

Request 1

Can you identify reforms that show evidence of positive outcomes, including reductions in children's and young people's involvement in youth justice and child protection systems, either in Australia or internationally?

Response

Children in custody

There has been a steady reduction in the [population](#) of children in custody in England and Wales. Between 2000 and 2009, there was consistently between 2,500 and 3,000 with its highest point in October 2002 of 3,200. In January 2024, there were 397 children in custody despite a rise in the population. More information on children's routes through the youth justice system is available [here](#).

One consequence of this has been a concentration of children with extremely high needs in the children's secure estate. The CCo has expressed repeated concerns about conditions and safety for children in these settings and is pushing for the Ministry of Justice to adopt a new model of secure care.

Family Review: Family contact in youth custody

A new vision for secure care

Recommendation 18: The MoJ should urgently accelerate progress towards its ambition to close all YOIs, as recommended by the Independent Care Review, and replace these settings with new 'Secure Schools' or Secure Children's Homes. The first Secure School in Kent should be opened as a priority, to provide a more appropriate alternative for children currently detained in YOIs.

Recommendation 19: The MoJ, the Department for Education (DfE) and the Department for Health and Social Care (DHSC) should convene around a joint strategy to develop integrated, secure therapeutic care for children entering the justice, mental health and welfare systems, as well as children placed under a Deprivation of Liberty (DoL) Order by the Court where needed.

Recommendation 20: The central Government body responsible for children in custody should sit within the DfE. The DfE should pursue procurement options for additional Secure Schools or Secure Children's Homes, as needed, to address shortfalls in local and high-quality provision.

Concerns about youth custody settings:

- [Urgent change is needed in England's young offenders institutions, says Children's Commissioner | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)
- [Children's Commissioner's concerns about Cookham Wood and children in custody | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)
- [Children's mental health in secure settings | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)
- [Visit to Oakhill Secure Training Centre | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

In 2016, the current Chief Inspector of Prisons, Charlie Taylor, completed the well-respected [Taylor Review of Youth Justice](#). A key recommendation was the transition to the new model of education-first custodial settings, called Secure Schools.

The Ministry of Justice [accepted this recommendation](#) and will be opening the first Secure School in Medway, Kent later this year. Oasis Restore Secure School will be run by the charity arm of the multi-academy trust, Oasis.

Evidence-based reductions in violence

The [Youth Endowment Fund](#) was established in 2019 as an independent charitable trust with the funding and support of the Home Office to prevent children and young people becoming involved in violence. They act as a funder of good work to reduce violence and also support the evidence base for interventions that work. Among other resources, they have created the [YEF Toolkit](#) of evidence-based interventions to reduce youth violence.

Based on the success of the [Violence Reduction Unit model](#) in Glasgow, a public health model has been trialled in 20 areas of England and Wales. Last year, the Government [evaluated the model](#) and found encouraging evidence of good progress including statistically significant reduction in more serious forms of violence has been achieved for the last year. A number of universities have partnered to support their own evaluation of violence reduction models – more information is available [here](#).

Request 2

In Australia the media are daily publishing images sourced from police body-cams, CCTV, social media and iPhones. Here the faces are usually blurred, but the frequent publication of such images of

children, who have not been convicted of any crime, serves to feed the public sentiment that youth crime is 'out of control', and encouraging vigilantism.

And for those young people who are motivated by the notoriety of such publication in social media and by traditional media outlets, this is actually serving to encourage more crime!

In my view the regulations have not kept up with the recent proliferation of police body-cam footage, CCTV and iPhones, and a review is needed. Do you have information from the UK and other countries that would assist us?

Response

The Children's Commissioner's office does not have a very established position on the publication of children's images by the media or police, other than that we would strongly oppose any publication that impacted a specific child's welfare, or that created or perpetuated negative views about children.

Media

There are well-established restrictions and conventions on reporting around youth justice -these are contained in section 39 of the [Children and Young Persons Act 1933](#). The well-known case of the murder of Jamie Bulger caused a national conversation about the media portrayal or identification of children convicted of serious offences. Recently, two children convicted of the high-profile murder of a third child were [named in the press](#) - this was seen as an exceptional decision by the judge.

College of Policing, [APP: Engagement and communication \(Media relations\)](#)

There are several automatic reporting restrictions that are statutory exceptions to the open justice principle, including the following.

- *The media is prohibited from identifying the name, address or school or any matter that is likely to identify a child or young person involved in youth court proceedings, whether as a victim, witness or defendant. Where a young person is tried in an adult court, no automatic reporting restrictions apply.*

The portrayal of youth crime has not received a lot of attention by the media or policymakers recently, though this was a major media narrative late under the Coalition Government ('hoodies', 'chavs', etc) and after the London Riots in 2011.

Since circa 2017, there has been a large media focus on serious violence affecting young people ('knife crime'). This disproportionately affects Black children in cities such as London. Violence reduction efforts

have looked at social media/media portrayal of knives and violence and the impact on knife carrying – e.g., [here](#) and [here](#).

Data protection

Generally, the UK has a strong data protection regime. In the UK, personal information such as photos are covered by two key pieces of legislation. Blurred photos would likely be considered anonymous information, to which a different standard is applied.

- [UK GDPR](#): Landmark EU legislation on data protection that has been incorporated into UK law.
- [Data Protection Act 2018](#): The legislation incorporating UK GDPR and making additional data protection provisions.

The intent of the UK GDPR regime is to give people control over how their data is used, and to impose strong duties on data controllers around the collection, storage, sharing, and retention of data against the principles of lawfulness, fairness and transparency.

The data protection regulator, the [Information Commissioner \(ICO\)](#), publishes codes of practice that includes key principles for data protection for children.

- [Age appropriate design: a code of practice for online services](#): This is the key children's code for the use and sharing of data.
- [Data sharing code of practice](#): Under UK GDPR, all sharing of children's personal data requires extra care and must consider the best interests of the child.

Policing

The police are able to share personally identifying information when there is a clear policing purpose to do so (legitimate aim, lawful, necessary and proportionate).

Law enforcement information sharing is covered by a separate but complementary framework to the UK GDPR in Part 2 of the Data Protection Act. In addition to the two ICO codes of practice above, there is also:

- College of Policing, [Code of Practice on police information and records management](#)
- College of Policing, [APP: Engagement and communication](#)

National Police Chief's Council, [Advice to assist decision making on the public release of Body Worn Video \(BWV\) footage](#)

Sharing BWV material with the media

Footage/images of individuals may be released to the media for a number of reasons, including tracing wanted suspects, locating people who have escaped or absconded from custody and post-conviction demands for information.

The decision to release BWV footage must always be proportionate, necessary and for a legitimate purpose. Any release must include consideration of the subject's human rights, taking into account the offence committed and the subject's right to privacy under Article 8 of the Human Rights Act.

If the subject is charged with a criminal offence, then, contempt of court issues must be considered.

Where the subject of the release is a child, additional consideration must be given to their age and the long term implications of the release, as recognised in the United Nations Convention on the Rights of the Child (UNCRC).

Releasing footage/images to the media outside the judicial process is an operational decision for the senior investigating officer who should record his/her decision in their decision log.

If the release is required to identify suspects in an investigation, then PACE code D identification processes apply.

Where footage/images are released in order to identify suspects, they must be edited to remove personal data relating to any persons shown in the recording whose identity is not sought.

BWV may be released for journalistic purposes, for example a heroic act, to serve an educational purpose or to raise awareness of a particular issue. The release must be proportionate, necessary and for a legitimate purpose, and any decision to release made on a case by cases basis.

BWV images must be shared in accordance with data protection legislation and any local force policy/guidance. All decisions to release images and the reasons for doing so should be

recorded, along with any risk assessment. Records relating to the release of images as part of an investigation may be subject to disclosure under the CPIA

There have been issues around the use of body-worn cameras by police – e.g., [Police officers widely misusing body-worn cameras - BBC News](#).

In response to ‘citizen journalist’ and bystander videos of police interactions being published on social media, the National Police Chief’s Council have clarified that legitimate policing aims of sharing videos can be to reassure public confidence in policing: [NPCC Advice on the public release of BWV footage](#).