

Youth Justice

What ages do youth courts deal with?

Youth courts deal with charges against young people aged 10-17. Those aged 10-13 are classified as "children", 14-17 year olds as "young persons". Children under the age of 10 are deemed by law to be incapable of being guilty of a crime. Civil care or supervision proceedings such as child safety or child curfew orders or making the child a ward of court may be used for this age group.

Can young people be tried in adult courts?

Youth courts will deal with all charges against young people, unless:

- ◆ they are charged with a serious crime that, if they were adults, carries a sentence of more than 14 years. These cases go to the Crown Court
- ◆ they are jointly charged with a person aged 18 or over. These cases go to the adult courts

How do youth courts differ from adult courts?

Youth court proceedings take place in a separate area from the adult court which will have separate entrances. The magistrates will have undergone special training for youth courts. Youth courts use language that is easier for young people to understand, and are less formal than adult courts. Young people and/or their guardians can be asked to leave the courtroom while evidence is heard if this is in the young person's best interest. Access to trials is limited to those actually taking part in the hearing – there is no public gallery. If a victim of the crime wishes to attend they must obtain permission from the court.

There are restrictions on press reporting, for example, no identifying details or pictures of defendants or young witnesses. However, the magistrates can apply to the Director of Public Prosecutions to dispense with the restrictions in exceptional circumstances. Parents/carers are actively involved, and are in fact required to be present if the defendant is under 16.

What if a young person reaches 18 during a case?

Once the youth court has agreed to hear the case, they retain jurisdiction unless circumstances change. It may, however, refer to an adult court for sentence after a finding of guilt.

What sentences can youth courts give?

- ◆ **Absolute Discharge:** A finding of guilt is noted but no penalty imposed.
- ◆ **Conditional Discharge:** No penalty provided that they commit no further offence within a specified period. *This sentence is rarely given in youth courts.*
- ◆ **Fine:** This should reflect the seriousness of the offence and ability of the young person or their parent/carer (if under 16), to pay.
- ◆ **Attendance Centre Order:** (Age 10-17) Attendance at specified centre, for up to 36 hours on Saturday mornings. A programme of constructive activities which can include literacy, numeracy, life skills like cooking or first aid, drug/alcohol awareness.
- ◆ **Reparation Orders:** Require the young person to do something to repair the harm done by their offence. It may include apologising to the victim or repairing damage to their property. Victims are usually

asked if they want reparation of this kind. Mediation between the victim and the offender is an option if both parties agree. Alternatively, an appropriate activity for the benefit of the community may be required. The local Youth Offending Team (YOT) will develop a programme of work lasting a maximum of 24 hours over a 3 month period.

- ◆ **Action Plan Order:** Addresses the cause of offending in a 3 month preventive action plan. The young person will be closely supervised by the YOT, and parents/carers involvement will be encouraged. The plan may include: participation in activities, eg anger management classes; being present at an attendance centre for a specified number of hours; education; Repairing of harm done by the offence.
- ◆ **Supervision Order:** (Age 10-17). A local authority, a probation officer or a member of a YOT carries out supervision. Conditions may include curfew, attendance at a centre or treatment.
- ◆ **Community Rehabilitation Order:** A supervision order specifically for 16/17 year olds, lasting between 6 months and 3 years, supervised by the YOT. May be required to attend probation centre or other activity, and/or undergo treatment or address offending behaviour.
- ◆ **Community Punishment Order:** (Age 16/17) Unpaid work in the community supervised by probation officer. 40 hours to 240 hours, within 12 months
- ◆ **Community Punishment and Rehabilitation order:** (Age 16/17) Elements of community rehabilitation and community punishment orders. At least 12 months probation and 40-100 hours service
- ◆ **Curfew Order:** Required to remain in a specified place for specified periods 2-12 hours a day for up to 6 months
- ◆ **Detention and Training Order:** Age 12-17. This is a custodial sentence. It is only given to persistent offenders, those who pose a significant risk, and where custody is the only way to manage the risk. It can last between 4 months and 2 years. Half the sentence is served in custody, and half in the community. Subject to supervision after release until the end of the order, by probation officer, social worker or YOT. The court may also impose an Intense Supervision and Surveillance Programme (ISSP)
- ◆ **Drug Treatment and Testing Order:** For those aged 16 and over who are dependent on drugs and likely to benefit from treatment. Lasts between 6 months and 3 years. The young person consents to an order requiring that they undergo drug treatment and regular drug testing, and are supervised by probation. Reviews take place monthly at which time changes can be made to the order.
- ◆ **Binding Over:** A young person can be bound over to be of good behaviour, ie to promise not to offend on pain of forfeiting a sum of money fixed by the court.
- ◆ **Deferred Sentence:** Sentencing postponed for up to 6 months with defendant's consent, and where the court is satisfied it would be in the interests of justice, in order to meet specific requirements (eg. treatment/rehab) before sentence is passed. If the young person successfully completes the agreed targets they will receive a more lenient sentence than they would otherwise. Used sparingly.
- ◆ **Child Safety Order:** For children under 10 who have committed an offence, breached curfew or caused harassment, distress or alarm. A social worker or YOT will supervise them. If the order is breached, the

parent/carer can be given a **Parenting Order** requiring them to attend counselling or guidance sessions for up to 3 months, or ensure the child is at home at certain times or does not go to specified places. The parent/carer can be prosecuted if conditions are not met. Conditions can last 12 months.

- ◆ **Anti-Social Behaviour Order (ASBO):** A civil order, which can be imposed on anyone over 10. It can incur criminal sanctions if breached. ASBOs are given to young people whose behaviour is causing, or may cause, harassment, alarm or distress to people not living in their household. It places restrictions on where a young person can go and what they can do. It lasts 2-5 years. Young people aged 10-17 may also be given an Individual Support Order (ISO) which requires them to do something to address their offending behaviour. ISOs last up to 6 months and consist of 2 supervised sessions a week. Like the ASBO, it can result in criminal sanctions if breached.
- ◆ **Custody:** Imposed by Crown Courts for serious offences. There are three types: *Secure Training Centres:* Purpose built for young offenders aged up to 17. They are usually run by the private sector; *Secure Children's Homes:* For 12-14 year olds, girls up to 16 and boys aged 15/16 who have been assessed as vulnerable. They are run by local authority social services and are overseen by the Department of Health and the Department for Education and Skills; *Young Offenders Institutions:* Age 15-21, run by the Prison Service. Young people aged 15-17 are held in separate units from those aged 18-21.
- ◆ **Sex Offenders Notification:** Certain sexual offences incur this type of order. The offender must attend a specified police station within 3 days of the order being made, or within 3 days of release if

they receive a custodial sentence, and inform police of their name, date of birth, address and National Insurance Number. Thereafter they are required to inform the police of any change of name or address, absences from home of 7 days or more and if they intend to leave the UK. The length of this order depends on the sentence received: more than 6 months custody – 5 years; 6 months or less custody or detention in hospital under Mental Health Act – 3 and a half years; any other sentence – 2 and a half years.

- ◆ **Sexual Offences Prevention Order:** The Chief Officer of Police must apply for this order to be made, and the court must be satisfied that it is necessary to protect the public from serious sexual harm by the defendant. Restrictions on the defendant's behaviour, to be decided by the court, will be imposed for a minimum of five years.

What is a Youth Offending Team (YOT)?

Every local authority has a YOT in its area. The team will consist of: a probation officer, a social worker, a police officer, a health authority representative and an education authority representative. YOTs may also include other people the authority thinks would be appropriate, such as people working in voluntary agencies. It co-ordinates the area's youth justice services. It also works with young offenders and their families to identify their needs and problems, and devises programmes to address them, and/or assess and manage the risk a young offender poses to other people.

What is the Youth Justice Board (YJB)?

The Youth Justice Board monitors the youth justice system in England and Wales. It works to reduce offending by young people; ensure their safety in custody; promote good practice;

address the causes of offending behaviour in children and young people; act as a budget holder for all secure facilities for young offenders, control resources; disseminate information about local initiatives nationwide.

Can young offenders get bail?

Adult bail provisions apply from the age of 17. They can be bailed with or without conditions or remanded in custody to a prison or remand centre. Under 17s can be bailed with or without conditions or into local authority accommodation, or very occasionally, into custody (secure remand). Conditions of bail can include reporting to a police station, supervision by a YOT, electronic tagging or an ISSP. The court may place requirements on the Local Authority which ensure compliance with conditions.

Can a young offender be cautioned rather than charged?

A first offence can be met with a reprimand, a final warning or criminal charges, depending on the seriousness of the offence. A reprimand is the equivalent of a caution: a formal warning given by a police officer to a young person who has admitted guilt for a minor offence. Those receiving final warnings will be referred to the YOT for assessment to determine whether a rehabilitation programme is appropriate or necessary to help prevent further offending. Non-compliance with programmes set up as a result of a warning will be noted and brought before the court in any future proceeding. A young person may be referred to a YOT after a reprimand, but participation in a programme in this case is not compulsory.

Is there any financial help available for parents/carers on low incomes to visit young offenders in custody?

The Youth Justice Board have an assisted family visits scheme, which helps families visit children in secure children's homes or secure training centres. Your local YOT should have

details. If the young person is held in a Young Offenders Institution (YOI), the family would be eligible for help from the Assisted Prison Visits Unit (APVU).

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