During the debate on the Howard League’s Commission on English Prisons Today on Monday 22 February you raised the issue of custodial sentences for young people (Official Report, cols. GC205—GC206).

I should underline that the Government’s firm belief and policy remains that placing young people in custody must be the last resort.

We are committed to working towards a reduction in the number of all under-18s in custody. Our work has borne fruit: the last 18 months have seen a reduction of over 25% in the under-18 custodial population. Even allowing for the seasonal dip at the end of the calendar year, that is a very substantial reduction.

Just as it would be wrong to exaggerate the scope of the problem presented by persistent offending by those aged 10-14 or under it would be wrong to ignore the serious impact it can have on victims, often other children. The courts must have appropriate powers to deal with serious offending where they deem non-custodial penalties insufficient. As such, and following sustained public interest, the Secure Training Order was introduced in 1998 under the Criminal Justice and Public Order Act 1994. That Order was replaced with the Detention and Training Order in 2000.

The 550% increase in custody for 10-14 year olds quoted in Paragraph 1.14 of ‘Do Better Do Less: the report of the Commission on English Prisons Today’ relates to the year 2006, since when (according to the latest figures available: those for 2008) the same measure has reduced by just under 25%. You may also wish to know there are currently no 10 year olds in custody and only one individual aged 11; the increase (which was foreseeable when Parliament passed the 1994 Act) therefore in all likelihood relates only to those aged 12-14.

As we strongly believe that custody for under-18s should be reserved for those from whom the public needs protection we have expanded and strengthened the range of non-custodial sentencing options available to the courts.
The Youth Rehabilitation Order ("YRO"), which came into effect on 30 November 2009, is the new generic community sentence for young offenders. It provides a court dealing with a young person a range of 18 different types of requirement it can attach to an Order. Where a young person is at risk of going to custody, a YRO with an intensive supervision and surveillance or intensive fostering requirement will be available to the court as a robust alternative. Courts may use the YRO on more than one occasion if necessary, attaching requirements as appropriate to deal with the offending behaviour and to prevent further offending.

I am copying this letter to those who spoke in the debate and placing a copy in the Library of the House.

Yours,

WILLY BACH