

MAKING IT COUNT IN COURT

Second Edition



Acknowledgements

The Youth Justice Board for England and Wales (YJB) and Her Majesty's Courts Service (HMCS) would like to acknowledge the support that they received in the development of this publication from a group of stakeholders. This group comprised members of each of the following: the Magistrates' Association, the Crown Prosecution Service (CPS), the Justices' Clerks' Society, youth offending teams (YOTs), the Association of Chief Police Officers and the Joint Youth Justice Unit, together with district judges, defence lawyers and YJB staff. The YJB and HMCS would like to thank each member of this group for their valuable input.

First published 2003

**Second edition 2009 © Youth Justice Board for England and Wales
Reprinted with amendments, 2010**

Material may not be reproduced for commercial purposes.

ISBN: 978-1-906139-62-9

CONTENTS

04 Introduction

06 Chapter 1

Court in context

- 06 Children's/social services
- 07 *Youth Crime Action Plan*
- 08 Triage
- 08 Out-of-court diversions
- 09 Out-of-court disposals
 - 09 Penalty Notices for Disorder
 - 10 Youth Restorative Disposals
 - 10 Reprimands
 - 10 Final Warnings
 - 11 Youth Conditional Cautions
- 11 Targeted Youth Support (England only)
- 12 Youth Rehabilitation Order
 - 12 Youth Rehabilitation Order reviews
- 12 Scaled Approach
- 13 Deter Young Offender management framework
- 13 *National Standards for Youth Justice Services and Case Management Guidance*
- 14 Criminal Justice: Simple, Speedy, Summary

16 Chapter 2

Working in partnership

- 18 Essential good practice
 - 18 Youth justice service level agreements
 - 19 Looked-after children protocol
 - 19 Youth court user groups
 - 20 Youth court panel meetings
- 20 Recommended practice
 - 20 Sentencing forum
 - 21 Meetings of the youth court panel chair and their deputies
 - 21 Meetings between the YOT and the lead legal adviser
 - 21 Progress reports
 - 22 Case feedback and court reviews

- 22 Further partnership opportunities
- 22 Magistrates' briefings
- 23 YOT open days and visits to custodial establishments
- 23 Newsletters
- 23 Feedback from young people and other users
- 23 Sentencers' feedback to the YOT

24 Chapter 3

The role of court professionals

- 24 The judiciary
- 25 Legal advisers
- 25 Crown Prosecution Service
- 25 Defence lawyers

26 Chapter 4

The role of the YOT

- 27 Management board
- 27 YOT management
- 28 YOT court manager or a senior practitioner
- 28 YOT court practitioners or generic practitioners
- 29 Specialists' services at court
- 30 YOT court administrators

31 Chapter 5

The role of the court in partnership with the YOT

- 31 Information-sharing
- 31 Court dates and final court lists
- 32 The defence
- 32 Facilities
- 32 Information technology
- 33 Sentencing issues
- 33 Court listing/duty arrangements
- 34 Training and communication

35 Chapter 6

The YOT's role in court

- 35 Preparation
- 36 Preparing the young person
- 37 Victims of crime
- 37 Providing specialist information

38 Chapter 7

Preparation of reports used in court

- 38 Types of reports
 - 38 Stand down reports
 - 39 Specific sentence reports
 - 39 Pre-sentence reports
- 40 Pre-sentence report custodial conclusion
- 41 The importance of preparing the correct type of report
- 41 Mental health/psychiatric and other specialist assessments
- 42 Including victims in court reports
- 42 Parenting Orders
- 42 Quality and content of reports
- 43 Sentencers' feedback to the YOT
- 43 Confidence surveys

44 Chapter 8

Presentation in court

- 44 Professionalism in court
- 45 Formal terms of address
- 45 Young person and parents/carers
 - 45 Representation
- 46 Presentation
- 46 Family support

47 Chapter 9

Post-court administration

- 47 Referral Order report (youth offender panel)
- 48 Information technology
- 48 Wiring Up Youth Justice

49 Chapter 10

Moving forward

- 50 Efficient and effective partnerships
- 51 Agreements
- 52 Processes
- 53 Review

55 Bibliography

- 56 Legislation

INTRODUCTION

Youth justice has come a long way since a new youth justice system was created by the Children Act 1908. Separate youth courts were established in 1909 with the principal aim of education and reform. This was the first of many important and ongoing changes for youth justice. The Crime and Disorder Act 1998 led to the creation of the Youth Justice Board for England and Wales (YJB) in 1998 and multi-disciplinary youth offending teams (YOTs) in 1999.

Today, tackling youth crime is a priority. Youth justice has become the shared responsibility of the Ministry of Justice and the Department for Children, Schools and Families. Section 37 of the Crime and Disorder Act 1998 sets out the principal aim of the youth justice system, which is to prevent offending. To achieve this it is vital that all those involved in youth justice work together.

Initiatives such as Criminal Justice: Simple, Speedy, Summary (CJSSS) have already demonstrated that great benefits can be achieved through joint working. It is no longer possible or beneficial for agencies to act in isolation. YOTs and all those involved in youth justice need to share responsibility for ensuring that the highest levels of practice and partnership working are in place, while

always placing the young person at the heart of the process.

This practice framework is a resource for all criminal justice professionals, including members of the judiciary, legal advisers, court management and administrative staff, police officers, Crown Prosecution Service (CPS) staff, defence lawyers and YOT practitioners. It supports effective and efficient practice in the youth court within the context of the wider youth justice system. The focus is on the work of the YOT in court and the YOT's relationships with other court professionals and court users. Through prioritising high-quality court work and provision of information, YOTs will be able to increase confidence in the wider service they deliver. Although the principles discussed relate to the youth court, they can be adapted and applied to the Crown Court.

The proposals given by the YOT in sentencing reports will be an important source of information for the court. The interventions proposed will be based on individual assessments of the likelihood of reoffending and the risk of serious harm to others. The provision of the best possible information from the YOT is therefore crucial in assisting the court to make decisions that support the aims of the youth justice system.

The judiciary has the ultimate responsibility for determining the sentences of those appearing before them, using all the information provided to the court. When considering sentences, the judiciary will give regard to the principal aim of the youth justice system, to prevent offending. This will be balanced with consideration of the welfare of the young person, in accordance with section 44 of the Children and Young Persons Act 1933. The Sentencing Guidelines Council have also developed guidance to assist the judiciary, which sets out the principles that apply when sentencing young people.

Officers and the Joint Youth Justice Unit, together with defence lawyers and YJB staff.

First-rate partnership working and the adoption of best practice will enable the delivery of the best possible service to young people attending court. A more efficient and effective youth court can also result in consistently high levels of public confidence in the court, especially among victims and witnesses, defendants, and parents/carers.

The content of this document has been developed with the assistance of youth court professionals across England and Wales. Six hundred stakeholders attended four regional conferences which discussed 'moving forward good practice in the youth court'. The content of this practice framework was also reviewed by a focus group comprising members of each of the following: the youth court judiciary, the CPS, the Justices' Clerks' Society, YOTs, the Association of Chief Police

1. COURT IN CONTEXT

This section considers:

- agencies and initiatives that affect young people who appear before the court
- out-of-court diversions and out-of-court disposals that the young person may have experienced prior to any court appearance
- current practice within the court.

This will help new court practitioners understand how these separate entities all fit together and the YOT's role in this setting.

The YOT is a key player in the court setting. The information the YOT provides to the court influences the decisions taken by the CPS, the defence and the judiciary. YOTs are already working with many young people who appear before the courts. Preparation before court and in-court presentation is consequently crucial to the general working of YOTs.

Children's/social services

Section 17 of the Children Act 1989 makes it the general duty of every local authority "to safeguard and promote the welfare of children within their

area who are in need". The statutory framework for children's services in England and Wales is then set out in Part 2 and Part 3 of the Children Act 2004.

The Children Act 1989¹ states that every local authority shall take reasonable steps designed to:

- reduce the need to bring criminal proceedings against children in their area
- encourage children within their area not to commit criminal offences
- avoid the need for children within their area to be placed in secure accommodation.

In order to deliver these aims, each director of children's services in England and Wales should work through their local children's trust (England) or children and young people's partnership (Wales), to enable coherent planning to address the needs of young people who become involved in the youth justice system. Their role is to provide the strategic leadership required to help ensure that these young people have access to the services and support they need to reduce reoffending.

The director of children's services or director of social services should also facilitate greater integration between the youth justice agenda and the wider crime and disorder agenda. It is important that the needs of the victim are taken into account as well as those of the offender.

Strong links between YOTs and children's/ social services can open up access to further resources that will enhance the work of the YOT and the services provided for young people appearing in court and their parents/carers.

Arrangements should be made to promote co-operation between the local authority, relevant partners including YOTs, and any persons or bodies who exercise functions or are engaged in activities in relation to children in the authority's area.²

Youth Crime Action Plan

The *Youth Crime Action Plan* (Home Office et al., 2008) is a comprehensive document that looks at what needs to be done to tackle youth crime. It had the benefit of being a cross-Government paper and it is recognised that continued cross-Government co-operation will be required to address youth crime. Aspects of the plan, where relevant, also apply in Wales. The plan has a 'triple-track' approach to youth crime. These three tracks are:

- improved systems of prevention

- support and challenge where it is most needed
- enforcement and punishment where behaviour is unacceptable.

To address the root causes of crime, prevention work must identify and focus on those at risk of offending. As part of the triple-track approach, in the *Youth Crime Action Plan* the Government outlines its intention to provide:

- a non-negotiable intervention to the families at greatest risk of serious offending
- improved support for young people and their parents/carers to help them to deal with problems
- support for those young people who are victims of crime.

Through enforcement and punishment of unacceptable behaviour, the Government will set clear boundaries, with clear consequences for non-compliance. This focus on enforcement, together with a new sentencing framework and ongoing support for those coming to the end of their sentences, will protect the public and reduce reoffending.

In terms of sentencing young people, the *Youth Crime Action Plan* states that the sentence should be one that:

Protects the public and punishes the offender but which also tackles their offending with the aim of preventing them doing it again.

(Home Office, 2008: 49)

²See: *Statutory Guidance: The Roles and Responsibilities of the Lead Member for Children's Services and the Director of Children's Services* (DCSF, 2009).

While it is acknowledged that, for some offenders, custody is the right response, a key principle of the *Youth Crime Action Plan* is that:

...no young person should be sent into custody unless the court is able to specify why dealing with him or her within the community is not appropriate.

(Home Office, 2008: 49)

This principle highlights the need to ensure that the judiciary, victims, witnesses and the public are confident that any community penalty imposed will address offending behaviour and protect the public. Research has shown a higher custody rate where magistrates are less satisfied by the quality of local services to support community sentences.³

Schedule 4 Pt 1 para 80 (3) of the Criminal Justice and Immigration Act 2008 amends section 174 of the Criminal Justice Act 2003 by adding new sections 174(4A) and 174(4B) to that Act. This means that when a custodial sentence is passed, the Bench must state that the offence is so serious that no other sanction is appropriate and also why a Youth Rehabilitation Order with intensive supervision and surveillance or fostering cannot be justified.

Triage

Triage⁴ is a custody-based assessment process which aims to prevent young people from offending or reoffending by bringing a YOT practitioner into police stations to make early and rapid assessments of young people.

When a young person is arrested, the YOT practitioner will establish whether the young person is known to the YOT or to children's/social services, and provide information on any previous interventions and levels of engagement. Information is shared with the police and the CPS (in more serious cases) in order to help inform their decision about the way forward.

Where appropriate, Triage can lead to informal diversion from the Criminal Justice System into intervention programmes or restorative justice schemes. For example, in low-risk cases, where the young person admits the offence, the family agrees and the victim is willing, this could involve restorative intervention, rather than court action. Triage also gives parents/carers an opportunity to receive support earlier. At present Triage is not available in all areas.

Out-of-court diversions

Out-of-court diversions are designed to divert young people away from the courts where it is appropriate to do so. Targeted early interventions – such as the Connexions initiative⁵ (in England)

³See: *Patterns of Sentencing: Differential Sentencing across England and Wales* (Bateman and Stanley, 2002).

⁴Triage was piloted from 2008–09.

⁵For further information, see: www.connexions.gov.uk

from the Department for Children, Schools and Families – focus on early intervention.

Youth Inclusion Programmes currently operate in around 130 of the most deprived/high-crime neighbourhoods in England and Wales. These programmes are tailor-made for 8 to 17-year-olds at high risk of involvement in crime and anti-social behaviour, but are also open to other young people in the area. The Youth Inclusion Support Panels and Youth Inclusion Programmes (or similar programmes) use information shared between local agencies to focus resources on those young people most at risk.

Out-of-court disposals

Out-of-court disposals are used for offences where a formal charge and appearance in court is not appropriate or necessary. Out-of-court disposals aim to divert young people away from the youth justice system, while challenging and supporting the young people in order to reduce the likelihood of reoffending.

Examples of out-of-court disposals include:

- Penalty Notices for Disorder
- Youth Restorative Disposals⁶
- Reprimands
- Final Warnings
- Youth Conditional Cautions.

Penalty Notices for Disorder

Penalty Notices for Disorder are available for young people aged 16 and 17 years. They offer an additional method of dealing with low-level offending and anti-social behaviour. Police officers have the discretion to use these ‘on-the-spot fines’ for a number of defined offences. They can only be issued if there is sufficient evidence to support a successful prosecution. Their use is also inappropriate if the offence forms part of a pattern of offending behaviour or the young person is vulnerable and in need of greater intervention.

When a Penalty Notice for Disorder is issued to a 16 or 17-year-old, the local YOT should be notified by the police. If the young person wishes to dispute the issue of the Penalty Notice for Disorder, they can request a court hearing during the 21 days given to pay the penalty. If the Penalty Notice for Disorder is accepted and the offence is recordable, it will be logged on the Police National Computer. A Penalty Notice for Disorder should not be issued more than once for a recordable offence.

At present, Penalty Notices for Disorder cannot be used where the offence involves anyone below the age of 16 years. There has, however, in recent years been a pilot where Penalty Notices for Disorder were used for 10 to 15-year-olds. No decision to roll this out nationally has been taken as yet.

⁶Youth Restorative Disposals were piloted from 2008–09.

Youth Restorative Disposals

The Youth Restorative Disposal is an intervention that was piloted from 2008–09. It is not yet available nationwide. It uses principles of restorative justice to provide an effective, meaningful and proportionate response to minor offending. This can take place either at the scene of the offence or soon after.

Minor offending is challenged by holding young people to account. This allows them to take responsibility for their actions, repair the harm and improve their behaviour in a positive way.

Youth Restorative Disposals provide an additional alternative to existing methods of disposal for police officers and police community support officers trained in restorative justice. They can be used with young people aged 10 to 17 years for first-time minor eligible offences. As the Youth Restorative Disposal can only be used with the consent of all parties, it focuses on meeting the joint needs of the victim, community and the young person who offended.

A young person can only receive one Youth Restorative Disposal. The fact that a Youth Restorative Disposal has been given to the young person is recorded locally against the young person's name, but Youth Restorative Disposals are not recorded on the Police National Computer. The police will inform their local YOT that the young person has received a Youth Restorative Disposal. This will act as a trigger to identify any underlying risk

factors and provide early intervention where necessary.

Reprimands

A Reprimand can only be used for a first offence. For a Reprimand to be issued, the young person must admit the offence. If the young person is bailed prior to the Reprimand being issued, the YOT can assess the young person for a prevention/intervention programme. The YOT will then be present when the Reprimand is given. If the young person is assessed as high risk there may be a short intervention programme, but this is voluntary.

Final Warnings

A Final Warning is used for second offences, or, where the offence is too serious for a Reprimand. No further Final Warning is possible unless it is at least two years since the earlier warning and the offence is not so serious that it should be charged.

To receive a Final Warning, the young person must admit that they committed the offence. Once a Final Warning has been given, the police are under a duty to inform the YOT, who then have a duty to assess the young person. Generally an intervention programme to prevent reoffending is offered. While participation is voluntary, any failure to attend can be cited in court if the young person goes on to commit further offences which then come before the court.

Final Warnings aim to prevent young people reoffending by ensuring that the young person is made aware of

the consequences and impact of their criminal activity. Factors that may encourage a young person to reoffend should also be addressed.

Youth Conditional Cautions

The Youth Conditional Caution is the highest tariff out-of-court disposal, which was introduced by the Criminal Justice and Immigration Act 2008. Though the intention is that it will be available for 10 to 17-year-olds, it will be piloted for 16 to 17-year-olds prior to national implementation.

Youth Conditional Cautions will provide an additional alternative disposal. They will be able to be used when the young person has already had a Reprimand and/or Final Warning, or where the offence is too serious for a Reprimand or Final Warning. For the Youth Conditional Caution to be used, the young person cannot have been convicted of an offence previously and must admit the offence. Their consent to the caution is also required.

Conditions included on the caution will aim to support rehabilitation, effect reparation or punish. Young people must be able to complete the conditions satisfactorily and within a reasonable time period. When considering a reasonable time period, prosecutors will have to take into account any time limits affecting the commencement of proceedings for the offence involved.

If the young person does not satisfy the conditions of the caution then they can be charged with the original offence. YOTs will have a key role in assessing cases, and recommending, supervising and delivering caution conditions subject to approval and oversight by the CPS.

Targeted Youth Support (England only)

Targeted Youth Support is a prevention programme that has been developed and rolled out across England by the Department for Children, Schools and Families via local authorities to facilitate early identification of children and young people's needs. It aims to help young people who are vulnerable to realise the five key outcomes of the Every Child Matters agenda.⁷ Through Targeted Youth Support, those who are vulnerable will be identified and helped at an early stage. This will enable any difficulties to be addressed as soon as possible in order to prevent problems escalating.

By working together rather than individually, agencies can provide an integrated service. Targeted Youth Support aims to provide a 'team around the child' approach by linking together a wide range of support services to meet the needs of the young person, as well as providing support for the family. Under Targeted Youth Support, agencies work together to provide a coherent cross-agency service, rather than something piecemeal. Targeted Youth Support should help to ensure that the needs of the young person are met.

⁷For further information, see the Government's Green Paper, *Every Child Matters* (DfES, 2004) and www.everychildmatters.gov.uk

Youth Rehabilitation Order

The Youth Rehabilitation Order⁸ was introduced by the Criminal Justice and Immigration Act 2008 and commenced during November 2009. It is the standard community sentence for young people under 18 and it is supported by the Scaled Approach.⁹ The order is made up of a 'menu' of 18 possible requirements. By selecting the most appropriate requirements for each young person, a tailored sentence can be achieved. There are no restrictions on the number of occasions on which this sentence can be used.

YOTs take into account the views of the Bench and assist the court by recommending which of the requirements are the most appropriate and available locally.

Youth Rehabilitation Order reviews

The Criminal Justice and Immigration Act 2008 also provides the court with the facility to formally request that a young person returns to court in order for their progress on a Youth Rehabilitation Order to be reviewed. During the review, the YOT will provide the court with a brief update report. It is anticipated that court reviews will be introduced nationally once piloted.

Scaled Approach

The YJB's Scaled Approach was introduced in 2009 as a way of matching the intensity of a YOT's work with each young person to the young person's assessed likelihood of reoffending and the risk they pose of causing serious harm to others. The Scaled Approach

model – which was developed in partnership with YOTs – informs planning interventions and YOTs' reports to courts and youth offender panels. It provides greater information from which the judiciary can make decisions about a young person's sentence. It is used when a young person is on a Referral Order or a Youth Rehabilitation Order, or during the community element of a custodial sentence.

The Scaled Approach has been designed to support the Youth Rehabilitation Order sentencing framework. The Scaled Approach model requires reports to courts to include the assessed likelihood of reoffending, the assessed level of risk of harm to others and the resulting intervention level, as set out in the *National Standards for Youth Justice Services* (YJB, 2009).

The Scaled Approach takes account of the statutory sentencing framework and the range of sentencing principles already in place.

It is the responsibility of the judiciary to sentence the young person, but the YOT has, in any type of report produced, a responsibility to assist the judiciary in their decision as to the most appropriate sentence for that particular young person. When producing any report, the YOT must take into account any wishes expressed by the judiciary when requesting the report and their view of the seriousness of the offence.

⁸For further information, see: www.yjb.gov.uk/yro

⁹For further information, see: www.yjb.gov.uk/scaledapproach

Deter Young Offender management framework

The Persistent Young Offender Pledge was a multi-agency initiative that successfully brought the average time from arrest to disposal for young people down from 142 days in 1997 to 58 days in 2008. The pledge was concluded in December 2008.

Through similar multi-agency working to that undertaken under the Persistent Young Offender Pledge, local criminal justice boards now focus on a priority group of offenders known as the Deter Group. Young people who fall into this group are known as Deter Young Offenders. They are young people who are assessed as posing the highest risk of causing serious harm to others and/or those most likely to reoffend.

Through a risk-based approach, the agencies in the local Criminal Justice System support wider partnership efforts to reduce reoffending by this group of young people. This is achieved through early identification and intensive intervention. These young people are assisted by the more intensive interventions of the Scaled Approach and through access to wider children's services.

In contrast to previous arrangements under the Persistent Young Offender Pledge, a young person can now be classified as a Deter Young Offender after just one conviction, and should be given early access to an intervention programme to try to prevent further offending. A further difference is that the young person now ceases to be

classified as a Deter Young Offender if the intervention work is successful.

The Deter Young Offender management framework published by the Office for Criminal Justice Reform (*Management Framework: Deter Young Offender Scheme*, OCJR, 2009) provides a single list of young people who are a priority within each local authority. The Deter Young Offender management framework consists of four parts: multi-agency Deter Young Offender management meetings; CJSSS; the Scaled Approach; and access to children's services by the Deter Young Offender group. This is a first step in aligning the 'Prevent and Deter Target Group' under the Home Office's Prolific and other Priority Offender strategy with the 'intensive group' under the Scaled Approach.

National Standards for Youth Justice Services and Case Management Guidance

National standards, approved by the Secretary of State, set the minimum requirements that youth justice services should adhere to. They set a benchmark against which the operational delivery of YOTs and the wider youth justice system can be assessed. While they establish the minimum expectations of practitioners and managers in the youth justice system, they do not detail why or how to undertake any particular task.

Detail on practice delivery is found in the *Case Management Guidance* (YJB, 2009) and the *Key Elements of*

Effective Practice series. The *Case Management Guidance* looks at the key stages throughout a case, from dealing with a young person following arrest, to working in court and planning and managing interventions after sentencing. The *Case Management Guidance* provides a comprehensive overview of how to deliver youth justice services in the community. It is aimed at practitioners and managers providing youth justice services in the community. It provides YOTs with information on how to ensure that effective court services are in place.

Criminal Justice: Simple, Speedy, Summary

A cross-agency review in 2005 found that simple criminal cases in the magistrates' courts were taking too long, with too many hearings. This led the Government to publish *Delivering Simple, Speedy, Summary Justice* (DCA et al., 2006), which in turn led to the development of the CJSSS initiative.

The aim of CJSSS is to deal with simple criminal cases heard in the magistrates' courts more efficiently. This means reducing the average time that all cases took from charge to disposal and reducing the number of hearings. Implementation took place during 2007 for adult cases and 2008 for youth cases.

The YJB and Her Majesty's Courts Service (HMCS) worked closely together to ensure that CJSSS did not conflict with either the aims of the youth court or the implementation of

the Youth Rehabilitation Order and the Scaled Approach. YOTs were key stakeholders during the implementation of CJSSS and vital members of the local CJSSS implementation team.

Close and effective partnership working between the judiciary, courts, police, the CPS, the defence, probation services and youth offending services was essential to bring about change and remains vital.

To make improvements, three key principles were developed:

- **improved preparation from charge to first hearing**
This involves prosecution case files being prepared to an appropriate level, and containing sufficient information for the first hearing. The information provided about the offence allows the CPS to present the case in court. The information about the case that the CPS provides to the court, to the defence and to the YOT prior to the first hearing ensures that as much progress as possible is made at that first hearing.
- **expectation of an effective first hearing in the majority of cases**
The information provided by the CPS increases the likelihood that the young person will enter a plea at the first hearing. If the plea is 'guilty', where appropriate the young person is also sentenced at that first hearing. If the plea is 'not guilty', then the parts of the case that the CPS and the defence do not agree about are identified. This helps to determine which witnesses are

required and how long the case will take. Any other case management issues, such as whether any witness will give evidence by video link, are also dealt with, and a trial date is fixed.

- **a commitment to ensure cases are progressed out of court between first hearing and trial to ensure that trials are ready to go ahead on time**

During the time between a 'not guilty' plea being entered and the trial date, any further case management issues are dealt with administratively outside the courtroom. In-court pre-trial reviews only take place in exceptional circumstances. There is an expectation that the case will go ahead on the trial date fixed.

During the initial implementation of CJSSS it was found that receiving information from the police and the court prior to the first hearing enabled YOTs to improve their pre-court preparation. This then helped YOTs, in appropriate cases, to produce stand down reports for guilty plea cases. All of these factors have meant that YOTs have had a key role to play in helping to improve the timeliness of all cases and reducing the number of court hearings per case.

Making these improvements directly benefits those who come into contact with the Criminal Justice System, including victims, witnesses, defendants and parents/carers. Indirectly the whole community benefits

through restored public confidence in the Criminal Justice System. The suggested ways of working described in this guide support the aims of CJSSS and help to sustain and progress improvements already made.

Following on from CJSSS, the Streamlined Process was implemented during 2008. This aimed to establish a consistent approach to the way police files are built for the first hearing. A system of standard paperwork was developed to ensure that the file produced was proportionate to the offence committed, while still containing sufficient quality information. This allows YOTs to prepare for court, and the Bench, the CPS and the defence to conduct an effective first hearing.

2. WORKING IN PARTNERSHIP

This section looks at how the YOT, the judiciary and criminal justice agencies work together in the court setting. Figure 1 illustrates how each criminal justice agency contributes to an effective first hearing at court.

Improving partnership working will benefit all court users, and partnership working is the foundation on which YOTs can build efficient and effective court work. This, in turn, will help all court users to gain greater confidence in the YOT's ability to deliver.

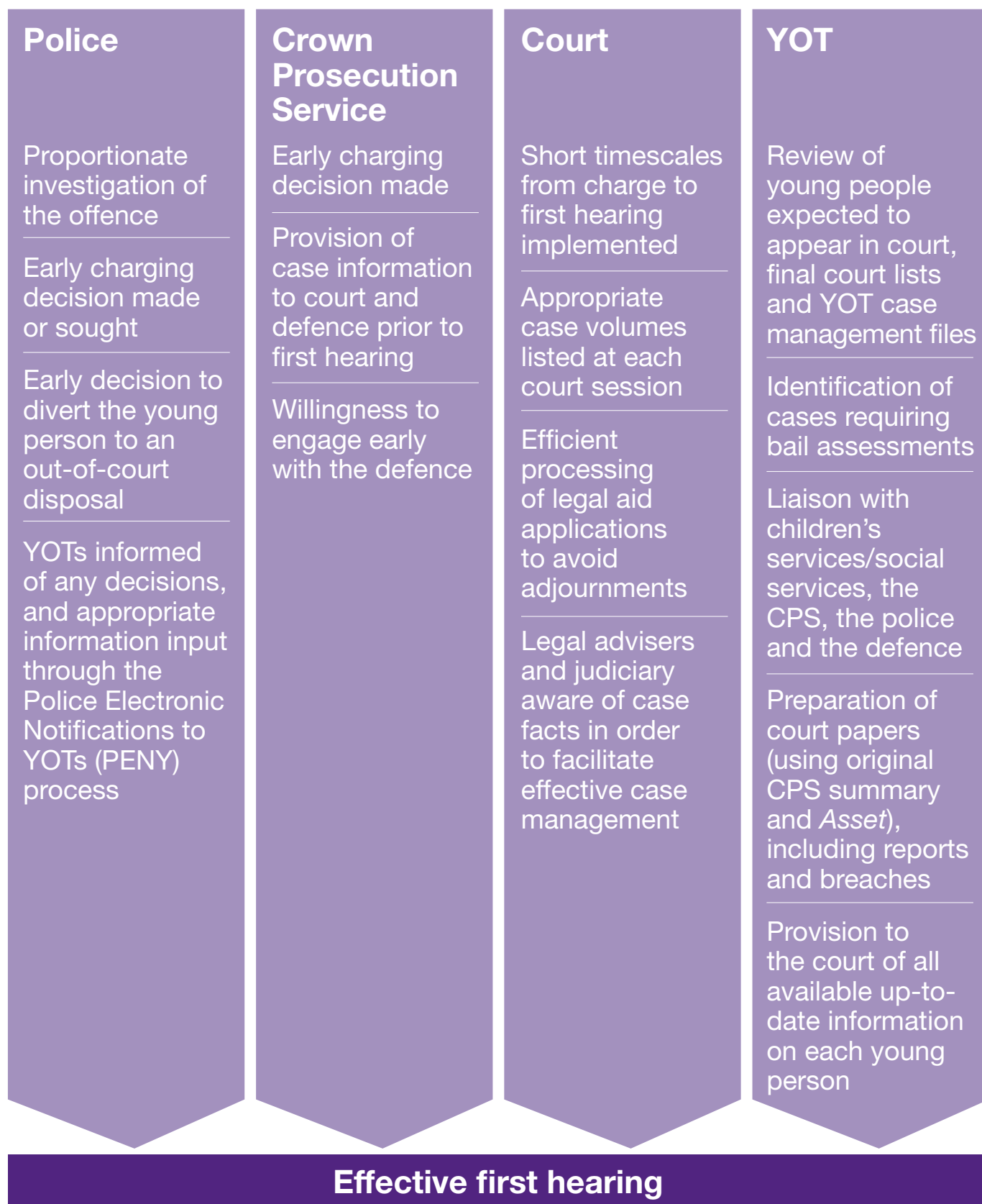
Underpinning efficient and effective court work is good communication. This can be crucial to YOTs working effectively and should be promoted by the YOT management board. It is through establishing and maintaining clear channels of communication with all partners that YOTs are able to move beyond simple information exchange to the building of trust and confidence.

The investment in a collaborative system of working can show benefits such as a reduction in the number of adjournments, a reduction in requests for reports and increased confidence in the work of the YOT. Where there are high levels of confidence in the work of the YOT, it is more likely that the views of YOT practitioners will actively be sought and their advice taken.

Benefits can be achieved through early information-sharing with the defence and the CPS. This information exchange can be done in an informal manner or more formally at a pre-court briefing session. Examples of benefits that can be realised are set out below.

- Where a case previously charged is potentially suitable for diversion through a Reprimand, Final Warning or Youth Conditional Caution, an early decision can be made regarding whether to divert or adjourn for further consideration.
- Where a young person is held in custody prior to a remand hearing, early sharing of information with the CPS may help the CPS to decide on the type of remand they will apply for. Sharing information with the defence can assist them in any subsequent bail application.

Figure 1: An effective first hearing at court:
criminal justice agencies working in partnership



- Sharing information about the young person with the defence at the earliest opportunity prior to the case being called ensures that the defence is prepared. This reduces the likelihood of the case being put back to allow further instruction.
- An early indication from the defence that there will be a guilty plea alerts the YOT to consider whether the case is suitable for sentencing on the day. The court can also ensure that the case is called on at an early stage so that there will be sufficient time, where appropriate, to enable the case to be sentenced on the day.
- If a looked-after child is to appear at court for an incident that occurred in their residential/foster home, there should be discussion with the CPS and the defence to ensure that the offence is dealt with in line with CPS protocol.

The benefits of good partnership working and clear channels of communication are clear. There are a number of channels through which YOTs can communicate with other court users. Examples of the key methods of partnership working are detailed below. They are already being used successfully across England and Wales. Nevertheless, it can still be valuable to review their use and build upon their current effectiveness, as well as exploring other approaches.

Essential good practice

Youth justice service level agreements

The foundation of good partnership working and communication between YOTs and the court is a clear youth justice service level agreement. This document provides a framework for consistent and fair practice. It makes it clear what is expected of each agency involved, what each agency's role is, and what agencies can expect from partner agencies.

The ultimate aim of the youth justice service level agreement is to ensure that a high level of service is provided which is consistently maintained and improved upon. YOT practitioners should be familiar with the contents of the document and ensure that they are clear about what is expected from them and what they can expect from the other partners.

The youth justice service level agreement should cover the topics below, although this is not an exhaustive list:

- exchange of information about children and young people who offend
- agreed processes for any priority groups
- facilities for victims, witnesses, and children and young people who offend
- arrangements for making court-ordered secure remands direct to the secure estate

- arrangements for the timely enforcement of court orders
- the provision of YOT court duty across the range of proceedings for children and young people under the age of 18, including adult magistrates' and Crown Courts
- arrangements for services to unscheduled courts, including weekend courts
- quality assurance and feedback processes.

Any youth justice service level agreement must be a living document. As a minimum it should be reviewed annually by all signatories. By reviewing the agreement, all the agencies will have an opportunity to review current practice and share any issues and concerns with the aim of improving services in the future. There should also be a mechanism in place to make changes during the year if issues or concerns arise. A named lead from each agency should be responsible for maintaining the practices and procedures agreed. Any issues should be escalated to this lead for resolution.

Looked-after children protocol

In addition to, or as part of, the youth justice service level agreement, there should be a protocol regarding young people in the care system who have offended. All agencies in the youth justice system should agree processes as to how a looked-after child will be dealt with. This will ensure that a looked-after child is dealt with in a similar way to a young person who is living in the family home.

Youth court user groups

Youth court user groups are formal meetings, which are generally held quarterly. They are a well-established and common forum for discussion. Attendees include representatives from the judiciary, court legal and administrative teams, the CPS, the YOT, defence lawyers, victim support, witness services and other local agencies who work within the court. To ensure maximum attendance, the meeting should be at a time of day that is suitable for as many of the agencies as possible. If an agency is unable to attend, there should be a mechanism in place to allow comments to be made in writing.

The remit of the youth court user group is wide. The *YJB Case Management Guidance* indicates that these meetings should:

- monitor the impact and effectiveness of the youth justice service level agreement
- ensure the effective and timely exchange of information on children and young people who offend
- report on the outcomes of the work of the local YOT
- monitor and discuss sentencing trends
- develop the efficiency and effectiveness of the court's processes in relation to children and young people
- review services for victims and witnesses.

In some areas the youth court user group operates at two levels, with one level involving senior managers for strategic decision-making, and a second level operating for practitioners. This allows issues to be addressed at different levels depending on their nature. This can be useful, as the remit of this meeting is so wide. Care needs to be taken to ensure that the agenda does not become so long that the topics are not dealt with in sufficient detail. Areas should also consider having separate youth and adult court user group meetings.

Youth court panel meetings

Justices who sit in the youth court are members of the youth court panel. This panel meets as often as is necessary, but not less than twice a year.¹⁰ At these meetings the panel has the opportunity to discuss youth justice issues and practice. To assist with these discussions, YOTs are often invited by the panel to attend the meeting to give feedback on YOT services. This is a good opportunity for the YOT to speak to all youth justices, give feedback, discuss issues and answer any questions. YOTs that do not currently attend this meeting should consider speaking to their local youth court panel chair to discuss future YOT input at such meetings.

Recommended practice

The following measures are recommended to ensure good practice and professionalism in the delivery of court work. These measures should be supported by positive open dialogue and critical feedback between the courts and the YOT.

Sentencing forum

This title covers all types of meetings where sentences and sentencing patterns are discussed. They are generally held quarterly. It is usual for the YOT, members of the judiciary, and a youth legal adviser to attend, though there may be local variation.

During these meetings there should be opportunity for monitoring and reviewing the number and type of sentences given over a period of time. This discussion should be informed by the advice of the Sentencing Guidelines Council. Through sharing data, sentencing trends can be considered to help ensure consistency. Discussion can also highlight any issues or concerns which can be highlighted to the youth court panel chair as necessary.

¹⁰See section 4 of *The Youth Courts (Constitution of Committees and Right to Preside)*, Rules 2007.

Meetings of the youth court panel chair and their deputies

Appropriate members of the YOT (such as the team manager with the strategic lead for courts, bail and remand, or the head of the YOT) should be invited to meetings that are held between the youth court panel chair and their deputies. These members of the YOT should be present during a standing agenda item of the meeting where the work of the YOT is discussed.

Meetings between the YOT and the lead legal adviser

These meetings could be held around every six weeks to discuss any in-court practice issues that arise. They are an opportunity to air and resolve any issues or queries that have arisen. They should be attended by the youth lead legal adviser and the YOT court manager or the team manager with the strategic lead for courts, bail and remand. Occasionally the head of the YOT should attend.

Progress reports

It is crucial that regular feedback is given to the judiciary regarding the progress of young people on community orders. How this is done will vary from area to area.

Feedback is important as it allows the judiciary to see what has happened with the young people to whom they have given orders. Awareness of the effectiveness of community orders can help increase confidence in the work of the YOT.

Feedback can be given in general terms, though specific anonymous case studies may be useful to illustrate particular points. The information given in feedback can cover areas such as:

- the number of orders and types of orders made
- the number of parenting orders made
- evidence of the effectiveness of community programmes
- numbers of successful completions, rates of recidivism, and positive outcomes such as a return to education or employment
- information about any orders that are not successful
- levels of breach and how breaches are being managed.

There will be occasions when the judiciary will want specific information about a case. For example, in cases where custody was a real possibility, the judiciary may like to be updated on the progress of that young person.

Case feedback and court reviews

Where the judiciary are strongly considering custody, they may be more inclined to sentence to a high-level community penalty if the YOT court practitioner offers regular individual feedback on the young person's progress. This feedback would not be a formal review where the young person attends court. Instead the YOT could provide brief verbal or written information at regular intervals to the district judge or magistrates that sentenced the young person. This would allow the Bench to learn of the young person's progress, good or bad, through the order. This process may provide the Bench with the additional confidence to make community orders.

Paragraph 35 of Schedule 1 of the Criminal Justice and Immigration Act 2008 gives the court the power to review the progress of a young person on a Youth Rehabilitation Order periodically. When these reviews are ordered, the young person will be expected to attend the review at court. The type of orders to be reviewed, and how these reviews will be conducted, will be piloted in 2010 prior to national implementation.

Further partnership opportunities

Magistrates' briefings

While the Judicial Studies Board has responsibility for organising magistrates' training at a national level, local events are also run on a court-by-court basis. These will be arranged by the legal adviser with responsibility for magistrates' training in that court area. Contact should be made with them for further information as required.

Many YOTs already attend local training or updating events held for the local youth court panel. These meetings are a further valuable opportunity for YOTs to feed into discussions with magistrates and to answer any questions. It would be useful for YOTs to have a regular slot at these events. YOTs may also consider holding their own annual event to address issues surrounding new legislation and YOT practice. The local youth court panel could be invited to attend this. Both models provide valuable opportunities for the exchange of information and feedback. District judges and any resident Crown Court judges with responsibility for youth matters should also be encouraged to attend.

YOT open days and visits to custodial establishments

YOT 'open days' where members of the local judiciary and other stakeholders are invited to visit and see YOT programmes in action are a further means of communicating the work of the YOT. These events provide an excellent opportunity to illustrate the range of YOT provision in the community and to demonstrate the effectiveness of the programmes offered. These events should be run at regular intervals to give the opportunity to gain first-hand knowledge of YOT services.

Where possible, it would also be beneficial for the judiciary to have the opportunity to visit secure establishments. This can give an understanding of the facilities and programmes available within the secure estate.

Newsletters

A regular quarterly newsletter provides a further opening for promoting the work of the YOT and highlighting the achievements of young people in the community.

Feedback from young people and other users

Seeking the views of service users can help the YOT to ensure that they are providing services in the optimum manner. An annual survey using simple questionnaires that YOTs can devise will provide useful information. Feedback should be sought from:

- the local judiciary
- young people and their parents/carers
- victims
- partner agencies
- other service-users.

Confidence surveys can provide YOTs with valuable insights into how their services are received and what action is needed to make them more effective.

Sentencers' feedback to the YOT

Specific feedback from sentencers regarding the quality and timeliness of court reports can also help to ensure the production of reports that give the information required and are user-friendly. Issues arising from this feedback process can be discussed at the youth court user group or other appropriate forums. Feedback can be obtained in a variety of ways. A feedback form can be supplied with each report or with a specific category of report, or sampling can be undertaken during the year or for fixed periods.

3. THE ROLE OF COURT PROFESSIONALS

It is important to know the roles of other criminal justice agencies working alongside the YOT in the court. YOT practitioners will need to liaise with colleagues from all these agencies. A brief description of the judiciary and other key agencies can be found below.

It is, however, essential to remember that there are other staff involved in the running of the court. Being aware of those roles and building a good working relationship with court staff is also valuable. For example, ushers, administrative staff, court cell staff and court security staff are vital to the smooth running of the court.

The judiciary

The Bench in the youth court will comprise either a district judge or magistrates. The district judge is legally qualified and will sit alone. Magistrates are members of the public who have volunteered to become magistrates and have received specialist training to enable them to administer youth justice. They generally sit as a Bench of three. District judges and magistrates perform the same functions, including:

- administering justice
- taking decisions regarding questions of law, practice and procedure
- sentencing defendants in line with youth justice legislation, the Sentencing Guidelines Council guidelines and the Human Rights Act 1998
- having due regard to the welfare of the child
- engaging with young people and their parents/carers.

Rule 10 of *The Youth Courts (Constitution of Committees and Right to Preside)*, Rules 2007 (section 4) states that, when magistrates are sitting, there must be a man and a woman on the Bench. Sometimes it may not be possible for both a man and a woman to be present on the Bench due to unforeseen circumstances that have arisen since the justices to sit were chosen, or because the only man or woman present are unable to properly sit as other members of the court. In such circumstances, the Bench can sit without both a man and a woman if the other members of the court think it inexpedient in the interests of justice for there to be an adjournment.

Legal advisers

Legal advisers are qualified as solicitors or barristers and give legal advice to the magistrates. They are responsible for assisting any young people before the court who are not represented. They also record and update the court paperwork and help ensure the smooth running of the court.

Crown Prosecution Service

The CPS deal with all charged cases and present the prosecution case in court. Cases are only prosecuted if the CPS is satisfied that:

- there is sufficient evidence to provide a realistic prospect of conviction
- the public interest requires a prosecution.

The CPS is independent of the police and victims. It presents cases in court in a fair and objective way. CPS prosecutors in the youth court are usually youth specialists. This means that they are barristers or solicitors with at least two years' experience as a Crown prosecutor and that they have undertaken the CPS youth offender specialist training.

Defence lawyers

The defence lawyer represents the young person appearing before the court and acts in their best interest, independently of any other party. Their primary duty is to the young person who is their client, not the parent/carer or other professional adults. They must abide by professional and ethical codes while performing their duties as an officer of the court. By law, the lawyer cannot disclose the information and advice exchanged in consultation with the client.

Having seen the prosecution papers, the lawyer's role is to take instruction from their client and give them legal advice on the allegation, charge, procedure and plea. They also speak for their client in court. There should be dialogue between the defence lawyer and YOT regarding the young person. The YOT may have relevant information to assist the defence lawyer. The defence lawyer can alert the YOT if there is to be a guilty plea.

4. THE ROLE OF THE YOT

The principal aim of the youth justice system is set out in section 37 of the Crime and Disorder Act 1998: “It shall be the principal aim of the youth justice system to prevent offending by children and young persons.”

YOTs are identified as one of the main vehicles by which this principal aim is delivered. YOTs are designed to undertake work to prevent children and young people offending in the first instance. Given the inter-agency membership of YOTs, they are well-placed to identify young people known to the relevant agencies as being most at risk of offending. They can then work with the young people and their families or carers to encourage them towards more positive activities.

YOTs also support local authorities and their local partners in fulfilling other key responsibilities, including:

- improving community safety
- reducing substance misuse
- achieving regeneration
- raising educational achievement
- promoting healthy and sustainable communities
- improving mental health

- providing better outcomes for children in care
- providing preventive services for children at risk.

Alongside their prevention work, YOTs work with 10 to 17-year-olds who either have, or are alleged to have, committed an offence. This work runs from the young person’s first point of contact with the police through to conviction and completion of sentence. YOTs also have a duty to protect the public and to work with victims.

YOTs identify the needs of each young person through the use of national assessment tools in relation to reoffending (*Asset*) and the risk the young person poses of causing serious harm to others. YOTs identify the specific needs and risk factors that led the young person to offend, as well as measuring the risk the young person poses to others. This enables YOTs to identify suitable interventions and programmes to address the needs of the young person with the intention of preventing further offending.

YOTs have an essential role to play within youth courts and Crown Courts. Current research indicates that the quality of YOT court work influences sentencing decisions. This is particularly so with regard to the

use of custody. The YJB's research report, *Fine Art or Science? Sentencers Deciding Between Community Penalties and Custody for Young People* (Solanki and Utting, 2009), has identified that where there are higher levels of confidence in the work of the YOT, there is a better working relationship between the YOTs and the court. This research highlights the importance of the YOT delivering a high-quality service to the court and thus helping to ensure the efficient delivery of youth justice processes.

YOTs will be involved in both scheduled youth courts, Crown Courts and unscheduled courts. They should ensure that high standards of service are provided across the full range of courts, including those occurring on Saturdays and public holidays. Details of local occasional court arrangements and how information is provided to YOTs should be considered when drawing up the youth justice service level agreement.

Management board

The YOT management board is critical to the delivery of Government commitments to prevent and reduce crime, and to ensure the efficient operation of the Criminal Justice System. The board provides the governance arrangements for the YOT. It is essential that the YOT is accountable to an inter-agency management board and that the YOT presents an annual report.

The annual report for the YOT management board should include information regarding:

- the use of custody, remands and sentences
- local sentencers' confidence in the delivery of the YOT's work in court
- confidence in sentence supervision.

As outlined within the *National Standards for Youth Justice Services* and *Case Management Guidance*, the level of confidence in, and the delivery of, YOT court work and sentence management should be a regular agenda item for YOT management board meetings.

YOT management

Each YOT has a manager who is responsible for co-ordinating the work of the YOT's youth justice services. A key priority for this manager should be the provision of court services. Working in co-operation with local partners, this manager should plan, manage and deliver an effective local co-ordinated youth justice service. YOT managers are able to engage, as appropriate, at a senior and strategic level with all the relevant local agencies.

The YOT manager should ensure that service level agreements are reviewed annually. They should also make sure that local quality assurance is in place to ensure effective YOT delivery across the range of protocols and procedures. Areas to be considered include, for example, bail and remand strategy;

local court procedures; service level agreements or procedures with social/children's services, placements and accommodation providers; the sentencer communications strategy; and the information-sharing protocol.

The YOT manager should carry out these reviews in order to promote and maintain the principles of CJSSS. This should ensure a reduction in the number of adjournments and requests for reports, and allow the YOT to direct their limited and valuable resources to care management and direct delivery.

YOT court manager or a senior practitioner

The court manager or a senior practitioner should regularly attend court to ensure the effective delivery of YOT court work and to oversee the work of the court team. They should make sure that sufficient YOT practitioners are trained and able to present to the court and undertake all the court duty tasks.

YOT court practitioners or generic practitioners

The role of the YOT court practitioner is fundamental to the effective delivery of court work. Court duty should be a high-priority area of work for YOTs, and, as a consequence, should be well-resourced.

In some areas, there are dedicated teams of YOT practitioners who regularly service the courts and develop specialist skills in this field.

In other areas, a YOT-wide rota system is operated. This second arrangement would mean that all or most of the YOT practitioners would develop specialist court skills and spend some time in court.

Whichever system is used, it should be made clear to practitioners what their court duties are. The *National Standards for Youth Justice Services* and *Case Management Guidance* provide a breakdown of the core court duty tasks. These can form the basis for a court practitioner's job description. These tasks have been added to in order to develop the following comprehensive (but not exhaustive) list of duties:

- engaging with young people and their parents/carers, and providing information on the court process
- facilitating communication between the child or young person, their parents/carers and the court
- attending court early to share information with the CPS and defence lawyers
- providing information to courts about children and young people known to the YOT
- presenting stand down reports, specific sentence reports and pre-sentence reports to the court
- providing bail and remand assessments and packages
- prosecuting young people who have breached their order
- recording relevant court information relating to children and young people

- developing the confidence of the court regarding the quality of services provided by the YOT
- preparing placement forms and other relevant forms in line with *Case Management Guidance*; these must then be sent by YOTs to the YJB Placements and Casework Service team
- informing the YJB Placements and Casework Service team immediately by phone or Secure eMail when the outcome of a case requiring a custodial placement is known
- prior to the young person being transported from the court to custody, ensuring that the custodial warrant issued by the court is accurate by using the warrant checklist
- supplying Saturday and occasional courts with YOT services and assessments.

Specialists' services at court

In addition to the YOT court practitioners, some YOTs have ensured that specialist practitioners are also available at court in order to support the work of the YOT. This allows young people and parents/carers to access services if additional support is needed. The concept of a 'problem-solving court' is being developed nationally in different ways following the piloting of community justice courts.

Additional services at the court may include the following:

- **Connexions personal advisers (England)**
Connexions personal advisers may be present at court to support young people with housing, educational, training and employment needs.
- **a community psychiatric health nurse**
A community psychiatric health nurse may be present in order to complete initial assessments and enable access to Child and Adolescent Mental Health Services.
- **parenting practitioners/support practitioners**
Parenting practitioners/support practitioners may be present at court to offer support to parents/carers. They can put in place arrangements for providing the full range of parenting interventions, including voluntary parenting support as an alternative to a Parenting Order. The parenting practitioner may also be able to clarify any details about the order issued.
- **police officers**
The police role at the court can be undertaken by a member of the local police force or, in some areas, by police officers seconded to the YOT. If the young person attends court and admits the offence, the CPS may take the view that diversion through a Reprimand or Final Warning is an appropriate disposal. If there is a police officer present, some areas will then administer the caution in the court building straight away.

- **housing officers**

Accommodation and housing officers may be on call to respond to the housing needs of young people. The young people may be homeless or not in appropriate accommodation. If arrangements are put in place on the day of the court hearing, this may enable a bail support package or electronic tagging to be offered as an alternative to custody.

YOT court administrators

Many YOTs have dedicated administrative staff that undertake pre- and post-court administration. They work alongside the YOT court practitioner. As it is now generally accepted that laptops or other portable computer devices can be used in courts, YOTs should reach agreement with the court regarding their use in court. Instead of writing a note of outcomes and sentencers' comments for entering on the case management system the next day, this facility will allow the YOT court administrator to enter information accurately and immediately.

The court administrator will:

- have access to the magistrates' court computer system (LIBRA – a national case management system that has replaced all local systems. Access to LIBRA is dependent on the local authority using Government Connect services¹¹)
- confirm the name, address and details of children and young people
- record outcomes
- record the length and sentence of cases
- record any bail conditions imposed.

As a result of working in court alongside the YOT court practitioner, the administrator will be able to develop an in-depth knowledge of court processes. This will better equip them to support YOT court practitioners in their work. Court administrative staff should not, however, be used to service the courts in place of experienced YOT practitioners. It is only by working together that they constitute an effective court team.

YOT court administrative staff will need access to YOT court training. Some YOTs have found it useful to train administrative staff in motivational interviewing skills. This has increased their ability to interact with young people and families in court, and to gather basic information.

¹¹For further information on Government Connect services, please see: <http://www.wiringupyouthjustice.info/cms.cgi/site/projects/connectivity/index.htm>

5. THE ROLE OF THE COURT IN PARTNERSHIP WITH THE YOT

This section considers the ways in which the court can support and facilitate delivery of the YOT's work.

For an efficient and effective service, the court needs to play its part in communicating with, and working in partnership with, the YOT.

The judiciary can also support the work of the YOT through the way in which its members engage with the young person and their parents/carers. The language used by the judiciary and the layout of the courtroom can contribute to this. If the young person has any communication difficulties, it is important that these are taken into account. It must be remembered that actual age and the maturity level of the young person may not match.

Information-sharing

Court dates and final court lists

The YOT will have access to information about who is expected to appear in court through the PENY process. They will also be aware of cases that have been adjourned from previous hearings. However, to ensure that the YOT is prepared for court in

all cases, the YOT must have access to a final court list at least one full working day prior to the court hearing. At least the full name and date of birth of the young person should be provided. This will help ensure certainty regarding who is appearing.

Having the list in advance is important, as it allows the YOT sufficient time to gather information to bring to court, such as any previous pre-sentence reports, updates on current intervention work, and breach information. This clearly benefits the court, as the YOT will then be ready to proceed with cases as they are called on, rather than continually having to ask for cases to be put back in the list. This also complies with the ethos of CJSSS.

With the implementation of the LIBRA computer system in the courts, a service providing copies of court and result lists has been put in place. In the long term it is hoped that arrangements can be put in place to allow YOTs access to the LIBRA system (this is dependent on the local authority using Government Connect services).

The defence

Early consultation between the YOT and the defence benefits the court. If the defence notifies the YOT of guilty pleas, the YOT can prepare for sentencing. If the YOT shares information with the defence, this can assist with bail applications, and current information regarding the young people can also help the defence to consider how the case should proceed. If the YOT and the defence share information prior to the court sitting, this will mean that there is less likelihood of requests for the case to be put back in the list.

The court should do what it can to facilitate early information exchange. Examples of what can be done include:

- opening the court earlier
- ensuring that the CPS can be available at a fixed location that the defence and YOT have access to for at least half an hour prior to the court sitting
- holding pre-court briefings
- improving consultation facilities (where the building and budgets allow).

Facilities

Office and interview space needs to be available to enable the YOT to provide a more comprehensive service at the court. As a minimum, the YOT should have access to a room where they can deal with YOT administrative work. Access to interview or consultation rooms will potentially allow more stand down reports to be prepared

on the day. It can also allow the YOT to undertake preliminary interviews with the young person when an order is made, or, where appropriate, to conduct Reprimands and Final Warnings on the day.

While building constraints may prevent any major works being carried out to provide such facilities, courts should consider whether there are any alternative solutions, such as giving access to rooms not commonly used as interview rooms. If other courtrooms are not being used on the day of the youth court, it may be possible to use them as additional space. If any major building work is to take place in the future, consideration should be given to adding additional interview rooms to any plans.

Where victims and witnesses have to attend court to give evidence, the court should, where possible, provide separate waiting areas for the prosecution and the defence. This is in accordance with *The Code of Practice for Victims of Crime* (OCJR, 2005) and *The Witness Charter: Standards of Care for Witnesses in the Criminal Justice System* (CJS, 2008).

Information technology

By having access to YOT case management systems, the YOT will be able to access to the most recent information available. This will allow the YOT to give any additional information requested promptly, without the need for adjournments. Most courts now have access to YOT systems. Courts

should now permit the use of laptops and other portable computer devices in the courtroom. These allow instant in-court access to information and enable the YOT to record outcomes of cases on the YOT system immediately. This will help to ensure that the information given to the court is as accurate and up-to-date as possible.

Sentencing issues

In appropriate cases, it is in the interests of the defendant, their parents/carers, victims, witnesses, the court and the YOT that the case is sentenced on the day. The YOT should always be given the opportunity to comment on whether a case is suitable for sentencing on the day.

To help allow sentencing on the day, the court should consider setting in place a process whereby any cases that could potentially be sentenced on the day are called on early in the list so that the maximum time available to prepare any reports is available.

It is important to ensure that there is a system in place to notify the YOT if a report is requested when the YOT is not present in court; this should include any comments relating to the sentence made by the judiciary. Rather than simply requesting a full pre-sentence report in these circumstances, it should be considered whether an alternative form of report, based on the requirements of the *National Standards for Youth Justice Services* and *Case Management Guidance*, would be sufficient.

Similarly, if a case is remitted to a young person's home court for sentencing, processes need to be in place to ensure that the home YOT who will be producing the report are notified. For certainty, the court and the YOT may wish to include procedures regarding these issues, including details as to when particular types of report will be used, in their youth justice service level agreement.

Requests for psychiatric reports can cause delay. An initial screening through the YOT may help clarify whether such a report is needed or identify the issues that need to be addressed. Procedures to be followed should either be covered in the youth justice service level agreement or a separate protocol to avoid confusion and delay.

Court listing/duty arrangements

The court should keep the number of cases listed per session to a manageable number, otherwise there is a risk that cases will be rushed or unnecessary adjournments granted.

Young people who are either in custody or at risk of going into custody should be dealt with as early as possible in the court session. This will give the YOT more time to deal with administrative work relating to a custodial placement, which can include arranging a placement and transportation.

To guarantee YOT coverage of the youth courts, the court must give the YOT details of when and where the youth court will sit. It is also important for the YOT to know the type of work that will be dealt with in each of these courts, e.g. remands, first appearances, sentencing, trials.

For trial courts it may be that the YOT will not ordinarily be present throughout the session. If this is the case, processes to notify YOTs of any report requests need to be put in place.

If there are any late changes to the listing for the youth court, the YOT should be notified at the earliest opportunity. Also, the YOT needs to be notified as soon as possible of any young people appearing on the overnight list, particularly on days when the youth court does not usually sit.

Courts and YOTs also need to put in place clear arrangements for cover of occasional courts and Saturday courts. Again, these arrangements should be made part of the youth justice service level agreement.

Training and communication

It is important to ensure that there are opportunities for joint training or information-sharing between the judiciary and YOTs. This can produce solutions and prevent issues from arising, which leads to improved understanding and stronger working relationships.

New YOT court practitioners may find it helpful to meet with some members of court staff or the judiciary before attending court. They may also appreciate receiving some feedback from the court through the YOT court manager. In the same way, new court staff or magistrates may also benefit from meeting with the YOT and gaining an awareness of the YOT's work.

As well as standard meetings such as court user group meetings, holding regular meetings between the YOT court manager and the court's lead youth legal adviser should be considered. This would enable current issues to be discussed and resolved at an early stage. Feedback from the court to the YOT and from the YOT to the court could also be given.

It should be considered whether there is a need for some local training or an information pack about engagement with young people and the use of appropriate language. This is an area where the local YOT may be able to assist. Communication difficulties may not only be linked to the young person's age and level of maturity – issues such as mental health, disability, speech problems and language may also need to be considered.

It is also important to consider where the YOT sits in the courtroom and the layout of the courtroom. If there is an opportunity to bring the YOT closer to the other agencies operating in the court, rather than locating the YOT at the back or to the side of the room, then this is desirable as it can facilitate efficient and effective communication.

6. THE YOT'S ROLE IN COURT

Preparation

YOTs should ensure that they are receiving information from the police regarding those young people who are reprimanded, given a Final Warning, Penalty Notice for Disorder, or charged. This information should be provided within 24 hours of the police disposal or decision, and should be given through the PENY process.

When preparing for court, the YOT may identify cases where there may still be a potential out-of-court disposal available for that young person. The CPS should be alerted to this as soon as possible, as it is their decision as to whether a case is suitable for diversion. Some offences will be too serious. If the case is suitable, the defence will need to be alerted so that they can take instruction from their client on this issue.

YOTs should use the information provided by the police to ensure that, where appropriate, supervising practitioners provide the court practitioner with up-to-date information about the young person. When a copy of the court list is received, a further check can be made. This will help to ensure that information about all young people who are on the court list and who are already being supervised is

available for the court practitioner. It is good practice to contact young people in advance of their first hearings and provide them with information about the court process.

YOT court practitioners should be aware that the judiciary may have questions about the content of reports, including requests for clarification about comments made in the report or in the proposal. While the best option is to have the report writer in court, this will not always be possible. In this event, the YOT court practitioner should familiarise themselves with the contents of the report and speak to the report writer about any issue that they think may arise.

Preparation for court should be undertaken at least the day before the court hearing. The main components of this preparation should include:

- providing a rota of practitioners to cover the appropriate courtrooms
- accessing LIBRA for copies of the court lists (this is dependent on the local authority using Government Connect services). If there is no access to LIBRA, copies of court lists should be obtained in accordance with the locally agreed procedure

Chapter 6. The YOT's role in court

- reviewing court lists and YOT databases concerning cases appearing in court
- liaising with children's/social services for information on known young people
- preparing court papers/CPS files – ensuring that up-to-date antecedents and copies of previous court reports and *Asset* records are available
- identifying breach cases and preparing information about the young person's progress – ensuring that all the paperwork is prepared
- reviewing court reports to be presented in court – ensuring that sufficient copies are available
- reviewing whether there are any parenting assessments to link with reports and any contact arrangements or information the YOT court practitioner may need to pass on to parents/carers
- liaising with the local housing lead regarding any accommodation needs
- identifying cases requiring bail assessments – liaising with the bail support practitioner and/or bail Intensive Supervision and Surveillance (ISS) practitioner to ensure that relevant information is available¹²
- identifying possible remand cases – reviewing the current availability of custodial places via the YJB Placements and Casework Service team
- identifying any cases that may result in a custodial sentence – ensuring that up-to-date *Asset* and post-court reports are available to be emailed via Secure eMail to custodial institutions
- identifying any young people with a history of non-attendance at court – ensuring that the supervising practitioner contacts parents/carers to encourage them to accompany their child
- contacting the young person to remind them to attend, deploying YOT sessional/voluntary practitioners or the bail support/bail ISS practitioner where appropriate.

Preparing the young person

Young people may be entering the Criminal Justice System for the first time. It is important that they are prepared and aware of what is going to happen to them. It is therefore important that all information and assessments provided for a young person take account of any mental health problems or learning difficulties, and any speech, language and communication needs.

It is the YOT's role to ensure that:

- the young person understands their rights in regard to legal representation, legal aid and the use of the duty lawyer. It should be emphasised that if the young person wants their own defence lawyer to represent them, the young person must contact that lawyer and arrange for him/her to attend court to represent them prior to the first hearing

¹²See: *Key Elements of Effective Practice – Remand Management* (YJB, 2003).

- the young person has been given the leaflet *You have to go to Court* (HMCS, 2009). Where necessary, further explanation should be given and any questions should be answered to ensure that the young person understands the court process
- parents/carers will be available to attend court and are informed of the importance of attending
- the young person knows the date and time of the court hearing
- the young person knows the importance of dressing and behaving appropriately in court, including not attending court under the influence of alcohol or other substances
- any YOT assessments (including specialist assessments) are completed prior to court so as not to hinder the court process.

crime are involved, as appropriate, in a range of restorative processes that seek to put right the harm they have experienced.

Providing specialist information

The court setting can also be a useful place to provide information for parents/carers and young people. Consideration should be given to an information point supplying leaflets and advice to people attending court on a range of issues, including parenting support and other useful services available locally.

The parenting practitioner could attend court to speak with parents/carers and hand out information leaflets about the parenting groups and the parenting support that are available.

Victims of crime

The Code of Practice for Victims of Crime governs the services to be provided in England and Wales by all relevant agencies, including the police, the CPS, HMCS, YOTs and witness care units. Each organisation has a set of requirements to follow and should refer directly to the code of practice.

Under the code of practice, YOTs are required to take account of victims' needs, and have a set of obligations to follow. The important point to note is that, in line with *National Standards for Youth Justice Services*, YOTs must have effective and robust procedures in place to ensure that victims of

7. PREPARATION OF REPORTS USED IN COURT

YOTs should ensure that, where possible, court practitioners have access to their case management systems at the youth court. This will allow provision of the most up-to-date information if court practitioners are asked to provide stand down reports, specific sentence reports or bail information. In many cases, immediate access to up-to-date information can reduce the need for adjournments or remands to secure accommodation.

The *National Standards for Youth Justice Services* addresses the issue of quality in court reports. It states that all reports, in whatever format, must be:

balanced, impartial, timely, focused, free from discriminatory language and stereotypes, verified, factually accurate, understandable to the child or young person and their parents/carers and provide the required level of information and analysis to enable sentencers to make informed decisions regarding sentencing.

Reports for the court should also be made available in different languages where appropriate. Independent interpreters should be used where English or Welsh is not the first language for the young person or their parents/carers.

Types of reports

There are three main reports used in court: stand down reports, specific sentence reports and pre-sentence reports. Stand down reports and specific sentence reports are regularly used in courts where custody is not likely to be an option for the young person. The pre-sentence report should be used when custody is a likely option for the young person.

Stand down reports

A stand down report is a report delivered by the YOT on the day of the court hearing. It is appropriate to use this type of report when it will facilitate the prompt conclusion of a case and when a recent *Asset* report (completed up to three months earlier) or other recent court report is available. It is important to be aware that in such circumstances stand down reports can

be used for all community sentences. A stand down report can be delivered either verbally or in writing. Many YOTs have developed their own stand down report pro forma. This is often in the form of a tick-box report, which can be compiled quickly and effectively by the court practitioner in the short stand down period.

Specific sentence reports

Specific sentence reports are short, condensed court reports that provide the court with a brief summary of the assessment information on a young person. They will require a short adjournment of no more than five working days to be produced.

The court should request specific sentence reports when considering whether a young person is suitable for all community orders, including a second Referral Order, a Reparation Order and a Youth Rehabilitation Order with or without specific requirements. In these cases, the court does not need the full assessment required when a young person is seriously being considered for custody. Instead, the court is looking to the YOT to provide a concise overview of the young person's situation and their suitability for the sentence(s) under consideration. Specific sentence reports are not suitable when custody is being considered.

Pre-sentence reports

Pre-sentence reports are full and detailed court reports. They provide the court with a comprehensive assessment of a young person's risk of reoffending, their needs, and the seriousness of their offending. The court should always request a full pre-sentence report when it is considering sentencing a young person to custody or when it requires a more detailed or specialist assessment to aid sentencing.

In circumstances where courts request an 'all options' pre-sentence report, the YOT court practitioner should ask the court to clarify whether the offence is expected to warrant a community penalty or is so serious that neither a fine, nor a community penalty can be justified. In cases where custody is being considered, this report must be in writing, as required by the Criminal Justice and Immigration Act 2008 s 12 (1B).

A recent pre-sentence report can be used again if it was produced within the last three months. This pre-sentence report must have been based on an *Asset* assessment and there must have been no significant changes in circumstances or new information since that *Asset* assessment was completed.¹³

¹³See: *Case Management Guidance*.

On occasion, the court practitioner will need to take the initiative and remind the court that an ‘all options’ or full pre-sentence report may not be needed in a particular case and that a specific sentence report or stand down report could be produced instead. This is especially so if custody is not a serious option.

Any comments about the seriousness of the offence or sentencing requirements made by the judiciary should be noted by the YOT and addressed in the report.

A pre-sentence report should be completed within 15 working days, unless it is for young people who meet the custody threshold criteria of the ISS or other locally determined priority criteria, in which case it should be completed within 10 working days. A copy of the report must be provided to the young person, and, where appropriate, to their parents/carers, to the court, to the CPS and to the defence.

The format of pre-sentence reports should be consistent across all YOTs and in line with guidance outlined in the *National Standards for Youth Justice Services and Case Management Guidance*. The format should include the following elements:

- front sheet
- sources of information
- offence analysis, including impact of the offence on the victim(s)

- assessment of the young person, leading to a proposed intervention level
- assessment of the need for parenting support
- assessment of the risk to the community, including the likelihood of reoffending and the risk of serious harm posed by the young person
- conclusion and proposal for sentencing.

As part of the planned roll-out of Connectivity,¹⁴ all case management systems will be enabled with a facility to ‘auto-populate’ a pre-sentence report or youth offender panel report with information from the completed *Asset*. The report author will retain editorial control and responsibility for the content of the final report.

Pre-sentence report custodial conclusion

There will be occasions when a YOT court report author will conclude that custody is the only sentencing option. This can be due to:

- the seriousness of the offence and/or
- the level of persistence and/or
- the young person’s persistent failure to comply with community sentencing options.

¹⁴Connectivity is being rolled out during 2008–09 as part of the Wiring Up Youth Justice programme.

In such cases, report writers should not be afraid to state their reasons for reaching that conclusion. Otherwise, if proposals are put forward that are neither appropriate nor suitable, courts will lose confidence in the report writer, the YOT and community penalties generally.

The importance of preparing the correct type of report

If a high number of pre-sentence reports are requested, this can have a detrimental effect on the YOT's ability to commit resources to other important areas of work such as the delivery of offending behaviour programmes. The use of stand down reports and specific sentence reports can eradicate this pressure. The choice of appropriate reports also benefits the young people, their parents/carers, and victims and witnesses by ensuring prompt and appropriate conclusions to the cases. This allows the YOT to begin working with the young people as soon as possible.

Though prompt sentencing can bring benefits, the use of stand down reports and specific sentence reports must be targeted at appropriate cases. Similarly, when the YOT thinks it is appropriate, more time for the preparation of a full pre-sentence report should be requested.

Examples of situations where a stand down report or specific sentence report would not be appropriate are:

- where custody is a realistic option

- where a specialist assessment for mental health, education or a Parenting Order is required.

Mental health/psychiatric and other specialist assessments

When preparing to sentence a young person, the judiciary will occasionally request information about the young person's mental health. It is vital that the YOT court practitioner clarifies with the judiciary the level of information needed. Very often the judiciary's request can be fulfilled by the YOT mental health worker providing the information to go into the requested report, e.g. pre-sentence report or specific sentence report.

If a full psychiatric assessment is needed/requested, this will usually take the form of a report completed by a psychiatrist or psychologist. The process from request to assessment and completion can often take a considerable length of time and cause significant delays.

While delays cannot always be avoided, YOT report authors can play a key role in speeding up the process by ensuring that referrals for psychiatric reports are swiftly processed, that specific instructions are given, and by maintaining close liaison with the designated mental health professional.

It is important that the YOT and the court have a clear protocol/agreement in place about who will fund psychiatric reports and in what circumstances.

Including victims in court reports

Court reports such as pre-sentence reports, specific sentence reports and stand down reports must include an assessment of the victim's wishes regarding, and willingness to engage in, reparation and restorative justice interventions. The victim's wishes should be established by the YOT – this is usually undertaken by the case manager, YOT victim liaison practitioner or YOT police officer. A young person cannot be sentenced to make direct reparation to a victim unless the victim has given their consent.

Information included in court reports regarding the impact of the offence on the victim should be taken from the CPS papers or from the victim's personal statements only. For more information, see the Lord Chief Justice's practice direction, 'Victim Personal Statements' (Lord Chief Justice, 2001).

The YOT should:

- only take information regarding the impact of the offence on the victim from CPS papers or from the victim's personal statements
- include in any relevant reports the young person's response (including level of remorse) to this impact
- include in any relevant reports the victim's attitude to reparation
- inform the victim of possible sentencing outcomes
- receive feedback from the victim on the outcome after the court hearing.

Note that only reports for youth offender panels relating to Referral Orders can include additional information about the impact of the offence on the victim gathered directly by the YOT.

Parenting Orders

When the young person is under 16 years of age, a Parenting Order assessment should be prepared, as the court has the discretion to make a Parenting Order. Reports can be written, or verbal to avoid delay. During this process, YOTs should liaise with partner agencies.

Quality and content of reports

All court reports should be written to the highest possible standard. Systems for the quality assurance of reports are well-established in most YOTs, and it is the responsibility of YOT management to ensure that these systems are robust and effective. Quality assurance processes are essential to ensure that reports are:

- prepared to an agreed high standard
- formatted to meet the requirements of the *National Standards for Youth Justice Services*
- based on *Asset*, and addressing the young person's needs and the level of risk the young person poses
- consistent across the YOT
- non-discriminatory in content
- owned by the whole of the YOT – reports are the property of the team, not the individual report writer
- clear, logical and objective.

Feedback on court reports can be gathered from the judiciary by using the methods outlined in the following sections.

Sentencers' feedback to the YOT

Specific feedback regarding the quality and timeliness of court reports can be obtained by attaching pro forma feedback forms to each report completed over a pre-agreed period (perhaps a specific week or month each year).

This will give the judiciary an opportunity to comment on issues of content, quality and appropriateness of proposals, as well as to raise areas of concern through an open and transparent process with the YOT. Issues arising from this feedback process can be discussed at the youth court user group or other appropriate forums.

This feedback will provide the YOT with a valuable insight into how their reports are received and responded to by the court. The quality of YOT court reports and the level of professionalism delivered by YOT practitioners in court will have a direct impact on the level of confidence the court has in the YOT's ability to deliver effective sentence management.

Confidence surveys

YOTs can devise simple questionnaires as part of an annual survey to be completed by members of the local judiciary, other service users, young people, parents/carers. The questionnaires should ask for users' views on YOT services and the ways in which those services could be improved. Again, confidence surveys can provide YOTs with valuable insights into how their services are received and what action is needed to make them more effective.

8. PRESENTATION IN COURT

Effective presentation in court is not just about writing quality reports. It also involves strong presentational skills. It is about understanding and responding to court etiquette and presenting a case in a confident manner. The key messages presented in reports also need to be effectively presented verbally by the court practitioner.

Professionalism in court

All courts have an established etiquette and dress code. While youth courts are generally more informal, their etiquette is nevertheless important, as it contributes to the professionalism and identity of the whole youth justice system.

YOT practitioners should reflect the dress code of the other professionals within the court. This will generate a sense of the YOT's professionalism. If the YOT is seen as professional, this increases the confidence that the judiciary, other agencies, young people, parents/carers, and victims and witnesses have in the YOT.

The YOT court practitioner should:

- dress professionally and wear identification or a name badge to identify themselves in court

- be punctual, arrive in court on time and allow time for preparation
- address the court respectfully
- adhere to local court procedures
- liaise closely with and consult other court professionals.

Presentation and court etiquette should be covered in the induction and training process for new court practitioners and can be developed through mentoring by a more experienced court practitioner.

The legal adviser will often be able to help with local information such as whether the court practitioner should address the judiciary sitting down or standing up.

The YOT court practitioner should be aware of the language used within the court environment. This is outlined in *Case Management Guidance*. Speaking in open court can sometimes be a difficult experience, both for new court practitioners and for young people and their families, and they can feel unclear about what to say and when to say it.

All professionals in court should remember that the young person may find engaging with the judiciary daunting. Efforts should therefore be made to keep background noise and distractions, such as organising files and professionals entering or leaving court, to a minimum.

The judiciary rely on YOT court practitioners to provide them with information, advice and professional assessment. In order for YOT court practitioners to meet this expectation they need to be pro-active in court.

Confidence in court can come from:

- clarity about roles and responsibilities
- thorough preparation in advance
- having up-to-date information
- well-prepared reports
- speaking clearly and to the point
- asking for clarification when needed
- recognising that YOT practitioners have a professional role to play and not being afraid to play it
- notifying the legal adviser at the start of the court day which cases on the court list require YOT input.

Training should be in place to support all of the above.

Formal terms of address

Magistrates and district judges

Address the chair as “Sir” or “Madam”, or the Bench collectively as “Your Worships”.

Crown Court judges

Usually address the judge as “Your Honour”.

Youth court legal adviser

Address the court legal adviser as “Sir” or “Madam”.

CPS or defence lawyer

Address the CPS representative or the defence lawyer as “Sir” or “Madam”.

Other professionals

Refer to other professionals as “my colleague”.

Young person and parents/ carers

The YOT practitioner has a duty to prepare the young person and their family for court. This applies equally to those already known to the YOT and to those that are new to the Criminal Justice System and not known to the YOT. For further information see the HMCS leaflet *You have to go to Court*.

The YOT practitioner can ensure that the young person and their parents/ carers are informed regarding the following areas.

Representation

It should be emphasised that if the young person wants their own defence lawyer to represent them, the young person must contact that lawyer and arrange for him/her to attend court to represent them prior to the first hearing.

Chapter 8. Presentation in court

Presentation

The young person and their parents/ carers should be advised of the importance of:

- being punctual
- dressing smartly and removing hats and hoods when in the courtroom
- not being under the influence of drugs or alcohol
- being engaged with the proceedings in the courtroom, avoiding fidgeting or falling asleep
- speaking clearly and with sufficient volume when addressing the judiciary; avoiding street language
- (if entering a guilty plea) saying sorry and showing remorse
- listening carefully, and if something is said in court that they do not understand, asking what is meant.

Family support

Information should be given about the young person taking their parents/ carers or social practitioner (not a residential carer) to court with them. YOTs can also ensure that the parents/ carers are aware that support is available to them through a parenting practitioner.

9. POST-COURT ADMINISTRATION

Following court, the YOT court administrators will have a number of administrative tasks to complete. Post-court administration should be undertaken either directly after court or the next working day. Swift and accurate post-court administration is essential if the requirements of the *National Standards for Youth Justice Services* are to be met, i.e. that justice is administered efficiently and young people are provided with appropriate and timely interventions.

The principal tasks to be performed by the YOT court administrators are to:

- ensure that the YOT receives any necessary court orders
- ensure that the necessary paperwork has been securely emailed through to out-of-borough YOTs or secure facilities
- update the YOT database and files
- allocate court reports and new orders – allocation is usually through a manager (this can sometimes be completed directly on the YOT database in court)
- inform report writers about the outcomes of their reports

- inform the supervising practitioner, bail support practitioner or ISS practitioner regarding their young person's appearance in court
- when relevant, inform partner agencies about the court appearances of children and young people known to them
- update managers on any specific issues/ concerns that have arisen in court.

Referral Order report (youth offender panel)

Once a Referral Order has been made, the YOT is required to prepare a youth offender panel report. This is presented to the youth offender panel (not to the court). In line with *National Standards for Youth Justice Services*, youth offender panel meetings must take place within 20 days of the original court date.

Youth offender panel reports should highlight the key risk factors identified through *Asset* and should inform the panel of the interventions available that may be appropriate for inclusion in the young person's contract. Guidance on the content of youth offender panel reports can be found on the YJB website.¹⁵

¹⁵See: <http://www.yjb.gov.uk/en-gb/practitioners/CourtsAndOrders/Disposals/ReferralOrder/> See also: *Referral Order Guidance* (Ministry of Justice et al., 2009).

Information technology

Wherever possible, YOTs should install access to their case management system (for example, YOIS or Careworks) in their designated court office. This will ensure that there is immediate access to all the YOT's information, which enables files to be updated more rapidly. This consequently allows YOTs to offer a more efficient service to the court and the YJB Placements and Casework Service.

Secure eMail or direct transfer of information from the YOT's case management system are the preferred methods of sending the notification of court outcomes.

Wiring Up Youth Justice

The Wiring Up Youth Justice programme is committed to joining up the information systems used in youth justice with those used in other parts of the Criminal Justice System. This will give YOTs access to the information they need when they need it.

For the youth courts, the Wiring Up Youth Justice programme has already ensured that YOT practitioners have access to their own case management system and Secure eMail when they are undertaking court duty. The programme has also facilitated YOT access to court lists and results held on the HMCS LIBRA system.

Information regarding court lists and results is also currently available via Secure eMail for YOTs who subscribe to a service provided with joint funding from HMCS and Wiring Up Youth Justice.

From 2009, Wiring Up Youth Justice will be helping many YOTs to have direct access to LIBRA from their own offices. This will mean that up-to-date information can be seen by the YOT at any time. With appropriate access permissions, YOTs will also be able to produce the paperwork needed for breach proceedings. (Direct access to the LIBRA system is dependent on the local authority using Government Connect services.)

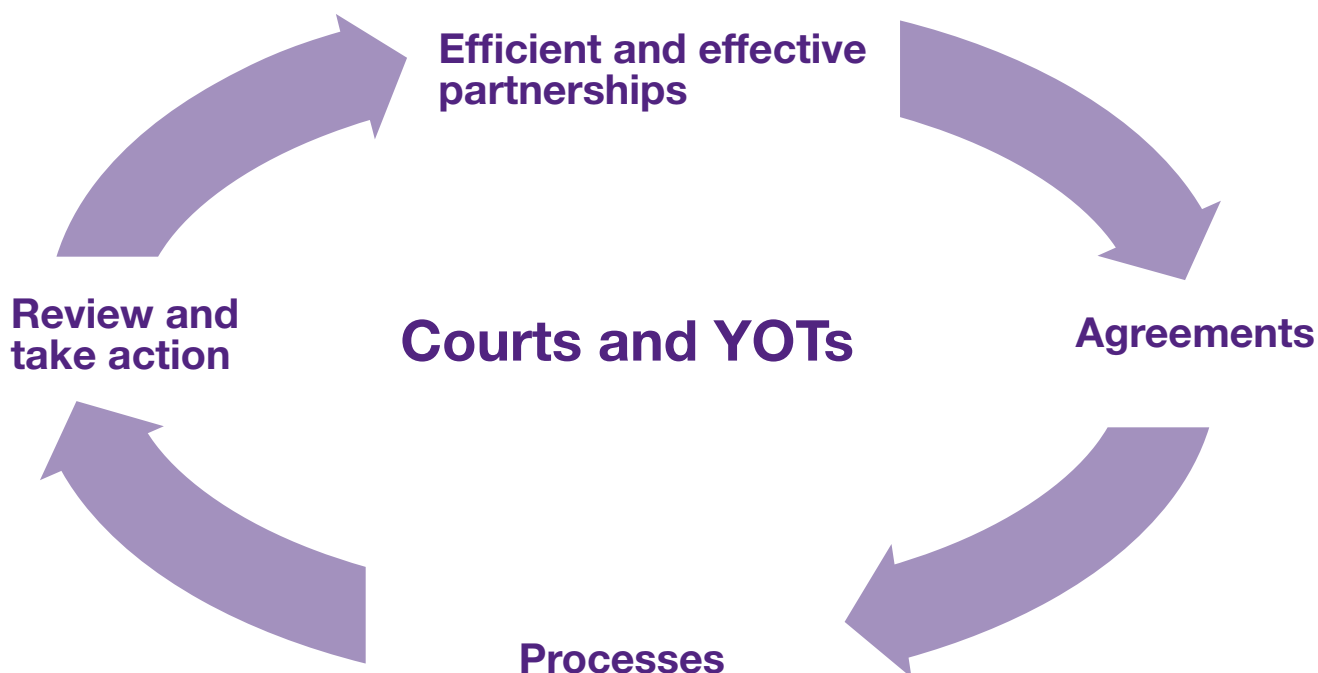
For Crown Court cases, YOTs should have access to the Criminal Justice System Exchange Exhibit Portal, which provides information and email or text alerts regarding cases in which the YOT has expressed an interest.

10. MOVING FORWARD

Since the commencement of youth courts in 1909 there has been a constant process of evolution in youth justice. Developments have transformed the way in which young people are dealt with. It is important that all youth justice professionals continue to build on previous change and actively work together to continue this process of improvement and evolution. This applies to all courts where young people appear.

Figure 2 demonstrates how this process of evolution can be maintained. As can be seen, there is a need for continuous monitoring and refreshing of current work practices. Complacency should not be allowed to set in.

Figure 2: The process of improvement and evolution in the youth justice system



Tackling youth crime is a priority and working together locally offers the best opportunity to tackle and reduce youth offending. By providing the best possible service at the court, the confidence of the public – including young people, parents/carers, victims and witnesses – will be increased.

This section provides a summary of the key aims within the four stages of the cycle (illustrated in Figure 2) to be actioned by each local court partnership.

Efficient and effective partnerships

Aims
<ul style="list-style-type: none">• Build and maintain strong relationships between all criminal justice professionals.• Build trust in each other’s work through closer working relationships to ensure that those working in the court have confidence in each other.

Sustaining and nurturing the relationships between all those involved in the youth justice system is key to maintaining the cycle illustrated in Figure 2. Change and improvement is more easily achieved where those working together trust each other.

Everybody working in the court has a duty to ensure that the highest level of partnership working is in place. Without this it will not be possible to deliver the best service to the young people, victims and witnesses who come to the court.

Initiatives such as CJSSS have shown that working together to build trust, and focusing on effective and efficient processes, impacts positively on the young person’s perception of the court. The CJSSS initiative also demonstrated the importance of including the judiciary and the defence in any process of change.

Investment in collaborative working can deliver many benefits, leading to the smooth running of the youth court. These include a reduction in the number of adjournments, a reduction in requests for pre-sentence reports and increased confidence in the work of the YOT.

Agreements

Aims

- Establish youth justice service level agreements that form a comprehensive blueprint for the work of the youth court and that state clearly who does what, when and how.
- Establish protocols that cover specific areas and that deal with difficult areas that will benefit from discussion and agreement, such as policy for looked-after children and the provision of mental health reports.
- Regularly review and update the original CJSSS scheme to ensure that all the benefits of the scheme are realised; use of the CJSSS sustainability pack will assist with this process.

A comprehensive youth justice service level agreement forms the foundation for effective and efficient court service delivery. The youth justice service level agreement covers areas from exchange of information about young people to arrangements for the enforcement of court orders. Producing a comprehensive agreement will make it clear what each agency is responsible for and what they will agree to deliver. This will help to avoid misunderstandings and uncertainty, as each agency will be clear about what will and will not be done.

The youth justice service level agreement can be backed up by further protocols. These can be between specific agencies covering particular initiatives and areas. Having these agreements in place will also ensure that certain issues are addressed and kept under scrutiny. Some protocols will deal with difficult areas that will benefit from discussion and an agreed process. For example, such an area is the provision of reports for the court about young people with mental health issues, as this can cause confusion and delay.

Reviewing and updating local CJSSS schemes will help ensure that the benefits realised when CJSSS was implemented can be embedded and sustained. Through the use of the CJSSS sustainability pack it will be possible to examine key areas of the scheme to ensure that the processes put in place to achieve improvements are still working to the optimum level.

High-quality youth justice service level agreements, schemes and protocols will help to ensure that a high level of service is provided which can be consistently maintained and improved upon.

Processes

Aims

- Provide high-quality pre-court preparation – not just information for the court, but preparation of the young people and their parents/carers.
- Maximise available resources – this includes people, court facilities, the court layout, joint training, information-sharing, and information technology.
- Provide robust case management – ensure that appropriate reports are used, reducing the need for full pre-sentence reports; the court should ensure that appropriate listings and report requests are used to avoid adjournments.

Youth justice service level agreements and other agreements provide certainty, and form the basis for establishing processes to ensure the smooth running of the court. It is important to ensure that the processes put in place are of the highest quality. For example, YOT pre-court preparation does not just mean checking court lists and bringing information regarding previous convictions and reports to court. Good preparation involves much more, including checking whether the young people have received all the possible out-of-court disposals available, bringing all relevant information about the young people to court, and

identifying cases requiring bail support and supervision. (A comprehensive list can be found in Chapter 6 of this guide.)

Additionally, work needs to be undertaken to ensure that the young people and their parents/carers are prepared for court. Some will be entering the Criminal Justice System for the first time. They need to have all relevant information and be aware of what will happen and what will be expected of them.

Maximising resources to undertake these processes does not just mean recruiting more practitioners. Reorganisation can be used to make more practitioners available at court on particular days to ensure a high level of service. It is important to maximise physical resources by considering whether the court layout facilitates efficient and effective communication, and by investigating facilities such as rooms that can be used for interviewing. The use of information technology is also important.

To ensure that the processes detailed in the various agreements are fully effective, it is vital that these processes and agreements can be easily accessed and that their contents are known to all court professionals. Joint training and information-sharing can help to ensure that everyone is fully aware of what each agency will do and why certain items cannot be provided.

Through effective workload management it will also be possible to ensure that court lists are not allowed to become unmanageable. This will give sufficient time for each case to be dealt with as necessary. For example, use of the appropriate type of report for each young person will mean that the YOT does not have to prepare pre-sentence reports in every case. This will create a more balanced workload and reduce the need for adjournments.

Having robust, consistent processes in place will therefore contribute to a smooth-running and professional court environment. This, in turn, will help to improve outcomes for young people, victims and witnesses.

Review

Aims

- Challenge inefficiencies through the use of data and feedback.
- Establish feedback through surveys or meetings and ensure all surveys and meetings continue to be relevant, attended by the correct staff and at the right level of frequency.
- Communicate success – for example, use successful community sentence outcomes to reinforce the use of, and quality of, high-level community sentences. Promote YOT open days or ongoing work with young people.

The work of the youth court is constantly evolving and better ways to deal with and prevent youth offending are constantly being sought. At a local level, youth courts can ensure that they continue to provide the best possible service to young people, parents/carers, and victims and witnesses.

To ensure that a high level of service is maintained, local monitoring should take place to determine opinion on what has or has not worked during the review period. This can be done through the use of surveys, meetings, and local and national data. For example, feedback can come from any surveys held throughout the year, such as YOT service-user surveys, sentencer surveys and court-user surveys. There can also be feedback from the various meetings held between court professionals, such as youth court user group meetings, youth offender panel meetings, and meetings between the YOT and the lead youth legal adviser. This will all provide valuable information and it is vital to then use this information to see where change is needed or where further improvements can be made. When analysing local or national feedback or data, it is important that the youth court professionals work together to agree any remedial work necessary to effect change.

Chapter 10. Moving forward

When reviewing current agreements and processes it is important to consider successful outcomes as well as areas for improvement, as things that work well should also be promoted. For example, successful outcomes would include cases where a young person has been at real risk of being placed in custody and the judiciary imposed a high-level community penalty to which the young person responded well. Keeping the

court informed of successful progress can reinforce the value of these types of sentences.

Through constantly working together to monitor, review and update processes and agreements, the cycle of evolution and improvement can be maintained.



BIBLIOGRAPHY

Bateman, T. and Stanley, C. (2002) *Patterns of Sentencing: Differential Sentencing across England and Wales*. London: YJB. Available online at: <http://www.yjb.gov.uk/Publications/Resources/Downloads/PatternSentencing.pdf>

Criminal Justice System (CJS) (2008) *The Witness Charter: Standards of Care for Witnesses in the Criminal Justice System*. London: Ministry of Justice; Home Office; Department for Constitutional Affairs. Available online at: http://lcjb.cjsonline.gov.uk/area7/library/The_Witness_Charter.pdf

Department for Constitutional Affairs (DCA); Attorney General's Office and Home Office (2006) *Delivering Simple, Speedy, Summary Justice*. London: Department for Constitutional Affairs. Available online at: http://www.dca.gov.uk/publications/reports_reviews/delivery-simple-speedy.pdf

Department for Children, Schools and Families (DCSF) (2009) *Statutory Guidance: The Roles and Responsibilities of the Lead Member for Children's Services and the Director of Children's Services*. London: DCSF. Available online at: <http://publications.everychildmatters.gov.uk/eOrderingDownload/Roles-and-Responsibilities.pdf>

Department for Education and Skills (DfES) (2004) *Every Child Matters*. London: The Stationery Office. Available online at: <http://publications.everychildmatters.gov.uk/eOrderingDownload/CM5860.pdf>

Her Majesty's Courts Service (HMCS) (2009) *You have to go to Court*. London: HMCS. Available online at: <http://www.hmcourts-service.gov.uk/cms/14824.htm>

Home Office; Ministry of Justice; Department for Children, Schools and Families; Cabinet Office (2008) *Youth Crime Action Plan*. London: HM Government. Available online at: <http://www.homeoffice.gov.uk/documents/youth-crime-action-plan>

Lord Chief Justice (2001) 'Victim Personal Statements', *Practice Directions*. Available online at: <http://www.hmcourts-service.gov.uk/cms/933.htm>

Ministry of Justice; Department for Children, Schools and Families; and YJB (2009) *Referral Order Guidance*. London: Ministry of Justice. Available online at: <http://www.justice.gov.uk/guidance/docs/referral-order-guidance.pdf>

Office for Criminal Justice Reform (OCJR) (2005) *The Code of Practice for Victims of Crime*. London: Home Office; Crown Prosecution Service; Department for Constitutional Affairs. Available online at: <http://www.homeoffice.gov.uk/documents/victims-code-of-practice?view=Binary>

OCJR (2009) *Management Framework: Deter Young Offender Scheme*. London: OCJR. Available online at: http://frontline.cjsonline.gov.uk/_includes/downloads/guidance/local-performance/DYO_Scheme_Management_framework.pdf

Solanki, A.R. and Utting, D. (2009) *Fine Art or Science? Sentencers Deciding Between Community Penalties and Custody for Young People*. Full Report. London: YJB. Available online at: http://www.yjb.gov.uk/Publications/Resources/Downloads/Fine%20art%20or%20science_fullreport.pdf

Youth Justice Board for England and Wales (YJB) (2003) *Key Elements of Effective Practice – Remand Management*. London: YJB.

YJB (2009) *Case Management Guidance*, Draft. London: YJB.

YJB (2009) *National Standards for Youth Justice Services*, Draft. London: YJB.

Legislation

Children Act 2004, parts 2 and 3.

Crime and Disorder Act 1998.

Criminal Justice Act 2003, sections 142 (A) and 174 4(B).

Criminal Justice and Immigration Act 2008, sections 1, 9 and 12 (1B).

Human Rights Act 1998.

The Children Act 1989, section 17.

The Youth Courts (Constitution of Committees and Right to Preside), Rules 2007, Rule 10, section 4.

Stock code: B437

Further copies of this publication can be ordered free of charge or downloaded from www.yjb.gov.uk or through www.hmcourts-service.gov.uk

A larger format version is also available.