

Preventing the drivers of youth custody

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Minister for Sentencing, Youth Justice and International, Jake Richards, speaks about the drivers of youth custody and the future of youth courts.

Good morning, and thank you.

We're here to talk about 'drivers of youth custody.'

The 'push factors' that can lead a child to committing a serious crime...

And to facing the consequences.

You all know the factors that can make a real difference.

It could be a disrupted education, untreated mental health problems, or criminal exploitation.

It could come earlier in life, in childhood trauma, family instability, or changes in early brain development.

Or it could be there from the very start of life, in undiagnosed neurodivergence, or being born in poverty or without a family.

And you all know that any of these factors, injustices in themselves, increase the risk that a child goes on to commit serious crime.

But when these drivers are so varied, when they can be unique to each child, and difficult to isolate, when they can stretch right back through a child's life, or even before...

Then what can you - as youth justice practitioners - do to prevent them?

What does success look like?

And how can we make sure we're trying everything possible to keep vulnerable young people on the straight and narrow?

You have already shown that we can do more to identify children facing those push factors, and to help them turn back from the brink, with great success.

That's why this government is extending the Turnaround programme.

Of which you have made such a success.

So we're investing £15 million a year to enable you to continue this vital work.

But we can do more to make sure that all government agencies are aware of these push factors and build that knowledge into their work.

That's why we're cracking down on child criminal exploitation, and updating the national protocol on the unnecessary criminalisation of children in care.

And we can do more to address the needs of vulnerable children at an early stage.

That's why we're investing in initiatives like the Young Futures Hubs, part of a unified national youth strategy.

But we should be careful that we never end up thinking it is inevitable that a child, faced with certain disadvantages, will end up as a serious criminal.

Twenty years ago, we might have thought that it was inevitable that around three thousand children would end up in custody. Today, there are around 450.

That reduction is thanks to you and your colleagues.

But I think we can do more.

For every one of those 450 children, there are others, with similar backgrounds and experiences, who did not end up in custody.

So we have to ask why?

The youth justice system is like a series of safety nets, designed to save children from falling further and further after that first 'push factor'.

But due to neglect and inaction, many of those safety nets are in need of repair.

And that's why many of the children in custody today, not because of inevitable push factors.

So we need to repair those safety nets.

And we're already taking action to do just that.

That's why we're extending and expanding our provision for early intervention.

It's why we're pushing for more effective out-of-court resolutions, requiring them to have a solid basis in evidence and targeted actions.

It's why we're strengthening the alternatives to custodial remand, by investing millions of pounds and changing the funding incentives.

And it's why we're reviewing the role of the courts.

You'll know better than anyone, the significant change in the profile and needs of children in the justice system over the past 25 years.

With more concentrated and complex needs, and more serious offences.

But, in that time, the youth court has barely changed.

I have heard again and again that too many children struggle to engage meaningfully with criminal proceedings.

That complex legal language, unfamiliar processes, and limited understanding of what is happening in court, can all undermine children's ability to participate in decisions with life-changing consequences.

And this problem is particularly acute for the children in the system with speech, language or communication difficulties.

This is not simply a question of fairness – it is fundamental to the effectiveness of court proceedings.

If children do not understand what is happening to them, or why decisions are being taken, how can they engage meaningfully with the process?

How can they be expected to comply with interventions or restrictions?

And what hope can we have for rehabilitation?

A system that children cannot understand is not going to change their behaviour or keep the public safe.

Each year, around 13,000 children are sentenced.

And despite the significant efforts of you and many others, around a third of these children go on to reoffend.

Our current approach is not working at the pace or scale required.

And if the problem is not addressed early on, the chances that a child's offending evolves into entrenched criminality only increase.

As does the chance that a judge sees little option but a custodial sentence to keep the public safe.

But currently, the youth court is not consistently delivering the tailored, flexible and needs-based response we know is required.

We must do better.

One of the biggest issues is quality of legal advice that children receive.

Both in police stations – where early decisions can shape future outcomes – and in the courtroom itself, this advice is often simply not good enough.

The Independent Review of Criminal Legal Aid concluded that children are let down by inexperienced lawyers of variable quality.

The review found that youth work is too often used as a 'training ground' for the newly qualified, rather than the specialist area it should be considered.

That's why this government introduced a new youth court legal aid fee scheme, providing an additional £5.1 million per year – around an 80% increase.

This new scheme better reflects the complexity, vulnerability and seriousness of youth cases.

And it was designed to attract and retain lawyers with the specialist knowledge and experience required to give children the quality of advice they deserve.

But there is more to do.

Despite the unique demands of the work, there is no mandatory training for defence lawyers

representing children.

District judges, magistrates, legal advisers and prosecutors working in youth courts must all undertake training.

But defence lawyers – the people directly responsible for representing and advising these children – are not required to meet equivalent standards.

This has to change.

So, we are working with the legal sector to develop new specialist training requirements.

And we are bringing together representatives from the different legal professions, to help raise the standards of criminal advocacy for children.

This Expert Advisory Group will be making their recommendations in the summer.

But there is more to do, because I know things can be better.

I would like to take a fundamental look at the function and purpose of criminal courts for children, starting from first principles.

And we should be ambitious in considering alternative approaches.

I was recently in Spain, meeting with officials and practitioners from their youth justice system.

I am always cautious when drawing comparisons internationally – we have different legal systems, different approaches to social policy, and different histories.

But I was struck by how their youth courts operate.

By the depth of involvement from the judges.

By their understanding of those ‘push factors’.

And by the continuity in the way they supervised and responded to the needs of the child.

So I see many other opportunities to ‘mend the safety nets.’

To prevent more children from falling through the gaps.

And to tackle those upstream ‘driving’ factors.

This government is ambitious about reforming youth justice.

And, in the coming months, we will publish our plan to do so.

But we must remember that there are a few children who may not be ready or willing to engage and change course.

And that the ultimate ‘driver’ of youth custody is a child committing a serious crime.

A crime that may have caused grave harm to innocent people.

So until they are ready to change, that child may still pose danger to others.

For those few children, custody may remain our only option.

But it must be a place that equips and supports them to make that change when they are ready.

But for the other children you work with, I believe that the steps we are taking to intervene earlier, to increase community remand provision, to make sure children receive the right advice, to design courts that respond to their needs, can all work to further reduce the custodial population.

And, in doing that, we can make sure that those few children who do require custody have the right space, support and tools to change for the better.

Thank you, and I look forward to your questions.

<https://www.gov.uk/government/speeches/preventing-the-drivers-of-youth-custody>