

# Devolution of Youth Justice and the Youth Court in Wales

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# Background

- Current state of play with devolution of youth justice
- How consultation came about
- Why youth court is a particular issue...
- How consultation conducted
  - Amongst youth justice practitioners
  - Aberystwyth, Bangor, Cardiff
- What are the next steps?

# Structure/Plan

- Present results of consultations
- Noting positive practice but focusing on areas for development
  - Key issues:
    - Working relationships around court
    - Broader relations with statutory partners
    - Young people and their families: participation and engagement in Youth court
- Some possible avenues for change?
  - Governance of youth justice
  - Developing legal expertise
  - Youth courts as problem-solving courts?

# Working relations around court

- Generally positive relations of trust and confidence between magistrates and YJS teams
  - Key: good local communications
  - Often built around training for magistrates delivered by local YJS teams
- Areas for development
  - Transparency to magistrates of pre-court decision-making
  - Need for specialist youth scrutiny panels
  - Complexity and geographical variability of availability and use of different interventions
  - Saturday courts: disruption of key relationships
  - Consistent engagement by all stakeholders with court user groups

# Pre-trial relations: lawyers and police

- Structural issues in pre-trial process impeding the operation of Children First strategies from point of arrest
  - Delay in cases getting to court
  - Inappropriate cases getting to court...
    - Variable access to timely effective support in police station (lawyers and AAs)
    - Difficulties in lawyers' capacity to achieve timely engagement with key decision-makers (Custody Officers and CPS)

# Legal expertise

- Recurrent problems with legal expertise identified
  - Much youth justice work (both D and P) still done by non-specialists
  - Specialist training and accreditation not required
    - 'Self-accreditation' only for barristers
  - Discussions ongoing but professions reluctant to embrace mandatory accreditation

# Broader partnership relations

- Significant variability in engagement with broader statutory partners
- Linked to variability in financing and governance arrangements
  - Some YJS reported having resources that others did not
  - Where YJS sits within LA institutional structures is variable
  - Differences in membership of YJS Management Board
- Structural problems which may need coordinated national response
  - School policy on exclusions and management of pupil referral units
  - Suitable placement and remand accommodation

# Participation and engagement

- Magistrates generally seen as committed to promoting understanding by adapting tone and language
- But YP and their families still struggle to contribute in court
- Quality of pre-court dialogue critical to quality court dialogue
  - Good (localized?) practices identified
- But remaining challenges
  - Variability in suitability of physical spaces
  - Practical issues around waiting for cases to come on
  - Number of YPs being dealt with before an unsuitable Crown Court

# Some possible responses?

- Reforming governance of youth justice in Wales
  - Constructing stronger levers of national influence?
- Developing legal expertise
- Piloting youth courts as problem solving courts?
  - Possible pros and cons

# Reforming governance of youth justice in Wales

- How to retain the strengths but reduce weaknesses of localized and coordinate governance?
- Limited reach of hierarchical direction has promoted good deal of mutual accommodation and respect between agencies and institutions (even co-production)
- But much evidence of variable local practice based on contingency and happenstance rather than identified distinctive local needs
- If devolved delivery remains with LAs, how to construct effective national levers of influence?
  - Fleshing out constitutional responsibilities
  - A national 'Welsh Justice Board' with enhanced steering capacities
  - Political authority of WG as resource to promote agreed solutions to problems of coordination across agencies

# Developing legal expertise

- What is the required policy response?
  - Expanding training opportunities
    - Who should pay?
  - Making training and accreditation mandatory
  - Should the aim be to concentrate available revenue on smaller number of more specialist lawyers?
  - How to avoid the danger of advice deserts?
  - Balance between barristers and solicitors

# Problem-solving courts

- Mixed reactions in consultation
- Potential perceived by some practitioners
  - Enriching dialogue between magistrates, YP and family
  - Calibrating support over time
  - Calling agencies to account over quality of support provision
- Reservations both principled and practical
  - Do we want to move focus and resources to problem-solving after conviction and trial?
  - Resources: magistrate and lawyer time
  - Terminology and presentation: whose 'problems' are we talking about ?

# Instead of conclusions

- Summary
  - Fairly consistent images across consultations
    - Both strengths and areas for development
  - Broad commitment to Children First principles across practitioner groups
  - But variable delivery across Wales
  - How to construct effective levers to promote consistent system-wide Welsh practice
- Last words
  - Boosting the standing of Youth Court
  - Need for national data
  - Opportunity to model change for the UK