place to make sure that children are not detained in custody, whether that be on remand or as a sentence—things like ISS being effective and there being a good offer across a geographical place going forward. It may be that services need to come together in those rural areas.

There are 157 local authorities across England and Wales. Rather than having 157 offers for ISS, under some of the Government's reforms you may have seven regions and do that differently. It is quite exciting to consider what the art of the possible could be if people came together and worked in a different way.

Q130 Warinder Juss: The Government want to widen the range and strengthen the use of community-based alternatives. You mentioned funding. Is that the main obstacle, or are there other issues we should cover?

Steph Roberts-Bibby: There is a challenge about funding. We are in our most challenging fiscal environment post war. We need to be very transparent about that. That affects not only the youth justice service itself, but youth justice services are made up of partners, and it is across all statutory partners that I think that is a challenge.

There is a challenge in skills and capability. We need to think about the workforce. With some of the roles we need people to be working in, there is a lack of them in the pipeline: clinical psychologists, trauma-informed experts, speech and language therapists; I could go on. Capability is a challenge.

We need an understanding of the evidence base, which we have spoken about with you and colleagues today, and really understanding what works. We see it as our role to help people understand what works best. There are gaps in the evidence base and we need to do better at coming together across the academic arena to use all the resources available to answer some of the big questions. Some of the questions you asked me today that we could not answer we should be able to and we should take them away to think about how we are going to answer them.

Chair: I thank you for your answers and invite you to write to us with any other points that you might like to make. That comes to the end of our question session.



Examination of witness

Witness: Dame Rachel de Souza.

Q131 **Chair:** We resume with our second panel. Our witness is the Children's Commissioner. Welcome. I ask you very briefly to introduce yourself.

Dame Rachel de Souza: I am Rachel de Souza, Children's Commissioner for England.

Q132 **Chair:** Thank you very much indeed. Can you explain the role of the Children's Commissioner in relation to the youth justice system?

Dame Rachel de Souza: It is my job to protect and promote the rights of every child under 18 in this country. I have a particular responsibility to those living away from home; children with custodial sentences are living away from home.

I have a few superpowers. One of those is to enter any public place where children are. I often turn up at YOIs and other places where children are serving custodial sentences and talk to them. I will be bringing some of their voices to you today. I go to Kent as the small boats come in and meet the children there. Wherever there are children who are away from their parents, it is my job to be there, talk to them and see them.

I also have data powers. You will see some of the work that I have done in youth justice around the use of those data powers. My team continually looks at the number of children in remand and the backgrounds of children in the youth justice system, particularly those with custodial sentences. I did a piece of work on the educational journeys of every single child who has been in prison over the last five years. You will be horrified to know that 20% of them went to six schools.

We traced back their educational journeys. It is my job to use those data powers to really get under the skin of children and young people's experiences. I also get the voice of those young people, both victims and perpetrators, and try to bring that to you as parliamentarians, to government and to senior public servants to try to get them to understand children's experience.

Q133 **Chair:** Thank you. Can you repeat that bit of data that you just gave us?

Dame Rachel de Souza: Yes. It is on my website. Basically, I did a piece of work on the educational journeys, where every child who has been in a YOI or had a custodial sentence went to school and when they were last at school, and 20% of them went to six schools. It is on my website. You can read it. I did a media round on it.

Chair: I apologise. I did not know that. Thank you.

Dame Rachel de Souza: We talked to the school leaders. There was one particular school that had 42 children who had custodial sentences, and



they did not know. I wanted to know whether they were doing something right—for example, were they bringing children in particularly? No. We tried to make sure that data has been disseminated with Ministers and across the youth justice system. We looked at the numbers of care leavers, and racial disparities and equity issues. The school one was really shocking.

Q134 **Chair:** Yes. Thank you for highlighting that. The Government's plan is to reform the youth sentencing framework so that it is genuinely bespoke for children. I wondered what you thought, particularly bearing in mind some of the research that you have done. What does that look like to you?

Dame Rachel de Souza: I welcome the sentencing White Paper. Just to frame the three or four comments that I am going to make, I work very closely with child victims. One of the themes that I will talk about today is that I feel strongly we are not intervening and supporting victims early enough. I have tried to make sure Ministers have met child victims—we took their voices through the Victims and Courts Bill—as well as perpetrators.

I am not here as a lawyer. I am here to tell you all the things that I have seen. I am going to comment on the sentencing Bill from the perspective of hope; I think we all should. Not only does a child have to make reparations and serve their sentence if that is what the law says, but we have to hope that we can rehabilitate them and that they can become successful, happy adults and human beings. We have to have hope for the victims, that if we support them properly they are going to thrive as young people and as adults.

So, looking at the sentencing Bill from that perspective, I am very pleased to see the decision to not give sentences shorter than 12 months. Think of yourself as a 16-year-old. A year is forever. It feels like forever. Those short sentences were incredibly disruptive. I saw them used recently the most with Southport rioters. I interviewed every child with a custodial sentence who was in prison for the Southport riots to get to the bottom of why they had done it.

There was a narrative in the press that was very different from what actually happened. Most of them were suitably shocked to find themselves in custody and were sorry for what they had done, but those short sentences were unbelievably disruptive. Kids who were on courses to be electricians were taken off them. It impacted terribly in terms of their outcomes. There was one boy who had got involved, made a terrible mistake, had never done anything before, was in the cadets and wanted to join the armed forces. He was on his bike, it was the summer holiday, he found himself there and got a sentence. He had a short sentence, but that was going to really affect his life chances. He knew he had done wrong.



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When I spoke to the later tranche of children who had been involved in rioting, they got community sentences, which had tremendous impact. I was really impressed with some of the kids I talked to who had to go and work in charity shops, be mentored by an older worker who sorted them out a bit and go on a course to understand the people they had attacked. That really changed hearts and minds.

I am not a great fan of shorter sentencing, especially given the terrible state of the YOIs. You will know that I have called for the YOIs to be closed. I think children should be in secure children's homes. I know that they need to be secure and I know that sometimes children need to be detained, absolutely, and be given sentences—I am sure we will talk about some of those—but currently in YOIs if you go in for a short sentence you will be mixing with gang members. I was in Feltham two weeks ago. It is the most violent prison in the entire estate. You are putting someone in there for six months for something. The boys said to me, "This is where I learned to be a criminal. This is where I learned about county lines."

Secondly, on short sentences, I am very pleased to see that rehabilitation orders have been allowed to be used for first offences and not just referral orders. We could do so much more with those rehabilitation orders, with very specific things on them. Often, when you are first taken into the station and you have done something, there is a chance for diversion. I would use the word "soft", but that sounds terrible. A referral order can end up feeling like nothing, whereas a rehabilitation order with a really good YOT and a set of things to do can divert. I was pleased to see us be able to use those. Some of you will have more experience of that than I have. Our very experienced YOTs working with those rehabilitation orders having an impact the first time something goes wrong has a chance to make a difference.

I was a headteacher for 20 years. I know teenagers. If they think nothing will happen, why not do it again? The fact that serious things like this are not going away and we are going to actually make a difference here can really help. I am also very pleased that diversion orders and community orders are seen as a positive outcome for the police. I am very supportive of the YOTs. They are very good. I have seen very good youth offending teams. If they are using those rehabilitation orders and diverting children, the police should be able to see that as a successful outcome, not a negative one, for the right reasons and for the right putative offences.

The only other thing that I picked up there was that I was a bit sad to see the low use of parenting orders. That is a shame. These are under-18s. I wish that we had found an evidence base and a way of involving the family, because true diversion is everybody. They are not used very much at all. There were hardly any used last year, and that is a shame. We need to build the evidence base on it so that people realise that it can be helpful.



Chair: Thank you for your very comprehensive answer, because that deals with some of the questions that we were going to ask you. If I may, I will hand over to my colleague Sarah.

Q135 Sarah Russell: I am conscious that you are the Children's Commissioner and we see quite a lot of sexual offences by children against children. In that context, there was obviously a lot of controversy around the sentencing of the children in the Fordingbridge case. Do you have any reflections on the wider implications of that case for the youth justice system?

Dame Rachel de Souza: First, my heart goes out to those two girls. I was out in the media calling for a tougher sentence before the judgment was made. I reached out to support the two girls as victims and met one of them, so I have quite a strong sense of it. I do not think any girl should have that experience and then feel that nothing was done. That is how they felt. It was terrible.

My first thoughts were about victims, and victims in these sorts of situations. Time and time again, they are let down. Time and time again, they do not hear anything for years. We have to think about child victims. Child victims need a different kind of support. They often disclose in a different way, and indeed in this case they did. The system is so poor at keeping them informed. They can end up feeling extremely depressed, and it can affect their lives quite seriously and substantially.

I have been a big supporter of the Lighthouse, which is a Camden-based provision mainly for sexual abuse victims and peer-on-peer victims. What is great about it is you have the police, social workers, health and everyone together working in a multi-agency way, and that is how we need to wrap around child victims. There are ChISVAs there. I argued that in the Victims and Courts Bill that every child should have a properly trained child adviser to help them through being a victim. The Fordingbridge case almost landed right into how we worked with the victims.

The key thing that victims say to me—child victims particularly, and we talk to lots of child victims of rape and other things—is that they do not want it to happen again. That is where I opened. I am sure you will want to ask me about whether I think the sentence was long enough or not.

My answer to you is that it needed to be a proper sentence. It is a serious thing. I argued for that. At the same time, I also worry about the system that those boys will be going into. Is it going to rehabilitate them? Is it going to help them understand what they did wrong? Is it going to make them better adults and be able to leave knowing what they did wrong, why it was wrong and how they can live a successful life? Will they be educated and supported to thrive as adults when they get out? We have to remember that they are children, too. I have to hold both those tensions.



Q136 Sarah Russell: Do you think that custody should be the last resort in cases involving rape and other serious sexual offences? I completely accept that we are talking about child offenders.

Dame Rachel de Souza: I am not a judge. The legal tariffs are what they are. My worry about custody is what the actual real lived experience of the YOIs is now. It is not going to do the things that I want it to. It is not even going to provide a basic education, let alone rehabilitation, self-reflection and the ability to be a better person: it's not. Secure children's homes can be more effective. There are some children and young people who will need to be detained. I know we are going to talk about the age of criminal responsibility and things like that. There is the law, but there is also safety, safeguarding and all of that. There always will be situations where that happens.

I have been all around the world. I have looked at youth justice everywhere from Australia—from the Northern Territories to Queensland—to LA, Canada and Europe, and seen incredibly different models. Everyone is struggling with this situation. The better models are the ones that, when they take a child into custody, take it seriously and try to ensure they are in a humane, character-building, therapeutic educational situation where they can grow and develop into better human beings.

My answer is not a legal answer. It is about what outcome we are trying to get. For the victims, we sometimes all jump on the fact that it has to be a long sentence, it has got to be this, whereas actually what they need to know is that it is not going to happen again, that something has been done, and that it has been taken seriously. The nuance of the conversation is lost when it is reported in the media.

Q137 Janet Daby: Dame Rachel de Souza, we have worked together in the past. It is a pleasure to have you on this Committee speaking to us. First, your advocacy for children is exemplary. Thank you very much for all of that.

I want to pick up something you said to my colleague. It sounds as if you are saying that YOI Feltham in particular is broken. That is what I heard. You said that you have travelled and you have been to lots of other youth custody situations. What would be the ideal one? What one from your perspective works really well?

Dame Rachel de Souza: We have models in this country that are great. I have been and looked everywhere. For example, Barton Moss secure children's home outside Manchester is therapeutic and secure, but has some of our toughest cases. I sit with those boys and talk to them. You can see that they are coming to terms with what they have done. They are thinking about their lives. They have been taken through that. It is a smaller environment rather than a big YOI adult prison wing.

The YOI feels like an adult prison. I have been to the Scrubs and I have been to Feltham—the Scrubs is calmer, let's be honest. They need to be



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smaller, with more challenge for change to the young person. I have had kids in secure children's homes telling me what they have done. "I killed my brother. Will I ever have a normal life?" They have been able to have the space to have the conversation. "No, but you could have a good life, you can change and you can do things." We need an environment that can allow for that process to happen.

I will give you an example of what I am dealing with in YOIs. I did an entry. I just turned up and said, "Get me some young people to talk to." One boy on remand was brought to me: 6 foot 1, black with special educational needs. He was colouring in a piece of paper that said, "I'm on the verge of something amazing." He was a big boy. He was looking over his shoulders.

The boy said, "Because I'm tall, they try to make me fight. If I don't fight, the other gangs get me," and so on. I said to him, "What do you want me to tell the Prime Minister about boys in YOIs?", which is what I am telling you. I was expecting, "We want better education." Normally, it is, "We want more vocational things and more sport." He said, "Can you tell him I'm starving?" Literally, because he had been in fights and was locked in his room for 20 hours a day, he could not go to the tuck shop because he was given his sandwich in the evening, and he was starving. That is a 6-foot-1 boy.

On the one hand, we have these fantastic secure children's homes that are really trying to do a good job. On the other hand, we have YOIs where I have boys telling me that they are starving. I sorted that out. He is no longer starving. You just need to think about that.

Around the world, and the best practice that I have seen, it is unbelievable in the Nordics and Oslo because they fund it so well. They have really good therapeutic support. There are hardly any children in prison. The prison officers work side by side like mentors with the kids and are out doing things all day. They are doing sport and learning. There is no funding gap there.

One of the things that I was most surprised by in terms of systems was LA. I thought I would go to LA and think it was awful. I was expecting it to be terrible. Relationships-wise, it had the edge on our YOIs. It is much better. Relationships were much stronger because their prison officers are probation and know their families, so they keep the relationship. Relationships were important.

Also, every year in the LA prisons, they had a parole hearing, and the boys had a possibility of amending their sentences. Rather than, "You've done something wrong. We're going to make your sentence longer," which is what happens now, it is, "You know every year that you are going to get a chance to talk and they are going to look at it again." There is hope. That is what I want to say to you: hope.

Q138 **Janet Daby:** That is really helpful information. Thank you for sorting out



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the situation with the boy who was hungry. I hope that there are not many others like that in that situation, but as a Committee we have heard about them. Do you support the Bar Council's recommendation to raise the age of criminal responsibility from 10 to 14?

Dame Rachel de Souza: Yes. For a number of years, my office has been speaking about this. We think the Bar Council's proposals are particularly sensible and thorough. People need not worry: this does not mean that children will not be detained if they need to be when they are younger than that, if there is a safeguarding need or a support need. It is not like nothing will happen. The Bar Council makes a good case that, along with our European neighbours, that is the age.

Janet Daby: Thank you. That is perfect.

Q139 **Warinder Juss:** One of the arguments that I am often presented with when I talk about rehabilitation and the need to reduce reoffending is that we are not thinking enough about the victims, and that we put too much focus on the offenders and their needs.

You just said that, when you speak to these children who have been victims, the main question they ask is not, "Will the offender be punished?", but, "Will it happen again?" The focus that we ought to have, which I believe we have, to reduce reoffending is the right focus, is it not? Would you agree? There is a need to punish, but preventing reoffending and these young offenders from doing it again is the most important factor. Would you agree?

Dame Rachel de Souza: As the Children's Commissioner, I am deeply concerned about victims and about children who offend, and the need to divert them, to stop them offending in the first place and to deal effectively with it so that they can become adults. That does not mean I do not think the rule of law needs to apply and that justice needs to be done. I am not really going into that space, because there are people far better qualified than I am to talk about tariffs for children and what have you.

I say this as a headteacher, a mother and someone who sees child victims and child offenders: I do think it is important that there are consequences to our actions, that we say what is right and wrong, and that there is a sense of justice. Also, trying to divert children from offending early, before they offend, is really important, and trying to stop them reoffending is incredibly important. I hope I have expressed that in a deep way, which is that they come to understand that what they did was wrong and they want to live a different kind of life. Part of that has to be about the recognition of what they have done and making reparation for it. That is life, is it not? That is how we develop as healthy adults who can live as citizens.

Q140 **Sarah Russell:** You touched on remand already, but your November 2025 report described custodial remand as a production line of pointlessness for children. What do you think we should be doing instead?



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Dame Rachel de Souza: Remand figures have gone up. About 50% of children in YOIs will be on remand. Those children will be mixing with killers, rapists and gang members. More than 60% of them will not get a custodial sentence after the time they have spent there. It seems to me absolutely mad that we are doing that and putting them in there. We are disrupting their education.

I have looked hard at why they have been put into the YOIs when they are on remand and they have not even been sentenced. Can you imagine the bitterness that would strike at your heart? It is disproportionately black children and care leavers. Can you imagine the bitterness and pain? Even those who are sentenced, it is not going to be to a custodial sentence.

What should we do? First, they are often put there, in the middle of chaos, for safety. We should have better, safer places for these children. That is the answer. There have been little bits of movement on this. Some of the London boroughs have done something on this. We need specialist fostering. We need places where children can go to keep them safe in this situation. It is not in the middle of a prison full of children who are gang members deeply traumatised from killing and raping. That is not where you put someone who is not even going to get a custodial sentence. It is mad.

Q141 **Sarah Russell:** The Government's youth White Paper pledged to reduce unnecessary custodial remands for children by 25% by 2029 by investing £20 million in additional community-based alternatives. Is the target ambitious enough and is the funding sufficient?

Dame Rachel de Souza: I always praise the Government when they try to do something good and it is good to try to reduce this, but I am going to judge them on delivery. Since covid, my biggest concern has been about the inability to deliver these things quickly and well. In a nutshell, they need to get on with it.

It is great that the money and the intention are there. I am so pleased to see the recognition that we should not be remanding kids to YOIs. But let us get on with it. The Youth Justice Board was doing fab stuff on making sure that kids were not remanded to custody. We need the local authorities and the YOTs working together to make sure we have specialist foster carers and places that are safe for children to be, and their families, rather than remanding them to YOIs. There are good intentions. Let us see some action.

Q142 **Janet Daby:** We recently received some information about the extension of the use of PAVA spray in our YOIs, and three of them specifically. I want to get your view and understanding on that.

Dame Rachel de Souza: I have been absolutely clear that I do not think we should be using PAVA spray. When I have talked to governors and others, the justification is about violence and their own safety, but that is



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because we are not running organisations properly. If we had the right education provision and the right things for youngsters to be doing, if we were not locking them up in their cells for 20 hours a day, if we were not allowing gang stuff to be rife—if we were dealing with that, we would not need to be doing this extreme thing. I am against it.

Chair: Forgive me, I have to depart.

Dame Rachel de Souza: I am sorry to hear that. It is very nice to have met you.

Chair: We have a few more questions yet, but I am going to ask Warinder to take the Chair while I depart as quietly as possible. Thank you very much indeed.

[Warinder Juss took the Chair.]

Q143 **Chair:** Thank you. I have to say that your evidence has been very thought-provoking, and hair-raising in some instances. I do not think we have much of the meeting left.

Moving on to the aspect of community sentences, you mentioned already the feedback that you had from children about experiences of community sentences in terms of victims, but what about those who are receiving those sentences? What feedback have you had from them?

Dame Rachel de Souza: Community sentences can be really effective. Where youth offending teams are strong, the community sentences are really good. They are particularly strong where there is some mentoring involved and where there are some really clear and robust actions. Psychologically, it is good for young people when they have done something wrong, when they have offended, to make reparation, put things right and have a moment of reflection.

I have seen good community sentences. I am pleased about the rehabilitation orders going to first-time offenders. I think we should do more of it. That is what I wanted to say. I have given you examples, haven't I?

Q144 **Chair:** Yes. If you had the responsibility for improving community-based sentences and making them more effective for children, in terms of both the offenders and the victims, what changes would you make?

Dame Rachel de Souza: Sometimes courts are too chaotic. The experience is really chaotic. Children's education and care arrangements are often missing. You get a community sentence, but they have not thought about that side of it. For victims, it is really effective communication. So often victims say to me, "If only someone had just written to me and told me." Victims need to know what is happening, be kept in the loop, understand it and have a sense that this will have an impact and this is good. It is more about communication.



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Rather than carrying it out in a perfunctory way, we need to listen to both the victims and the offenders, talking through their experience with them and making sure we are thinking about the evidence base. Again, I go back to those Southport rioters. When I went and spoke to all of them, the ones who got custodial sentences and otherwise, whatever they had been accused of doing, their experiences were all different. They had a unique take on it, and what worked for them was different.

For some of those Southport rioters, just going on that course and learning about the people who could have been sitting behind the window when they had thrown the bricks through them was enough to horrify them. I talked to boys who said, "I was horrified about the damage I could have done." In that community sentence, they learnt about that. For some of them, it was getting a mentor, someone who would support them.

It is about listening to the young people, understanding their experience and getting it right, but not disrupting their care or their education situation as well, because you can mess up something that is going to be the thing that will really help get that child on the straight and narrow, such as a college course. It is really disheartening when you see that.

Q145 **Sarah Russell:** You mentioned that the courts are chaotic.

Dame Rachel de Souza: They can be.

Q146 **Sarah Russell:** Is that because the children are not being dealt with in the youth courts? Is that because they do not have legal representation? What is going on? Courts should not be chaotic.

Dame Rachel de Souza: I do not think the moment is chaotic.

Q147 **Sarah Russell:** You think it is not addressing their education. That is important.

Dame Rachel de Souza: Yes. There is a movement to think about whether we should have youth courts. I have seen youth courts in the States, for example, with superb, really well-trained judges in the youth courts who are so impressive. In LA, they were amazing in the way they talked to young people, took their views, and the decision making and the thoughtfulness of it.

Maybe it is more of a reflection of our entire system and the pressure on it at the moment. I have spoken to the President of the Family Division about this; I have not talked to the criminal judges as much. There is something about being able to communicate and speak to young people, and understand what their lives might look like when it comes to some of the decisions that are made.

Q148 **Chair:** Is there a training issue for judges here?

Dame Rachel de Souza: We have incredibly well-trained judges. This is simply an observation. I have had pushback when I have spoken to



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judges about this, but I was very struck by how skilled the judges in LA were at working with youth and families. They were incredibly skilled. It made children in absolutely harrowing cases feel safe, protected and heard. That is what we want, is it not, for victims and for perpetrators?

Q149 **Chair:** Thank you. We have spoken about the target to reduce those who are remanded in custody. The Government have a target. The Government believe that the sentencing reforms and widening the use of community sentences will reduce the number of children in custody by about 20%. I have a couple of questions on that. First, is that a sufficiently ambitious target?

Dame Rachel de Souza: Were they talking about the overall number of children in custody by 20% or the remanded children by 20%?

Q150 **Chair:** No, this is the overall number.

Dame Rachel de Souza: Okay. We are obviously all aware that the number of children in custody has shrunk, and it is a success story. There are only about 450 or so children in the YOIs, and that is a success story. As to shrinking that by another 20%, given that 50% of those probably are on remand, that leaves 30% still on remand in there. They could do better.

Come on. I would want to give them a bigger target than that. Of the remand population, 5% to 10% of the current population might need remanding into YOIs—nobody else. We have to do better. It costs a fortune. I would rather see local authorities setting up really good secure accommodation and offers. It would be much better.

Q151 **Chair:** Thank you. I have one more question. I do not know if anybody else has any others. Do you have any other reflections on the broader work that you have done on the state of the secure youth estate? You have given a lot of information today, which has been really helpful, but do you have any final reflections?

Dame Rachel de Souza: I am really pleased that Jake Richards, the Justice Minister, asked my team and me a few months ago—and we have been working hard on it—to look at education in the YOIs and to make some suggestions about the way forward. That was with him knowing that I think we should close them. None the less, there are mainly boys there. It is all boys now, is it not? They need a decent education.

In terms of a silver bullet, or some ways forward, we have to do better than the current education offer. I have talked extensively to governors, to prison officers and to those delivering education. I have been taking in educators from AP and mainstream schools to look at it. There is a huge will to do better. The boys themselves talk to me about wanting to make sure they can pass their exams, their maths, their English, and have tutoring to get that done. Often, the YOI classroom does not work. Having a one-on-one tutor for that would help.



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They talk about the desire for more vocational courses, which is really good for them. I have spoken so harshly about Feltham, but actually I have seen some of the best vocational work going on there such as horticulture and painting. There is just not enough, and the governor knows that. We should invest in this. They should be out there doing that every day. They want sport.

The Education Act tells us that every child is entitled to spiritual, moral, social and cultural education, and those children in the YOIs no less. They need to think about who they are as human beings and how they are going to function afterwards. We will shortly publish a way forward, and we would love to talk to this Committee about it. We are proud of the Minister for being bold enough to ask us to have a look at that.

Q152 Janet Daby: Thank you for that. That sounds more optimistic in terms of YOIs really being significant and making a difference in children's lives. As well as the education to improve our YOIs like Feltham—it is really positive to hear that—where else do you think that really significant positive changes could take place, briefly?

Dame Rachel de Souza: Education is my big one. I also think things like community work and the boys working and engaging in the running of their YOIs is good. I sat with a little boy the other day in Feltham, and I said, "What do you want to be?" He said, "I want to be a chef." I said, "I'll find you a chef to talk to. We'll get you some work experience when you get out." Also, get him helping running the food.

There is something about recognising that the YOI needs to be home. If it is going to be home, we have to treat the young people in it so that they can help run it and be part of it. In the old days, although there was lots wrong 30 years ago in the system, the prison officers had the time to sit on the wing with the boys, play a game of draughts, mentor them and have an almost fatherly relationship, which is often something that is missing. That is important.

Think of the human. I want to read you one thing. When I was in Feltham, the boys were writing letters to their future selves. Most of them said, "My future self will have made my mum proud. I'll have sorted myself out." They are boys. Here, one boy said, "To my future self. Well done for changing your mindset, not for focusing on the easy, illegal money any more. I'm so proud you're standing here today with all of your building qualifications and your bricklaying business, and the fact that you came from a broken home but managed to defy all the odds is something to be proud of." That is what we need to be tapping into.

I did not see one letter "To my future self" from the boys at Feltham that was not hopeful, that was not grateful to their parents, that was not thinking about their education and trying to think about becoming better people. That is what we need. We need the YOIs, if they are going to exist, to turn into engine rooms to support this.



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Janet Daby: That is a lovely, positive note to end on, especially for our YOIs. Thank you.

Q153 **Chair:** It is really encouraging to hear. It is the experience of this Committee as well, when we have been into prisons and we have seen some of the educational and practical work that they do, that it is very good but there is not enough of it.

Dame Rachel de Souza: It is patchy, is it not? They have the space. It is thinking about what the education model should be. Lots of these big firms build prisons. They can build some vocational spaces. We have to make it better if we are going to use them. We have to make it better.

Janet Daby: I agree.

Q154 **Chair:** We will wait to receive the report that you will be doing. As a general comment, what do you think we should be doing more to improve the standard of education in YOIs?

Dame Rachel de Souza: I will go with something really practical. If you are sent to a YOI, you should have the best teachers in the country. The moment of greatest crisis is when we need the best teachers in there. They need to be the personal tutors who are doing the maths and English. I have met children in there who have serious special educational needs and who need basic literacy help. I have met absolute geniuses who should be doing their Open University physics course.

There should be that personal tutoring. We should draw on our brilliant education system. All the school trusts and schools that I talk to are putting their hands up. They are saying, "Let us do that." We need to somehow unleash that.

Then it is vocational. The stress relief of learning to paint, painting the house, whatever the vocational is, combined with the skill development so that when you go out there is a job to do and you do not have to go back to the easy money, is absolutely right. We also need skilled philosophers, theologians and personal development people talking to those boys and saying, "If you've killed someone, you're going to think hard about what it is to exist and who you are." We need to be answering that with both whatever religious tradition they come from and people who can help them work through that. It is not just trauma-informed and therapy; it is more than that. On the education side, there is a piece to do.

Chair: That brings us to the end of the questioning and the end of this session. Thank you very much for your evidence; it has been really helpful and informative.