

# Youth Justice Statistics Glossary

For further information about the Criminal Justice System please see:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/376901/guide-to-criminal-justice-statistics-november-2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376901/guide-to-criminal-justice-statistics-november-2014.pdf)

For further information about the Youth Justice System please see:

<https://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales>

**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):** ASBOs issued following application are termed civil orders. These type of orders are issued following civil proceedings at the county court or at magistrates' courts acting in their civil capacity. As a consequence both the civil standard of proof (balance of probability) and civil rules of evidence apply, as distinct from criminal proceedings in which the Criminal Procedure Rules apply and which require a higher burden of proof (beyond reasonable doubt).

**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: 6 months, 1 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 3 sentences implying the ACSL for these offences is:  $(6+12+18)/3 = 12$  months

**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 five 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:** 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. 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.

**4. 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.

**5. 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 youths are youth cautions and youth conditional cautions (see separate entries). Returns on cautions are submitted to the Ministry of Justice electronically each month. From 2009/10 the reporting of conditional cautions was made mandatory, including those given to juveniles 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 juveniles aged 16 or 17, were introduced from 1st April 2009.

**Charge or laying of information:** *This relates to when the defendant is first charged at a police station (specifically, where an individual is arrested and formally accused of a crime) or when the information is laid (specifically, where an individual receives a written summons advising that an*



*action has begun against them, and that they are required either to appear in person, or to respond in writing, to the court regarding the alleged offence).*

**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 offender for their crime, while also reducing the risk of them offending again. A young person given a community sentence will be given a Youth Rehabilitation Order (see separate entry) in which one or more requirements can be imposed such as Curfew or Supervision.

Examples of Community Sentences previously available in the Youth Justice System include 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.

**Completion:** When a defendant's case is completed and a final decision is reached in either the magistrates' courts or the Crown Court.

**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 reprimand, warning, caution or conviction, they had previously committed one or more offences that had resulted in one of these sanctions. Because the PNC data excludes a range of summary offences the figures presented focus on the criminal histories of young people cautioned or sentenced for indictable offences.

**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). Please note, that suspended sentences are not available for young people. However, small volumes may be presented in some years due to recording issues on administrative data systems. In the case of young people their time in custody will be served in establishments separated from the adult and 18-21 population.

**Date of offence:** This relates to the date the alleged offence was committed.

**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.

**First listing:** The first hearing of the case in a magistrates’ court, whether or not the defendant is present.

**First Time Entrants:** First time entrants to the criminal justice are classified as offenders, resident in England and Wales, who received their first reprimand, warning, caution or conviction, based on data recorded by the police on the PNC.

**First time entrants (FTE) into the Criminal Justice System** *A FTE is an offender who has received their first reprimand, warning, caution or conviction for an offence processed by a police force in England or Wales or by the British Transport Police. The measure excludes any offenders who at the time of their first conviction or caution, according to their PNC record, were resident outside England or Wales. Penalty notices for disorder, other types of penalty notice, cannabis warnings and other sanctions given by the police are not counted. Where there were multiple offences on the same occasion, only the recorded primary offence would be counted.*

**First offences and further offences** *The figures shown for first offences follow the same definition as for first time entrants and therefore agree with the FTE figures. A further offence is any other*



*primary offence recorded on the PNC that resulted in a reprimand, warning, caution or conviction and where the offender had received at least one of these sanctions on a previous occasion.*

**Indictable cases:** The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' court in these cases is brief, and usually consists of a decision on whether to grant bail, and considers other legal issues, such as reporting restrictions. The case is then passed to the Crown Court.

**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 or as a condition of licence on custodial sentences.

**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 a database using 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 to form 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:** In 2009/10, when a young person pled guilty to an offence and appeared in court for the first time, then the court had to make a Referral Order. The only exception to this is if the offence is so serious that it merits a custodial sentence (DTO, section 90/91, section 226, 226b) or so minor that a fine or absolute discharge may 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 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, anger management etc.). 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).

**Remand to Youth Detention Accommodation:** Since 3 December 2012, all children remanded other than on bail can only be dealt with by way of a Remand to Local Authority Accommodation or a Remand to Youth Detention Accommodation, under the Legal Aid, Sentencing and Punishment of Offenders Act 2012<sup>1</sup>.

Youth Detention Accommodation covers the secure estate and comprises the following kinds of accommodation:

- a. Secure Children's Home;
- b. Secure Training Centre;
- c. Young Offender Institution.

Where a court orders a Remand to Youth Detention Accommodation, the YJB Placements Team will place the child in Youth Detention Accommodation according to the needs of the child. There is therefore no need for the court to specify in the warrant the precise home, centre or institution but the court must specify the designated local authority so that the Youth Justice Board may consult it on the placement decision.

**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.

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<sup>1</sup> Previously there were four types of remands:

**1. Community Remand:** Community remands consist of the following types of remand decision: bail supervision and support (with or without tag), conditional bail and tag, ISSP bail (with or without tag) or remand to local authority accommodation (with or without tag).

**2. Court-ordered secure remand:** A court-ordered secure remand allows courts to remand young people into secure children's homes or secure training centres. This provision applies to any 12-14 year old and to 15-16 year old girls. This also applies to 15-16 year old boys who are deemed vulnerable by the court and for whom a place is available.

**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 remand in custody. This applies to 15-16 year old boys not deemed vulnerable by the court and 17 year old boys and girls.

**4. Remand to local authority accommodation:** A young person may be remanded to local authority accommodation, which may or may not be secure. This remand may be accompanied by electronic tagging.



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

**Resettlement and Aftercare Programme:** The Resettlement and Aftercare Programme (RAP) is a support programme for young people on the community licence part of their Detention and Training Order.

**Safeguarding:** All organisations whose work impacts on children have a responsibility to ensure that the actions they undertake protect the safety and welfare and promote the well-being of those children, the staff who work for them and members of the public. The Youth Justice Board is no different and throughout our work we seek to protect the safety of children, the community and staff as well as encourage education and equality in our workings.

**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.

**Section 226B (Extended sentence for certain violent or sexual offences) (Sections 123-5 LASPOA 2012 (amending sections 226 & 228 Criminal Justice Act 2003) & schedule 20 LASPOA 2012):** Young people can be sentenced to an extended custodial sentence if they are convicted of a specified offence as listed in schedule 15 of the Criminal Justice Act 2003 and the court believes that they are dangerous.

**Section 90 of the Powers of Criminal Courts (Sentencing) Act:** Children and young people from 10 – 17 years convicted of murder will be given a life sentence under this section. The court sets a minimum term which must be served in custody, starting at 12 years.

**Section 91 of the Criminal Court Sentencing Act (2000):** *Children and young people can receive a long-term custodial sentence under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 if they are convicted of an offence for which an adult of 21 years or over could receive a custodial sentence of 14 years or more, or if they commit certain sexual or firearms offences, and a lesser sentence will not suffice. The length of any sentence under section 91 cannot be longer than the maximum sentence that a 21 year old or over could receive for the same offence.*

**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. There is one Secure Children's Home in Wales run by Neath Port Talbot local authority, overseen by the Welsh Assembly Government in Wales.



They generally accommodate remanded or sentenced young people aged 12-14 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.

Secure children's homes range from 8 to 36 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). SCHs will hold both young people placed on secure welfare orders as well as those sentenced to custody and those remanded to youth detention accommodation. When referring to SCHs within this report, only those young people held on remand to youth detention accommodation or those sentenced to custody are counted.

**Secure Training Centre (STC):** There are three purpose built secure training centres (STC) in England offering secure provision to sentenced or remanded young people aged 12-17. 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.

Secure Training Centres 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 substantive outcome is an out of court or court disposal.

**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.

**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.

**Warning:** A warning was an out-of-court disposal for young warning. It could be used following a reprimand or for a first offence if it was deemed serious enough. Following a warning the young person would be referred to the YOT for assessment and intervention. Further offending following a warning would normally result in prosecution. Since youth cautions came in, Warnings are no longer available as a disposal.



**Young Offender Institution (YOI):** Young offender institutions (YOI) can accommodate young people and young adults who offend from between the ages of 15-21 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. YOIs tend to be larger sites than STCs and SCHs with lower ratios of staff to young people.

**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 the term young person covers people aged 10-17 years olds.

**Youth Conditional Cautions:** A youth conditional caution allows an authorised person (usually a police officer) or a relevant prosecutor (usually a member of the CPS) to decide to give a caution with one or more conditions attached. When a young person is given a conditional caution for an offence, criminal proceedings for that offence are halted while the young person is given an opportunity to comply with the conditions. Where the conditions are complied with, the prosecution is not normally commenced.

**Youth Cautions:** Youth Cautions are a formal out-of-court disposal that can be used as an alternative to prosecution for young offenders (aged 10 to 17) in certain circumstances. A Youth Caution may be given for any offence where the young offender admits an offence, there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute.

**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. Organised geographically and independent of the police and courts, they advocate for young people involved with the criminal justice system both in custody and in the community run prevention programs aimed at keeping young people from criminal activity and also provide advice and guidance for young people and their families in court.

**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.