

Jeannette



Home Office

Home Secretary
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Miss Joanne Kearsley
Area Coroner, Manchester South
Coroner's Court
1 Mounth Tabor Street
Stockport
SK1 3AG

10 June 2015



Dear Joanne,

Regulation 28 report: The inquest of Kesia Lena Mary Leatherbarrow

Thank you for your letter of 16 April and for sharing your findings in relation to the tragic death of Kesia Leatherbarrow. I take this case and the treatment of children and vulnerable people by the police extremely seriously and am committed to taking action.

Your report, sent under Paragraph 7 of Schedule 5 to the Coroners and Justice Act 2009 and Regulation 28 of the Coroners (Investigations) Regulations 2013, covered a range of matters and identified a number of concerns, some of which are the responsibility of other agencies. You will understand, therefore, that in this letter I will respond to the matters addressed directly to the Government for which the Home Office has responsibility.

17 year olds under Police and Criminal Evidence Act 1984

Your report sets out that PACE legislation should be amended so that 17 year olds are always treated as children. Following a review of the provisions concerning the treatment of 17 year olds under the Police and Criminal Evidence Act 1984, the Government has committed to changing the law to ensure that 17 year olds are treated in the same way as 10 to 16 year olds as soon as a legislative opportunity arises. In November 2014 we were able to work closely with the Ministry of Justice to use the Third Reading of the Criminal Justice and Courts Bill to make a partial change to the current provisions in PACE, specifically in respect to Part IV of PACE (including Section 38(6)), relating to police detention. The Criminal Justice and Courts Act subsequently received Royal Assent on 12 February and PACE has been changed to require 17 year olds, for the purposes of detention after charge, to be treated as 10 to 16 year olds in police custody and therefore be transferred

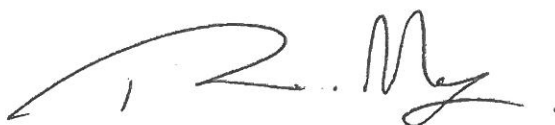
to local authority accommodation. Planning is underway to amend the remaining provisions of PACE which treat 17 year olds as adults, which I intend to include in the forthcoming Policing Reform and Criminal Justice Bill, announced in the Queen's Speech on 27 May 2015.

Transfer of children under Section 38(6)

Your report sets out that the provision of local authority accommodation is insufficient. As part of the work to extend Section 38(6) of PACE my officials became aware of issues concerning the operation of this provision. This is deeply concerning and in January the Secretary of State for Education and I wrote to local authorities in England reminding them of their absolute duty of care under Section 21(2)(b) of the Children Act 1989 to provide accommodation for children denied bail under Section 38(6) of PACE.

In March, the National Policing Lead for Custody wrote to all forces reminding them of their responsibilities to ensure that as few children as possible are spending time detained in police custody. I have commissioned the establishment of a multi-agency working group to better understand the issues and develop solutions. No child should be spending time in custody unnecessarily.

Every death is a tragedy, particularly in the very sad circumstances surrounding Kesia Leatherbarrow. This Government is committed to ensuring that children and vulnerable people more generally are treated appropriately, that police officers are more effective in spotting signs of distress, and that children are treated with dignity and respect.

A handwritten signature in black ink, appearing to read 'Theresa May', with a large, sweeping initial 'T' and 'M'.

The Rt. Hon Theresa May MP