



Youth Justice Board
Bwrdd Cyfiawnder Ieuenctid

Standards for children in the justice system 2019



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Ministerial forward

[Ministerial forward to be included]

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Introduction

These *Standards for Children in the Youth Justice System* define the minimum level of service provision consistent with ensuring good outcomes for children in the youth justice system. They are set by the Secretary of State for Justice on the advice of the Youth Justice Board (YJB).

These standards are suitable for all agencies that provide statutory services. This includes those that are reformed, outsourced or devolved.

This revision recognises that we now have a mature, professional youth justice workforce. This means that the range of services and providers understand the processes and functions of youth justice delivery.

The Secretary of State for Justice is satisfied that a move towards outcome focused standards is now the most suitable approach.

The intention of these standards is to:

- underpin youth justice practice and ensure the quality that we expect
- encourage system changes to improve outcomes for children in the justice system
- ensure every child lives a safe and crime-free life, and makes a positive contribution to society
- align with our child first, offender second principle to ensure that:
 - all youth justice services prioritise children's best interests
 - children are encouraged to actively engage with youth justice services
 - children's contact with the justice system is kept to a minimum
- assist us to assess whether youth justice services are meeting the statutory requirements.

About these standards

These standards replace *National Standards for Youth Justice (2013)*.

We relied on detailed analysis of sector adherence to standards¹ to define these new standards.

These revisions address the functions of youth justice, not processes, nor practice. They are intended to guide strategic and operational services' understanding of **what** is expected, and this in turn, can influence **how** they design their delivery approach. We aim to give services the freedom and flexibility they require to most likely achieve the desired outcomes.

¹ As evidenced in the thematic review on National Standards 2013 spanning 2014 to 2017.

The five standards are as follows:



The status of these standards

These standards apply to all organisations and agencies who have statutory functions relating to children in the justice system. Specifically, all persons and bodies carrying out functions in relation to the youth justice system with regard to the principal aim of the youth justice system - to prevent offending by children and young persons².

How to find out more

Read a [glossary](#) of terms used in this document.

Links to supplementary guidance are found after each standard. You can also read about the relevant [legislation](#).

Who these standards are for

The Crime and Disorder Act 1998 lays out a number of statutory requirements for youth offending teams (YOTs). Other relevant legislation includes The Powers of Criminal Courts (Sentencing) Act 2000, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Criminal Justice and Immigration Act 2008. These standards provide a re-statement of the requirements, with updates determined by subsequent legislation.

These standards should be read and followed by strategic and senior leaders in local authorities to act in co-operation with:

- police or local policing body
- Secretary of State
- providers of probation services
- local probation board
- clinical commissioning group
- local health board.

² s38(1) Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/37>

To secure that, to such extent as is appropriate for their area, all youth justice services are available³.

YOT management boards should provide strategic direction with the aim of preventing offending by children and young people, and in accordance with section 40 of the Crime and Disorder Act 1998⁴, ensure that the work of the YOT is defined in a publicly accessible youth justice plan that is co-ordinated with other local plans.

Management boards should be satisfied that the following systems and policies are in place specific to children in justice.

Systems

- There are quality-assurance systems built on feedback from key stakeholders including courts, victims, children, parents and carers.
- Systems are in place to make all records and information held on children within establishments available and accessible to those who need it. This is to ensure the proper co-ordination of children's sentence plans, and effective risk and safety management.
- Systems are in place to identify and generate management information (including passing this securely to the YJB or the Youth Custody Service).
- Management information is used for strategic planning and service development and is passed securely to partners where necessary and in compliance with the Data Protection Act 2018.

Policies specific to youth justice

Management boards should implement clear youth justice specific local policies and protocols covering:

- Public protection and risk management (including release and recall arrangements for children on licence/supervision).
- Systems to manage the enforcement and compliance with court orders, remand and bail programmes, including responsibilities for undertaking enforcement action where case management sits outside the YOT.
- Provision of persons to act as appropriate adults to safeguard the interests of children detained or questioned by police officers⁵ and ensure that a local policy/protocol is in place which outlines the provision of an [Appropriate Adult service](#).
- Provision for children who may be interviewed under the Police and Criminal Evidence Act 1984 (PACE) while remanded or sentenced in youth detention accommodation whether within or outside the local authority area.

³ s38(1) Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/38>

⁴ s40 Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/37/section/40>

⁵ s38(4)(a) CDA 1998 <https://www.legislation.gov.uk/ukpga/1998/38>

Data Protection

Services must have due regard to the relevant data protection principles which allow them to share personal information, as provided for in the Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR).

Disproportionality

Agencies are required to act in accordance with the Equality Act 2010 . YOTs should uphold the duty to have due regard to the needs to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

YOTs need to ensure they undertake these responsibilities and have in place systems and processes to ensure that all children and young people are treated fairly and in accordance with their individual needs.

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Principles, oversight and monitoring

We promote a 'child first offender second' principle in our work. These standards have been designed to adhere to the following principles. The YJB aim to:

1. Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused and developmentally informed.
2. Promote children's individual strengths and capacities as a means of developing their pro-social identity for sustainable desistance. This leads to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
3. Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their supporters.
4. Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

Oversight of the standards

Oversight of the standards helps the YJB see what difference this approach is making, e.g. to determine whether services are demonstrating:

- **accountability**, such as for expenditure against the youth justice grant, to key stakeholders and the wider community.
- **improvements** via evidence of local learning and decision making on the design of services, operation and what works.
- **impact and influence** on local and national policy and contributing to the evidence base about effectiveness.

How we monitor the delivery of standards

We monitor the delivery of the standards to confirm that they remain relevant and to support services achieve good outcomes for children.

We must make sure any monitoring or self-assessment of standards from youth justice services adhere to the principles described above and are:

- **focused and feasible** in relation to local area available resources (i.e. any information collected is based on a 'need to know' basis).
- **useful and timely** to inform and improve learning, decision making, and influence allocation of time and resources.

- **useable** by, and/or comparable to, data collected by other stakeholders so it contributes to the wider evidence base.
- **credible, valid and reliable** to the extent possible within local area available resources.

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National standard 1: out of court

Youth offending team (YOT) management boards have mechanisms in place which provide them with assurance that:

- local strategies and services are in place to prevent children from becoming involved in crime and/or anti-social behaviour
- out-of-court disposals are robust and deliver targeted and tailored interventions for those at risk of further offending
- police services and YOTs have a joint protocol setting out locally agreed practice for out-of-court disposals and a suitable means of joint decision-making
- quality assurance is evident and all decisions are recorded including analysis and action planning to tackle any disproportionality
- improvement is achieved in the quality of pre-court work.

YOTs must:

- undertake a suitable and sufficient assessment⁶ of all children referred to the YOT
- formulate all intervention plans⁷ based on that assessment with a focus on desistance from crime
- involve children and their parents/carers in assessment, planning and reviewing of individual programmes
- ensure that they work closely with the police (and the Crown Prosecution Service where relevant) for the out-of-court disposal system to be effective⁸.
- deliver prompt effective interventions

⁶ HMIP (2018) *Youth Offending Services Inspection Domain Three Case Assessment Rules and Evidence* define suitable and sufficient assessment as:

Well-informed, analytical and personalised, actively involving the child or young person and their parents/carers.

⁷ HMIP (2018) *Youth Offending Services Inspection Domain Three Case Assessment Rules and Evidence* define planning as:

Well-informed, holistic and personalised, actively involving the child or young person and their parents/carers

⁸ When police are considering an out-of-court disposal, they should liaise with the YOT to agree an appropriate course of action.

If an initial Youth Caution is given, the police must inform the YOT, and, where a second or subsequent caution is being considered, a referral to the YOT will be required for assessment and joint decision-making.

Operational Guidance can be found at:

[To be included in the final version]

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National standard 2: at court

Youth offending team (YOT) management boards have mechanisms in place which provide them with assurance that:

- operational YOT services provide suitable high-quality YJB approved assessments/information and reports to all courts dealing with children within the civil and criminal codes and for any subsequent referral order panel meetings.
- all action is taken to minimise any delays brought about through specialist assessment
- a strategy is in place to reduce the unnecessary use of youth detention accommodation at the earliest stage in the criminal justice process⁹
- individual reports prepared by the YOT are:
 - balanced
 - impartial
 - timely
 - focused
 - factually accurate
 - shared and understood by the child and parents or carers
- individual reports prepared by the YOT are informed by the victim's view of the offending behaviour
- magistrates and the judiciary have reports which provide them with the required range of recommendations to make informed decisions regarding sentencing and the impact that any pause or change in education progression may have in the sentence
- magistrates, the judiciary (and referral order panel members where appropriate) have confidence in the rigour of recommended supervision of children who offend
- children and their parents and carers are provided with appropriate information and support during the court process
- communication is in line with Youth Custody Service requirements when youth detention accommodation or sentence to custody is a court outcome
- quality assurance is evident including analysis of and an action plan to tackle any disproportionality.

⁹ The term 'unnecessary' applies to those cases where it is possible that a child or young person could have been safely supervised in the community on bail.

YOTs must:

- provide reports requested by the court within the timeframe requested
- base pre-sentence, specific sentence, breach reports (and stand-down reports where custody is not being considered) reports on an up-to-date and relevant assessment, and demonstrate engagement with the child and their parents/carers
- accurately record court outcomes
- check that the custodial warrant issued by the court is appropriate for children remanded or sentenced to youth detention accommodation
- comply with the Youth Custody Service requirements when a child is remanded/sentenced to the youth detention accommodation
- inform the parents/carers of the remand/sentence decision, details of the youth detention accommodation estate placement (including written information about the youth detention accommodation) and Assisted Prison Visit Scheme.

Operational Guidance can be found at:

[To be included in the final version]

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National standard 3: in the community

Youth offending team (YOT) management boards have mechanisms in place which provide them with assurance that:

- all children entering the justice system receive a suitable and sufficient (YJB approved) assessment. This should focus on strengths and risk based factors to inform planning of appropriate interventions for children
- local practice prioritises children's best interests; constructively promotes their potential and desistance; encourages their active engagement; and minimises the potential damage that contact with the system can bring
- court orders are managed in a way that reflect the aim of the youth justice system; to enable children to live a safe, crime-free life and make a positive contribution to society
- effective communication and information exchange is in place for all relevant stakeholders throughout the sentence
- strategic partners have confidence in the quality of services and in the rigour of supervision of children
- children and their parents and carers are provided with appropriate information and support during the sentence.

In managing an effective sentence YOTs must:

- engage the child, their parents and carers and demonstrate through evidence that they actively participate
- consider and act on diversity issues
- assess the child's motivation and readiness to change
- explain the child's rights and responsibilities under the terms of the order
- supervise the court order(s) in line with the YJB's Scaled Approach model
- ensure that the assessment is dynamic and ongoing and is commenced at the start of every order and for every pre-sentence report, taking account of previous offending, impact on victims, risk of harm to others, safety and wellbeing, and factors that influence desistance from crime
- produce a plan from the assessment to focus on:

- minimising the risk of future offending
- mitigating any prevailing issues relating to safety and wellbeing
- strengthening the positive elements of the child's life
- coordinate interventions with any other relevant specialist or agency, specify the intended outcome, and commence promptly
- ensure that reviews occur as required to reflect significant changes in the child's circumstances inclusive of engagement and compliance with orders

Guidance can be found at:

[To be included in the final version]

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National standard 4: in secure settings

Youth offending team (YOT) management boards and secure establishment providers (inclusive of health commissioners and providers) have mechanisms in place which provide them with assurance that:

- the needs and risks of children in secure establishments are identified, addressed, coordinated, and managed to enable a suitable, effective and constructive resettlement with a focus on continuing desistance
- the environment that children live in is rehabilitative and safe, one where there is a culture that enables children to engage in a routine that helps them to develop grow and learn.
- children are motivated by staff to have an opportunity to engage in education and training that helps them to progress and live a crime free life.
- effective communication and information exchange is in place for the preparation and delivery of the secure and the community phase of sentences All communications are in line with Youth Custody Service requirements.
- plans and interventions are:
 - timely
 - focused
 - realistic
 - achievable
 - address risk and needs
 - understandable to the child and their parents/carers
- consideration of the effects of the restriction of liberty informs the delivery of services in secure establishments and in the preparation for constructive resettlement
- safeguarding information is conveyed to relevant parties and agencies immediately.
- strategic partnerships and secure establishment providers have confidence in the quality of services and in the rigour of supervision of children
- children and their parents and carers are provided with appropriate information and support during the secure phase of the sentence.

YOTS at court must:

- ensure communications and information exchange, using the Youth Justice Application Framework (YJAF), are in line with Youth Custody Service requirements when custody is expected
- send the relevant post-court information within two hours of the child being sentenced¹⁰.

Secure providers must, on arrival of the child, or as soon as possible, arrange a comprehensive assessment for the secure establishment, including, but not limited to:

- health and wellbeing assessment
- safety and risk of harm
- education assessment

Staff in the establishment and the YOT must:

- instigate appropriate safeguarding procedures where necessary
- work together with the individual child to deliver an effective sentence in its entirety.

This should include:

- managing a safe stay in the establishment
- the assessment, the plan, the reviews, and the management of risk
- maintaining accurate timely records as and when required, e.g. through AssetPlus
- maintaining community links and contact with the key people in the child's life to develop a pro-social identity with a constructive focus on future desistance
- identifying and planning for all transitions
- planning for successful resettlement.

Initial planning should take account of all views (including the child's) to discuss and approve the plan, the interventions required and the resettlement plan

Sentence planning should review progress against the plan, and towards resettlement inclusive of:

- suitability for the detention and training order early-release scheme
- home detention curfew

¹⁰ This is required 24 hours before the child is due to appear in court (except for short notice court appearances and other unexpected remands and custodial sentences).

- temporary release (formerly release on temporary licence)
- parole, and
- release on licence

Where necessary risk planning should formulate plans, in response to a child who is identified as a risk of harm to themselves or from others, or at risk of causing serious harm to others within the secure establishment.

Release preparation should identify any outstanding resettlement actions. Resettlement planning should consider the contents of the licence or Notice of Supervision.

Final release preparation should agree resettlement arrangements and the contents of the licence or Notice of Supervision.

Guidance can be found at:

[To be included in the final version]

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National standard 5: on transition and resettlement

Youth offending team (YOT) management boards and secure establishments have mechanisms in place which provide them with assurance that:

- local systems and approaches recognise and reflect that moves/transitions for children in the youth justice system can be frequent, particularly for those children who receive a secure order.
- local systems are in place that evidence flexibility and capacity for continuity in assessment, planning and interventions delivery for children in the youth justice system who make a transition/change.
- planning and leadership at all levels, together with strong governance and clear responsibilities, are required to minimise, as far as is reasonable and practicable, any potential for the negative impact that any transition may have for a child.

YOTs and where applicable secure establishments should provide a tailored plan for children in the youth justice system, who make a transition, engaging with statutory services and parents and carers, inclusive but not limited to the following:

- children who move residence - e.g.
 - across local authorities and boroughs
 - to a different secure provision
 - from a secure establishment for children into adult provision
 - to a healthcare provision, such as a secure hospital, or to a secure welfare placement
 - from a secure establishment to home
- children who move services - e.g.
 - into adult probation services
 - into looked after children provision, including new and different placements
- health - e.g.
 - differing tiers of health provision
 - community services to secure services and back again

- low secure /medium secure inpatient treatment
- adolescent forensic services
- learning disability services
- Child and Adolescent Mental Health Services - refer children to **age-appropriate, accessible services** where they exist; tell commissioners and providers where they don't exist
- adult health services

- education, training and employment - e.g.
 - to and from mainstream schools and or alternative provision,
 - further education, training and or employment

- accommodation/housing - e.g.
 - transition home / into supported living

- children who reach the end of a youth justice order

- children who reach the end of a secure order but not the end of sentence.

Guidance can be found at:

[To be included in the final version]

Legal provision

Youth Justice Services

YOTs are required to coordinate ‘youth justice services’: s.38 Crime and Disorder Act 1998

Section	Act	Provision
37(2)	Crime and Disorder Act 1998	Duty of all persons and bodies carrying out functions in relation to the youth justice system to have regard to principal aim of the youth justice system - to prevent offending by children and young persons
38(1)	Crime and Disorder Act 1998	Duty on local authorities to act in co-operation with police or local policing body, Secretary of State, providers of probation services, local probation board, clinical commissioning group, Local Health Board, to secure that, to such extent as is appropriate for their area, all youth justice services are available there
38(3)	Crime and Disorder Act 1998	Local Authority power to make payments towards expenditure incurred in the provision of youth justice services by making (a) direct payments; or (b) contributing to a fund out of which payments may be made
38(4)(a)	Crime and Disorder Act 1998	Youth justice services - Provide persons to act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers
38(4) (aa)	Crime and Disorder Act 1998	Youth justice services - Provide assistance to persons determining whether youth cautions should be given under section 66ZA
38(4)(b)	Crime and Disorder Act 1998	Youth justice services - Assess children/young persons, and provide rehabilitation programmes, for the purposes of section [66ZB (2) or (3)]
38(4) (ba)	Crime and Disorder Act 1998	Youth justice services - Provide assistance to persons determining whether youth conditional cautions (within the meaning of Chapter 1 of Part 4) should be given and which conditions to attach to such cautions
38(4) (bb)	Crime and Disorder Act 1998	Youth justice services - Supervise and rehabilitate persons to whom youth conditional cautions (within the meaning of Chapter 1 of Part 4) are given

38(4)(c)	Crime and Disorder Act 1998	Youth justice services – Provide support for children/young persons remanded or committed on bail while awaiting trial or sentence
38(4)(d)	Crime and Disorder Act 1998	Youth justice services - Place children / young persons remanded to local authority accommodation to such accommodation under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
38(4)(e)	Crime and Disorder Act 1998	Youth justice services - Provide reports or other information required by courts in criminal proceedings against children and young persons
38(4) (ee)	Crime and Disorder Act 1998	Youth justice services - Perform YOT functions under sections 25, 26 and 27 of the Anti-Social Behaviour Act 2003
38(4)(f)	Crime and Disorder Act 1998	Youth justice services - Provide persons to act as responsible officers in relation to individual support orders, parenting orders, child safety orders and reparation orders
38(4) (fa)	Crime and Disorder Act 1998	Youth justice services - Provide persons to act as responsible officers in relation to youth rehabilitation orders within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008
38(4) (fb)	Crime and Disorder Act 1998	Youth justice services - Supervise children/young persons sentenced to a youth rehabilitation order under that part which includes a supervision requirement (within the meaning of that part)
38(4)(h)	Crime and Disorder Act 1998	Youth justice services - Supervise children / young persons sentenced to a detention and training order (including an order under section 211 of the Armed Forces Act 2006
38(4)(i)	Crime and Disorder Act 1998	Youth justice services - Conduct post-release supervision of children and young persons under section 31 of the Crime (Sentences) Act 1997 (“the 1997 Act”) [or by virtue of conditions imposed under section 250 of the Criminal Justice Act 2003
38(4)(j)	Crime and Disorder Act 1998	Youth justice services - Perform functions under subsection (1) of section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (period of detention and training under detention and training orders) by such persons as may be authorised by the Secretary of State under that subsection
38(4)(k)	Crime and Disorder Act 1998	Youth justice services - Implement referral orders within the meaning of the Powers of Criminal Courts (Sentencing)

Act 2000

38(5) Crime and Disorder Act 1998

The Secretary of State may by order extend, restrict or otherwise alter the definition of 'youth justice services' and therefore impact on the scope of duties at 38(4)

Youth Justice Plans

Section	Act	Provisions
40(1) & (2)	Crime and Disorder Act 1998	The local authority must, after consultation with police or local policing body, Secretary of State, providers of probation services, local probation board, clinical commissioning group, Local Health Board, formulate and implement for each year a plan (a "youth justice plan") setting out how youth justice services in their area are to be provided and funded; and how the YOT/s established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.
40(3)	Crime and Disorder Act 1998	Local authorities may assign functions to YOTs including functions under paragraph 7(b) of Schedule 2 to the Children Act 1989 Act (local authority's duty to take reasonable steps designed to encourage children and young person's not to commit offences).
40(4)	Crime and Disorder Act 1998	A local authority must submit a youth justice plan annually to the Youth Justice Board setting out (a) how youth justice services are to be provided and funded in their area and (b) how the YOTs established by them are to be composed and funded, how they are to operate and what functions they are to carry out. The plan must be published in such manner and by such date as the Secretary of State may direct.

Youth offending teams (YOTs) composition and establishment

Section	Act	Provisions
39(1)	Crime and Disorder Act 1998	Each local authority, acting in co-operation with any chief officer of police any part of whose police area lies within the local authority's area, the Secretary of State, providers of probation services, local probation boards, clinical commissioning groups, and Local Health Boards, must establish for their area one or more YOTs.
39(4)	Crime and Disorder Act 1998	Local authority has the power to make payments towards expenditure incurred by, or for purposes connected with, YOTs either directly or by contributing to a fund from which payments can be made.
39(5)	Crime and Disorder Act 1998	YOT to include at least one of each of the following, an officer of a local probation board or an officer of a provider of probation services; a person with experience of social work in relation to children nominated by the director of children's services appointed by the local authority under section 18 of the Children Act 2004 (England); a social worker of the local authority (Wales); a police officer; a person nominated by a clinical commissioning group or a Local Health Board any part of whose area lies within the local authority's area; a person with experience in education nominated by the director of children's services appointed by the local authority under section 18 of the Children Act 2004 (England); a person nominated by the chief education officer appointed by the local authority under section 532 of the Education Act 1996 (Wales).
39(6)	Crime and Disorder Act 1998	YOT can also include other persons as the local authority thinks appropriate after appropriate consultation
39(7)	Crime and Disorder Act 1998	YOTS must co-ordinate the provision of youth justice services for all those in the authority's area who need them; and to carry out such functions as are assigned to the team or teams in the youth justice plan formulated by the authority under section 40(1)
39A	Crime and Disorder Act 1998	The YOT must, when it becomes aware that a child/young person has become subject to a detention order and is detained in relevant youth accommodation or, a child/young person who is subject to a detention order has been transferred from one place of accommodation

to another which is relevant youth accommodation, notify the home local authority and the host local authority of the place where the child/young person is being detained. If the YOT becomes aware that a person has been released who was, immediately before release, subject to a detention order, and detained in relevant youth accommodation, notify the home, host and any other local authority in whose area the YOT expect the person to live on release.

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Glossary

Term	Glossary
Children	<p>Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.</p>
YOT management board	<p>A YOT management board should be formed to provide strategic direction with the aim of preventing offending by children.</p> <p>The role of the YOT management board is to determine how the YOT(s) is to be composed and funded and how it:</p> <ul style="list-style-type: none"> • operates and what functions it is to carry out • determine how appropriate youth justice services are to be provided and funded • oversee the formulation each year of a draft youth justice plan • oversee the appointment or designation of a YOT manager • as part of the youth justice plan, agree measurable objectives linked to key performance indicators, including the National Standards for Youth Justice. <p>Members of a YOT management board should be empowered with the capacity to make strategic decisions.</p> <p>The YOT management board oversees the budget.</p>