

Thursday, 26 July 2007

Press release

Howard League hails Court of Appeal victory

The Howard League for Penal Reform has today (Thursday, 26 July) secured an important Court of Appeal decision which means that from henceforth local authorities will have to look after children who leave custody. The judgment will impact on thousands of children every year.

Three Law Lords, including the Master of the Rolls, heard the case. The judgment was given on the claimant's 18th birthday – so that care and support will now be provided throughout her teen years.

J, the girl at the centre of this case - who cannot be named for legal reasons - was sentenced to a 24 month Detention and Training Order (DTO) after committing an offence at the age of 15. The structure of DTOs is such that half of the sentence is spent in detention and the other half in the community under supervision. In addition, J was eligible for early release for good behaviour, under electronic monitoring.

Unfortunately, her parents rejected J and it was incumbent on her local authority, the London Borough of Sutton, to supply suitable accommodation and support once she left custody.

J initially contacted the Howard League for Penal Reform because no accommodation arrangements were in place before she served the community-based portion of her DTO. After pressure from our solicitors – and missing the opportunity of early release - J was sent to a hostel for homeless women, a wholly inappropriate environment for resettling a child.

Director of the Howard League for Penal Reform, Frances Crook, said: "The key question is: who is looking after children who leave custody? If their parents can't, or won't, then the local authority must.

"The girl in this case was estranged from her parents. She was vulnerable and had a history of neglect. As her release from custody approached, she had nowhere to go. By treating her as a homeless person, rather than giving her

access to children's services, the local authority left J to effectively fend for herself - putting both the girl and the public at risk.

“Today's judgment will help ensure that children who leave custody receive the care and support they need to make a success of their lives.”

Assistant Director and head of the legal team at the Howard League for Penal Reform, Chris Callender, said: “The courts have recognised that in this case the London Borough of Sutton sidestepped its duties into looking after children who leave custody, dumping the need to accommodate J onto the housing department rather than the children services department.

“The housing department was not equipped or resourced to deal with this girl. By failing to provide J with the care she was due under section 20 of the Children Act 1989, the local authority avoided the need to provide leaving care provisions that would have given J support until the age of 21.

“Local authorities across the country are failing to provide proper assessments and care plans for vulnerable children leaving custody. My legal team deals with cases on a daily basis where children are in danger of returning to precisely the same situations that led to their crimes and imprisonment in the first place.”

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Further information

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