Children's Mental Health and Child-Friendly Justice

Seminar report



Committee on Social Affairs, Health and Sustainable Development Sub-Committee on Children





Children's Mental Health and Child-Friendly Justice

Seminar report

Organised by the UK Parliament in Portcullis House, House of Commons, London Monday 6 and Tuesday 7 November 2017 in co-operation with the Parliamentary Assembly of the Council of Europe

French edition: La santé mentale des enfants et la justice adaptée aux enfants

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BACKGROUND TO THE SEMINAR

Over the past several years, European and international organisations, including the Council of Europe, have expressed concern about the handling of mental health conditions amongst children¹ and about the child-friendliness of judicial procedures involving children as young offenders, victims or witnesses. Some Governments and NGOs have expressed the wish to improve both situations. Despite committed workforces and national and international awareness of problems, both child mental health and child-friendly justice services are regularly found to be inadequate and are not always conceived or implemented in the best interests of all children.

The London seminar was prepared by the Sub-Committee on Children within the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe and the UK Parliament in order to address issues relevant to these problems. Main organiser and host of the event itself was the UK Parliament, upon the initiative of Baroness Doreen Massey, long-standing member of the All Parliamentary Group on Children within her Parliament.

PURPOSE OF THE SEMINAR

The **main aim** of the seminar was to examine the accessibility to, and the effectiveness of, services in the areas of child mental health and child-friendly justice in a selection of European countries and to explore ways of improving policies in this area and in particular their impact on children.

This was to be achieved mainly through the following specific objectives and steps:

- input from experts, including young people having in-depth experience or knowledge, on the two key topics;
- intensive work in small groups of participants to explore issues raised by the experts and discuss experiences in these areas;
- ▶ the exploration of strategies for enhancing children's rights and well-being related to the key topics;
- the production of action plans for the implementation of strategies in selected European countries.

^{1.} A child is defined as any young person under the age of 18, according to the UN Convention on the Rights of the Child.

PARTICIPANTS

The event gathered together a range of participants (legislators, academics, practitioners and young people) around the two issues of **children's mental health** and **child-friendly justice**:

- Members of the Sub-Committee on Children of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe (PACE);
- Representatives of national and international organisations specialising in child protection and children's rights;
- Young Ambassadors who were members of youth panels of NGOs in the UK and a member of the Council of Europe Advisory Council on Youth;
- ► Academics and practitioners in the relevant fields.

The full list of participants can be found in Appendix I.

GENERAL PROCEEDINGS AND OUTCOMES

Chaired by Ms Stella Kyriakides, President of the Parliamentary Assembly, and facilitated by Baroness Doreen Massey, Chairperson of the PACE Sub-Committee on Children, the seminar involved an opening session with high-level representatives from the British parliament and government and the Parliamentary Assembly, followed by a series of alternating plenary sessions and working groups, before conclusions were presented on each focus topic around mid-day on the second meeting day. All participants actively contributed to the event and both days were marked by intensive discussions between participants of different backgrounds, including professionals and young people who reported on personal situations and experiences in a very courageous manner.

The detailed programme can be found in Appendix II.

OPENING COMMENTS

- ▶ The seminar was opened by **The Rt Hon John Bercow MP**, Speaker of the House of Commons who spoke of the importance of protecting children's rights and of involving children in any decision-making affecting their interests, and of the imperative for politicians to listen to the voices of children.
- Sir Roger Gale, Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe, welcomed participants to the House of Commons on behalf of the British delegation.

- ▶ **Ms Stella Kyriakides**, Chair of the seminar and President of the Parliamentary Assembly of the Council of Europe, thanked UK representatives for their welcome and hospitality. She encouraged open, respectful and transparent dialogue during the seminar and welcomed the emphasis on children's rights and the participation of young people.
- ▶ **Baroness Doreen Massey**, facilitator of the seminar and Chairperson of the Sub-Committee on Children of the Parliamentary Assembly, set out the proposed programme of the seminar and suggested ground rules such as no use of electronic equipment during the seminar, so as to encourage interpersonal attention and communication. These rules were agreed by all.
- Ms Jackie Doyle-Price, MP, Parliamentary Under Secretary of State for Health, gave examples of recent good practice being developed in the UK and emphasised the importance of empathy with young people.

EXPERT PRESENTATIONS

Keynote speeches were presented by two "pairs" of experts on the two focus topics, including, each time, an academic specialising in the subject matter and a young person reporting against the background of her personal experience:

Children's mental health

Professor John Coleman, President of the Association for Young People's Health:

- ▶ Some mental health issues have increased recently (for example self-harm), but one should take account of a new willingness to report on sensitive matters.
- Many school-age children struggle with mental health issues and the school curricula could help provide support with relevant discussions (for example in social education); these could be a basis for prevention programmes.
- ▶ In hospitals, lack of specialised services puts strain on emergency units.
- ▶ Many families have difficulties in addressing their children's mental health needs in an appropriate manner.
- ► Training youth advocates who have gone through difficulties themselves could be a means to help young people.
- ▶ The role of the media and specific interventions involving mental health in helping young people could be explored further.

Maryam Bi, Representative of Young Minds Youth Panel:

- Mental health has different social, cultural and religious aspects for example some cultures do not have a word for "depression".
- Care should be taken in matching help for young people in terms of gender, cultural origin and social background in order to encourage dialogue.

Child-Friendly Justice

Dr Tim Bateman, University of Bedfordshire:

- ▶ Spending on youth services generally has been reduced in recent years.
- ▶ The current youth justice system does not encourage child participation.
- Certain categories of young people require particular attention and support in youth justice systems. There is overrepresentation of minority ethnic young people involved in judicial proceedings in the UK.

Kelly Hitchcock, Representative of University of Bedfordshire Youth Panel:

- Child victims of sexual abuse may be disbelieved, under-supported, treated in an inappropriate and intrusive manner by police and degraded and stigmatised by the system.
- ▶ Men who abuse may not be sentenced.
- ▶ Child victims may not receive information about proceedings.

PROCESSES AND RESULTS OF DISCUSSIONS

The group divided, by choice (according to professional backgrounds and personal interests), into four small groups – two to work on **children's mental health**, and two on **child-friendly justice**.

The facilitators were:

Groups 1 and 2 (children's mental health): Jane Salvage/Hazel Slavin

Groups 3 and 4 (child-friendly justice): Michael and Aaron Hamilton/Jenny Pearce

The groups spent time on introductions, and agenda-setting before moving on to discuss:

- What is working well?
- ▶ What is not working well?
- ▶ What would different look like?
- Proposals for action

These discussions reported to the main plenary group. Ideas were presented on flipcharts and by members of the relevant group. The following emerged:

Children's mental health

What is working well?

- ► Good practice includes child participation in UK, such as "Article 12" or the "buddy programme" (in certain areas of the country).
- Services and helplines available and free at point of use (in UK).
- ▶ A number of professionals are very interested in ways to better support children and committed to this cause.
- ▶ UK is encouraging dialogue and mainstreaming the issue of children's mental health. There is a consensus on the issue, though more data is needed. Mental health awareness in the general public is increasing.
- ▶ In the Netherlands there is a systemic approach, e.g. via schools. In many countries, there is an integrated approach between services.
- In the Netherlands, one person (allocated by the judge) advocates for the young person throughout the process (in UK, finding a trusted person can be difficult).
- ▶ Policies are often good, but badly implemented. Desire for change is there.

What the young people say...

Catherine Hogan, 17, Barnardo's

"We are the ones under 18, and the system is responsible for us, not the other way around. It's the lack of recognition of the symptoms, signs and stigma of mental illness that prevents young people seeking help early on".

What is not working well?

- ▶ There is stigma attached to mental health problems, in particular for boys (less take-up of services, linked to higher suicide rate). Attaching "labels" to children with mental health issues can lead to self-fulfilling prophecies.
- Problems around consent and lack of consensus on treatment. (Lack of communication with child concerned; treatment neither child-centred nor participative). In some settings, deprivation of liberty and dignity.
- Problems of access: waiting lists. Number of counsellors for schoolchildren is not sufficient; in some schools, lack of support. Teachers (and parents) focus on academic attainment and miss early warning signs (e.g. eating disorders).
- Vulnerable groups such as LGBTl² children face particular difficulties which can lead to mental health problems. Lack of sensitivity for vulnerable groups/ cultural differences.

^{2.} LGBTI stands for Lesbian, Gay, Bi-sexual, Transgender and Intersex.

- ▶ There is not enough support for parents and/or siblings of children with mental health problems, including both psychological and financial support.
- Lack of uniformity owing to location/funding/qualifying requirements. Right balance to be struck between standardisation and service quality.
- Lack of coordination between professionals, schools, social workers, parents/carers.
- Questions about responsibility and accountability in the framework of privatisation of services.
- Social media (as a force for good or evil) are not sufficiently understood or harnessed, but are here to stay, so all players should take them into consideration as a source of certain issues but also of solutions.
- ► There is little prevention and "positive" information about mental health available (such as a "five-a-day" campaign to eat more fruit and vegetables... what can be done to "keep healthy" mentally as well as physically?)
- ▶ Little awareness that mental health problems can already develop in the 0-5 year age group.

What would different look like?

- Focus on primary prevention and early diagnosis including issues with addiction and linked to poverty.
- Managing to combine a multi-disciplinary approach with a single point of contact for children with mental health issues and their parents/carers. Better service integration.
- ► Taking into account different needs in different countries (screening/access/ quality of treatment).
- ▶ Timely access for everyone who needs help.
- ▶ Raised benchmark for mental health services to parity with physical health services.
- ▶ Better transitional care from child to adult.

Proposals for action

- ▶ Increase mental health literacy amongst the general public, sufferers and supporters: better mental health education for all. Regular awareness-raising campaigns throughout the year, also to de-stigmatise mental health issues.
- Allocate more funding to train enough professionals, including non-professional, voluntary carers for children.
- ▶ Focus on schools: a "whole" school approach from an early age, with peer groups, mentors and better transitions between primary and secondary schools and university. Teach "life skills" in schools. Access to well-trained school nurses and school psychologists.

- Raise awareness with professionals working with children, in particular teachers, on how to recognize mental health problems and how to deal with them.
- Make sure that children and young people are listened to and that their opinions are taken seriously in contact with professionals; to ensure this, add child participation and children's rights training to the curricula of professional education (for those professions working with children).
- Create a specific "co-management" system to ensure young people's participation in preparing mental health legislation and strategies based on a model of "structured dialogue on youth" involving ministers, parliamentarians and young people; in the long run, create and maintain meaningful forums where the voice of children and young people will be heard and can induce a change.
- At the point of delivery of services, provide interdisciplinary care with one single support relationship/interlocutor.
- The European Committee for the Prevention of Torture (CPT) at Council of Europe level should be encouraged to look at children's mental health institutions more carefully.

What the young people say...

Rebekah Nisbet, 19, Barnardo's

"It's been really exciting to be involved in the seminar, personal experience has made me really passionate about improving mental health services and this seminar will help with the implementation of our ideas. Hopefully our hard work will come to fruition".

Child-friendly justice

What is working well?

- ▶ Passionate and committed workforce: relationship-based work.
- Children's house model in Iceland for child victims of sexual abuse/exploitation ("one-stop shop").
- ► Austria: high-level of training for judiciary.
- ► France: family court system is based on multi-agency co-operation.
- Increasing use (Nordic states/Austria) of child-friendly and appropriate interview techniques, video-links, written statements.
- ▶ Intervention on both the child and the family environment.

What is not working well?

Some children are being "failed" by the current youth-justice system, in particular, but not only, refugee and "missing" children (impact of racism, stereotypes, etc.?).

- Children have problems accessing justice. Availability of right to vulnerable witness measures not routinely made known to children.
- ▶ A system designed for adults is being applied to children (problem with low age threshold (of 10 years in England, Wales and Northern Ireland/12 years in Scotland) for criminal responsibility in the UK).
- ▶ Higher level police are trained, but does not filter down to frontline.
- Lack of judicial accountability for taking children's views, rights and best interests into account.
- System that punishes rather than rehabilitates, undermines principles of child welfare and children's rights.
- ▶ Low level of awareness of child rights and how to exert those rights; children are being treated as objects not subjects.

What the young people say ...

Burphy Zumu, 22, Director of ClearView Research Ltd

"I believe that this seminar is a great first step that will allow the topic of child-friendly justice to be explored in great detail. Having people from different nations and organisations, with different experience coming together to give ideas that can be criticised openly to develop practical action points - this seminar has achieved a lot.

The seminar has been very informative and inspiring. I feel the next step is all this information should be presented in a seminar context to the actors of the justice system, i.e. barristers, solicitors, judges, police officers etc.

I say this because the legal system as it currently stands has a very adversarial culture, which is not child-friendly. The change in that culture will assist in the change of behaviour that will result in a more child-friendly system".

What would different look like?

- Systemic change which gives children and young people an equal voice (improved communication). Giving children the power of genuine agency (child rights/supportive context to communicate). Cultural change and legislative processes to go hand in hand.
- ► Seeing children holistically, sympathetically and emphatically, build a system around the needs of children ("pastoral" system).
- ► Take account of the fact that a child can be a child witness (e.g. of abuse/violence), a victim and/or an offender, or all rolled into one.
- Have a system based on concepts of justice AND fairness, which is victim-centred, equitable, legitimate, credible and trusted, a source of peace and order.

- Preventing re-victimisation of child victims/witnesses through trained interviewers in "one-stop-shop" Icelandic model, introducing due process at early stage in interview in order to address time delays.
- A system which puts the child in context and lets it "grow out of crime" (understanding/training on child development needed).

Proposals for action

- Improve legislation: better prevention and early intervention policies outside the formal youth justice system; access to properly-resourced support; improved family support.
- ▶ Higher age of criminal responsibility (16?). Elimination of custodial sentences for children and detention of child migrants and refugees. Diversion of children from the formal youth-justice system into multi-agency collaboration programmes with multi-systemic therapy. Create more stable relationships with support services through youth advocates. Youth justice to focus more on prevention and on best possible chances after having concluded youth sentences.
- Proper training of professionals such as police (first point of contact) by people who have been on "both sides" and understand the effects of youth justice, for example to avoid re-victimisation or cultural discrimination, and to improve communication with young people.
- ▶ Replicate the "children's house model" not just for child victims, but also child witnesses and child offenders, with the aim of better integrating justice and welfare for children and get all stakeholders to collaborate in a constructive manner for the child (instead of working against each other).

What the young people say ...

Ebinehita Iyere, 24, Peer Power

"Young people are experts by experience and their stories should be heard. Health and well-being within the justice system need to be at the top of the agenda to enable the development of a stronger society".

CLOSURE OF THE SEMINAR

The seminar ended on a "tour de table" during which all participants were invited to say in one sentence what they took away from the event. All participants agreed that both focus topics were significant for children's well-being and should remain high on political agendas. It was widely recognised that the participation of young people had represented a true added value to this event, that the format was worth being reproduced at future policy-designing events, and that young people were "experts by experience".

CONCLUSIONS

- ▶ The seminar was considered successful in bringing together a diverse group of participants to discuss important issues concerning children; in particular, the presence of so many young people was considered to have been vital to the quality of discussion and outcomes.
- ▶ Participants identified the following principles to be applied when preparing and taking action for children in mental health and judicial proceedings:
 - Young people should be consulted at all stages of development of policy and practice,
 - Diversity of culture, ethnicity, gender and ability must be considered,
 - Policies need to be implemented and action monitored,
 - Early intervention is particularly important.

Both issues discussed at the London seminar, children's mental health and child-friendly justice, should be kept high on political agendas over the upcoming years and action taken according to the detailed recommendations made in this report, in order to:

- strengthen legislation and policies,
- raise awareness of children's particular situations and vulnerabilities,
- benefit from children's experiences by stepping up child participation,
- build the capacities of professionals and institutions,
- increase resources of public and private agents.

APPENDIX I: FINAL LIST OF PARTICIPANTS

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE)

PACE Presidency

Stella Kyriakides

President of the Parliamentary Assembly (10/10/2017 – 21/01/2018) House of Representatives, Republic of Cyprus

Panicos Pourgourides

Secretary of the delegation of Cyprus to PACE, personal assistant to Ms Kyriakides

Sub-Committee on Children of the Committee on Social Affairs, Health and Sustainable Development

Baroness Doreen Massey

Chairperson of the Sub-Committee House of Lords, United Kingdom

Maryvonne Blondin

Senator

Senate, France

Margareta Budner

Senator

Senate, Poland

Jean-Pierre Grin

Deputy

National Council, Switzerland

Nina Kasimati

Deputy

Hellenic Parliament, Greece

Serhii Kiral

Deputy

Verkhovna Rada, Ukraine

Martine Mergen

Deputy

Chamber of Deputies, Luxemburg

Joseph O'Reilly

Deputy

Seanad Éireann, Ireland

Stefan Schennach

Deputy

Federal Council, Austria

Committee on Social Affairs, Health and Sustainable Development

Ionuț-Marian Stroe

Chairperson of the Committee (12/10/2017 – 22/01/2018)

Deputy

Camera Deputatilor, Romania

Reina de Bruijn-Wezeman

Senator

Senate, Netherlands

SPEAKERS

Tim Bateman

Lecturer in Youth Justice University of Bedfordshire

Maryam Bi

YoungMinds

John Coleman

Chairperson

Association for Young People's Health

Kelly Hitchcock

Bedfordshire University International centre, researching child sexual exploitation, violence and trafficking: Young Researchers' Advisory Panel

FACILITATORS

Aaron Hamilton

Operations Manager
One Health Lewisham

Michael Hamilton

Consultant

Share Think and Act

Jenny Pearce

University of Bedfordshire

Jane Salvage

Expert in nursing and health policy

Hazel Slavin

Health Promotion and Communications specialist

CHILDREN'S RIGHTS EXPERTS

Anne-Marie Douglas

Founder and CEO
Peer Power

Anna Edmundson

Senior Policy and Public Affairs Advisor Children's Rights Alliance for England

Bragi Gudðbrandsson

Director General

Government Agency for Child Protection of Iceland

Poppy Harrison

Head of Strategy & Safeguarding Governance Youth Justice Board for England and Wales

Caroline Hounsell

Director of Partnerships and Product Development Mental Health First Aid (MHFA) England

Regina Jensdóttir

Head of the Children's Rights Division Council of Europe

Almudena Lara

Head of Policy and Public Affairs
National Society for the Prevention of Cruelty for Children (NSPCC)

Colette McAuley

Chair of Social Work
University of Bradford

Katya Moran

Lawyer

Youth Justice Legal Centre

Debbie Moss

National Children's Bureau

Mieke Schuurman

Furochild

Lynette Shanks

Surrey Police

Neera Sharma

Barnado's

Helen Stalford

University of Liverpool

Tony Stower

National Society for the Prevention of Cruelty for Children (NSPCC)

Andrea Ugrinoska

Youth Advisory Council of the Council of Europe

Alice Victor

YoungMinds

Samantha Whyte

UNICEF

YOUNG PEOPLE

Victor Azubuike

Student (University of Warwick)

Freya Charlton

Barnardo's

Catherine Hogan

Barnardo's

Ebinehita lyere

Peer Power

Zaynah Mahmood

YoungMinds

Macey McMullen

Youth and Community Worker

Rebekah Nisbet

Barnardo's

Carla Paice

Barnardo's

Salma Perveen

Supporter of young people with mental health issues

Solomon Rose

University of Manchester

Anjali Saini

National Children's Bureau

Ceri Short

Barnardo's

Jack Smith

Peer Power

Kirsche Walker

Member of the Bedfordshire University International centre, researching child sexual exploitation, violence and trafficking: Young Researchers' Advisory Panel

Burphy Zumu

ClearView Research Ltd

PACE SECRETARIAT

Tanja Kleinsorge

Parliamentary Assembly, Council of Europe

Maren Lambrecht

Parliamentary Assembly, Council of Europe

Jannick Devaux (General Rapporteur of the seminar)

Parliamentary Assembly, Council of Europe

Greta Faggiani

Parliamentary Assembly, Council of Europe

Fatima Nouicer

Parliamentary Assembly, Council of Europe

UK DELEGATION SECRETARIAT

Nick Wright

Delegation Secretary of the United Kingdom to the PACE

Helena Ali

Senior Conference officer

Jonathan Finlay

Conference officer

APPENDIX II: PROGRAMME OF THE SEMINAR

TIME SCHEDULE AND SPEAKERS

Monday 6 November

8:30	Registration and coffee
9:15	Opening of the seminar The Rt Hon John Bercow MP, Speaker of the House of Commons
9:30	Welcome to seminar Sir Roger Gale MP, Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe (PACE)
9:40	Introduction to the seminar Stella Kyriakides, President of the Parliamentary Assembly of the Council of Europe (PACE)
9:50	Address Jackie Doyle-Price MP, Parliamentary Under Secretary of State for Health, Department of Health, UK
10:10	Group greetings and coffee
	Children's Mental Health
10:45	 Professor John Coleman, President of the Association for Young People's Health
	Maryam Bi, Representative of YoungMinds Youth Panel
	Child-Friendly Justice
11:15	Dr Tim Bateman, University of Bedfordshire
11.13	 Kelly Hitchcock, Representative of University of Bedfordshire Youth Panel
	Delegates form breakout groups:
	2 groups on children's mental health
	2 groups on child-friendly justice
	Young Ambassadors divided into each group
12:00	Introductions and agenda-setting in small groups

13:00	Sandwiches and networking in Portcullis House
14:00	Working in small groups
16:30	Plenary session: Sharing perceptions on the two topics
17:00	Close of day 1

Optional: visit to the Chambers of the Houses of Parliament

Tuesday 7 November

8:30	Arrival and coffee
9:30	Opening remarks: Chairperson and facilitator
10:00	Working in small groups: Development of action plans
11:15	Short coffee break
11:30	Plenary session: Sharing action plans
12:15	Chair's and facilitator's closing remarks
12:30	Evaluation
13:00	Farewells
13:15	Sandwiches (Optional)

ver the recent years, different European and international organisations, including the Council of Europe, and their member States, have regularly expressed concern both about the handling of mental health conditions amongst children and about the child-friendliness of judicial procedures involving children as young offenders, victims or witnesses. Despite committed workforces and increased national and international awareness of problems, both child mental health and child-friendly justice services are still regularly found to be inadequate and are not always conceived or implemented in the best interests of all children.

The London seminar was prepared by the Parliament of the United Kingdom in co-operation with the Sub-Committee on Children of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe in order to address issues relevant to these two areas. The main aim of the seminar was to examine the accessibility to, and the effectiveness of, services in the areas of child mental health and child-friendly justice in a selection of European countries and to explore ways of improving policies in this area and in particular their impact on children, including by consulting a number of young people acting as "experts by experience". The results of this consulting process are reflected in this publication.



The participants of the seminar organised by the UK Parliament in Portcullis House, House of Commons in London, on Monday 6 and Tuesday 7 November 2017, in co-operation with the Parliamentary Assembly of the Council of Europe.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. The Parliamentary Assembly, consisting of representatives from the 47 national parliaments, provides a forum for debate and proposals on Europe's social and political issues. Many Council of Europe conventions originate from the Assembly, including the European Convention on Human Rights.



