

Your rights to be heard when you are in contact with the police and the courts – a guide for children and young people in England

This guide helps you know your rights to be heard and taken seriously if:

- ✓ You have been stopped by the police
- ✓ You have been arrested
- ✓ You have been charged with committing a crime
- ✓ You are in contact with a youth offending team
- ✓ You are due to appear in court
- ✓ You are spending time in custody.

General rights

- You should be treated with respect at all times
- You should be consulted and your views taken seriously whenever decisions are made about you
- You should not be treated unfairly because of your race, sex, any disabilities, your religion or beliefs, your sexual orientation or your transgender status.



The law says that a child under the age of 10 in England cannot understand the full consequences of committing a crime. Once a person reaches the age of 10, they can be arrested and made to go to court. In other European countries, children and young people are not arrested or dealt with by the criminal courts until they are 15 or 16, and sometimes 18.

Contact with the police

Your protection

The police investigate crimes committed against children and young people. They give evidence in court when a child or young person has been a victim of crime. They take children to a place of safety when they are in danger. (If this happens, the police will get a parent or social worker to come as soon as possible.)

If the police take you into protection, they should find out your wishes and feelings as soon as possible.

If you are stopped by the police

1 If you are aged between 10 and 17 years, and the police stop you in the street and ask what you are doing or ask for personal information (for example your name or date of birth), they must:

- Tell you why you have been stopped
- Tell you their name and badge number
- Give you a copy of the form they used to record information about you.

2 The police cannot search you without your permission. They can only use force to search you as a very last resort.

If you are arrested

1 You have the right to have a family member or some other adult told about where you are. You might not be able to speak in private on the telephone.

2 If you are aged 16 or under, the police must ask an appropriate adult to come and see you and to be with you in an interview or other procedure. An appropriate adult can be a parent, a social worker or an adult volunteer. A person who works at the police station cannot act as an appropriate adult. You can talk to the appropriate adult in private but they can share some information with the police or the courts without your permission. They do not give legal advice.

3 You have the right to a lawyer and to speak to him or her in private. Your lawyer should explain things in a way you understand. He or she should listen to you, give you advice and follow your instructions. Lawyers must always get your permission before sharing information about you.

4 The police must get an interpreter for you if you need one.

5 You have the right to remain silent when you are arrested, when the police interview you, and when you go to court. However, if you remain silent a court may view this badly. Your lawyer should advise you about this right.

Reprimand and final warning

If you agree that you have committed a crime and you have never been in trouble with the police before, the police might give you a reprimand. This means you will not have to go to court. You will have to go back to the police station at a later date.

If you commit a crime a second time and you admit you did it, the police might decide to give you a final warning. This is instead of sending you to court. You might have to see someone from the youth offending team.

Going to court

If you are going to court, you should always have a fair trial. You should:

- Know and understand what you are being accused of
- Have the chance to give information and ask and answer questions
- Be able to understand what is going on
- Have a lawyer who explains things well and who understands what you are saying
- Be able to concentrate and have breaks when you need them (this will depend on your age and understanding)
- If you are found guilty, the court might ask the youth offending team to write a report about you before sentence. You should be asked your views on the offence, and your life generally. You should have the chance to give your views on the report when it is finished.

Referral order

If the court gives you a referral order, you will have to attend a youth offender panel. The youth offender

panel is a group of usually three people (two adult volunteers and one youth offending team person).

The panel will hear from you, and learn more about your life. It will make an agreement with you – this must be written in a way you can understand.

Other sentences

Some sentences that the court can make involve paying a fine or keeping out of trouble for a period of time. But other sentences will mean you will have to work with the youth offending team. You can tell them about what might keep you out of trouble and what you need to happen to help you. They should listen to what you say and take your views seriously but you must keep to any conditions the court has made. If you cannot keep to any conditions you should let the youth offending team know why.

In custody

Children and young people sentenced to custody can be sent to one of three places – a young offender institution, a secure training centre or a local authority secure children's home. Wherever you are sent, you should be treated fairly and with respect.

- 1** You should receive information about the rules very shortly after you arrive.
- 2** Staff should take your views seriously and involve you in making and reviewing plans about you, including about what will happen on release.
- 3** You can contact ChildLine if you need someone to talk to. Advocates from Barnardo's and Voice visit children and young people in custody – their job is to make sure your rights are understood and followed. You have the same rights to be protected from abuse and other bad treatment as children and young people living at home.
- 4** You should be told when an inspection is taking place and you may get the chance to speak with an inspector or be given a survey to fill out.

For more information or support:

- NSPCC ChildLine, freephone **0800 1111**; www.childline.org.uk
- Children's Rights Alliance for England **You've got the Right** advice line, freephone **0800 32 88 759** between 3.30 and 5.30pm, Tuesday to Thursday; www.crae.org.uk/protecting/legal-advice.html
- For help relating to being in or leaving custody, Howard League for Penal Reform advice line, freephone **0808 801 0308**, between 11 and 5pm Tuesday and Wednesday and Thursday between 11 and 7pm; www.howardleague.org
- To speak with an advocate, children and young people in custody at a young offender institution (YOI) in London, the South East and South West of England, or Medway secure training centre (STC), can contact Voice's helpline on **0808 800 5792**; www.voiceyp.org
- Advocacy services for children and young people in custody in the rest of England are provided by Barnardo's. Children and young people in a YOI in the East of England, the East and West Midlands and Oakhill and Rainsbrook STCs, freephone **0808 168 2695**; those in Yorkshire and the Humber and the North East and North West of England, as well as Hassockfield STC, freephone **0808 168 2694**; www.barnardos.org.uk
- See our other guides on your right to be heard and taken seriously by:
 - Children's services
 - Health services
 - Schools.

The Children's Rights Alliance for England and Participation Works are not responsible for any information or advice you receive from other organisations.

This guide was written by the Children Rights Alliance for England for Participation Works. All information was accurate as of August 2008. Legal references are included in the Participation Works summary of all four guides. Download all documents from www.participationworks.org.uk

The Law Society's website gives the contact details of children's lawyers in England and Wales: www.lawsociety.org.uk/choosingandusing/findasolicitor.law



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