

Youth court solicitors good practice guide

8 March 2023

This section outlines what good practice looks like for solicitors practising in youth courts (defence and prosecution). You can use it to help:

- Meet your continuing competence obligations.
- Provide a competent service, as required by our Code of Conduct for Solicitors, RELs and RFLs.
- Explain to your clients what they can expect from you.

Firms with solicitors practising in youth courts can also use this section to help:

- Make sure their managers and employees are competent and have up to date knowledge and skills, as required by our [Code of Conduct \[https://contact.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/\]](https://contact.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) for Firms.
- Their clients understand what they can expect from solicitors practising in youth courts.

Knowledge and skills

A good youth court solicitor will maintain their competence by keeping their knowledge and skills up to date and applying them effectively in these areas:

- Youth justice law, guidance, and procedure.
- Engaging with children. This includes children with additional vulnerabilities such as child abuse, neglect, trauma, care status, ethnicity, gender, sexuality, neurodivergence and exploitation.
- Child development, childhood offending (and desistance) and prevalent issues affecting children in the youth justice system.

Awareness of background and needs

A good youth court solicitor will:

- Take active steps to find out whether the child they are representing/prosecuting has any developmental, communication, cognitive, emotional, medical, neurodiverse and/or mental health needs. Once needs are identified, with the child's consent, take appropriate action to address or make adjustments for these needs.
- Take active steps to understand the alleged offending behaviour in the context of the child's circumstances and background. This could include any cultural, educational, social or other personal issues affecting them.



- Understand the wishes and feelings of the child they are representing.
- Work effectively with other agencies, particularly the Youth Justice Service, to make sure effective safeguards are in place where appropriate.
- Know what diversionary processes are available locally and how to access them. This is to promote diversion where appropriate in the circumstances of the child, the offending behaviour and the local diversionary practices.
- Identify whether an intermediary assessment is needed and if so, apply for intermediary support.
- Present all relevant information about the child and their circumstances to enable the police, court and other statutory services to have regard to the child's welfare. This is alongside the principal aim of the youth justice system to prevent offending.

Communication and engagement

A good youth court solicitor will:

- Speak clearly and concisely, using plain language that is appropriate to the child's age and /or maturity, especially when communicating with a child defendant or witness.
- Adapt their communication to meet the needs of the child they are representing or questioning.
- Speak with the child they are representing or questioning for a period in line with their concentration level.
- Adapt their approach to build trust with the child they are representing.
- Make sure the child's views are effectively presented during proceedings and that the child has understood what is being asked about them or being asked of them. This includes the consequences of a criminal conviction and any sentence and/or order imposed.
- Work effectively with parents, guardians and supporting adults or appropriate adults.
- Treat children with respect and dignity.

Awareness of key organisations

A good youth court solicitor will:

- Work with statutory services and agencies, as well as third sector local and national organisations where it benefits the child they are representing or prosecuting.