



Ministry  
of Justice



Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid

# Standards for children in the youth justice system 2019



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# Ministerial foreword

The Government remains firmly committed to maintaining a distinct youth justice system - one which must both deliver justice for those who are victims of crime and rehabilitate offenders.



Children in the justice system often have multiple and complex needs. Where possible, we should seek to divert children from the justice system entirely and address these needs. For those who do offend, our core focus must continue to be rehabilitation, tackling the underlying causes of youth offending, and delivering a system that gives children the support they need to break the cycle of offending and build productive and fulfilling lives.

We have made significant progress over the past decade and services should be empowered to deliver focussed outcomes, rather than being constrained by processes. For that reason, I welcome the introduction of these Standards for Children in the Youth Justice System (2019), which build on the progress made and are intended to guide both strategic and operational services' understanding of what is expected at each stage of a child's journey through the justice system.

The youth justice system is a complex landscape, involving numerous services and agencies. I believe that these Standards will help to unite those supporting children and empower those children to take control of their lives and futures. The 'child first, offender second' principle, which runs throughout the Standards, will enable practitioners to take tailored and focused approaches to working with children.

Given the maturity of the youth justice system, now is the right time to move from process-driven requirements to focusing on outcomes and positive change. More than ever, these Standards provide a structure that gives statutory youth justice services freedom in delivering services, and freedom to innovate.

I look forward to seeing how these Standards are implemented, how they help to achieve positive change for the children in our care and, ultimately, wider society as a whole.

A handwritten signature in black ink, which reads "Edward Argar". The signature is written in a cursive style and is positioned above a horizontal line.

**Edward Argar MP**  
Parliamentary Under-Secretary of State for Justice

# Introduction

These *standards for children in the youth justice system* define the minimum expectation for all agencies that provide statutory services to ensure 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).

The aim of these standards is to:

- Provide a framework for youth justice practice and ensure that quality is maintained
- Encourage and support innovation and good practice to improve outcomes for children who commit crime
- ensure that every child lives a safe and crime-free life, and makes a positive contribution to society
- align with the YJB's [child first](#), offender second principle.
- assist the YJB and inspectorates when they assess whether youth justice services are meeting their statutory requirements.

## About these standards

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

They are intended to guide strategic and operational services' understanding of **what** is expected, but does not prescribe how services should be designed and delivered. Each standard contains links to underpinning statutory guidance on the delivery of services.

The five standards are:



### How to find out more

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

Links to both statutory and supplementary guidance are found after each standard.

You can also read about the relevant [legislation](#).

## Who the standards are for

The Crime and Disorder Act 1998 lays out statutory requirements for youth offending teams (YOTs).

Other relevant legislation includes the Powers of Criminal Courts (Sentencing) Act 2000, the Criminal Justice and Immigration Act 2008 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012. 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:

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

This is required to make sure that, where appropriate, all youth justice services are available<sup>1</sup>.

YOT management boards should provide strategic direction with the aim of preventing offending by children, and in accordance with section 40 of the Crime and Disorder Act 1998<sup>2</sup>, 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

- quality-assurance systems built on feedback from key stakeholders including courts, victims, children, parents and carers
- records and information held on children in custodial establishments is available and accessible to those who need it - to make sure there is the proper co-ordination of services to support children when they are in custody and when they are released.
- identify and generate management information - including passing this securely to the YJB or the Youth Custody Service and,

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

<sup>2</sup> s40 Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/37/section/40>

- 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:

- provision of persons to act as appropriate adults to safeguard the interests of children detained or questioned by police officers<sup>3</sup> in line with the [National Appropriate Adult Network's National Standards](#)
- 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
- service to victims in line with the [Code of practice for victims of crime](#)
- [the quality of case management](#)
- public protection and desistance policies (including release and recall arrangements for children on licence/supervision)
- engagement and compliance with court orders, remand and bail programmes, including responsibilities for undertaking enforcement action where case management sits outside the YOT.

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

Agencies need to uphold these responsibilities and have in place systems to make sure all children are treated fairly and in accordance with their individual needs.

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<sup>3</sup> s38(4)(a) CDA 1998 <https://www.legislation.gov.uk/ukpga/1998/38>

# Principles, oversight and monitoring

The principle 'child first' guides the work of the YJB. These standards have been designed to assist agencies adhere to that principle making sure that they:

1. Prioritise the best interests of children, recognising their needs, capacities, rights and potential.
2. Build on children's individual strengths and capabilities as a means of developing a pro-social identity for sustainable desistance from crime. 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 carers.
4. Promote a childhood removed from the justice system, using prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

## Oversight of the standards

The YJB is required<sup>4</sup> to have oversight of the standards. This assists the YJB, in carrying out its statutory function; to determine whether services are demonstrating:

- **accountability** e.g. for expenditure against the youth justice grant, to 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.

## Monitoring the delivery of standards

The YJB will monitor the delivery of the standards to confirm that they remain relevant and to support services to achieve good outcomes.

The YJB must make sure any monitoring or self-assessment of standards by youth justice services adhere to the child first principle and is:

- **focused and feasible** in relation to local area available resources (i.e. any information collected is based on a 'need to know' basis).

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<sup>4</sup> C&DA98 sec 41(5)(a)

- **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.



# Standard 1: out of court disposals

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

- local strategies and services are in place to ensure positive outcomes for children, including sustainable desistance from crime and to prevent children from becoming involved in crime and/or anti-social behaviour
- point-of-arrest diversion is evident as a distinct and substantially different response to formal out-of-court disposals
- there is effective multi- agency partnership working arrangements for timely information-sharing, planning, decision making and monitoring with key agencies. Actions happen within agreed timescales and the help and protection is provided to reduce risk and meet need
- out-of-court disposals are prompt, robust and deliver targeted and tailored interventions for sustainable desistance
- all action should be taken to promote diversion into more suitable child-focused systems, and the promotion of positive constructive behaviour
- 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 and reviewed
- analysis and action planning is in place to tackle any disproportionality
- improvement is achieved in the quality of pre-court work.

**YOTs must:**

- undertake a timely and accurate, suitable and sufficient assessment<sup>5</sup> of risk and of need for all children referred to the YOT

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<sup>5</sup> 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.

- formulate all intervention plans<sup>6</sup> based on that assessment with a focus on promoting a pro-social identity and aiding desistance from crime
- involve children and their parents/carers in assessment, planning and reviewing of individual programmes
- make sure that they work closely with the police (and the Crown Prosecution Service where relevant) for the out-of-court disposal system to be effective<sup>7</sup>
- build supportive relationships and deliver prompt, proportionate, effective interventions.

#### How to apply the standards and statutory guidance:

- [Youth out-of-court disposals: guide for police and YOTs - GOV.UK](#)
- [How to Use Out of Court Disposals](#)
- [Code of Practice Youth Conditional Cautions](#)
- [Reform of anti-social behaviour powers. Statutory guidelines for front line professionals](#)

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<sup>6</sup> 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

<sup>7</sup> 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.

## 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
- court is reserved for children who cannot be dealt with by less formal means
- a strategy is in place to reduce the unnecessary use of youth detention accommodation at the earliest stage in the criminal justice process<sup>8</sup>
- individual reports prepared by the YOT
  - focus on children's best interests
  - constructively promote their potential and desistance from crime
  - are balanced and impartial
  - take account of the impact on victims
  - promote fairness by making sure that diverse needs are met
- magistrates and the judiciary have reports which provide them with the required range of recommendations to make informed decisions regarding sentencing
- magistrates, the judiciary (and youth offender panel members where appropriate) have confidence in the effectiveness of recommended supervision of children who offend
- children and their parents and carers are provided with appropriate information and support during the court process, and checks made to ensure their understanding
- all proceedings demonstrate that children's voices are heard and that they can participate effectively
- communication is in line with Youth Custody Service requirements when youth detention accommodation or sentence to custody is a court outcome

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<sup>8</sup> 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.

- quality assurance is evident including analysis of an action plan to tackle any disproportionality.

#### YOTs must:

- provide a court duty service including producing reports requested by the court within the stipulated timeframe
- base all reports on an up-to-date and relevant YJB approved assessment, and demonstrate engagement with the child and 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 court outcome, details of any youth detention accommodation, including written information about the youth detention accommodation and (where appropriate) the Assisted Prison Visit Scheme
- explain the outcome to the child and check that they understand.

#### How to apply the standards and statutory guidance:

- [Work in court](#)
- [Reports for court](#)
- [Placing young people in custody guide for youth justice practitioners](#)
- [AssetPlus Joint Working Protocol](#)
- [Community Sentences if you are under 18](#)
- [Revised Referral Order Guidance](#)

## Standard 3: in the community (court disposals)

### 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 barriers to desistance 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 the management of orders
  - the effectiveness of supervision of children on court orders
- children and their parents and carers are provided with appropriate information and support during the sentence. There should be evidence and recording of their understanding.

### In managing an effective whole sentence YOTs must:

- engage the child, parents and carers and demonstrate through evidence their efforts to do so
- establish a meaningful trusting relationship with children whom they supervise
- take diverse needs into account and promote equality in access and engagement
- assist the child to build a pro-social identity to enable sustainable desistance
- explain the child's rights and responsibilities under the terms of the order and check for understanding

- supervise the court order(s) in line with the YJB approved assessment framework
- produce a plan from the assessment to focus on:
  - enabling a pro-social identity and desistance from offending
  - public protection
  - mitigating any prevailing issues relating to safety and wellbeing
  - building on the positive elements of the child's life
- make sure that the assessment is dynamic and ongoing and is commenced at the start of every order and for every pre-sentence report. It should take account of the child's broader context, previous offending, impact on victims, public protection, safety and wellbeing, and factors that influence desistance from crime
- coordinate interventions with any other relevant specialist or agency, specify the intended outcome, and commence promptly
- make sure that reviews occur as required to reflect significant changes in the child's circumstances inclusive of engagement and compliance with orders.

#### **How to apply the standards and statutory guidance:**

- [Use of community interventions](#)
- [Revised Referral Order Guidance](#)
- [National protocol for case responsibility](#)
- [Support for parents of children in the youth justice system](#)

# 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:**

- transport used for children, from court to their destination establishment, to and from court while in custody, or used for other destinations (e.g. health appointments), is appropriate for children, and minimises delays
- 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
- all services, including education and health care, prioritise children's best interests and recognises their needs, capacities, rights and potential
- services take all action to address the causes of a child's offending behaviour and any unmet social, emotional, health or educational needs
- the environment that children live in is rehabilitative and safe and one where there is a culture that enables children to develop, grow and learn
- children are motivated by staff to have an opportunity to engage in appropriate, high-quality education and training that helps them to make good progress
- effective communication and information exchange is in place for the preparation and delivery of the secure and the community phase of sentences
- there is a robust approach to holding services and agencies to account in the event of insufficient planning and delivery of the transition and or resettlement plan for a child
- communication between professionals is in line with Youth Custody Service requirements
- services, plans and interventions take account of diverse needs and promote equality
- safeguarding information is conveyed to relevant parties and agencies without delay
- strategic partnerships and secure establishment providers have confidence in the quality of services and in the effectiveness of supervision of children and

- all service provision prioritises the child's best interest
- children and their parents and carers are provided with appropriate information and support during the secure phase of the sentence.

#### YOTs at court must:

- when custody is the expected sentence, make sure that communications and information exchange, through use of 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 sentenced<sup>9</sup>

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:

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

Staff in the establishment and the YOT must:

- instigate appropriate safeguarding procedures where necessary<sup>10</sup>
- 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 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
- supporting children to fulfil their potential during the whole sentence
- identifying and planning for all transitions at the earliest opportunity

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<sup>9</sup> 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).

<sup>10</sup> Expectations are set out in Working Together to Safeguard Children 2018 statutory guidance; this applies to all organisations and agencies who have functions relating to children



- planning for successful resettlement

Initial planning should occur promptly and take account of all views (including the child's). The purpose should be to discuss and approve the plan, the interventions and the resettlement plan in detail. Efforts meaningfully to engage the child should be demonstrated in records

All subsequent sentence planning dates should be agreed at the initial meeting to meet the needs of the child

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

- planning for successful resettlement
- suitability for the detention and training order early-release scheme
- home detention curfew
- temporary release (formerly release on temporary licence)
- parole, and release on licence

a plan will be in place 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

Resettlement preparation should identify and address any outstanding actions with clear lines of accountability

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

### **How to apply the standards and statutory guidance:**

- [How to place a child in secure settings](#)
- [Custody and Resettlement](#)
- [Detention and Training Orders section 73 – 79 C&D 1998](#)
- [Section 90 Criminal Justice Act 2003](#)
- [Section 91 Criminal Justice Act 2003](#)
- [Section 226 Criminal Justice Act 2003](#)
- [Youth to adult transition protocol \(England\)](#)
- [Youth to adult transition protocol \(Wales\)](#)
- [Transfers for over 18s to young adult estate](#)
- [Former looked after children in custody](#)
- SEND code of practice
- [Comprehensive Health Assessment Tool Manual](#)
- [Children and young people in the secure estate national partnership agreement](#)
- [healthcare standards for children and young people in the secure estate](#)
- [Working together to safeguard children](#)

# 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
- local systems are in place that demonstrate flexibility and capacity for continuity in assessment, planning and the delivery of interventions 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
- there is a robust approach to holding services and agencies to account in the event of insufficient planning and delivery of the transition and or resettlement plan 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

This should be;

- produced promptly
- produced with active engagement from the child and their family.

it should set out;

- the personal and structural support to be made available to support the child develop a pro-social identity. Identify the child's strengths and capacities (and those of the wider community around them) and set out how these factors will impact upon the activities and be built into a full desistance plan

and it should be the subject of regular and joint review

In preparing that plan, all relevant agencies should work with the child, parents and carers and should be in place for each transition 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
  - community forensic child and adolescent service
  - 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 do not exist and make sure appropriate alternative arrangements are made to meet children's needs
  - 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.

### **How to apply the standards and statutory guidance:**

- [Custody and resettlement](#)
- [Youth to adult transition protocol \(England\)](#)
- [Youth to adult transition protocol \(Wales\)](#)
- [How to make resettlement constructive](#)
- [Beyond Youth Custody resources and research](#)

# 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 40(1) & (2) Act Crime and Disorder Act 1998

Provisions

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.



# 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"> <li>• operates and what functions it is to carry out</li> <li>• determine how appropriate youth justice services are to be provided and funded</li> <li>• oversee the formulation each year of a draft youth justice plan</li> <li>• oversee the appointment or designation of a YOT manager</li> <li>• as part of the youth justice plan, agree measurable objectives linked to key performance indicators, including the National Standards for Youth Justice.</li> </ul> <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>