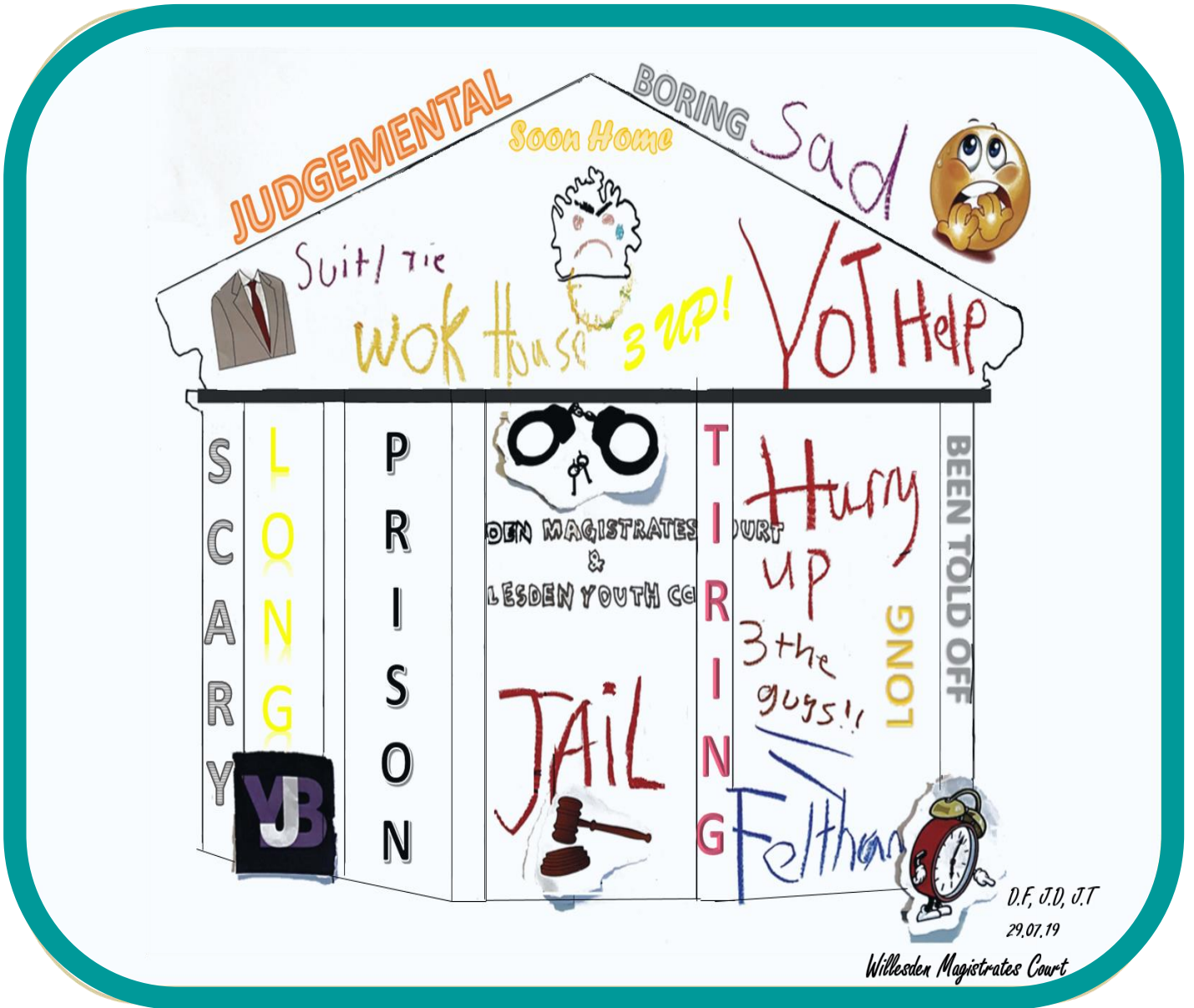


# Barnet Youth Justice Services Court Induction Pack 2020



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## Useful Information

### Court contact information

Willesden Youth Court

448 High Road

Willesden

NW10 2DZ

Main telephone number: 0208 955 0555

YJB Placements: 0845 363 6363

CJSM: [placements-london@yjb.uk.cjism.net](mailto:placements-london@yjb.uk.cjism.net)

### Internal contact numbers

Cells – 1275

Listings: 0569

Court probation offices: 0518, 0519, 0507, 0509

Car park manager: 0688

Court Liaison and Diversion manager: 0568

### Important email addresses

#### Courts:

|                             |  |
|-----------------------------|--|
| All enquires                | <a href="mailto:northlondonmc@justice.gov.uk">northlondonmc@justice.gov.uk</a>   |
| Breach listings             | <a href="mailto:londonnwlegalqueri@justice.gov.uk">londonnwlegalqueri@justice.gov.uk</a>                               |
| Highbury Corner Youth Court | <a href="mailto:Londonnorthmc@hmcts.gsi.gov.uk">Londonnorthmc@hmcts.gsi.gov.uk</a>                                     |
| Harrow CC - Court results   | <a href="mailto:Londonnps.harrow.crowncourt@probation.gsi.gov.uk">Londonnps.harrow.crowncourt@probation.gsi.gov.uk</a> |
| Harrow CC – admin enquiries | <a href="mailto:Juliette.Ellis@justice.gov.uk.cjism.net">Juliette.Ellis@justice.gov.uk.cjism.net</a>                   |

#### CPS papers:

|                          |  |
|--------------------------|--|
| Magistrate's court cases | <a href="mailto:London.magistrates@cps.gsi.gov.uk.cjism.net">London.magistrates@cps.gsi.gov.uk.cjism.net</a>   |
| Crown Court cases        | <a href="mailto:London.Crowncourt@cps.gsi.gov.uk">London.Crowncourt@cps.gsi.gov.uk</a><br><a href="mailto:London.crowncourt@cps.gov.uk.cjism.net">London.crowncourt@cps.gov.uk.cjism.net</a> |

## Opening Hours

### Weekdays:

**Monday:** no youth court in session. YOT attendance will be dictated by the young person's home address or if they reside outside of the three Borough's then the offence location will dictate which team attends.

**Tuesday:** no youth court in session. YOT attendance will be dictated by the young person's home address or if they reside outside of the three Borough's, then the offence location will dictate which team attends.

**Wednesday:** Barnet and Harrow Youth Offending Teams

**Thursday:** Brent Youth Offending Team

**Friday:** no youth court in session. YOT attendance will be dictated by the young person's home address or if they reside outside of the three Borough's then the offence location will dictate which team attends.

**Saturday/Bank holidays:**

There is no dedicated youth court in session at Willesden Magistrates Court on Saturdays or Bank holidays.

YOT attendance will be dictated firstly by the young person's home address and if they reside outside of the 3 boroughs then the offence location will determine which YOT attends court.

All three YOT's will liaise with both Colindale and Wembley Police Stations and Willesden cell staff in good time in the morning to establish the position and take the necessary action.

Court Operational Manager and Court & Information officer are responsible for ensuring that they have an occasional court rota in place which identifies court staff and managers and includes telephone numbers for the YOT staff and EDT. This document should be shared with the Police Stations, Legal Advisers, cell staff and between the YOT's themselves.

## Court Staff Procedures

### Court duty officer's responsibilities (Wednesday Youth Court)

**Tuesday afternoon:**

- Liaise with business support officer and go through court list to ascertain how busy the court list is on Wednesday.
- Liaise with back up court officer in relation to the youth court day and share any work out, i.e. who will deal with which breach/PSR or potential overnights. If court list is light, court back up can return to the office in the afternoon.
- The business support officer will do all the pre-court work and liaise with any out of borough YOT in relation to pre-court preparation.
- The business support officer will liaise with the Harrow YOT administrator in relation to the court list and which cases Barnet YOT will be responsible for and which cases will be dealt with by Harrow YOT.
- If there are any young people on the court list which are known to Barnet YOT, court lead to liaise with young person's case manager and the Court manager in relation to potentially dealing with the young person on the day at court, to avoid a Pre- Sentence Report (PSR) if this is deemed suitable (only if not at risk of custody).
- Court Information Officer to take court bag to court.
- Court lead to make sure that he/she has access to the court computer/laptop and that their VPN (remote access) is working.

**Wednesday (Court day)**

- Arrive at court by 08:30am.
- Liaise with the cell staff to ascertain if there are any other overnights.

- Court lead to liaise with Court Manager before court starts to discuss any potential overnighters or issues. Court lead to touch base with Court manager during their lunch break to ascertain if the court back up can return to the office. Court lead to call the Court manager at the end of the day, to de-brief.
- Liaise with Harrow court officer to ascertain who is dealing with what matter. Generally, Barnet deals with any Colindale matters and Harrow will deal with the Harrow matters; any out of borough young people will get shared out between the two YOT's. Go through court list together to make sure that no young people have been missed of the list.
- Discuss any overnighters/extras with the Harrow court team and ascertain who will deal with which young person.
- If a young person is in the cells liaise with CPS to ascertain if they are opposing bail. If bail is being opposed, follow the '*court bail and remand process*' (attached).

### Occasional Court (Saturday and Bank Holiday Court Duty)

- Every Friday Afternoon (1:00PM), whoever would be the assigned Duty Court Officer for Saturday Court should phone Colindale Police Station (**0208 733 4573 or 0208 733 4572**) and Wembley Police Station (**02087333251, 02087333252 and 02087333255**) to check if there are any young people currently in Custody or detained and waiting to be charged. Duty Court Officer to notify the Duty Court Manager and liaise with the respective Allocated Case Manager or the Home YOS. If it is known to Barnet YOS and the young person is at risk of custody, a Placement Notification form needs to be completed and YJB Placement needs to be notified for possible remand the next day. Placement Notification needs to be sent to YJB and confirm receipt.
- By **7:30am and 10:00 am** of every Saturday, Duty Court Officer to phone Colindale Police Station Custody and Wembley Police Station (**02087333251, 02087333252 and 02087333255**) to check if there are young people due to appear at Willesden Magistrate Court. If there is/there are no young person/people, Duty Court Officer to notify the Court Manager via text, email or telephone call. (i.e. name of the young person, date of birth, and offence/s committed).
- If you are unable to get through to Colindale Custody Suite, alternatively you can call Willesden Youth Court cells staff to see if they are expecting any young people from Colindale Police Station. Their contact number is **0208 830 2638**
- YOT attendance will be dictated firstly by the young person's home address and if they reside outside of the 3 boroughs then the offence location will determine which YOT attends court.
- Duty Court Officer to attend Willesden Magistrate Court and see the young person in the Court cell.
- Duty Court Officer to ascertain whether the detained youth is an Out-of-borough or Barnet young person. If Out-of-borough, the Duty Court Officer will contact the Out-of-Hours Duty Team and make appropriate referrals.
- Duty Court Officer will deal with the young person at Court. If at risk of custody/remand, the Duty Court Officer will liaise with the CPS if they oppose bail and on what ground.

- Duty Court Officer will then liaise with the Duty Court Manager to discuss the case and ascertain what appropriate bail condition can be offered to the Court.
- Duty Court Officer will then liaise with the Out-of-Borough Duty Court Manager via Out-of-Hours Team if they are in agreement with the proposed bail condition.
- If the young person will be remanded into the Care of the Local Authority, Duty Officer to liaise with the Out-of-Hours Duty Manager and explain the circumstances of the Remand and request for an appropriate placement.
- If the Out of borough young person is likely to be remanded, Duty Court Officer to complete the Placement Notification Form and send this to the YJB. Duty Court Manager to oversee and countersign the documents. Duty Court Officer to ensure the Placement Notification documents has been received by the YJB and confirmation through email. This needs to be done via CJSM.
- Post Court Report needs to be completed by the Duty Court Officer and Countersigned by the Duty Court Manager. This should be sent via YJS Connectivity on Childview however, if this is not an option due to technical issues this document also needs to be sent to the YJB Placement. Duty Court Manager to ensure this has been received and confirmation email needs to be sought from the YJB Placement.
- Duty Court Officer to email the following documents to the Home YOS: Court Proceedings, Post Court Report Placement Notification and CPS docs (if available).
- In case of Remand to the Care of the Local Authority, Court Duty Officer to email the respective Social Care Team Manager, Allocated Social Worker and YOS Management Team.

## Court etiquette

Before going to court, you should learn about the proper court etiquette and procedures. Please note the following:

### Inside the courtroom

- Most court proceedings are open to the public except Youth Court which is not open to the public. If the judge has ordered that proceedings be held in camera (in private), a sign will be posted on the door. If you see a sign on the courtroom door saying that the proceeding is not open to the public, do not enter the courtroom.
- Be on time. Because people entering and exiting the courtroom can be very distracting, you may be required to wait outside of the courtroom until an appropriate break in the proceedings.
- When the courtroom is open, please find a seat in the gallery. Standing is generally not permitted in courtrooms.
- Please turn off your mobile phone or pager before entering the courtroom. Members of the public are not permitted to use electronic devices (e.g. mobile phones, cameras, recording devices etc.) in courtrooms unless the presiding judge orders otherwise. Counsel, parties, and members of the media may use electronic devices subject to certain conditions and restrictions.
- When the judge enters the courtroom, everyone in the room must rise to show respect. Please rise and remain standing until the Clerk invites you to be seated.

- Please remain silent throughout the proceedings. If you need to speak to someone, please step outside the courtroom.
- No food or beverages are allowed in the courtrooms.
- Hats or headwear are not permitted except for religious reasons. Please also remove your sunglasses before entering the courtroom (unless they are required due to a medical condition).
- Generally, each court has a lunch break, as well as a morning and an afternoon break. The timing of these breaks varies and is at the discretion of the judge.
- Court staff are responsible for maintaining security and decorum in the courtroom. Please comply with any direction that they give you. If you fail to comply with any such direction, you may be asked to leave the courtroom.
- You must stand whenever you speak to the judge or the judge speaks to you.

### How are magistrates and judges addressed in court?

In court - District Court Judges should be referred to as “His/Her Honour Judge”

In court - Local Court Magistrates should be addressed as “Your Worships”

Outside of court - “Magistrate”

### The people in court

#### Is there a difference between a judge and magistrate?

Judges are credited to have more powers than a “magistrate”. The magistrate is known to have powers more of an administrator, and most of them handle only minor offences. They may handle offences, such as, petty theft, small crimes, and traffic violations. On the other hand, judges handle more serious cases.

A youth court is a part of the Magistrates’ Court dealing specifically with people under the age of 18 who have been accused of breaking the law.

#### The Magistrates

The Magistrates are in charge of the courtroom. Usually there are three of them. The magistrates wear ordinary clothes; they do not wear wigs or gowns like Judges in the Crown Courts. The magistrates decide if the person has broken the law after hearing the evidence from both the prosecution and the defence lawyers and from witnesses like you.

#### The Legal Advisor

The legal advisor sits at the front of the court and takes care of all the papers that are needed during a trial.

#### The Defendant

The defendant is the young person who has been accused of breaking the law. The defendant sits in front of the Magistrates at a table or if the offence is ‘so serious enough’ the defendant may be asked to sit in the dock.

#### The Defence Lawyer

It is the defence lawyer’s job to help the defendant. This lawyer also asks the witnesses questions and tries to show that the defendant didn’t break the law.



### The Usher

The usher wears a black robe and is responsible for coordinating the running of the court day. Once you have liaised with the young person, their parent/carer and their legal representative, you will need to notify the usher that the case is ready so that they are aware.

### The Witness

The witness answers questions from a place in the courtroom called the witness box. There are circumstances in which this is not suitable for witnesses. This is only in exceptional circumstances; your Witness Care Officer will fully explain if you are not giving your evidence in the usual way.

The Witness Service Room is situated within the courthouse and is separate to the courtroom itself. The Witness Service operates in every court and is run by the independent charity Victim Support. It provides support for both prosecution witnesses and defence witnesses attending court. They offer a comfortable environment for witnesses to sit and read their statements before they are asked to give their evidence.

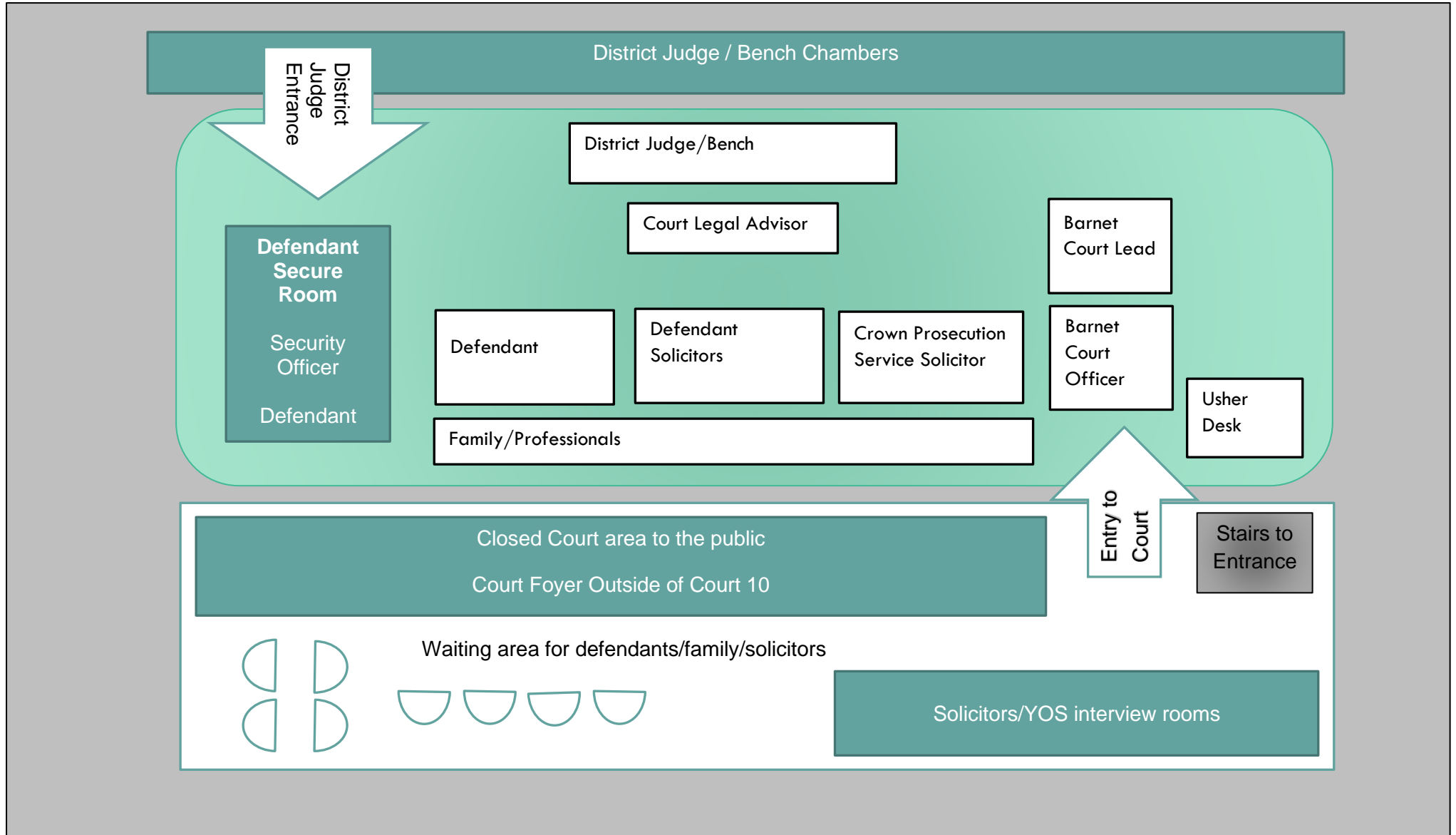
### The Prosecution Lawyer

The prosecution lawyer tries to show the defendant has broken the law. He or she does this by presenting evidence and asking the witness questions about what they saw or heard or what happened to them. You will get to see the statement you have provided to the police before you are asked questions in the courtroom.

### The Public

A Youth Court is not open to the public. Members of the public are not allowed to sit in the court. Members of the media can sometimes be authorised to be present (the media can report proceedings but are not allowed to report young people's names).

# Willesden Youth Court Layout



## Sentencing Guidelines

# Criminal Justice and Immigration Act 2008

<https://www.sentencingcouncil.org.uk/offences/>

### Types of sentences for young people

Courts have a range of different sentences they can give young people aged 10-18. These include:

**Discharge** – absolute or conditional – these are the same as those for adult offenders;

**Fine** – as with adults, the fine should reflect the offence committed and the offender's ability to pay. For offenders under 16, paying the fine is the responsibility of a parent/guardian and it will be their ability to pay that is taken into account when setting the level of the fine;

**Reparation Order** - A reparation order is a non-custodial sentence of a court (usually a youth court), which will be supervised by a member of the youth offending team. The aim of a reparation order is to prevent a young person (between the ages of 10 and 17) from further offending. It does this by helping the young person to understand the effects of crime on the victim(s) and to make amends. The young person will be required to perform a programme of work, not exceeding a total of 24 hours, within a three-month period from the making of the order.

**Referral Order** – this requires the young person to attend a referral order panel (made up of two members of the local community and an advisor from a youth offending team as well as a parent/carer) and agree a contract, containing certain commitments, which will last between three months and a year. The aim is for the young person to make up for the harm caused and address their offending behaviour. An order must be imposed for a first-time offence and the young person has pleaded guilty (unless the court decides that another sentence is justified) and may be imposed in other circumstances.

**Youth Rehabilitation Order** – this is a community sentence which can include one or more of 18 different requirements that the young person must comply with for up to three years. Some examples of the requirements that can be imposed are a curfew, supervision, unpaid work, electronic monitoring, drug treatment, and mental health treatment and education requirements. It has a tailored approach specific to the needs which requires an assessment first.

**Custodial sentences** – young people who offend can receive custodial sentences but they will only be imposed in the most serious cases. When they are given, they aim to provide training and education and rehabilitate the young person so they don't re-offend. Sentences can be spent in secure children's homes, secure training centres and young offender institutions:

- If a young person between 12 and 17 years old is sentenced in the youth court, a Detention and Training Order (DTO) is available. This can last between four months and two years.
- In the Crown Court, a Detention and Training Order (DTO) can also be given – the same as in the youth court.

- For more serious offences in the Crown Court, longer term detention is available where the offence committed carries a maximum sentence of at least 14 years' imprisonment or is one of the offences listed in **Section 91** of the Powers of Criminal Courts (Sentencing) Act, 2000.
- If a young person is convicted of a specified offence and the Crown Court considers that there is a significant risk of serious harm to members of the public from the young person committing further specified offences, then the court may pass a sentence of detention for life or an extended sentence of detention.
- Detention during Her Majesty's Pleasure. This is a mandatory life sentence and will be imposed when an individual is convicted or pleads guilty to murder. Schedule 21 of the Criminal Justice Act 2003 states that the starting point for determining the minimum sentence where the young person is under 18 years of age, is 12 years as opposed to 15 years for those over the age of 18

## Breach of court orders

- Compliance and enforcement are necessary in order to achieve the common goal of reducing re-offending and protecting the welfare of the young person. Please refer to the Engagement and Enforcement policy in appendix A.
- Reducing any delays between the YOT's action and the court hearing is a key part in the effectiveness of the process. Court orders will be enforced in accordance with YJB National Standards 2019 and breaches need to be expedited as quickly as possible.
- YOT's should submit summons and information, along with a copy of the court order in time to allow for good service. The information should be sent to the Legal Advisers generic mailbox ([londonnwlegalqueri@justice.gov.uk](mailto:londonnwlegalqueri@justice.gov.uk))
- The YOT court officer should be furnished with a full breach pack to enable he/she to proceed at the first hearing. A breach report, outlining the reason for the breach, the levels of compliance to date, any additional background information, a risk assessment and recommendation to the court, should be prepared in advance by the supervising YOT officer. This will enable sentencing should the young person plead guilty at the first hearing.
- If the breach is listed at Crown Court, Counsel needs to be instructed to prosecute the breach. Isha Prince will need to be informed at least two weeks prior to listing date. Please email her on: [isha.prince@harrow.gov.uk](mailto:isha.prince@harrow.gov.uk)
- In the event that a young person pleads Not Guilty, then a short adjournment for trial should be set. Where necessary, the YOT should employ the services of a barrister to conduct the trial on its behalf in the same was as detailed in point 5.
- If the young person fails to attend the breach hearing, then the YOT should have the necessary paperwork ready to make an application for a no bail warrant. The YOT officer will need to give evidence under oath to support the warrant application.

## Breach Documentation

To list any breach hearings, you will need to complete the documentation saved on the shared drive. Depending on the order, you will need to fill out the relevant summons, information for summons and in the event the young person does not attend, the warrant. The warrant will need to have the name of the court officer who will be in court and the correct date of the listing. The following documents can be found on Shared Drive – Court 2018 – Court Paperwork:

- Summons for breach of Referral Order

- Information for breach of a Referral Order
- Summons for breach of YRO
- Information for breach of a YRO
- Summons for breach of DTO
- Information for breach of a DTO
- Warrant
- Summons to Revoke an Order
- Summons to amend a YRO
- Certificate of Service

For all summons which are posted to young people, a certificate of service also needs to be completed and signed by the case manager as proof of postage. This will be form part of your breach pack and in the event the young person does not attend, a 1<sup>st</sup> Instance Warrant can be issued.

- An MG11

This is used for instigating breach for young people on Bail. Once completed it will need to be sent directly to the police who are then responsible for arresting the young person and producing them at court.

A copy of the Breach Checklist is in appendix B.

A copy of the Breach Summons Process is in appendix C

# Court-remand Process

The court must beforehand have considered whether to remand the child on bail.  
 To be eligible for a remand to youth detention accommodation (domestic cases), a child must:

Note: If a young person is remanded you will need to notify the Operational Manager and the Service Manager to complete an AssetPlus Placement Notification Form

Step 1

Be aged between 12 - 17

Step 2

Satisfy the legal representation conditions

Step 3

Either

1<sup>st</sup> set of conditions:  
 They are charged with a violent or sexual offence  
 One (OCCN) where an adult may receive a custodial sentence of 14 years

Either

They have a recent history of absconding while remanded to YDA or LAA and are charged with or convicted of an offence (OCCN) which was committed while remanded to LAA or YDA

They are charged with or convicted of an offence which when taken with previous imprisonable offences amounts to a recent history of committing imprisonable offences whilst on bail or remand to LAA YDA

There is a real prospect of them receiving a custodial sentence for the OCCN

Step 4

Either Or

It is necessary to protect the public from death or serious personal injury

It is necessary to prevent the commission by the child of further imprisonable offences

## Bail-Remand process

A young person between the ages of 10-18 years appears in court and CPS opposes bail using the new criteria which is:

- Seriousness of the offence - the offence must be punishable with a sentence of imprisonment of fourteen years or more.
- 'realistic prospect' of receiving a custodial sentence - the young person must have a history of committing offences or absconding whilst on remand

The YOS court officer will then liaise with CPS to find out what their objections to bail are and to obtain the facts of the alleged charge (s) and a record of previous convictions. This information needs to be shared with the YOS operational manager.

YOS court officer will assess the young person using a bail/remand ASSET Plus (this includes an assessment of safety and well-being) and will then liaise with a YOS operational manager regarding suitable bail support packages (including ISS):

- Potential bail addresses with friends/relatives will also be explored at this stage.
- Any address provided will require a check with the YOS police to ensure it's viable and safe.
- If an electronic tag is being considered; authorisation to have the electronic equipment installed needs to be confirmed by the registered home owner/keeper.
- Suitability for ISS needs to be assessed

YOS officer will liaise with CPS/defence regarding the proposed bail package the YOS can offer. If CPS is resistant to the bail package the YOS will still make the proposal (in writing following management agreement), however the YOS officer will contact social care to inform that bail may be an issue and other potential avenues need to be explored.

If the court agrees that bail support/ISS is insufficient and they are seriously considering remanding the young person into custody then their first consideration needs to be to remand into Local Authority care.

The YOS officer will liaise with social care (MASH) as soon as this is being considered to inform them of the position and to provide any information they may require. Social care will need to confirm what provision is available in terms of accommodation and the support which they can offer.

In the event of a remand into custody the YOS operational manager/s will notify social care immediately as the young person will automatically acquire LAC status. The YOS will provide information as requested by social care to facilitate their assessment.

The court can attach conditions to a remand to LA care (RiLA) which very often includes:

- restrictions on their movements
- that the young person cannot return to his family home/cannot reside in the borough of Barnet
- must adhere to YOS bail support/ISS which social care and the YOS will have to work around
- An electronic tag

The timeframes on the above are short and the matter must be dealt with on the same day and so the process around the above needs to take that into consideration.

In the event that the young person is remanded into the care of the LA where possible the YOS will work in partnership to ensure that the young person is placed and supported

appropriately. However, when this is not possible (i.e a full court day and the YOS officer has other commitments) social care will be responsible for collecting the young person from court. However, this must be determined early on so that social care are informed in good timing.

The YOS court officer/Court and Information Officer (CIO) will obtain a copy of the warrant which places the young person in the care of the LA and send this to social care at the earliest opportunity. If the young person is also subject to a bail support/ISS then the allocated YOS case manager will work in conjunction with social care colleagues regarding the young person's risk and safety and well-being plans and the subsequent delivery of interventions.

The YOS will keep social care notified of further court dates and any other relevant legal matters.

The YOS case manager will liaise and work with the social worker to make arrangements for a remand review (5 working days), during the period the young person is in custody and following any subsequent sentencing.

### Designated Authority

In the event of a remand to custody, the YOT officer must confirm that he/she has communicated with the borough/region which is considered to be the designated authority and that they have accepted responsibility. A template outlining the necessary information should be created and sent to the designated authority for a manager's signature which confirms that the necessary communication and agreement has taken place.

In the event that there is a disagreement regarding the designated authority then the matter should be put back for a short time to allow senior managers from the respective YOT's to determine the position.

Ultimately, the responsibility will lie with the court to decide as to which authority is one that meets the statutory test as set out in S92 (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

If the situation alters for whatever reason then the YOT concerned needs to make its representations in writing to the court in advance of the next hearing, providing copies to all parties involved.

### Remand into custody

If a young person is remanded into custody, the YOT Officer is responsible for completing a post court report post hearing (in cells) which amongst other information, ascertains the young person's response to being remanded and highlights any immediate issues that need to be followed up in custody.

The YOT officer must immediately send the relevant documents to the YJB Placement Team via connectivity (Bail Assetplus, Custody module, PCR) and call the YJB Placements team to provide information that is related to whether they are placed in a Young Offender Institute or a secure unit.

The YOT officer is responsible for liaising with cell staff regarding any risk related information and ensuring that the warrant and booking form are in place.

The YOT officer should be a regular presence in the cells with the young person until such time that they leave the court. They should fully explain where the young person is going and provide as much information as possible to ease anxiety. The YOT officer should share full contact information of the YOI/secure unit with parent/carers and provide information about visits and reviews.



In the event that the young person resides out of the area, then the YOT officer should liaise with the home YOT, providing copies of all the documents and details of where the young person will be going.

### Remand into Local Authority Accommodation (RiLAA)

The court is obliged to consult with responsible authority before deciding to remand a young person into custody. It is the YOT officer's role to act as the conduit between the court and the responsible Local Authority.

The YOT officer should share full information with the Local Authority and explore relevant issues such as suitable accommodation, working with the authority to determine the suitability of the RiLA and whether other bail conditions can be offered alongside it. The YOT officer should endeavour to secure the attendance of social care in court for those cases where RiLA is being supported or to agree a contingency plan.

The YOT officer is responsible for outlining the reasons why a RiLA would be suitable and why. Again, this should be offered in writing, referencing the additional conditions that are recommended.

The Legal Advisor will expedite the signing of the Warrant of Commitment to Local Authority Accommodation to enable the YOT and Social Care to follow up provision for the young person as soon as possible.

Once the RiLA has been imposed the young person can be released from the cells. As such, the YOT and Court staff need to work together to ensure there is a designated space for the young person to wait until the social worker attends or other arrangements are carried out.

It is the YOT officer's responsibility to communicate the outcome to all concerned, including out of borough YOTs, social care and parent/carers.

### Sentencing and Court Reports

- All reports submitted to the court (oral and written) will include assessments that are aimed at reducing re-offending and harm and promoting desistance and a young person safety and well-being. They should avoid discrimination, be evidence based and meet the individual needs of the young people, whilst taking the experiences of the victims into account.
- All reports will be prepared according to National Standards and case management guidance and written reports will be Quality Assured by a suitably experienced manager. Oral reports will be discussed with a manager prior to delivery and a brief written outline submitted for approval.
- The CPS must provide the full CPS bundle on the day of the first hearing, otherwise the report writing process will be hindered.

The court should indicate at the time a PSR is requested as to whether they deem the offence is "so serious" or "serious enough".

- PSR's will be completed within 15 working days, however in some circumstances a longer adjournment period may be requested (to obtain specialist reports, seasonal allowances).
- The YOT will go through the contents of all written reports with the young person and their parent/carer in advance of the court hearing. This is to enable any discrepancies to be resolved and to ensure that the young person fully understands what is being said about them and why.

Not all sentences require a full written report and good practice suggests that whenever possible, sentencing should occur on the day. In cases where there is no risk of a custodial sentence, the court should consult the YOT to determine whether a previous report with an addendum or a stand down report is suitable.

Stand down reports can be requested when:

- There is a previous Pre-Sentence Report which is no more than 3 months' old
- The court has indicated that there is no risk of a custodial sentence (unless the young person is already serving a custodial sentence)
- The court must request a stand down risk assessment as a minimum if considering an Attendance Centre, Unpaid work or Electronic Curfew Requirements only.
- The YOT court officer has indicated that he/she has sufficient resources to undertake the assessment without impacting upon the remainder of the youth court day.
- The court is prepared to set the matter back and allow sufficient time for the assessment and further enquiries to be made.

In the event that a non-report is required, the YOT will give the court specific details of the reasons and guide the court as to what action should take place i.e an adjournment or a stand down report).

In the event of an adjournment and continued failure to comply then the YOT will not submit a second non-report and instead, will complete a PSR containing all pertinent information, with the acknowledgement of the fact that the young person's views have not been assessed. This is not an ideal arrangement and should only be used in circumstances where all reasonable attempts have been made to engage with the young person.

As a matter of good practice, where applicable, additional information regarding parenting assessments will be contained in PSR's.

Where the court seeks to sentence a young person to a Referral Order or by way of Stand Down report, then the YOT officer will provide information related to parenting via an oral report.

YOT's will always be in court to support sentencing and where necessary, they will do so on behalf of colleagues from other areas who are unable to attend in person.

## Post Hearing

All young people will be seen by the YOT officer following the court hearing as their first appointment. This is in order to ensure they understand the outcome and what they need to do. They will be given further written information about their court order (or bail conditions) and a second appointment in writing.

The YOT will be responsible for communicating the court outcomes for any out of borough cases, including feedback from the Magistrates and relevant information about the young person's presentation or responses during the court hearing.

In the event that bail has been granted then the Legal Adviser is responsible for ensuring that the young person is given a clear copy of the bail sheet. Good practice would indicate that the YOT officer takes a copy of this for their records.

If a young person is Remanded into Local Authority Care or Remanded into Custody then the Legal Adviser is responsible for the preparation of the Warrant, without which there will be no authority to detain or move the young person from the court house.

In the event of a warrant being issued, the Police Liaison Officer will be responsible for ensuring that the information is logged on the Police National Computer on the same day.

Court listings are responsible for ensuring that all adjournments are accurately re-listed and all court orders are sent out within 72 hours.

#### Forms to be completed Post Court

- Court Proceeding sheet
- Court Outcomes and emailed to the whole team

Both documents can be found on Shared Drive – Court 2019

# Appendix A

## Engagement & Enforcement Policy

### Introduction

Encouraging engagement with balanced enforcement, is critical when working with young people who are subject to statutory court orders. Desistance theories emphasis that a young person's engagement is enhanced if he/she perceives that professionals are fair and just. Therefore, this document is designed to provide a framework which will increase consistency in decision-making across the team, so that young people's experiences of enforcement decisions are effective and as fair as possible.

The importance of relationships and the ability to develop and maintain them are also recognised as being central to promoting engagement and enabling young people to make positive changes. The multiple relationships that impact upon the young person includes the YOT's professional network, the relationship between the YOT officer and the young person, their relationship with their family, other professionals and organisations.

To reflect this, it is important that the YOT operates in a way which supports relationship building and demonstrates genuine concern and commitment, whilst being able to help the young person to see how this is balanced with risk management and if necessary, enforcement.

Accurate assessments, clear communication, information that will be provided in the YOT Court leaflets, clarity in expectations, co-production, creativity in planning and delivery, good inductions and consistency in practice will ultimately help to promote engagement, compliance and successful outcomes.

### Inductions

Inductions enable the YOT to establish the foundations from which to build future relationships with young people. They provide young people with their first impressions of the Service and its expectations in terms of their engagement and compliance. It also allows the young person space to get to know their YOT officer and to relay what support they require to help them to progress and to desist from further offending.

An induction does not have to be a formal process and should be adapted to suit the needs of the young person. However, it does need to plan and consistently delivered to ensure that all young people are treated fairly and receive the same information. The process needs to impart all the information in a way that does not overwhelm young people, allows them to engage in the process and feel part of the organisation.

Young people's learning styles and any additional needs should be taken into consideration throughout. Written information should be in plain English and reinforced with one to one discussion to ensure understanding.

The induction should begin at court following conviction and continue into the initial stages of supervision, allowing time for the sharing of information but importantly, for relationship building, before officers embark on other desistance based work.

Inductions would benefit from a whole Service approach and enable young people to be introduced to all staff members, including security, reception and managers. This will help to support communication and for young people to feel relaxed in the YOT environment, hence promoting better engagement.

The induction check list can support staff to make sure that all areas are covered.

### Making appointments

During the induction process the YOT officer should establish the young person's availability (after school/college/work, respecting religious practices etc) and any learning or communication requirements that need to be considered when relaying appointments.

Where possible, a pattern of attendance should be established (same day and time) as this allows for consistency and enables the young person to remember their appointments more easily.

All appointments must be given in writing, in good time and a copy sent to the young person and their parent/carer. Ideally this will be in a monthly timetable, so the appointments are offered well in advance.

A young person should be given reasonable notice of their appointments and these should not be made on the same/next day as their attendance is required, as this does not enable the young person to succeed. Invariably this also means that sessions are unplanned and therefore unproductive.

Duty appointments can be made if the YOT officer is on annual leave or unwell, however, these should be supported with structured interventions and not "check in" appointments which have limited value.

Text messages should only be used as a reminder and should not be used to offer appointments.

All future appointments should be logged on the YOT database in advance.

### Missed Appointments

Enforcement action in relation to YRO's and custodial sentences needs to be taken in accordance with the procedures outlined in Schedule 2 of the Criminal Justice and Immigration Act 2008. Referral Order enforcement action is taken under Schedule 1 of the Powers of Criminal Courts (Sentencing) Act 2000.

Missed appointments should be followed up on the same day or at the latest by close of business the following day to establish the reasons for non-attendance. Robust and timely investigations should be carried out into the reasons for non-attendance and whether it is deemed acceptable or unacceptable and a prompt decision made regarding what action needs to be taken.

On the first occasion, if the young person cannot provide reasonable evidence to support the missed appointment then a first written warning (using the template) should be issued and a copy sent to the young person and his/her parent/carer. The letter should outline the circumstances of the failure to comply and that it is unacceptable, as well as explaining that further missed appointments could lead to a return to court. The letter should be in plain English and considerate of any learning, communication or language needs.

The letter should encourage the young person to make contact and to continue attending the YOT and should reference the details of the young person's next appointment.

The YOT officer should make contact with the young person and their parent/carer following the issuing of the warning to discuss any concerns and to ensure any barriers to engagement are addressed.

The contact and enforcement pages on Childview should be completed with a full account of the reasons given, the investigations made and the outcome.

If the young person does not attend again then the same process as described above should take place and a final written warning given (using the template) if the reasons provided are not accepted. As the young person is close to breach at this stage a Compliance Panel should be arranged to understand the barriers to attendance (see section 10 below). Ideally the compliance panel should be held at the young person's home, in order to promote attendance and engagement.

A third unacceptable missed appointment will result in breach action being instigated. The YOT Officer should send a written breach notification letter (using the template) which advises the young person that he/she is in breach, that they will be summonsed in due course, and that they should seek the support of a solicitor. It should encourage the young person to continue attending the YOT and offer further appointments. The parent/carer should also be sent a copy. The court breach process should then be followed (see below). The letter should be followed by a telephone call to minimise concerns and explain what happens next.

### Verbal Warnings

The practice of verbal warnings is not promoted in the YJB National Standards or in this Engagement and Enforcement guidance; nor does it feature in legislation. They can serve to blur the young person's understanding of enforcement and as such, should only be used in exceptional circumstances and where the decision is justifiable in terms of risk management.

Verbal warnings should not be given at the start of a sentence as this is the time when boundaries should be maintained fully to ensure a clear consistent message and compliance routine is established. Justifiable occasions to consider a verbal warning would be following a significant period of good compliance which is then followed by a missed appointment.

Examples are given below:

- A young person accrues a final warning very quickly into his court order, he then complies fully for a period of six months or more and at this stage he has a further missed appointment. His/her risk in all three domains is stable and there aren't any concerns regarding a significant decrease in motivation.
- A young person has completed the intensive phase of ISS and accrued a final warning during this period (which is easier to do due to the volume of appointments). There aren't significant changes in the three risk areas and he continues to attend following this missed appointment.

Verbal warnings should only be given on one occasion during the 12-month warned period and only following consultation with a manager. The YOT Officer should clearly outline the reasons for the application on the YOT database and the Manager will then need to indicate consent to the verbal warning on the database also.

### Make up Appointments

Make up appointments do not serve to promote consistency and should therefore be avoided. In the event that a YOT Officer assesses that there is a good reason for a make-up appointment then this should be discussed and agreed with a Manager in advance of issuing it. The reasons for the decision and the managerial consent need to be evident on the YOT database.

These should not be used consistently and instead, the YOT officer should be working with the young person to establish the reasons why they cannot attend set appointments and supporting them to overcome any barriers that may exist.

### Combining Warnings

The practice of amalgamating several missed appointments into one warning is not considered good enforcement practice and should not take place.

### Punctuality

Young people often struggle with attending on time but allowances in terms of punctuality can cause knock on effects and is reflected throughout their lives. To promote timeliness, young people should be supported with text reminders on the day of their appointments. In some cases, young people will call en-route to explain their lateness and if they are close by and the period of lateness isn't yet excessive then discretion can be used.

Generally young people should not be seen if they are more than 20 minutes late. It is important that the late period is marked with a conversation, support to problem solve and encouragement that it should not be repeated. If the young person is repeatedly late (more than 3 times in a row) then a warning will need to be considered.

Young people who attend early, unless they have a valid reason, should be made to wait until their appointment time.

Repeated early/late attendance is often used as a strategy by young people as they realise that the YOT Officer will not be able to deliver a full intervention. This, along with supporting young people to be able to develop organisational skills and to maintain their responsibilities are the reasons why punctuality needs to be managed.

## Sickness

A young person is able to self-certify for the first day and then if the illness persists he/she will have to provide evidence. If the young person provides written consent then the YOT Officer is able to contact the GP to obtain confirmation.

If young people give written permission for the YOT Officer to contact their GP for confirmation then this will also be permissible.

## Specialist Appointments

The YOT Officer (not the specialist) is responsible for investigating all missed appointments and for issuing any written warnings. Specialists can provide information to support this process but are not accountable for the decision or delivery of the warning.

## Education Requirements

In order to reflect the fact that Education Requirements need to take into account progress with attendance the following local agreement has been established:

- The YOT Officer will set up a meeting with the relevant school, involving the young person and their parent/carers, in order to negotiate what % attendance would be realistic to achieve in each case. The expectation is that this target is reviewed every month, with an increase in the % attendance on each review, if realistic, or whatever the review meeting deems appropriate (e.g. it could remain static). If the target attendance is not met in any given month, this should be enforced with one warning.
- The support packages around this target will be defined by the YOT Officer through collaborative work with school, young person and parents/carers and it will be amended at each monthly review as appropriate.

In those cases, particularly where school attendance is zero or very low, there is a proviso after one/two weeks that the YOT Officer will convene an emergency meeting, rather than wait a whole month, which allows for enforcement action to be taken at an earlier stage.

## Compliance Panels

Engagement and Compliance panels are designed to explore the barriers to a young person's attendance and to promote engagement via agreed targets which are then reviewed at regular intervals. Where possible, the meeting should take place in an environment where the young person feels comfortable such as at home or school.

Desistance theories outline how conversations that start with the problem and stay focused on the problem can unwittingly convey all these things to a young person. Therefore, meetings should use strengths based, resilience orientated and solution focussed conversations to help support young people to identify the reasons for their concerns/behaviours and to help them to formulate a plan which will promote engagement and progression.

The meeting should be chaired by Operational Team Manager/ Service Manager and attended by the YOT Officer, the young person and his parent/carer. Specialist staff and Social Workers are encouraged to attend or to submit information in writing in advance of the meeting. The YOT Officer is responsible for completing the compliance panel assessment in good time for the meeting and submitting this to the chair of the meeting.



In cases where a large group would be overwhelming for the young person, consideration should be given to their needs - a pre-meeting made of professionals involved can be held to discuss the compliance issues and best plan going forward to engage the young person and their family. The proposed plan can then be taken to the compliance panel which should only consist of the relevant people who hold the trusted relationship with that young person and their parent/carer.

The YOT Officer should outline the young person's engagement as well as their compliance to date and inform the meeting of good progress as well as any challenges. Specialist workers should then provide an update. The young person and their parent/carer should be given time and space to explore the barriers to attendance. Co-production is important, so the group should collectively agree an achievable action plan which is then reviewed in a timely manner. The young person should sign a copy of the action plan during the meeting.

Any learning or communication difficulties should be considered and reflected in the plan which the group develop together.

A further incidence of failure to comply within the review period will result in breach action being taken and the young person should be clearly informed of this. The compliance panel does not erase all previous warnings.

### Electronic Curfew Violations

The relevant legislation is contained in Section 4 of the Criminal Justice and Immigration Act 2008. This defines who the "responsible officer" is in terms of enforcement.

National Standards indicate that the YOS carries out enforcement action in all cases apart from "stand-alone" curfew requirements (Note: "stand-alone" curfew means the curfew requirement is the single YRO requirement) and therefore the YOT Officer is the "responsible officer" in all other cases. This applies even when the young person may be subject to requirements which we do not directly supervise such as unpaid work.

EMS will seek the details of the YOS "responsible officer" and then send notifications regarding any violations via secure email.

Electronic curfews are usually given to those young people whose risk levels are deemed significantly high and it is regarded as significant means of risk management. Therefore, enforcement of electronic curfews needs to be prompt and effective, in order to reflect the seriousness of the violations.

The YOT is responsible for informing EMS of any change in the young person's circumstances within one working day. In the event that the young person moves then the YOT should contact the court and get the case listed in order to amend the address on the next working day.

Young people need to ensure they comply with the fitting of their tag at the first opportunity and failure to do so must elicit a first warning. Lack of compliance at the early stage of the order must be rigorously enforced particularly as tags are given in those cases where risk levels are high.

EMS will return to attempt to tag a young person twice. The YOT Officer must then liaise with EMS and, if necessary, the court, to request a re-visit. Warnings must be sent on each occasion.

The YOT is also responsible for sending the warning letters. A warning letter should be issued within two working days when EMS has informed of a “less serious” violation (this amounts to two hours) and if a second “less serious” violation is received then this should amount to a final warning.

National Standards indicate that breach should be instigated within two working days when there is either a third “less serious” violation or a first “serious” violation – this could be a whole night out or failing to allow Serco to fit the tag/equipment.

Short violations which “tot” to two hours, will result in a warning being issued. Generally overnight violations will result in breach action being taken

Curfews can only be varied by the Court, even for short periods of time and the young person should be advised to liaise with his/her solicitor and make the request to court. The YOT should provide information to the court regarding the young person’s circumstances to ensure they have sufficient information to make their decision.

Breach can only be stayed, following consultation with a Manager, where there are **exceptional circumstances**.

The YOT Officer must contact EMS to confirm what action has been taken following every breach report they receive from EMS using the breach report template. A copy of this must go onto the Childview paperclip and a contact entry completed to confirm that the action has been taken. If a case goes to court in breach then the YOS needs to feedback the outcome of the hearing to EMS and follow the same recording process.

### Unpaid Work Violations

The London Youth Offending Service Community Payback Liaison Protocol 10/10/12 is the document which stipulates the procedure that should be followed in relation to unpaid work breaches.

Serco is responsible for enforcing stand- alone orders. The YOS manages those orders where there are a combination with any other requirement, including electronic monitoring.

Serco is responsible for notifying the named YOT Officer by secure email of the young person’s attendance and standard of work, or failure to attend for Community Payback at the latest by 10:00 a.m. on the day following the work session.

If the young person is attending unpaid work on a weekly basis, Serco will schedule a further work appointment following an absence. If the young person fails to attend this further appointment, the offender will not be scheduled for further work appointments, unless requested by the YOT Officer. Where the young people are being instructed to work their sentences intensively over four days each week, Serco will undertake to schedule two further work appointments. If the young person fails to attend both of those appointments, the offender will not be scheduled for further work appointments, unless requested by the YOT Officer.

The YOT Officer has the responsibility for determining whether to instigate compliance or breach proceedings after each failure to comply. Serco may contribute to breach decisions. If Serco and the YOT Officer disagree on the desirability of instigating breach or revocation proceedings the question should be escalated to the Operational/Service Manager. The Operational/Service Manager’s decision is final.

When a young person is subject to concurrent (but separately imposed) orders, e.g. a Supervision Requirement and a concurrent stand-alone Unpaid Work Requirement, any breach will be dealt with by the organisation responsible for that order. In other words, the Supervision Requirement will be breached by the YOS and the Unpaid Work Requirement will be breached by the LPT Offender Manager sub-contracted to Serco. Both agencies should ensure that communication occurs in terms of breach being instigated, hearing dates being aligned (where possible), and re-sentencing proposals discussed.

## Parenting Orders

Parents would benefit from an induction (as described for the young person above), in order to encourage engagement and compliance.

The management of Parenting Orders is derived from the Youth Justice Board National Standards.

Referrals for Parenting input should be made to the 0-19 Service and secured prior to the court order being given. Parents should be fully aware of the reasons why the recommendation for a Parenting Order were made and what it means in terms of their commitment.

If the parent fails to comply then they should be contacted within one working day to establish if the reason given is acceptable or not. A written warning should be issued if the absence is deemed to be unacceptable.

If there is more than one unacceptable failure to comply within three months the YOT Officer and the 0-19 worker should meet with the parent to review the order and overcome whatever barriers exist. Following a second warning a Compliance Panel should be held to identify the reasons for non-attendance and to outline the consequences of further violations.

If there are further failures to comply then the matter will have to be reported to the Police who will investigate and report the findings to the CPS with court action being instigated if necessary.

## Referral Orders

Enforcement action for Referral Orders is in accordance with Schedule 1 of the Powers of Criminal Courts (Sentencing) Act 2000.

Referral Orders follow the same warning process as all other court orders. Particular attention needs to be paid to those who miss Panels or first appointments. Where two formal warnings are given within a 12-month period and a further unacceptable failure takes place then the YOT has to convene a Referral Order Panel within 10 days to determine whether the matter should be referred to court or not.

Where there is a single serious unacceptable failure to comply then a Panel should be set up within the same timeframe of 10 days or earlier, again to determine if the case should be returned to court.

In the event that the young person fails to attend the initial Panel Meeting then the YOT/Panel need to decide if the reasons given were sufficient and if a second Panel Meeting should be

convened. If a second opportunity is given and the young person fails to attend again then immediate breach action needs to be taken.

In the event that the Referral Order Panel allows the order to continue then the enforcement system starts from scratch. Referral Order cases should be referred to Panel rather than having a Compliance Meeting.

If the Referral Order Panel decides that the young person should be referred back to court then they need to put this information in a signed statement.

### Court Breach Process

Once a young person has accrued a third unacceptable missed appointment and a compliance panel has been held, then a breach meeting with the court manager and the operational manager overseeing the case should be held to ensure that the process for engagement and enforcement has been correctly applied. This meeting will also ensure that all the relevant documentation and evidence of breach is available and submitted as part of the breach pack for court. At this meeting there needs to be an agreement that all attempts have been made to engage the young person to avoid breach action. If this is agreed and that no other routes are available then breach proceedings should be instigated promptly and usually the matter should be listed for the Youth Court the following week.

The Summons and Information are now one document. The legislation reference at the top must be accurate according to the requirements the young person is on and the evidence for breach should be the three missed appointments only.

The Summons along with the front sheet should be sent via the secure CJSM group email box to the Legal Advisers who will return it within 24 hours. (You can obtain lists of Court email address on the Court Induction Pack). The onus is on the YOT Officer to pursue this in the event that the Summons and front sheet (signed by the Legal Adviser) is not returned within this timeframe. The Legal Advisers will then send the certified copy of the Summons to the young person by first class post. The YOT Officer should obtain a copy of the signed summons for our records.

There should be seven copies of the breach pack (YOT/Defence/young person/Bench) and it should contain the following:

- Certified Summons
- Front sheet
- Copy of Court Order
- Copy of all three missed appointment letters
- Print out of relevant Childview entries
- Original Pre-Sentence Report
- Original Case Summaries
- Copy of up to date PNC
- Section 9 Witness Statement (YOT Officer and any other party involved i.e. Probation, ISS Co-Coordinator)

- Any additional information i.e. ISS timetable.

In relation to Referral Orders the following should also be attached:

- Copy of Referral Order Panel Member's letter returning the case to Court
- Copy of the original signed Contract, if available

Breach reports should be prepared in anticipation of a guilty plea and to facilitate speedy sentencing. The breach report should not be given to the defence solicitor prior to the young person stating a plea and therefore should be given to the Magistrates at the same time.

The YOS should also prepare a Warrant in the event that the young person fails to attend court. All YOT Warrants are without bail and need to have the risk assessment section attached (along with the young person's telephone number).

All breach packs must be quality assured to ensure the smooth running of the breach process in court.

### Young People who Abscond/Increase Risk of harm and/or safety and wellbeing

In the event that a young person has absconded whilst subject to a court order or their risk of harm has risen significantly to raise serious concern, then a First Instance Warrant should be applied for. The Warrant should contain sufficient evidence to enable the court to identify the risk to the community. This can also include information about increased vulnerability.

The evidence for the warrant should be clearly documented both on the form and on the YOT database and agreed by a Manager.

### Review

All YOT staff are responsible for familiarising themselves and adhering to this policy. Guidance and advice from managers should be sought when necessary.

The guidance will be reviewed as and when changes occur to National Standards or Legislation.

# Appendix B

## Checklist for Breach

### CHECK LIST FOR BREACH

**NAME:**

**PARENTS NAME & ADDRESS (if different):**

.....  
.....  
.....

**TYPE & LENGTH OF ORDER:**

**YOS WORKER:**

- BREACH PAPERWORK INCLUDING SUMMONS, INFORMATION FOR SUMMONS AND WARRANT**
- COPY OF ORDER**
- CPS PAPERS**
- ORIGINAL PSR**
- EVIDENCE - WARNING LETTERS/SECTION 9 STATEMENT (IF FOR BEHAVIOUR)**
- PREVIOUS CONVICTIONS**
- WARRANT**
- BREACH REPORT**
- MISCELLANEOUS INFORMATION**
- INFORMATION LAID/CERTIFICATE OF SERVICE**
- SOLICITORS INFORMATION PACK**

**HEARING DATE: .....**

# Appendix C

## Breach Summons Process

Youth Offending Service Steps

Legal Team Steps

Admin Team Steps

1. Summons is prepared by YOT/YOS in accordance with their guidelines.
2. Once prepared, email must be sent to the [ZZHMCTSLONDON\\_NW/W\\_SUMMONSES@HMCTS.GSI.GOV.UK](mailto:ZZHMCTSLONDON_NW/W_SUMMONSES@HMCTS.GSI.GOV.UK) secure inbox and include: **you need to send this out of the cjsm account, it won't deliver out of the gcsx account.**
  - a. Summons.
  - b. Application front sheet (Annex A) you only need to enter the clients name, the rest will be completed by the clerk
  - c. Copy of Crown Court Order NB: A copy of the order does not need to be attached for any order made by the Magistrates' Court.
  - d. The name of the receiving court must be added into the subject line of the email
3. Legal Advisors must check the mailbox daily and consider within 24 hours.
4. The Application Front Sheet should then be completed indicating whether Summonses have been granted or refused.
5. Once considered, the Legal Advisor must **forward** the email back to the YOT / YOS office and the Administration Team at the relevant Hearing Centre using the following email addresses:
  - a. **Hendon and Willesden:** [gl-brentmcenq@hmcts.gsi.gov.uk](mailto:gl-brentmcenq@hmcts.gsi.gov.uk)
  - b. **Uxbridge:** [gl-uxbridgemcenq@hmcts.gsi.gov.uk](mailto:gl-uxbridgemcenq@hmcts.gsi.gov.uk)
  - c. **Ealing:** [gl-ealingmcenq@hmcts.gsi.gov.uk](mailto:gl-ealingmcenq@hmcts.gsi.gov.uk)
  - d. **Feltham:** [gl-hounslowmcenq@hmcts.gsi.gov.uk](mailto:gl-hounslowmcenq@hmcts.gsi.gov.uk)
  - e. **Brent YOT:** [grp.brentyot@brent.cjsm.net](mailto:grp.brentyot@brent.cjsm.net)
  - f. **Hillingdon YOS:** [grp.hillingdonyos@hillingdon.cjsm.net](mailto:grp.hillingdonyos@hillingdon.cjsm.net)
  - g. **Barnet YOT:** [grp.barnetyot@barnet.cjsm.net](mailto:grp.barnetyot@barnet.cjsm.net)
  - h. **Harrow YOT:** [grpharrow-yot@harrow.gov.uk.cjsm.net](mailto:grpharrow-yot@harrow.gov.uk.cjsm.net)
  - i. **Ealing YOS:** [ealing.courtbreaches@ealing.cjsm.net](mailto:ealing.courtbreaches@ealing.cjsm.net)
  - j. **Hounslow YOS:** [grp.hounslowyot@hounslow.cjsm.net](mailto:grp.hounslowyot@hounslow.cjsm.net)
6. Legal Advisor must delete the summonses from the inbox once dealt with.
7. Administrative Teams will then be required to:
  - a. Print 1 copy of the summons for the purpose of Case Entry onto Libra.
  - b. Prepare a Front Sheet.
  - c. Print the completed Application Front Sheet and store in a folder.
8. YOT / YOS should then print and send out the granted summonses in accordance with their guidelines with 24 hours.

# Appendix D

## Court Arrangement during Coronavirus (Covid-19) outbreak

### Introduction

This Court arrangement has been organised by the Tri-borough Youth Offending Services (Barnet, Brent and Harrow) to keep the Willesden Youth Court running during Covid-19 pandemic and future public health-related emergency.

This arrangement is designed to clarify the roles and responsibilities of each YOS in order to support our local Court in promoting a well-coordinated approach and minimise delays in terms of children and young people appearing before the Court.

This is to ensure we deliver and maintain quality service and keeping our Staff and service users safe, whilst considering the ongoing risks as we offer our full range of services to children, young people and their families.

It is noteworthy to mention that our Magistrates and Legal Advisers have been given their respective guidance and procedures to assure the Youth Offending Service (YOS) Staff that the Court environment is as safe as can be, thereby enabling the increase in Court appearances.

The Tri-borough and our local Court acknowledge that during unprecedented public health-emergencies, there may be some gray areas not covered by previous arrangements; therefore, the 'Child's best interests-approach' shall be the ultimate goal of each service.

### Tri-Borough Arrangements

A Tri-Borough YOS Staff rota has been in place since March 2020 to ensure that children and young people and their families are seen face-to-face at Court pre and post Court appearances.

The rota aims to alternate YOS Staff presence in Court weekly, where only one YOS is in Court, while the other two Youth Offending Services' Operational Team Manager/Court Lead cover Court, virtually and vice-versa.

This will enable YOS to keep the Court supported with the 'Priority cases' whilst subject to Public Health Guidance and Social Distancing with practitioners (key workers) available and who are able to travel safely.

### **Weekly Court Staff cover:**

| Monday  | Tuesday  | Wednesday   | Thursday  | Friday   | Saturday   |
|---|--|---|---|--|--|
| Brent will cover for all children and young people that are known to Barnet, Brent and Harrow and for the Out-of- | Harrow will cover for all children and young people that are known to Barnet, Brent and Harrow and for the Out-of- | Youth Court Remand day for Barnet and Harrow. All Children and young people that are known to Barnet, Brent, Harrow and | Youth Court Remand day for Brent. All Children and young people that are known to Barnet, Brent, Harrow and for the Out-of- | Barnet will cover for all children and young people that are known to Barnet, Brent and Harrow and for the Out-of- | As per YOS Court Protocol during Bank Holidays/ Saturdays Court cover ( <b>see above on Page 7</b> ) |



|                                    |                                    |  |                                       |                                    |  |
|------------------------------------|------------------------------------|--|---------------------------------------|------------------------------------|--|
| Borough Children and Young people. | Borough Children and Young people. | for the Out-of-Borough will be covered by Barnet and Harrow YOS. | Borough will be covered by Brent YOS. | Borough Children and Young people. |  |
|------------------------------------|------------------------------------|--|---------------------------------------|------------------------------------|--|

### **Court Staff Procedures**

Arrive at Court by 8:30am.

All YOS Staff have access to **Personal Protection Equipment (PPE)**.

Please pay attention to the signs and modification posters that have been erected/ posted in and around the Court House.

Cleaning has been intensified in and around the Court House.

**Observe Social Distancing-** The Courtrooms have all been measured and marked-up to ensure that social distancing can be maintained.

**Liaise with the Court Usher in terms of the list-** Lists are being proactively managed to reduce the number of clients in Public areas and Interview rooms.

Time slots are being given to individual cases to minimise the waiting time for defendants and their families and representatives.

Liaise with the cell staff to ascertain if there are ‘overnighters.’

When conducting interviews with children and young people both in the Court cell and in the Interview room, please observe Social Distancing and Public Health Guidelines and always use/wear your PPE suit/kit. This applies to parents/carers/ward attending Court.

***Please ask first these standard Covid-19 questions:***

**Do you have a high temperature, a new continuous cough and loss or change in your sense of smell or taste?**

- a high temperature – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
- a new, continuous cough – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
- a loss or change to your sense of smell or taste – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal

If the answer is ‘**Yes,**’ please alert all professionals involved with the children and young people.

Court Duty Officer to liaise with the Court Manager/Ops Manager/Court Lead before Court starts to discuss any potential overnighters or issues.

Coordinate with the Tri-borough YOS to obtain further information needed prior to the children and young person’s presentation before the Bench. Go over the Court list together to make sure that no young person/people have been missed on the list.

If a young person is in the cell, liaise with the Crown Prosecution Service to ascertain if said young person is opposing bail. If bail is being opposed, please follow the '**Court Bail and Remand Process**' and refer to your local Court Induction Pack.

Please liaise with the defendant's Solicitors and discuss potential Bail Conditions that need to be set-in-place.

### **Occasional Court (Saturday and Bank Holiday Court Duty) during Covid-19**

- Every Friday Afternoon (1:00PM), whoever would be the assigned Duty Court Officer for Saturday Court should phone Colindale Police Station (**0208 733 4573 or 0208 733 4572**) and Wembley Police Station (**02087333251, 02087333252 and 02087333255**) to check if there are any young people currently in Custody or detained and waiting to be charged. Duty Court Officer to notify the Duty Court Manager and liaise with the respective Allocated Case Manager or the Home YOS. If the child, young person are known to YOS's and the young person is at risk of custody, a Placement Notification form needs to be completed and YJB Placement needs to be notified via YJS connectivity or sent securely manually via CJSM for possible remand the next day. Placement Notification needs to be sent to YJB and confirm receipt.
- By **7:30am and 10:00 am** of every Saturday, Duty Court Officer to phone Colindale Police Station Custody and Colindale or Wembley Police Station (**02087333251, 02087333252 and 02087333255**) to check if there are young people due to appear at Willesden Magistrate Court. If there is/there are no young person/people, Duty Court Officer to notify the Court Manager via text, email or telephone call. (i.e. name of the young person, date of birth, and offence/s committed).
- If you are unable to get through to Colindale Custody Suite, alternatively you can call Willesden Youth Court cells staff to see if they are expecting any young people from Colindale Police Station. Their contact number is **0208 830 2638**.
- **YOT attendance will be dictated firstly by the young person's home address and if they reside outside of the 3 boroughs then the offence location will determine which YOT attends court.**
- Duty Court Officer to attend Willesden Magistrate (Youth) Court and see the young person in the Court cell.
- All YOS Staff must wear all **Personal Protection Equipment (PPE)**.
- Please pay attention to the signs and modification posters that have been erected/posted in and around the Court House.
- Cleaning has been intensified in and around the Court House.
- **Observe Social Distancing-** The Courtrooms have all been measured and marked-up to ensure that social distancing can be maintained.

- **Liaise with the Court Usher in terms of the list-** Lists are being proactively managed to reduce the number of clients in Public areas and Interview rooms.
- Time slots are being given to individual cases to minimise the waiting time for defendants and their families and representatives.
- Increased use, where possible is being made of video link, audio link.
- Liaise with the cell staff to ascertain if there are 'overnighters.'
- When conducting interviews with children and young people both in the Court cell and in the Interview room, please observe Social Distancing and Public Health Guidelines and always use/wear your PPE suit/kit. This applies to parents/carers/ward attending Court.
- ***Please ask first these standard Covid-19 questions: -Do you have a high temperature, a new continuous cough and loss or change in your sense of smell or taste?***
  - a high temperature – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
  - a new, continuous cough – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
  - a loss or change to your sense of smell or taste – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal
- If the answer is '**Yes,**' please alert all professionals involved with the children and young people.
- Court Duty Officer to liaise with the Court Manager/Ops Manager/Court Lead before Court starts to discuss any potential overnighters or issues.
- Duty Court Officer to ascertain whether the detained youth is an Out-of-borough young person or if they are known to one of the 3 boroughs. If Out-of-borough, the Duty Court Officer will contact the Out-of-Hours Duty Team and make appropriate referrals.
- Duty Court Officer will deal with the young person at Court. If at risk of custody/remand, the Duty Court Officer will liaise with the CPS if they oppose bail and on what ground.
- Duty Court Officer will then liaise with the Duty Court Manager to discuss the case and ascertain what appropriate bail condition can be offered to the Court.
- Duty Court Officer will then liaise with the Out-of-Borough Duty Court Manager via Out-of-Hours Team if they are in agreement with the proposed bail condition.
- If the young person will be remanded into the Care of the Local Authority, Duty Officer to liaise with the Out-of-Hours Duty Manager and explain the circumstances of the Remand and request for an appropriate placement.
- If the Out of borough young person is likely to be remanded, Duty Court Officer to complete the Placement Notification Form and send this to the YJB. Duty Court Manager to oversee and countersign the documents. Duty Court Officer to ensure the

Placement Notification documents has been received by the YJB and confirmation through email. This needs to be done via CJSM.

- Post Court Report needs to be completed by the Duty Court Officer and Countersigned by the Duty Court Manager. This should be sent via YJS Connectivity on Childview however, if this is not an option due to technical issues this document also needs to be sent to the YJB Placement. Duty Court Manager to ensure this has been received and confirmation email needs to be sought from the YJB Placement.
- Duty Court Officer to email the following documents to the Home YOS: Court Proceedings, Post Court Report Placement Notification and CPS docs (if available).
- In case of Remand to the Care of the Local Authority, Court Duty Officer to email the respective Social Care Team Manager, Allocated Social Worker and YOS Management Team.

**Please be advised:**

Risk assessments have been carried out by the Courts, Probation, Youth Offending Service's, Police, legal representatives and the Crown Prosecution Service which have enabled the Justice system to open up and expand services so that remand Courts, trials and sentencing Courts have all resumed.

Use of Personal Protection Equipment (PPE), rules for meetings, meeting spaces and the maintenance of social distancing have been introduced. Risk assessments are being regularly reviewed when the level of risk is perceived to have changed and in response to daily experiences and Government Public Health Guidance.

Barnet, Brent and Harrow Youth Offending Staff will strive towards successfully engaging with young people, families, and the Courts throughout the pandemic whilst maintaining and following safety measures that are in place, which have enabled cases to be heard fairly and the young people and their families to be safely supported.