

# An Introduction to Youth Court

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## Context

Young people in conflict with the law are increasingly being recognised as a distinct cohort, requiring a tailored justice approach within Scotland. Recent years have seen a number of court-based pilots for young people established and evaluated in different parts of the country, with varying levels of success. Examples can be found [here](#), [here](#) and [here](#).

Changes to the judicial landscape have also taken place via the introduction of [new young person sentencing guidelines](#) in early 2022; these apply to those under the age of 25 at the date of their plea of guilty, or when a finding of guilt is made against them. Most recently, the [Children \(Care and Justice\) \(Scotland\) Bill](#), as introduced, contains important provisions aimed at safeguarding the welfare and safety of those involved in criminal proceedings.

## Factors Affecting Young People's Experience at Court

The literature recognises a number of factors or dynamics that can affect young people's experiences when at court. These have frequently included:

- **how well prepared they are for their court appearance** (see [here](#) and [here](#))
- **how the courtroom is configured or arranged** (see [here](#) and [here](#))
- **the extent to which they understand the language being used** (see [here](#) and [here](#))
- **the extent to which they can meaningfully participate in proceedings** (see [here](#) and [here](#))
- **how well they are supported** (see [here](#)).

## A Recent Innovation: The Glasgow Youth Court

The Glasgow Youth Court is a judicially led initiative, which has been supported by Glasgow City Health and Social Care Partnership (GCHSCP); it has been operational since June 2021. Functioning within the Glasgow Sheriff Court, it covers those aged between 16 and 24 years old.

Where the presiding Sheriff is satisfied, the Glasgow Youth Court caters for the use of Structured Deferred Sentencing (SDS), which combines multi-disciplinary intervention and support in the community, with regular court reviews to monitor and encourage young people's progress.

CYCJ recently carried out research into the workings of the Glasgow Youth Court. The research – building on key themes within the existing literature (see above) – sought to: understand the implementation, design and operation of the Youth Court; evaluate data relating to Youth Court outcomes; and evidence how the Youth Court is experienced by a range of key stakeholders. Key findings from the research can be found at: <https://www.cycj.org.uk/resource/glasgow-youth-court-full-report/>

## Practical Learning to Inform the Development of Youth Courts

From this research, a series of practical learnings or considerations have been identified, which may potentially assist stakeholders who are either considering, in the process of developing, or currently operating a Youth Court:

- The views of young people should be gathered and used to help inform the development of future Youth Courts.
- To assist with preparing young people for their appearance at Youth Courts, consideration should be given to the use of resources such as pictorial leaflets, videos, and animations in order to aid their understanding of what to expect.
- Careful deliberation should be given to the layout of Youth Courts, particularly relating to:
  - the size of the courtroom being used. For example a smaller courtroom offers better acoustics, with less distance between individuals. This can have an important knock-on effect for participation and understanding.
  - what clothing is being worn by professionals. For example, consideration should be given to the necessity of wearing wigs and gowns.
  - where individuals are seated. For example, it is preferable for a social worker to be beside the young person, or at the table.
  - direct lines of vision.
- Noise disruption should be minimised and the young people's ability to hear proceedings routinely checked.
- Consideration should also be given to the appropriateness of positioning young people outwith the dock when appearing at Youth Courts (where there are no immediate safety implications).
- Closed courts should be considered, to ensure young people's privacy is protected – especially given the emotional distress a lack of privacy can cause.
- The language and actions of all professionals in Youth Courts should change to accommodate and meet the purpose of the Youth Court. Additional training should be considered in order to accomplish this.
- Every effort should be made by all those present in Youth Courts – for example, Sheriffs, clerks, procurator fiscal, defence agents - to use clear and simple language throughout proceedings, which can be easily understood by the young person.
- Meaningful opportunities for young people to directly participate in proceedings - if they so desire - should be enabled within Youth Courts.
- The implementation of Youth Courts should be closely monitored to ensure that there are no unintended consequences, for example drawing young people into the system or retaining them in the system for longer than necessary.

**For further info/support contact CYCJ on 0141 444 8622 or [cycj@strath.ac.uk](mailto:cycj@strath.ac.uk)**