



## Opening Hours

Monday to Friday  
9.00am - 8.00pm

Saturday and Sunday  
10.00am - 3.00pm

## Youth Justice – Court and Sentencing

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### At what court will a young offender be dealt with?

A young offender aged between 10 and 17 will be dealt with in the youth courts. Young offenders that are aged between 10 and 13 are classified as children and 14 – 17 year olds are termed as young persons, or juveniles. Whilst 18 – 21 year olds are still treated as 'young offenders' they are tried in the adult courts. Children under the age of 10 are viewed as being below the age of criminal responsibility and will not be taken to court to account for their actions. Instead they may become the subject of civil care or supervision proceedings such as child safety or child curfew orders or made a ward of court. If the child or young person commits an offence that would warrant a sentence of 14 years or more had they been tried as an adult then the case will be heard at the Crown Court.

### What is the difference between Youth Courts and Adult Courts?

The Youth Courts are a section of the Magistrates Court that may or may not be located in the same building. Magistrates serving in a Youth Court will have had specific training to enable them to deal with young people effectively. This will include using language that is easier for young people to understand. Only the child's parent or guardian will be allowed in the court to accompany the

child, the general public are not permitted in the court room. If the child or young person is under the age of 16 then their parent or carer must be in attendance.

Youth Courts are usually laid out differently to adult courts being smaller and less formal.

### What are the possible outcomes of a case heard in a youth court?

- **Remand.** If the court case cannot be completed the same day or if further hearings need to take place on another occasion then the court may, in certain cases, decide to remand the young person in custody. This is usually done where the offences were of a particularly serious nature or if the offender has a history of offending whilst on bail. The young person can be remanded to local authority accommodation, where they are looked after by the local authority, or to secure accommodation which would usually be a Secure Training Centre or a Secure Children's Home.
- **Bail.** If the court decides there is no reason to remand the young person in custody but the case has to be adjourned, or further hearings need to take place on another occasion, then the court may take the decision to release the young person on bail. Bail can be conditional whereby the young person has to adhere to certain

conditions such as living and sleeping at a certain address, or unconditional where the only stipulation is that the young person attends court on the next hearing date.

- **Absolute Discharge.** A young person is given an Absolute Discharge when they admit guilt or are found guilty, but no further action is taken against them.
- **Conditional Discharge.** A young person receiving a Conditional Discharge receives no immediate punishment. A period of between six months and three years is set and, as long as the young person does not commit a further offence during this period, no punishment will be imposed. However, if the young person commits another offence during this period, they can be brought back to court and re-sentenced. ***This sentence is only used in youth courts in exceptional circumstances.***
- **Fine.** The size of a fine reflects the offence committed and the financial circumstances of the offender. For an offender under 16 years of age, the payment of the fine is the responsibility of their parents/carers and it is their financial circumstances that will be taken into account when the level of the fine is set.
- **Youth Rehabilitation Order.** The Youth Rehabilitation Order (YRO) is a generic community sentence for young offenders that came into effect on 30<sup>th</sup> November 2009. The order replaces 9 existing sentences and combines 18 requirements into one sentence. The following community sentences will be replaced by the YRO:
  - Action Plan Order
  - Curfew Order
  - Supervision Order (and conditions)
  - Community Punishment Order
  - Community Punishment and Rehabilitation Order

- Attendance Centre Order
- Drug Treatment and Testing Order
- Exclusion Order
- Community Rehabilitation Order (and conditions)

**The above sentences will still be in place for young offenders where the offence was committed prior to 30<sup>th</sup> November 2009.**

A Youth Rehabilitation Order will usually contain one or more requirements which must be followed by that young offender. These requirements may include the requirement for the young person to meet with a worker from the Youth Offending Team or the young person may be required to comply with other activities examples of which are unpaid work, a curfew or specific conditions on where they can live. The following requirements can be attached to a YRO:

- Activity Requirement
- Curfew Requirement
- Exclusion Requirement
- Local Authority Residence Requirement
- Education Requirement
- Mental Health Treatment Requirement
- Unpaid Work Requirement (16/17 years)
- Drug Testing Requirement
- Intoxicating Substance Treatment Requirement
- Supervision Requirement
- Electronic Monitoring Requirement
- Prohibited Activity Requirement
- Drug Treatment Requirement



- Residence Requirement
- Programme Requirement
- Attendance Centre Requirement
- Intensive Supervision and Surveillance
- Intensive Fostering

The Youth Rehabilitation Order can last up to a maximum of three years during which time all specified requirements must be completed.

- **Reparation Order.** Reparation Orders are designed to help young offenders understand the consequences of their offending behaviour and take responsibility for their actions. These orders require the young person to repair the harm caused by their offence either directly to the victim or indirectly to the community. This might include undertaking unpaid work in the community.
- **Referral Order.** Referral Orders are given to young offenders who plead guilty when appearing in court for the first time. There are exceptions made, for example, if the offence is so serious that a custodial sentence is necessary or if it is a relatively minor offence that can be punished with a discharge or fine. If a young person receives a Referral Order they must attend a youth offender panel, consisting of two volunteers from the local community and an advisor from the Youth Offending Team. The panel, young person and their parent (and sometimes the victim) agree a contract of between 3 and 12 months which aims to repair the damage caused by the offence and address the root cause of the young person's behaviour.
- **Child Safety Order.** This order only applies to a child under 10 years old who has committed an offence or has caused harassment, alarm or distress to others. During the order, the child will be

supervised by a social worker or a worker from the youth offending team. If the child fails to adhere to the order then their parent can be made the subject of a parenting order.

- **Parenting Order.** Parenting Orders can be imposed on the parents/carers of young people who offend or truant and require the parent of the young offender to attend counselling or guidance sessions for up to 3 months as well as following other requirements such as ensuring the child does not frequent certain places or is home at a specific time for a period of up to 12 months. Failure to adhere to a parenting order can result in prosecution for the parent involved.
- **Anti Social Behaviour Order.** An Anti Social Behaviour Order, or ASBO, can be imposed on anyone over the age of 10 years old that has caused harassment, alarm or distress to anyone who does not live in their household. An ASBO prevents a person from going to certain places or doing particular things. If they breach the terms of their ASBO they can be prosecuted.

### Other Outcomes - Custody

Where no other option is considered appropriate, due to the seriousness of the offence, the risk to the public or the offender previous record, the courts will sentence the young person to custody. There are three different types of establishment suitable to house young offenders, Secure Children's Homes, for 12-14 year olds, girls up to 16 years old and 15/16 year old boys that have been assessed as being vulnerable, Secure Training Centres, purpose built to house young offenders aged up to 17 or Young Offender Institutions, for young people aged 15-21.



by a YOT manager who is responsible for co-ordinating the work of the youth justice services.

A young person sentenced to custody may receive one of the following sentences:

- **Detention and Training Order.** The Detention and Training Order (DTO) is a custodial sentence given to 12 to 17 years olds. The length of the sentence is usually between four months and two years. The first half of the sentence is spent in custody while the second half is spent in the community under the supervision of the Youth Offending Team.
- **Section 90/91.** This sentence can only be given in the Crown Courts and is used in the case of serious offences that had the young person been tried as an adult they would have received at least 14 years in custody.
  - *Section 90.* If the offence was murder then the young person will be subject to 'detention at Her Majesty's Pleasure' and a mandatory life sentence will apply. A minimum term in custody will be set (also known as the tariff) and it is only once this period has passed that the young person can apply for parole.
  - *Section 91.* The sentence powers under a Section 91 can be as high as the adult maximum for the same offence. The young person will serve half the sentence in custody and then be released automatically at the half way point (or sooner if eligible for HDC).

### **What is a Youth Offending Team (YOT)?**

There is a Youth Offending Team (YOT) in every local authority in England and Wales. They are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. Each YOT is managed

Because the YOT is made up of a diverse team covering many disciplines it enables work with young people to be carried out more effectively. The YOT works directly with the young person and their parents/guardians to identify their needs and problems and to implement programmes aimed at addressing these needs.

### **Is there any financial assistance available for those wanting to visit a young offender in custody?**

The Youth Justice Board have a scheme available to help families in receipt of certain benefits or on a low income with the cost of visiting a loved one in a Secure Children's Home or a Secure Training Centre. The local YOT should be able to provide details of the scheme. The YJB will help pay the costs of one visit per week for up to two adult visitors (aged 16 or above) and up to three accompanying children (aged 15 or below).

A separate scheme, the Assisted Prison Visits Scheme (APVU), provides assistance with the cost of visiting a close relative, to families in receipt of certain benefits or on a low income, to those visiting a young offender in a Young Offender Institution.



