



# Jennifer Twite

YEAR OF CALL: 2006



Jennifer has been involved in a number of high-profile cases involving the rights of children within the criminal justice system at all levels up to the Supreme Court. She also undertakes criminal appellate work including referrals to the Criminal Cases Review Commission.

She co-authored 'Youth Justice Law and Practice' and sits as a Deputy District Judge in the Magistrates' Court. She also regularly provides training to professionals on youth justice issues.

Jennifer has expertise in strategic litigation, having been Head of Strategic Litigation at Just for Kids Law for seven years before joining Chambers. She has led a number of successful campaigns involving the use of children as spies, children in police custody and reforms to the criminal record regime.

She has experience intervening in cases, as well as running campaigns and policy work alongside litigation.

Jennifer is a specialist in youth justice and children's rights. Her public law practice involves taking challenges regarding the disclosure of criminal

records, criminal-justice-related judicial reviews and community care.

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## ADMINISTRATIVE AND PUBLIC LAW

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Jennifer has been involved in a number of high-profile cases, primarily involving the rights of children. She has expertise in campaigning and media work alongside litigation and has given interviews on BBC News, radio and to other press.

Jennifer's work predominantly involves the rights of children, although her cases include those arguing discrimination, and other arguments under the Human Rights Act and Equality Act.

Many of her cases involve children or young adults involved in the criminal justice system, ranging from issues to do with the disclosure of criminal records, along with other data held on children to protect children from being publicly named. She was involved in the Supreme Court case which led to a change in the disclosure regime for criminal records and represented one of the girls who killed Angela Wrightson in her successful bid to remain anonymous.

Jennifer worked as a criminal barrister for a number of years and now sits as a Deputy District Judge in the Magistrates' Court. She, therefore, has a sound knowledge of the criminal justice system and acts in crime-related judicial review proceedings.

### NOTABLE CASES

#### ***R(P,G, W) v SSHD [2019] UKSC 3***

The landmark judgment in the Supreme Court, which heard three linked cases, found that the criminal records disclosure regime was unlawful, and, in the case of G, the disclosure of youth reprimands or cautions in criminal record checks was a breach of his rights under Article 8 ECHR. Jennifer litigated the case on behalf of G, a young man who had reprimands on his criminal record from when he was 12 years old.

[Supreme Court rejects government appeal on criminal records scheme - BBC News](#)

[Minor offences may stay secret after legal challenge fails | UK criminal justice | The Guardian](#)

Having won the case at the Supreme Court, Jennifer then led Just for Kids' further campaign and policy work, alongside Liberty and Unlock, in following up the decision with the government which led to a change in the law in November 2019.

***R(CL) v Chief Constable of Greater Manchester [2018] EWHC 3333 (Admin)***

Jennifer was junior counsel, led by Amanda Weston KC, in two linked judicial reviews challenging the retention of data involving unproven allegations on a child's police record. See media coverage in [The Independent here](#).

***R(RD) v SSHD and SSJ [2020] EWCA Civ 1346***

Jennifer was junior counsel in Just for Kids' intervention in this Court of Appeal case. The case concerned a young woman whose youth reprimand for shoplifting aged 13 had been disclosed when she applied for a job within the police force. The Claimant argued that this was unlawful under Article 8 ECHR.

***R (RD) v Justice Secretary [2020] EWCA Civ 1346 – Crime Cast Law***

[Requiring disclosure by aspiring police constables of all convictions and cautions is compatible with Article 8 ECHR, says Court of Appeal - Matrix Chambers](#)

***R(AR) v London Borough of Waltham Forest [2021] EWCA Civ 1185***

The Court of Appeal held that there was a systemic failure by the local authority to provide secure accommodation for children who are otherwise held in police cells. Whilst the challenge was against a single local authority the ruling has ramifications for all London Councils as there is no secure accommodation available in the London area. Jennifer litigated the case, representing AR, a child, who had been held in police cells for two days. The challenge was taken as part of Just for Kids Law's 'nochildincells' campaign. See media coverage in [Local Government Lawyer](#), [Just For Kids Law](#) and [Social Work Today](#).

***D and F v Persons Unknown [2021] EWHC 157 (QB)***

The High Court granted lifelong anonymity to the two women who were convicted of the murder of Angela Wrightson when they were thirteen years' old. Now adults, the original order of the judge that prevented them from being named in the press, expired on their 18th birthdays. The High Court found that naming them publicly would breach their rights under Articles 2 and 3 ECHR. Jennifer acted as a litigator for D in the case. See [BBC News coverage here](#).

## ***R(Just for Kids Law) v Secretary of State for the Home Department [2019] EWHC 1772***

### **(Admin)**

Just for Kids challenged the policies relating to the use of children as covert human intelligence sources. Following a successful crowdfunding campaign, Jennifer litigated the challenge on behalf of Just for Kids. Whilst initially unsuccessful in the High Court, the Secretary of State for the Home Department agreed to change the guidance shortly before the case was due to be heard in the Court of Appeal, importantly agreeing that children could only be used in exceptional circumstances. [See The Guardian coverage here.](#)

Following this, Jennifer further worked on the Child Spies campaign for Just for Kids Law, arguing against the inclusion of children in the bill that allows spies to commit criminal offences (Covert Human Intelligence Sources (Criminal Conduct Bill)) on the bill that was passed in 2021 concerning the use of spies, successfully securing an amendment to the bill which gave further protections to children. See news coverage: [Spy Kids: New intelligence law allows CHILDREN to work as secret agents - even against their parents](#)

## ***R(M) v Hammersmith Youth Court [2017] EWHC 1359 (Admin)***

Just for Kids intervened in this case involving age assessment in the magistrates' courts. An unaccompanied minor had appeared before the Youth Court, who questioned his age, deemed him to be an adult without allowing an adjournment for further enquiries and remanded into custody in an adult prison. Jennifer litigated the intervention which argued that there needed to be clearer guidance for Magistrates faced with age-disputed individuals. The High Court found that the magistrates' court had erred in failing to allow further enquiries to be conducted, and remanded the individual to local authority accommodation whilst such enquiries were carried out, establishing an important precedent that the benefit of the doubt needs to be afforded in these situations. See [Youth Justice Legal Centre \(YJLC\)'s article here.](#)

## **YOUTH JUSTICE & CHILD RIGHTS**

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Previously a criminal barrister, Jennifer has extensive experience defending children in the Youth Court, Crown Court and Court of Appeal.

She undertakes criminal appeal cases and works on referrals to the Criminal Cases Review Commission, and crime-related judicial reviews, especially those involving children.

She is instructed in judicial reviews against decisions of criminal courts as well as case-stated matters.

She co-authored *Youth Justice Law and Practice*, published by LAG and sits as a Deputy District Judge in the Magistrates' Court.

At Just for Kids' Law, she litigated the intervention in the Supreme Court case of *R v Jogee*, which changed the law on joint enterprise, and represented Joseph McGill in the case of *R v Grant-Murray, Hewitt and McGill*.

## **NOTABLE CASES**

### ***R(TI) v Bromley Youth Court 2020 [EWHC] 1204 (Admin)***

A successful challenge to a District Judge's decision not to grant an intermediary for a 14-year-old boy with learning disabilities for his trial in the Youth Court. The case involved applying for emergency interim relief to prevent the trial from going ahead before the application before the High Court was heard. The case was ultimately successful with the court confirming that it has a duty to consider the welfare of the child, which requires careful consideration of whether a child needs an intermediary. The case has led to a change in the practice directions for intermediaries.

### ***R v Jogee [2016] UKSC 8***

Jennifer litigated the intervention for Just for Kids Law in the landmark Supreme Court case which overturned the previous definition of joint enterprise. The intervention focused on the disproportionate effect of the principle on young black men.

### ***R v Grant-Murry, McGill and Hewitt [2017] EWCA 1228***

The conjoined appeal against both conviction and sentence of three of the defendants who had been convicted of murder was ultimately unsuccessful, but the Court of Appeal did consider a number of concerns raised about how trials are conducted involving young defendants. As a result of these concerns, the Criminal Procedure Rules Committee instigated changes to the PTPH form, ensuring that Crown Courts fully consider the modifications available to them when trying young defendants. Jennifer was the litigator in the case, representing Joseph McGill who had been 13 at the time of the incident, and 14 when he faced trial for murder.

### **Case of J – Criminal Cases Review Commission (CCRC)**

Jennifer represented "J" who had pleaded guilty at the youth court to possession of indecent images found on his computer after his mother had called the police concerned that he was exploited online. The CCRC concluded that there was a potential defence, as well as an argument that he should never have been prosecuted and so referred the matter back to the Crown Court to allow him to make those arguments. [See the CCRC article here.](#)

## COMMUNITY CARE LAW

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Jennifer has been involved in a number of age assessment cases involving unaccompanied age-disputed individuals. At Just for Kids, she was involved in an important case establishing that local authorities in London are in breach of their statutory duties under the Children Act.

### NOTABLE CASES

#### ***R(AR) v London Borough of Waltham Forest* [2021] EWCA Civ 1185**

The Court of Appeal held that there was a systemic failure by the local authority to provide secure accommodation for children who are otherwise held in police cells. Whilst the challenge was against a single local authority, the ruling has ramifications for all London Councils as there is no secure accommodation available in the London area. Jennifer litigated the case, representing AR, a child, who had been held in police cells for two days. The challenge was taken as part of Just for Kids Law's 'nochildincells' campaign.

### BACKGROUND

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Jennifer practised as a criminal barrister for a number of years having completed her pupillage at Atkinson Bevan Chambers in 2007.

She went on to specialise in defending children and vulnerable young adults, and undertook criminal work at all levels, taking complex cases in the youth court, including application for ASBOs and serious violent and sexual offending, as well as conducting jury trials and appeals to the Criminal Court of Appeal.

Jennifer became Head of Strategic Litigation at Just for Kids Law in 2015, where she undertook criminal appellate work and public law cases on behalf of the charity, whilst leading high-profile campaigns, undertaking policy work and conducting training and seminars. She was a LALY finalist in 2017 in the category of Children's Rights.

LAG published *Youth Justice Law and Practice* in 2019, which she co-authored along with Shauneen Lambe and Kate Aubrey-Johnson.

She was appointed to sit as a Deputy District Judge in the Magistrates' Court in April 2022 and joined Chambers in September 2022.

## **PUBLICATIONS**

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'Youth Justice Law and Practice' - Textbook published by Legal Action Group, co-authored with Kate Aubrey Johnson and Shauneen Lambe.

Youth Justice Update for Legal Action Group magazine, published biannually.

[Legal Guide for Police Bail and Remand for Children](#) - Youth Legal Justice Centre

'No Longer Haunted by Childhood Mistakes', March 2019, Legal Action Group magazine

[How can England and Wales achieve a child-friendly criminal record disclosure regime?](#) Youth Justice Compendium, 2018

## **TRAINING AND SEMINARS**

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Jennifer regularly provides training on youth justice issues.

She has provided training to a variety of professionals including the police, local authorities and youth offending teams.

## **AWARDS**

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Legal Aid Lawyer of the Year Finalist 2017; Children's Rights.

## **EDUCATION**

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**St Annes' College, Oxford**

BA German and Linguistics

CPE City University

## LANGUAGES

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**German**

**French (limited)**

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