HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: Legislative scrutiny of the Police, Crime, Sentencing and Courts Bill, and youth justice, HC 451

Wednesday 30 June 2021

Watch the meeting

Members present: Harriet Harman (Chair); Lord Brabazon of Tara; Joanna Cherry; Lord Dubs; Florence Eshalomi; Lord Henley; Baroness Ludford; Baroness Massey of Darwen; Angela Richardson; Dean Russell; David Simmonds; Lord Singh of Wimbledon.

Questions 1 – 10

Witnesses

I: Pippa Goodfellow, Director, Alliance for Youth Justice; Dr Laura Janes, Legal Director, Howard League for Penal Reform; Danielle Manson, Barrister, Garden Court Chambers.

Examination of witnesses

Pippa Goodfellow, Dr Laura Janes and Danielle Manson.

Q1 **Chair:** Good afternoon, and welcome to this session of the Joint Committee on Human Rights. Half of us are Members of the House of Commons, and half of us are Members of the House of Lords. One of our responsibilities, on behalf of the House of Commons and the House of Lords, is to scrutinise legislation for its human rights implications. The legislation that we are looking at this afternoon, which is currently going through Parliament, is the Police, Crime, Sentencing and Courts Bill. We are looking specifically at the human rights issues relating to young people, because there are provisions within that Bill relating to youth justice.

We have two panels this afternoon. We start with Pippa Goodfellow, who is the director of the Alliance for Youth Justice. Thank you very much for joining us. Dr Laura Janes is legal director of the Howard League for Penal Reform, and Danielle Manson is a barrister from Garden Court Chambers. We are grateful to all of you for joining us today.

Our second panel will be Claudia Sturt, the chief executive of the Youth Justice Board, and Hazel Williamson, the chair of the Association of Youth Offending Team Managers.

I will start off with the first question, to set the scene. There has been a big reduction in the number of children receiving custodial sentences over the past 10 years, thereby being deprived of their liberty, but the average length of sentence has increased. How do you think that the Bill we are considering this afternoon will impact that, if at all? Will it change that trend? If so, in what way?

Pippa Goodfellow: First, thank you for having me. I am really pleased to be representing the Alliance for Youth Justice today. We bring together over 70 organisations that work with children and young people, and I think that all our members would want me to note how much we welcome that reduction in the number of children who are in detention. We really have seen a trend over a decade moving much closer towards the principle of custody as a last resort for children.

While that is very welcome, there are definitely measures in the Bill that, at this critical juncture, risk that really welcome trend being turned around. It is important that we see that trend in its longer context, in that, during the 1990s and the early 2000s, there was a significant increase in the use of detention for children, which came before that significant decrease. Between 1992 and 1999, the number of children who were given custodial sentences increased from under 4,000 to over 7,000 in a very short period. That should give us a stark warning that any measures that are set by the Government's own impact assessment to increase the number of children should be taken incredibly seriously. It is really welcome that we are having a watchful eye on that today.

That significant reduction did not benefit all children equitably. We know that the benefits in diverging from custody have tended to benefit white children, and there is a racial disparity in those trends.

Also, and really importantly, the significant reduction in numbers has not been met with improved experiences of children in the secure estate. We know that the harms of custody have continued and have had a significant impact on children and their rights throughout that period.

Chair: Thank you very much. Carrying on with the issue of discrimination, one of the most fundamental human rights is, of course, to be able equally to have your human rights protected without discrimination.

Q2 **Lord Brabazon of Tara:** Thank you and good afternoon. I am Lord Brabazon, a Conservative Member of the House of Lords. As the Chair has just said, this question involves discrimination.

Discrimination in the enjoyment of convention rights is prohibited under Article 14 of the ECHR. The Government's equalities impact assessment recognised that, as a result of the proposed changes in the Bill, "there may be indirect impacts on children with certain protected characteristics", but further stated, "we believe these policies are a proportionate means of achieving our legitimate aim". Do you agree with this assessment?

Who would like to answer that? Danielle.

Danielle Manson: Yes, I will answer this one. I want to be explicit that, when the equalities impact assessment talks about "certain protected characteristics", we are talking predominantly about race and, when we are talking about race, we are talking about non-white children and predominantly black children.

I find it difficult to reconcile this acknowledgement by the Government in their impact assessment that, in a system that we already know is steeped and plagued by—I will call it what it is—racist decisions on certain occasions, the Government would perhaps be so complicit as to allow proposed changes that they themselves have recognised and acknowledged could lead to an increase in discrimination. Positions such as that are perhaps why there is a huge amount of distrust in the criminal justice system in the first place.

Given that acknowledged risk, to which the Government have explicitly made reference in their impact assessment, they should have made a greater effort in engaging with other organisations that represent minority communities, to ascertain their views about some of the changes.

Thinking about it, if this is a balancing exercise—if I am being asked whether I think it would be proportionate for the Government to introduce changes that they already know will have a negative indirect impact on black children—the justification that the aim of the Bill is to ensure that justice has been done needs to be unpicked because, in my

opinion, justice is fairness and equality in the law. If we have a recognition already not only that these changes are not going to undo the injustices that we see but will exacerbate them—make them worse—when you are looking at proportionality and a balancing exercise, I do not think it falls in favour of justice.

It might be framed in that way to suggest that harsher punishments or addressing crime is what justice is, but that is not what justice is. Justice is about everyone being treated fairly and equally. I personally do not agree with that statement, and I think that it will be a very difficult pill for those of us working in the criminal justice system, who see the disproportionate impact already, knowing that there are more measures coming that will potentially make it worse.

The serious violence duty is an example. We know that a lot of those proposals mirror the Prevent duty for multiagency working and so on. We know that Prevent was used in a somewhat discriminatory way towards the Muslim community. We have to be very careful.

Q3 **Lord Henley:** I think that my questions have largely been dealt with, but will Dr Janes comment particularly—having listened to what Danielle Manson had to say more generally—on the disproportionate nature of black children receiving custodial sentences and on whether the Bill is likely to make that better or worse?

Dr Laura Janes: Thank you, and I thank the committee for having me along today to speak on behalf of the Howard League.

Absolutely—we have heard from both Pippa and Danielle about the very high numbers of children from black and ethnic minorities in custody. In fact, when David Lammy produced his report back in 2017, it was shocking then. Since then, it has got worse. Almost half of all children currently in custody are from black and minority-ethnic communities; nine out of 10 children on remand from London are from black and minority-ethnic communities. Anything that increases the number of children in custody will disproportionately affect black and minority-ethnic children—that is absolutely clear. Unfortunately, as I am sure we will come to later in evidence, this Bill will increase both the number of children who go to custody, if it is passed, and the length of time that children spend in custody.

Every year, the Chief Inspector of Prisons talks to children about their personal experiences. It was very concerning to hear that black and ethnic-minority children across the board described feeling that they had no one to turn to. They complained that they were more likely not to have clean sheets than their white counterparts, for example, and even that they were much more likely to be physically restrained in custody. I think we can see how this will ripple through, by virtue of the likelihood of an increase in the number of black and minority-ethnic children in custody as a result of the provisions.

Chair: Thank you. Let us move on to the next question, from Lord Dubs,

about youth rehabilitation orders.

Q4 **Lord Dubs:** My name is Alf Dubs. I am a Labour Member of the Lords.

The Bill contains changes to youth rehabilitation orders to make them a "more effective and attractive alternative to custody". However, the equalities impact assessment noted that "BAME men may be assessed as higher risk than White men, which may mean BAME children are less likely to receive community sentences as an alternative to custody and benefit from these proposals".

Are you concerned that black children are more likely to receive custodial sentences, and what can be done about it?

Pippa Goodfellow: I think the answer lies in what is happening currently. The Youth Justice Board published some research a couple of months ago that looked at the current situation. It found that there was disproportionality in the fact that black and minority-ethnic children were more likely to receive custodial sentences than higher-end community sentences. That is already happening at the moment. We need to think really carefully about what the implications of that will be.

We need to think about how electronic monitoring is being assessed with regard to breaches. There is real danger that more intensive sentences, which are monitored using technology, risk breach. The sanction of custody for breach is a very real prospect, particularly when we consider the fact that that same Youth Justice Board research found disparity in the levels of assessed risk. Practitioners produce reports and assessments that go before courts and form the basis of some of those subjective decisions. We find that practitioners noted in those reports and assessments that there were higher levels of risk among black and minority-ethnic children. Where there is one of those subjective decisions, where a case reaches the custody threshold, it will present a risk of having disproportionate implications for those children.

Danielle Manson: On the second part of the question, about what can be done to address this concern, I represent children in the youth court most days—it is my specialist practice area—and I think that a lot of people would be surprised to know that the youth court is not a court of record. In the Crown Court, everything that takes place is recorded, and there is accountability and transparency because of that.

Notwithstanding the fact that we have come on in leaps and bounds in technological development and possible investment in the criminal justice system, the only record that is kept in the youth court is a handwritten note by the court clerk. I cannot see why there has not been a step towards making youth courts the same as Crown Courts, where matters are recorded, or at the very least, as I think has been proposed in the Bill, written reasons are provided.

I think that the proposal is for written reasons to be provided for remand decisions, but, for me, written reasons for sentencing decisions, when a custodial sentence has been imposed, should be the very minimum. We

would have, in black and white, the reason that a decision had been made for a young person to be sentenced to custody. Perhaps that would help us to address this perceived elephant in the room in relation to race, and that would be a transparent and positive way forward.

Chair: I think you make an incredibly important suggestion. Presumably, the idea is that the youth courts should be more informal and more deliberative, with less of the panoply of the Crown Courts, and that part of that informality is not having the formal processes; but, as you say, they are the processes that can at least give some accountability and ability to look at patterns on the basis of what is recorded. You are saying, bearing in mind the concerns that are already acknowledged, that now is the time for them to have the courage of their convictions and actually be prepared to record what is going on. I think that a lot of people would be very surprised at the idea that people—children—are deprived of their liberty without recorded reasons.

Danielle Manson: I think so, and having the entire hearing recorded with some sort of technology would not add to any formality. You would not necessarily see the recording equipment, and I do not think that it would make any difference to the practical experience of children coming through the doors of the court, but it would be a means of holding to account, ensuring transparency or bringing the youth court in line with the rest of the criminal justice system—I mean the Crown Court by that, as magistrates' court proceedings are not recorded, either. I certainly think that now is the time for us to start thinking about that, or, at the very least, to extend the proposal of written reasons being provided: yes, for remand decisions, but also for sentencing decisions.

Chair: If reasons are given and they are recorded digitally, they can be put into writing as and when anybody needs them, but at least they have been recorded.

Q5 **Joanna Cherry:** Danielle, are there not Article 6 issues with the youth court not being a court of record? How can you advise somebody about their remedies in relation to a decision if there is not an agreed record of the reasons?

Danielle Manson: That has never been a point that I have had to take in a case, but there are certainly occasions when I will be instructed as the advocate, and I will advise an appeal by way of case stated afterwards in relation to a misapplication of the law. When the legal advisers' notes come through for that, there is a factual dispute, I would say, from what I saw and heard, versus what the court has recorded. That then precludes me, as the advocate instructed in that hearing, from representing a child, in this case, in the case-stated appeal, because I then become a witness as to what has been said, as there is no formal record.

It creates huge issues. I have never had to take an Article 6 point on it, but it potentially does engage that. It is something that I will think about now.

Chair: Thanks very much indeed for that insight. Obviously, there is an opportunity to look at these issues when the Bill comes back to the House of Commons, which it does on Monday.

Q6 **Baroness Massey of Darwen:** I have a couple of questions about imposing minimum sentences. You can decide who answers, but they are quite intriguing, I think.

The Bill includes provisions that would require a court to impose a minimum sentence for certain offences, unless there are "exceptional circumstances". How do you see these clauses interacting with the 2019 general comment of the UN Committee on the Rights of the Child, which said: "Mandatory minimum sentences are incompatible with the child justice principle of proportionality and with the requirement that detention is to be a measure of last resort and for the shortest appropriate period of time"?

What "exceptional circumstances" do you think would be relevant here? How do these provisions differ from the current law on minimum sentences for young offenders? Perhaps Laura could deal with that.

Dr Laura Janes: Yes, I am happy to start off with this one. Before I do so, I might add something in relation to the last discussion: just to note, if the committee is particularly interested in courts of record, that the Parole Board now records everything. That is a recent development at the other end of the system.

On minimum sentences, the quote from the general comment by the UN Committee on the Rights of the Child is absolutely spot on. This provision aims to restrict judicial discretion. That, in my view, is inherently incompatible with the best-interests principle when it comes to children. If you are making a decision in the best interests of a child, it has to be an individualised decision, and you should not be restricted from taking into account all the factors that you find relevant, as opposed to "exceptional".

Of course, it is also contrary to Article 37 of the UN convention and the notion that touches Article 5, which touches on liberty, in that children should be detained only as a "last resort"— here we have a provision that says that it should be the norm for children—and we are talking about knife crime. Of course, we know that knife crime is very serious, and it is an important issue, but there is no evidence that the current provision is not working. The current provision is simply that the court has a wider discretion, so it is not about "exceptional circumstances"; the court can take into account particular circumstances—what it thinks is relevant. Then, currently, the court can step back and see what is just in all the circumstances, whereas, under the new provision, the court will have to justify not imposing a minimum custodial term of four months, in the case of children and knife crime. It is a very concerning provision, and it absolutely impinges on rights.

Thinking more from a public protection perspective, which the Howard League is of course very concerned with, there is no evidence that it will

actually help. In fact, an extensive review carried out by the College of Policing found that there was no evidence about the impact of prison sentences on knife crime. This is just in 2019. In fact, other approaches—multiagency approaches—were much more likely to be effective in reducing knife crime.

Baroness Massey of Darwen: What about the Bill changing the minimum terms that must be served in prison for children who receive mandatory life sentences for murder, which introduces more variation between younger and older children? What do you think about that approach? Are the changes likely to result in more children having longer sentences?

Dr Laura Janes: Absolutely. The changes represent an enormous jump from the current provision. Again, we have to see that, in the past 20 years, the minimum terms of sentences for murder have generally doubled across the board. We are looking now, in the current situation, at a 17 year-old being sentenced for a serious crime—of course, all murder is serious—starting with a 12-year minimum term. That is the starting point. Under the Bill, a 17 year-old could be looking at a 27-year starting point. We are not just talking about doubling it; we are doubling it and then some, and that is just the starting point. It could still go up further.

So although there is some gradation, so that children who are 14 and under have a slightly lower starting point of eight years for low-level murder—I hesitate to use the word "low-level", because no murder is—or, rather, for the ones that are not deemed particularly serious, there are very few children aged 14 and under who are in this category. The vast majority of the children I work with—and I specialise in representing children serving life sentences—will have committed these offences when they are 16 or 17 years old, so they will see a lot more time.

The other thing is that this regime of building in artificial gradients between a 14 year-old, a 15 year-old and 16 year-old, and then a 17 year-old child, is entirely arbitrary, and it does not accord with any rights-based framework that I am aware of, either in our own domestic law or internationally. There seems to be no rational basis for it. In fact, in the case of HC, which was about whether 17 year-olds at the police station ought to have an appropriate adult, the idea that you treat a 17 year-old differently from a 16 year-old was found to be an anomaly and a breach of Article 8.

It is very unclear to me how this accords with a human rights framework, and it will certainly see a huge increase in the length of time that those who are sentenced and convicted as children will spend inside.

Q7 **Baroness Ludford:** I am Sarah Ludford, a Liberal Democrat Member of the House of Lords. Thank you very much to our witnesses.

The Bill proposes that children serving long sentences must spend two-thirds of their sentence in custody, rather than half, as is now the case. Is increasing the time that the most serious child offenders spend in

prison consistent with the UN Convention on the Rights of the Child, Article 37(b) of which states that imprisonment should be "for the shortest appropriate period of time"?

I think we have lost Danielle, as we thought we would, so between you, Pippa and Laura, who wants to answer?

Chair: Yes—she has had to go off to court for a pre-arranged—

Dr Laura Janes: That is fine. I will start with this one. Pippa and I have divvied things up between us to make things easier.

Yes, absolutely; it seems to me to be entirely incompatible with Article 37(b), which mentions the shortest possible period, or the "shortest appropriate period of time".

A number of other things are contrary to the UN Convention on the Rights of the Child and children's human rights. We will now see children spending a lot longer inside. We know that children are being sentenced a little older than they were, so we will see a lot more children turning 18 in custody.

With that comes a whole host of concerns that relate to their welfare, their progress and their life chances—their chances of coming out and living a positive life. Not only will that extra time in custody be time that they will not have on licence under supervision in the community, which is actually what is really important, particularly from a victim perspective—knowing that, once a person is out, they are being properly supervised and managed; it will also mean that many children will lose out on their leaving-care rights, which are time limited.

Lots of children who are on these serious sentences, who will have been out of circulation and who will be coming back into society with a determinate sentence, will now find that they are transferred to the adult estate, where they lose lots of the personal, social and emotional support that they were entitled to as children and, when they come out, they will not have that scaffolding around them of social care support, either at all or for as long as they ought to, which is not good for the children, and it is not good for anybody. I do not know whether that gives you enough.

Baroness Ludford: Thanks very much. Perhaps Pippa will want to come in on the next question, so I will move to that. It is about whole-life orders. The Bill proposes extending whole-life orders, which means that the defendant will never be released from prison, apart from in very limited circumstances applying to persons aged between 18 and 21. Is there any human rights concern about extending this type of sentencing to those younger adults, including under Article 3 of the European Convention on Human Rights, which is the prohibition on "inhuman or degrading treatment or punishment"?

I do not know whether Pippa wants to answer that one, or whether it is still Laura, under your division of—

Dr Laura Janes: I am not seeking to hog the scene, but, again, we had agreed that I would deal with this one just for ease, if that is okay.

Yes, the European Court of Human Rights has looked at this in some detail, not specifically in relation to young adults but in relation to the idea of whole-life tariffs or whole-life sentences: that you are in prison until the day you die, unless there is some really exceptional reason. In the case of Vinter and Others, it was held that a life sentence with no possibility for any review or release was incompatible with Article 3.

Since then, another case in the European court, that of Hutchinson, effectively took a different turn and said that, if there is a possibility of release on compassionate grounds—and, with assurances from the state, that could be quite widely interpreted—it could just about pass for Article 3. However, this has never happened. Nobody has ever been released on wider grounds, and there are no criteria for how that might work. Subsequent case law from the European court has suggested that there would need to be something much more concrete and formal to satisfy the requirements of Article 3.

If we just step back and apply all that to young adults, we heard from the Lord Chief Justice, the Court of Appeal, the Sentencing Council and the Justice Committee that young adulthood is not a cliff edge. You do not wake up on your 18th birthday with the full attributes of adulthood bestowed upon you. It is a very special time, in fact: the brain is still physically developing until the age of 25. You take away from a young adult the right to hope and the right to change. Do not forget that these are people on life sentences, who will never go anywhere without the say-so of the Parole Board and who will be on supervision and liable to recall until the day they die. In the case of young adults, there are particular concerns about a breach of Article 3.

Q8 **Baroness Ludford:** Thank you very much. I have a third question, about sentencing, so I will possibly stick with Laura, who has this package, as it were. This next question is about the right to review.

Currently, children sentenced to detention at Her Majesty's pleasure are entitled to reviews at certain points in their sentence. Can you explain how the Bill will change this, and how do you react to the changes?

I have a couple of supplementaries, and I might as well cover them now. In practice, will any children qualify for more than a single review, taking place half way through their sentence? Do you think a person whose offence was committed when they were a child should continue to have reviews once they become an adult?

Dr Laura Janes: First of all, thank you for this question. It is a complex area, and it is quite hard to get one's head around it. I represent quite a lot of children and young adults in these applications, and I have to say that one of the most amazing parts of my job is that you get to see people really turn their lives around and come to terms with the terrible things that they have done, make amends and move forward. What the

Bill says it is trying to do with regard to change and creating a safer environment is quite important.

What happens at the moment is that you are entitled to a review of your progress, based on "exceptional and unforeseen progress". It is very hard: these are really tough things to get; they are not easy to get. You are entitled at the halfway point. Then, in theory—I will come back to why I say "in theory" in a moment—you can have further reviews; I think the policy is after two years. It is very rare for children to have these reviews as children at the moment. In my 15 years of practice, I have represented children who have their reviews while they are still children only about twice.

If Clause 103 comes in, and every 17 year-old will get 20-plus years, it will be almost unheard of for these reviews still to be taking place when children are children. That is not really a problem, because the review is about one's capacity to change. As I said a moment ago, with the Lord Chief Justice dicta in Clarke and the whole notion of young adults still changing and developing until they are 25, you cannot actually measure change until you have grown up a bit. If you want to measure progress and change, there is absolutely nothing wrong with this; it makes perfect sense for that to be considered to see how you have done in your young adulthood. I think that deals with the second part of the question.

As for whether, in practice, any children will qualify for more than a single review, it will be almost impossible. I cannot imagine a circumstance, if this provision is implemented, where someone would get a second bite of the cherry, as it were. The impact assessment says that fewer than 10% of people take this up. I have known a second review to happen only once or twice in my own career. It is a very rare thing.

The key thing is that this is about maturity. The best thing that I can leave you with on this topic is what Lord Bingham said in the case of Maria Smith, who committed a murder when she was just four months short of her 18th birthday. What they said there was that "The requirement to impose" this particular sentence "is based not on the age of the offender when sentenced but on the age … when the murder was committed, and it reflects the humane principle that an offender deemed by statute to be not fully mature when committing" the "crime should not be punished as if" they were. As they grow "into maturity a more reliable judgment may be made, perhaps of what punishment" they deserve "and certainly of what period of detention will best promote … rehabilitation".

Q9 **Lord Dubs:** This question is about the remand system. The changes to the remand system aim to reduce the number of children remanded in custody and deprived of their liberty under Article 5 of the ECHR. How do you react to these measures, and will they have the effect intended?

Pippa Goodfellow: First, we should underline how important these changes are and the really welcome move in the right direction. Currently, about 40% of children who are deprived of their liberty in custody are remanded, so they have not yet had their day in court. Two-

thirds of those children will either go on to get a community-based sentence or be acquitted at court. That is two-thirds of that 40%, so there is a critical issue here, and it is certainly welcome that the Government are making moves in the right direction on this. We should note that that is welcome.

However, we do not think that these changes go far enough. We have set out in our Alliance for Youth Justice briefing some suggestions on how other conditions can be tightened, but the requirement that the court must consider that the risks posed by the child cannot be managed safely in the community before having the option to remand is a very important principle and a very welcome one, and we think that that should set the tone for the whole of the process by which the child is involved in the criminal justice system. At any decision-making point where there is a decision on whether to deprive a child of their liberty, be that at the police station, or indeed in the courtroom, that should really be a primary consideration—whether that child poses sufficient risk that cannot be managed in the community—in order to negate the necessity to remand them to custody.

We think that it is a welcome development, which could go further. It is certainly most welcome, because of the real extent of the issue that we are facing at the moment.

I do not know whether Laura wants to add anything on that point.

Dr Laura Janes: I absolutely agree with everything Pippa has just said, as I usually do, but I just want to add that the discrimination issue is really pertinent here. Not only are 40% of children in custody on remand; about two-thirds of those who are on remand are from black and minority-ethnic communities. If we want to sort out that disproportionality, that racism in the system, we really need to grapple with the remand situation.

The proposals are welcome, as Pippa said, and we are very pleased about them, but they have to be the beginning of the story, not the end. At the Howard League we regularly represent young people who are on remand because their local authorities have not found them a suitable package in the community.

We are conscious of the fact that we are in difficult times, but I spoke to a child not so long ago who told me that his social worker had said that he was better off in custody. We challenged that, and he got bail within a week.

This package needs to be accompanied by cultural and practical change on the ground, particularly if we are to deal with the disproportionality and discrimination issues within it.

Q10 **Joanna Cherry:** I want to ask you both whether you think that the United Nations Convention on the Rights of the Child should be incorporated into domestic law and how that would affect the rights of

children caught up in the criminal justice system.

We know that there has recently been an attempt to incorporate it into domestic law in Scotland—a Bill was passed earlier this year. We are not supposed to talk about ongoing cases in the committee, but a challenge to that Bill was heard in the Supreme Court yesterday. I think it is fair to say that the challenge is not to the idea of incorporating the Bill; it is to whether the incorporation has strayed into reserved matters. One part of the United Kingdom is trying to do that, but I am interested in whether you think we should try to do that across the UK, whether you think that would be a useful exercise, and how it would affect the rights of children caught up in the criminal justice system.

Pippa Goodfellow: Thank you for this question—it is a really important one. It would be a really important and welcome development in creating mechanisms for the state to be held to account. Much of our discussion today has been about some of the issues where we can see that children's rights are not being upheld and are being actively discriminated against by elements of the youth justice system.

As recently as 2018, the then Under-Secretary of State for Children and Families spoke about the Government's commitment to the UNCRC and the pride in having signed it. If that is the case, the question for the Government is why they would not want to sign something that they have pride in our having signed up to. It would send a really positive message to children, and it would give all those who are working in the best interests of children additional tools and mechanisms by which they could make sure that their rights were upheld.

Dr Laura Janes: Once again, I of course agree with Pippa. Rights are, of course, only any good if they can be enforced. The YJB is now very strong on the child-first policy—it is very important, and that is at the heart of the UN Convention on the Rights of the Child. I often do workshops with children in custody and secure settings, and I tell them about the rights in the convention, but of course it feels so awful not being able to show them exactly how they can be enforced directly right now.

At present, we have to do this sort of legal dance, whereby we have to find an article of the European Convention on Human Rights that bites and we then have to interpret it through the lens of the UN Convention on the Rights of the Child. That is too convoluted and, just as to incorporate would send out the right message, this sends out the wrong message. If we are serious about children's rights and best interests, we should enshrine it in our law. That would send a strong message to show that we want those rights to be practical and effective, and not theoretical.

Chair: Thank you very much indeed. We are grateful to Danielle Manson for giving evidence to us earlier, and to Laura Janes and Pippa Goodfellow. You have really helped our deliberations about this Bill; indeed, you have provided us with some issues that we can take forward and raise with our next panel of witnesses. Thank you very much for

giving evidence to us.