

the Howard League for Penal Reform

Criminal Justice and Courts Bill, House of Commons Committee Stage Secure Colleges and child welfare (Schedule 4) March 2014

Introduction

The Criminal Justice and Courts Bill (the Bill) legislates for the introduction of secure colleges (SCs) as a form of youth detention. Construction of a 320-bed, £85million “pathfinder” SC will begin next year. We are concerned about the ability of large custodial institutions to ensure that children are safe, well cared-for and that their needs are met. We believe it is important that SC custody officers have a duty to assess and promote the best interest of detained children.

Please support amendment 34

Amendment 34 – Places a duty on SC custody officers to assess and promote the best interests of detained children:

Schedule 4, page 75, line 14, at end insert—
'(e) to assess and promote their best interests.'

Rights and welfare

- Article 3 of the UN Convention of the Rights of the Child (UNCRC) sets out that, “in all actions concerning children... the best interests of the child shall be a primary consideration.”
- This provision is reflected in legislation regulating the treatment of children in various contexts.¹
- As per Article 3 UNCRC, the best interests of children in custody should be a primary consideration in all matters affecting them.
- In 2010 the government made a commitment to have regard to children’s rights when developing law and policy affecting children.
- Schedule 4 (8) of the Bill sets out that an SC custody officer must “attend” to children’s wellbeing, which is not as strong as the duty to “ensure” good order and discipline.
- We would like to see a stronger duty to assess and pursue each child’s best interests in the Bill.
- This would be in line with the UNCRC and the Government’s 2010 commitment.
- **Please support Amendment 34 which places a duty on SC custody officers to assess and promote the best interests of detained children.**

The contents of this document do not necessarily reflect the views of all member organisations of CRAE and the SCYJ.

¹ e.g. S.1 of the Children Act 1989; and S.55 of the Borders, Citizenship and Immigration Act 2009