



Youth Justice Statistics Glossary

For further information about the Criminal Justice System please see:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/260147/criminal-justice-stats-guide-nov-2013.pdf

Absolute discharge: *When the court decides someone is guilty, but decides not to punish them further at this time, they will be sentenced to a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no more action will be taken.*

Anti-Social Behaviour Orders (ASBOs): *Civil orders, designed to prevent someone causing 'harassment, alarm or distress'. They can be issued on application to a court by a relevant body (police, local authority etc.) or, since December 2002, they can also be issued following conviction for a relevant criminal offence. Breach of an ASBO is a criminal offence, punishable by up to five years in prison (two years for juveniles).*

Average custodial sentence length (ACSL): *Average length of determinate (fixed length) custodial sentences given in months. This excludes indeterminate sentences (life or Imprisonment for Public Protection sentences) as the length of these sentences is not recorded.*

Example of calculation of average custodial sentence length (ACSL):
Offenders in four cases are sentenced to immediate custody and the sentence lengths handed down are: six months, one year, 18 months and a life sentence. The calculation of ACSL excludes the life sentence as this is an indeterminate sentence and it is not known how long the offenders will serve in custody. The mean is calculated on the remaining three sentences implying the ACSL for these offences is: $(6+12+18)/3 = 12$ months

Bail Supervision and Support: *Bail Supervision and Support (BSS) is an intervention provided by the YOT to help a young person meet the requirements of bail. One of its main aims is to ensure that remands to custody and secure remands are kept to a minimum. The young person may additionally be electronically tagged if it is felt necessary.*

Behaviour management: *Behaviour management captures the processes and policies by which establishments manage challenging and difficult behaviour and promote positive behaviour amongst young people in the secure estate. This report covers four types of behaviour management;*

1. Assault in the youth secure estate: *Assault is defined as "The intentional use of unnecessary force that results in physical contact with the victim". The degree of force used is immaterial (e.g. touching, spitting, pushing or striking) and physical contact can be by any part of the assailant's body or bodily fluid or*

by the use or display of any weapon or missile. It is not necessary for the victim to suffer injury of any kind. Assaults of a sexual nature are included.

2. Restrictive Physical Intervention (RPI): *A Restrictive Physical Intervention is defined as: "Any occasion when force is used with the intention of overpowering or to overpower a young person. Overpower is defined as "restricting movement or mobility".*

3. Self harm: *Self harm is defined as any act by which a young person deliberately harms themselves irrespective of the method, intent, or severity of the injury*

4. Single separation: *Single separation refers to the confining of a young person in custody in their bedroom, to another room or area as a means of control and without the young person's permission or agreement, without a member of staff being present and with the door locked in order to prevent exit.*

Breaches: *A breach is when a young person fails to comply with the conditions of their disposal.*

1. Breach of statutory order or of conditional discharge: *is an offence of failing (without reasonable excuse) to comply with the requirements of an existing statutory order or the conditions of a discharge. The offence is only counted where the failure is proved to the satisfaction of the court and the original order is revoked and/or an additional order or other disposal is imposed.*

2. Breach of bail: *refers to the offence of absconding by person released on bail (Bail Act 1976, S6), but excludes liability to arrest for absconding or breaking conditions of bail (Bail Act S7), for which young people cannot be sentenced but only remanded in custody or given more restrictive bail conditions.*

Burglary: *A burglary is a theft from a building. This category has been divided into domestic and non-domestic burglary. Domestic burglary is considered to be more serious by the courts.*

Caution: *A "simple caution" is an out-of-court disposal available for adult offenders. The equivalents for young people are reprimands and warnings (see separate entries). From April 2011, all cautions data are collected from the Police National Computer. All cautions data prior to April 2011 were collected directly from police forces through monthly returns.*

From 2009/10 the reporting of conditional cautions was made mandatory, including those given to young people aged 16 and 17. This meant from 1st April 2009 all returns distinguish conditional cautions from other caution type interventions. In addition Youth Conditional Cautions (YCC), for young people aged 16 or 17, were introduced from 1 April 2009.

Child: *The definition of a child in the Children and Young Persons Act 1969 is a person under the age of 14. In some cases, in this and other legislation, the definition is a person under the age of 18.*

Community sentence: *When a court imposes a community sentence, the young person doesn't go to prison, but the court says there are specific things the young person can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the young person for their crime, while also reducing the risk of them offending again.*

Examples of a Community Sentence in the Youth Justice System includes; Attendance Centre Order, Action Plan Order, Drug Treatment and Testing Order, Curfew Order, Supervision Order, Community Rehabilitation Order, Community Punishment Order and Community Punishment and Rehabilitation Order. These were replaced by the Youth Rehabilitation Order in 2009 (see separate entry).

Conditional bail: *Conditions may be added to a bail decision in order to;*

- *ensure attendance at court;*
- *prevent the young person offending while on bail;*
- *address a concern that the young person might interfere with witnesses or obstruct the course of justice;*
- *safeguard the young person's welfare;*
- *ensure availability for reports;*
- *ensure they attend an appointment.*

The conditions might include not contacting a particular person or entering a particular area. The young person may additionally be electronically tagged if it is felt necessary.

Conditional discharge: *When the court decides someone is guilty, but decides not to punish them further at this time, they will be sentenced to a 'discharge'. Discharges are given for minor offences. A 'conditional discharge' means that the young person won't be punished unless they commit another offence within a set period of time (no longer than three years).*

Crime: *A crime is an action or an instance of negligence that is deemed injurious to the public welfare or morals or to the interests of the state and that is legally prohibited. An incident is counted as a crime if reported to the authorities and following investigation is confirmed as a "crime" and recorded as such.*

Criminal history: *A young person is counted as having a criminal history if their PNC record shows that, at the time of receiving a youth caution (previously reprimands and warnings) or conviction for any offence, they had previously committed one or more offences that had resulted in one of these sanctions. The figures relate to cautioning or sentencing occasions for offences prosecuted by police forces in England and Wales including British Transport Police; they exclude sentences resulting from prosecutions brought by other authorities such as the Department for Work and Pensions (DWP), HM Revenue & Customs (HMRC) and the Ministry of Defence (MOD). The offending history of these young people relate to cautioning or sentencing occasions recorded on the Police National Computer (PNC) for **any** offence including summary offences dealt with by the police and non-prosecuting bodies. The offending history also includes some offences committed outside England and Wales. Where there were multiple offences on the same occasion, only the primary offence as recorded on the Police National Computer would be counted.*

Custodial sentence: *Prison sentences are given when an offence is so serious that it is the only suitable punishment. A prison sentence will also be given when the court believes the public must be protected from the young person. There are three different types of prison sentence: suspended sentences, determinate sentences (those having a fixed term) and indeterminate sentences (which have only a minimum term and include life sentences).*

Detention and Training Order (DTOs): *Detention and Training Orders (DTOs) are determinate custodial sentences which can last from four months to 24 months in length. A young person spends the first half of the order in custody and the second half released on licence. Should they offend while on licence, they may be recalled back to custody.*

Disposal: *Disposal is an umbrella term referring both to sentences given by the court and pre-court decisions made by the police. Disposals may be divided into four separate categories of increasing seriousness starting with pre-court disposals then moving into first-tier and community-based penalties through to custodial sentences.*

Final Warning: *A warning is an out-of-court disposal for young offenders. It can be used following a reprimand or for a first offence if it is deemed serious enough. Following a warning the young person will be referred to the YOT for assessment and intervention. Further offending following a warning will normally result in prosecution.*

First-tier penalty: *This is an umbrella term used for the following orders made at court: bind over, discharges, fines and deferred sentences.*

First Time Entrants to the criminal justice system in England and Wales: *First time entrants (FTEs) are classified as people resident in England and Wales, who received their first youth caution (previously reprimands and warnings) or conviction for an offence recorded on the Police National Computer by a police force in England or Wales or by the British Transport Police. Penalty notices for disorder, other types of penalty notice, cannabis warnings and other sanctions given by the police are not counted. The rates of FTEs per 100,000 people in the population are based on Office for National Statistics' mid-year population estimates. Where an offender was cautioned or convicted of more than one offence on their first occasion, the offence type relates to the principal offence on that occasion, this generally being the most serious offence or the offence that attracted the heaviest penalty.*

Intensive Supervision and Surveillance: *Intensive Supervision and Surveillance (ISS) can be attached to a Youth Rehabilitation Order and has been set as a high intensity alternative to custody. ISS combines a set period of electronic tagging with a comprehensive and sustained focus on tackling the factors that contribute to the young person's offending behaviour.*

ISS is aimed at young offenders on the custody threshold and has to be considered as an option before a custodial sentence is given. ISS may also be attached to conditional bail.

Minimising and Managing Physical Restraint (MMPR): *A new system of restraint developed for use in Secure Training Centres and under-18 Young Offender Institutions. MMPR puts considerable emphasis on using appropriate de-escalation and deceleration techniques (non-physical interventions) to ensure that restraint is only ever used as a last resort, when no other intervention is possible or appropriate.*

Notifiable offences: *Notifiable offences are those offences which require the police to record an incident as a crime and report the occurrence to the Home Office.*

Otherwise dealt with: *Includes a number of orders, for example hospital orders, confiscation orders and compensation orders.*

Parenting orders: Parenting orders under the Crime and Disorder Act 1998 were implemented across England and Wales on 1 June 2000, and were extended under both the Anti-Social Behaviour Act 2003 and Criminal Justice Act 2003. They are made against parents and aim to prevent offending and anti-social behaviour by reinforcing parental responsibility.

Penalty Notice for Disorder: A Penalty Notice for Disorder (PND) is an out-of-court disposal issued by the police for low-level disorder offences. Available for young people aged 16 and over, PNDs can be issued on the spot, providing a quicker means of dealing with minor offences and nuisance behaviour. Payment of the penalty amount discharges the recipient's liability to prosecution for the offence. Penalty notices are no longer available for persons aged under 18 from 8 April 2013.

Police National Computer: The Police National Computer (PNC) is the police's administrative IT system used by all police forces in England and Wales and managed by the National Policing Improvement Agency. As with any large scale recording system the PNC is subject to possible errors with data entry and processing. The MoJ maintains database based on weekly extracts of selected data from the PNC in order to compile statistics and conduct research on re-offending and criminal histories. The PNC largely covers recordable offences – these are all indictable and triable-either-way offences plus many of the more serious summary offences. All figures derived from the MoJ's PNC database, and in particular those for the most recent months, are likely to be revised as more information is recorded by the police.

Pre-sentence report: This is a report to the sentencing magistrates or judges containing background information about the crime and the defendant and a recommendation on the sentence to assist them in making their sentencing decision.

Primary/Principal offence: Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'principal offence'.

Proven offence: A proven offence is defined as an offence which results in the offender receiving a reprimand, warning, caution or conviction.

Recordable offence: Recordable offences are those that the police are required to record on the Police National Computer. They include all offences for which a custodial sentence can be given plus a range of other offences defined as recordable in legislation. They exclude a range of less serious summary offences, for example television licence evasion, driving without insurance, speeding and vehicle tax offences.

Triable only on indictment: These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These 'indictable-only' offences include murder, manslaughter, rape and robbery.

Triable-either-way: These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated and referred to together as indictable offences.

Summary offences: These offences are usually heard only by a magistrates' court. This group is dominated by motoring offences, for some of which fixed

penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Referral Order: When a young person pleads guilty to an offence and appears in court for the first time, then the court has to make a Referral Order. The only exception to this is if the offence is so serious that it could merit a custodial sentence (DTO, section 90/91, section 226 or section 228) or so minor that a fine or absolute discharge could be given. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) introduced changes that apply to sentencing decisions for offences committed from 3 December 2012. Courts now have power to conditionally discharge a young person who pleads guilty to their first offence instead of giving a referral order. The Act also allows for repeated use of Referral Orders (i.e. it removes the current restriction) in line with the commitment in the 'Breaking the Cycle' green paper to increase the use of restorative justice.

The Referral Order requires the young person to attend a youth offender panel consisting of a YOT representative and two lay members. The panel agrees a contract with the young person lasting between 3 and 12 months. The contract will include reparation and a number of interventions felt suitable for that young person (for example, a substance misuse assessment or an anger management programme). If completed successfully, the Referral Order is considered a 'spent' conviction and need not be declared.

Reparation Order: Reparation Orders require a young offender to undertake reparation either directly for the victim or for the community at large (for example, cleaning up graffiti or undertaking community work).

Reprimand: An out-of-court disposal for young offenders. This is the equivalent to an adult simple caution. Reprimands and Final Warnings were abolished on 8 April 2013 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and replaced by Youth Cautions and Youth Conditional Cautions. Reprimands and Final Warnings are reported upon in this publication.

Remands: Below are descriptions for the different remand types:

- 1. Bail Remands:** Consists of unconditional and conditional bail.
- 2. Community Remand with interventions:** Community remands consist of the following types of remand decision: bail supervision and support (with or without tag), ISSP bail (with or without tag) or remand to local authority accommodation (with or without tag).
- 3. Custodial remand:** If the court is not satisfied that imposing community-based bail will ensure compliance, or if the offence is serious, or if the young person frequently offends, then it may order a young person to be remanded in custody.

Since 3 December 2012, all children remanded to custody are dealt with by way of Remand to Youth Detention Accommodation, under the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This replaced Remand in Custody and Court-Ordered Secure Remand.

Restorative Justice: Provides opportunities for those directly affected by an offence (i.e. victim, offender and members of the community) to communicate and agree how to deal with the offence and its consequences. Restorative justice approaches are most often used in Referral Orders. A Referral Order's primary aim is to prevent young people reoffending and provide a restorative justice approach within a community context.

Robbery: *Robbery is a theft accompanied by force or the threat of force.*

Section 90 of the Criminal Court Sentencing Act (2000): *Any young person convicted of murder is sentenced under section 90.*

Section 91 of the Criminal Court Sentencing Act (2000): *Equivalent to a discretionary life sentence, the indeterminate section 91 sentence is for young people convicted of an offence other than murder for which a life sentence may be passed on an adult. The court shall, if appropriate, sentence a young person to detention for life.*

The court may impose a determinate custodial sentence under section 91 for:

- *serious, non-specified offences where the maximum sentence as an adult is 14 years or more.*
- *specified offences where the young person is not determined dangerous.*

Section 226 (detention for life and detention for public protection) of the Criminal Justice Act (2003): *This is a sentence of 'detention for public protection' imposed if the court decides that on the basis of the risk presented by the young person an extended sentence would be inadequate to protect the public.*

Section 228 of the Criminal Justice Act (2003): *For specified offences where the young person is assessed as dangerous the court can impose an extended sentence for public protection. The extension applies to the licence period and does not affect the length of the custodial term.*

Secure Children's Home (SCH): *Secure children's homes (SCH) in England are run by Local Authorities and are overseen by the Department for Education in England. In 2012/13, the YJB commissioned 166 beds in 10 SCHs (nine in England and one in Wales). Hillside SCH in Wales is run by Neath Port Talbot local authority and overseen by the Welsh Assembly Government in Wales.*

They generally accommodate remanded or sentenced young people aged 12-14 years and girls and 'at risk' boys up to the age of 16. They can also accommodate young people placed by Local Authorities on welfare matters.

The SCHs that the YJB commissions range from four to 25 beds and have high staff to young person ratios allowing focus on the emotional, physical and mental health needs of the young people they accommodate.

Secure estate: *There are three strands of the secure estate. These are: secure children's homes (SCH), secure training centres (STC) and young offender institutions (YOI).*

Secure Training Centre (STC): *There are four purpose built secure training centres (STC) in England offering secure provision to sentenced or remanded young people aged 12-17 years. They provide a secure environment where vulnerable young people can be educated and rehabilitated. They are run by private operators under contracts which set out detailed operational requirements.*

STCs have agreed Minimum Staffing Levels providing a baseline for each type of staff at any time, on a day-to-day basis, to ensure safety, security and control. Broadly speaking, staffing levels are three members of custody staff to young people living in a group of eight, and two members of custody staff to young people living in a group of six.

Substantive outcome: *a pre-court or court disposal.*

Summary offences: *These offences are usually heard by a magistrates' court. This group is dominated by motoring offences, for some of which fixed penalties can be issued, but also includes offences such as common assault and criminal damage up to £5,000.*

Suspended sentence: *A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. With a suspended sentence, the offender doesn't go directly to prison but they do have to meet conditions in the community, set by the court. These conditions can last for up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.*

Theft and handling: *Theft is defined as the 'dishonest appropriation of property belonging to another with the intention of permanently depriving the other of its use'. If it is accompanied by force it is defined as 'robbery'. This category also includes the handling of stolen goods.*

Violence against the person: *This category of offences is very broad and encompasses all those where an element of violence has occurred. Offences in this category range from common assault to murder.*

Young Offender Institution (YOI): *Young offender institutions (YOI) can accommodate young people and young adults who offend from between the ages of 15 to 21 years old. The YJB is only responsible for commissioning secure accommodation for young people up to the age of 17 years old. YOIs for under 18s hold 15 to 17 year old boys and only 17 year old girls. YOIs tend to be larger sites than STCs and SCHs with lower ratios of staff to young people. They are not considered appropriate for housing those young people that have been assessed as having higher levels of need. The YJB has, however, commissioned smaller specialist YOI units to meet the needs of some of those young people.*

Youth Offending Teams (YOTs): *Youth Offending Teams (YOTs) are multi-agency teams made up of representatives from police, probation, education, health and social services, and specialist workers, such as accommodation officers and substance misuse workers. YOTs were set up following the 1998 Crime and Disorder Act with the intention of reducing the risk of young people offending and re-offending.*

Young person: *The definition of a young person in the Children and Young Persons Act 1969 is a person over the age of 14 but under 18. In this publication young person covers people aged 10-17 years olds.*

Youth Rehabilitation Order (YRO): *The Youth Rehabilitation Order (YRO) was introduced at the end of November 2009. The YRO provides judges and magistrates with a choice of 18 rigorous community options from which they can create a sentence specifically designed to deal with the circumstances of the young offender before them.*

There are 18 requirements possible on a YRO, these are; Supervision, Curfew, Activity, Unpaid Work, Attendance Centre order, Electronic Monitoring, Programme, Education, Exclusion, Drug Treatment, Prohibited Activity, Intoxicating Substance Treatment, Residence, Drug Testing, Mental Health Treatment, Intensive Fostering, Local Authority Residence and Intensive Surveillance and Supervision.