

# Willesden Youth Court

## Joint operating protocol with Barnet, Brent and Harrow Youth Offending Teams

*Updated: 29<sup>th</sup> December 2020*



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# Introduction

1. This Service Level Agreement (SLA) has been produced by Barnet, Brent and Harrow Youth Offending Teams in conjunction with Willesden Youth Court and its users, including the youth Magistrates bench, Legal Advisers, Crown Prosecution Service and Police.
2. The SLA details agencies responsibilities and their commitment to providing an effective service to children and young people. It has been agreed by all parties and will be effective as from 26th October 2018 and reviewed on an annual basis.
3. The SLA is designed to support adherence to the principal aims of the youth justice system as outlined in the Crime and Disorder Act 1988 which is to prevent children and young people from offending whilst taking their welfare into account at all times.
4. The SLA reflects the Youth Justice Board National Standards 2019 and guidance referred to in “Sentencing Children and Young People, overarching principles and definitive guidelines 2017”, Sentencing Council, The Magistrate Association Youth Court Committee's Youth Court protocol 2017, Judicial College and the Youth Justice Board's “Making it Count in Court” 2009 and case management guidance 2014.
5. Partnership agreements provide the foundations on which YOT's can ensure that the service they deliver are both efficient and effective. The SLA will map the agency agreements and outline individual roles and responsibilities. It will enable a collaborative system of working that will benefit all court users to achieve their key objectives.
6. It is widely acknowledged that the key objectives of the legislation are more likely to be met if each youth case proceeds as expeditiously as possible as is consistent with the interests of justice and the fair trial provisions in Article 6 of the European Convention on Human Rights. This includes the swift administration of justice and that the approach taken by the court when sentencing should be individualistic and focused on the child or young person, as opposed to the offence.

The SLA takes the following legislation and guidance into account:

*Crime and Disorder Act 1988*

*Criminal Justice and Immigration Act 2008*

*Legal Aid, Sentencing and Punishment of Offenders Act 2012*

*Youth Justice Board National Standards (2019)*

*Youth Justice Board, Case Management Guidance October (2014)*

*Youth Justice Board, "Making it count in court" (2009)*

*The Magistrate Association Youth Court Committee's Youth Court protocol (2017)*

*Overarching Principles – sentencing youths. Definitive guidelines (2009)*

*Sentencing Council-sentencing children and young people, overarching principles and offence specific guidelines. (2017)*

## Role of the YOT Officer

8. The role of the YOT officer is crucial in promoting the confidence of the court, of young people and their parent/carers. The key aspects of the YOT provision to the youth court is outlined below but is not exhaustive:

- YOT's will provide trained and knowledgeable staff to support the delivery of high quality service to the court.
- YOT's will communicate in a timely and effective way with young people, their parent/carers and court users to ensure that all the relevant information has been shared in advance or on the day thus enabling the cases to proceed as quickly as possible.
- The YOT officer should support the young person and their parent/carers to understand the entire process (pre, during and post hearing) and facilitate communication between the young person and the court.
- The YOT officer should enable the hearing to proceed by providing expert knowledge, offering assessments to facilitate bail proposals and stand down reports. YOT officers should prepare and present Pre- Sentence Reports.
- YOTs will engage in pre- meetings with CPS, Legal Adviser and Defence lawyers and offer stand down reports where appropriate to progress cases to swift conclusions.

- YOT's will take full responsibility for prosecuting young people who have breached their court orders. This will be conducted in a professional manner and include the provision of a barrister where necessary.
- YOT's will support those young people who attend the court but reside in areas outside of their regions and be responsible for communicating with the Home YOT in relation to all aspects of the hearing.
- YOT's are responsible for obtaining the court list, completing the preparatory work, recording the outcomes and relaying the information to all agencies it applies to.
- YOT's will provide information to all parties (YJB, Social Care, housing, education, Police, young people and their parent/carers) regarding any remand (into Local Authority Care or into custody) or custodial placements and will conduct post court reports for those detained, thus ensuring that their safety/wellbeing and any risk of harm related issues will be managed.
- YOT's will supply Saturdays, bank holidays and occasional court with a full service.

## Role of Partners

9. Collaborative partnership working is essential if agencies are to achieve their own corporate objectives but also if we are to achieve speedy summary justice in as many cases as possible.

### **Police**

10. The role of Police both at the Stations and during the youth court proceedings is crucial as all agencies rely on timely and accurate information to enable them to fulfil their duties.

11. The Police are one of the YOT's statutory partners and their role in relation to support the youth court includes:

- Proportionate investigation of a case and seeking an early charging decision which is communicated to the YOT and courts in a timely manner to enable agencies to conduct their duties expediently.
- Supporting all court users with obtaining Advance Information (AI) such as PNC's, MG3's/MG5's police case summaries or victim and witness statements. All the

necessary information should be sent in advance of the court date or no later than 9am on the day.

- Liaising with YOTs in good time before providing CPS with information regarding on conviction Criminal Behaviour Orders.
- Supporting bail hearings by providing intelligence related to proposed bail addresses and non-associations.
- Seeking the necessary evidence from the YOT to arrest those who are in breach of their Bail support programmes and for these to be done in expedient way.
- Ensuring that warrants are entered on the Police National Computer on the day of the court hearing.

### ***Crown Prosecution Service***

- CPS bundles should be made available to YOTs and defence lawyers at the first hearing. CPS are responsible for ensuring this happens and problem solving any barriers. This is necessary to enable effective assessments, stand down reports and evidence based Pre- Sentence Reports.
- CPS should be available for pre- court meetings with, Legal Adviser, YOT and defence Lawyers to discuss potential outcome of first hearings, bail proposals and PSR recommendations.
- Prosecutors to be available, with full information at a designated time and place before the Youth court is in session, to information share and answer queries.
- CPS will progress the case as quickly as possible, seeking to resolve cases at the first hearing. Where a “not guilty” plea entered the CPS will progress the case for trial as quickly as possible, advising the court of any outstanding evidence, whether an action plan has been completed or anticipated timeframes for completion.

## **Court**

- Responsible for ensuring the YOTs have adequate space to work from (office and interview rooms) and full working access to the building. The court should enable full access to the internet to allow YOT's to access their databases.
- Ensuring that the court list is of a manageable level and sent to the respective YOTs at least 48 hours in advance and that court orders are produced and sent to the YOT within 72 hours of the hearing.
- Breaches and warrant applications to be processed and listed as and when, based on the YOT risk assessment and urgency of the action required.
- Appropriate Adults and Interpreters should be sought in advance where the issues are known, for example, from the Police Station.
- There should be an expectation that pleas are taken at the first hearing and adjournments and pre-trial reviews are exceptions rather than standard practice.
- Legal Advisers and Magistrates/ District Judges should facilitate effective case management and make suitable decisions where delays are protracted.
- Legal advisers should contribute to pre-court meetings alongside CPS, YOT and defence lawyers.
- Legal Advisers and Magistrates should ensure that young people understand and are fully engaged in the hearing.
- Legal Advisers to chair quarterly meetings regarding proceedings, performance and training.

## Court schedule

12. Youth courts operate twice times per week from Willesden Magistrates Court. (***A separate Court Arrangements during Coronavirus (Covid-19) outbreak and future public health-related emergency is located in page 22 Appendix A).***)
13. Generally, the young people who have been detained and presented by either Colindale or Wembley Police Stations. Harrow custody has closed and Harrow Police will use either Colindale or Wembley Police Stations instead.
14. On the days where there is no youth court in session, each YOT provides a service to those young people who have committed offences in their “home” geographical areas. If the young person resides in a location outside of the 3-borough consortium (Barnet, Brent, Harrow) then the YOT who represents the area where the offence was committed will attend court.
15. Each YOT is responsible for making contact with the Police stations on the days were there are no youth courts, in order to determine the position.

### **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:**

16. There is no dedicated youth court in session at Willesden Magistrates Court on Saturdays or Bank holidays.
17. 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.
18. 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.
19. YOT's 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 Listings**

20. YOT's do not have access to the Libra database therefore the court is responsible for ensuring that accurate lists are distributed in advance to the Youth Offending Teams via secure email and at least 48 hours before the court hearing date.
21. The court will ensure that the PSR cases are listed first but those who are held overnight should be listed as priority cases in the morning.
22. In the event that matters are remitted from other courts then listings will notify YOT's in good time to ensure that they gather all the information prior to the hearing, thus providing a more effective and efficient service to the court.
23. YOT breaches and warrant applications will be listed according to priority need to ensure that risk is managed appropriately.
24. Ushers will be furnished with the accurate court list in good time to allow for the YOT and Legal Advisers to liaise accordingly.
25. Court listings will be responsible for ensuring that the court orders are sent to the young person and the YOT within 72 hours of sentencing.

## YOT Court Cover on the day

26. YOT officers will attend court by 9.00am with their identity badges visible. They will make themselves known to the Usher, CPS, PLO and Legal Advisers. YOT's will be present and provide a service until the youth court has concluded in full. They will keep the Legal Adviser and Usher aware of their movements throughout the day.
27. YOT's will **not** attend trials and it will be the responsibility of the Legal Advisers to inform the YOT's of the outcomes, including whether a PSR has been requested on the template provided. If a YOT officer is present in the courthouse when the trial has concluded then they will attend to take information or PSR requests.
28. The YOT will provide Magistrates, CPS, defence lawyers and Legal Advisers with copies of all PSR's in advance of the court session, in order to allow sufficient time to facilitate discussions and speed up the court process.
29. The YOT officer's priority will be to determine whether any young people have been detained and presented to the court from the police stations. They will check on their welfare and complete an assessment to enable the bail hearing to commence as soon as possible.
30. The YOT officer must liaise with the young person and their parent/carers before, and after the court hearing to provide them with information and any appointments that may be necessary.
31. The YOT officer will be present in court in order to provide information and to support the recommendations made in bail applications, pre-sentence reports and to conduct breach hearings.

## Bail Applications

32. The YOT officer should liaise with CPS to find out the objections to bail and to obtain the facts related to the alleged offence (s).
33. The YOT officer will complete a Bail Asset plus Assessment, taking into consideration the criteria reflected in the Bail Act 1976 and in relation to the

dangerousness legislation. These must be found in the context of the written bail proposal, copies of which should be provided to CPS, Magistrates and defence lawyers.

34. In addition to risk of harm, re-offending information, the YOT should provide any details related to a young person's safety and wellbeing, outlining any vulnerability issues that may exist, including whether they are at risk to themselves or from others.
35. The YOT officer will be instrumental in communicating with parent/carers, legal representatives, home YOTs (if applicable) to provide a full assessment. Where necessary, the YOT officer will also communicate with Children's Social Care in relation to Remand into Local Authority Care.
36. The YOT officer will be responsible for ensuring that all parties have access to the bail support package and for verbally delivering the findings of their assessment and the proposed bail package to the court. The YOT officer should enable the court to understand how the YOT can support the young person to adhere to his/her bail conditions and what action will be taken if they fail to do so.
37. Where the young person detained resides in outside of borough, the court officer will liaise with the home YOT to share the CPS documentation, bail assessment and to obtain information that the court may require. The decision to offer a bail package rests with the home YOT and should be provided in writing.

## Designated Authority

38. In the event of a remand to custody, the YOT officer must confirmed 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.
39. 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.

40. 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.
41. 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

42. If a young person is remanded into custody, the YOT Officer is responsible for completing a post court report 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.
43. 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 Training Centre/Unit.
44. 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.
45. 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.
46. 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 (RiLA)

47. The court is obliged to be consulted 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.

48. 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 endeavor to secure the attendance of social care in court for those cases where RiLA is being supported or to agree a contingency plan.
49. 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.
50. 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.
51. 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.
52. It is the YOT officer's responsibility to communicate the outcome to all concerned, including out of borough YOTs, social care and parent/carers.

## Effective hearings

53. As many cases as possible should be dealt with at the first hearing. The court must expect pleas to be entered on the first occasion and for progress to be made at every hearing. If no progress can be made, it is the court's duty to ask questions to obtain and consider all relevant information.
54. It is for CPS and defence lawyers to explain why adjournments are necessary and for the Legal Adviser/Magistrates to test their submissions and decide accordingly.
55. The YOT officer should ensure that any previously held information about the young person that may be used to facilitate decisions on dangerousness or jurisdiction is shared. Any gangs related intelligence will be shared with legal advisers and security.
56. All parties need to work on the basis that any adjournments granted should be for the shortest possible period to allow for progress.

## Sentencing and court reports

57. 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.
58. All reports will be prepared according to National Standards 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.
59. The CPS must provide the full CPS bundle on the day of the first hearing, otherwise the report writing process will be hindered.
60. The court should indicate at the time a PSR is requested as to whether they deem the offence is “so serious” or “serious enough”.
61. 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).
62. 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.
63. 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:

- a) There is a previous Pre-Sentence Report which is no more than 3 months’ old
- b) The court has indicated that there is no risk of a custodial sentence (unless the young person is already serving a custodial sentence)

- c) The court must request a stand down risk assessment as a minimum if considering an Attendance Centre, Unpaid work or Electronic/GPS Curfew Requirements only.
- d) 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.
- e) The court is prepared to set the matter back and allow sufficient time for the assessment and further enquiries to be made.

64. 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).

65. 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.

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

67. 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.

68. 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

69. 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.

70. 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.
71. 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.
72. 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.
73. 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.
74. Court listings are responsible for ensuring that all adjournments are accurately re-listed and all court orders are sent out within 72 hours.

## Breach of court orders

75. Compliance and enforcement are necessary in order to achieve the common goal of reducing re-offending and protecting the welfare of the young person.
76. 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.
77. 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 ([londonnorthwestmc@hmcts.gsi.gov.uk](mailto:londonnorthwestmc@hmcts.gsi.gov.uk))
78. 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. This will enable sentencing should the young person plead guilty at the first hearing.



79. 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.
80. 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.

## Appropriate Adults

81. It is not the role of the YOT officer to be an Appropriate Adult. This can be a conflict of interest and can hinder the YOT officer from performing his/her own court duties. This should only happen in exceptional circumstances and with the full permission of all those present. ***(Please see read this SLA alongside the Metropolitan Police, Barnet, Brent and Harrow YOS Arrangements with regard to Appropriate Adult in Colindale Custody Suite).***
82. It is expected that parent/carers of those young people 16 years and younger accompany their children to court and remain with them throughout the court proceedings. The YOT should support and facilitate this where possible.
83. Young people aged 17 years and over do not have to have an Appropriate Adult present, however the YOT will encourage this at all times, particularly for young people who have learning or communication issues.
84. In the case of Child-in-Need Plan, Child Protection Plan and Looked After Children, it is expected that a representative from Social Care will be responsible for ensuring the young person's attendance and remaining with them throughout to support their understanding of the proceedings.
85. If a parent/carer fails to attend court, particularly at a sentencing hearing, the court should consider whether an adjournment to enable attendance should be granted, particularly if a parenting order may be given, as this cannot be passed in absence.
86. The court could adjourn and provide an alternative date for the parent/carer to attend or it could issue a summons to ensure they attend with their child. The YOT should endeavor to provide the court with as much relevant information as possible to assist with this decision.

## Risk assessments

87. Court listings will send the final youth court list to the respective YOT's 48 hours in advance of the hearing. This will allow for the YOT's to fully scrutinize the cases and highlight any potential rivalries or issues that need to be managed.
88. Barnet, Brent and Harrow YOT's will liaise prior to court to discuss the court list and whether any known difficulties (gang rivals, behavioural or learning difficulties etc).
89. YOT staff will liaise with their out of borough counterparts to determine if there are any risk based issues that need to be considered and what risk management plan should be put in place. The YOT where the young person resides will be responsible for ensuring that the risk assessment is in place and all parties are notified.
90. The YOT's will share all the relevant risk information with the Police Liaison Officer, Legal Adviser, CPS, Magistrates, defence Lawyer prior to the court day. Any amendments to the risk management plan should be made and the final agreement circulated to all relevant parties.
91. Following all first hearings, the YOT's will complete a personal safety assessment on each young person to ascertain any risk related issues. This will be attached to the court paperwork and the information shared with court users as applicable. It will be sent to any other YOT that the information may be relevant to.
92. Ideally the above course of action will take place in advance. Where the risk is deemed particularly high, the YOT should negotiate with the court to move hearing dates administratively to protect the individuals involved.
93. It is the YOT's responsibility to ensure that the young people and their parent/carers are aware of the risk management plan that's in place.

## Secure Docks

94. Willesden Magistrates Court has secure docks available in court rooms. It is agreed that in normal circumstances young people will not be detained in the secure dock.
95. However, it may be utilized on those occasions where it is assessed that the young person's risk of harm to others, risk from others or risk of absconding is sufficiently high, or where the offence is of a sufficiently serious nature.

96. YOT's and court staff are responsible for sharing risk based information in advance to facilitate decision making as to whether a secure dock is required.

## Performance information

97. YOT's and the court will share performance information which is relevant to the proceedings and to improving the knowledge of both parties, every six months and within the context of a pre-established court meeting.

## Meetings

98. Representatives from each agency will meet at regular intervals to share information, highlight and resolve any issues and problem solve barriers to the smooth and effective running of the court.

99. The Chair and Deputy chair of the youth bench hold a quarterly meeting which is attended by YOT's and Legal Advisers to oversee progress and problem solve.

100. The wider Youth Magistrates liaison meeting is held once every six months. The dates of both meetings are determined by the youth Magistrates.

## YOT observations and feedback forms

101. To support the continual monitoring and development of the YOT services to the court the following process is advocated for all three YOT's:

- Team managers will conduct observations of all aspects of court practice.
- YOT officers will complete personal court questionnaires which will be utilized to enhance the above.
- Magistrates and Legal advisers will jointly complete a YOT feedback form.

The information obtained will be utilized to improve, develop and reward individual and group YOTs practices.

## Information Sharing

102. Barnet, Brent and Harrow Youth Offending Teams are obliged under the Children's Act 1989 and the Crime and Disorder Act 1988 to prevent offending,

reduce re-offending and to protect the welfare and interests of the child. To do this we need to give and receive information regarding young people and their families.

### ***The legal basis to share***

103. Court users, as the data controller, are responsible for deciding what is appropriate for to disclose. Each may have a legal basis to share that directly applies to them. However, the Crime and Disorder Act 1988 Part V s115 provides a legal basis for organizations to disclose information to local authorities who are operating under the above Act, and this provides a legal basis for you to share the information as outlined below:

” Any person who, apart from this subsection, would not have power to disclose information (a)to a relevant authority; or (b)to a person acting on behalf of such an authority, shall have power to do so in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act.”

All court users will use the information provided to meet their statutory duties.

## **Training**

104. The YOTs will work alongside all court users to identify and contribute towards any joint training ventures as appropriate.

105. The YOTs will incorporate court work into their induction and ongoing development programmes and request that court users contribute to this. The YOTs in turn will support the induction of new youth Magistrates and the on-going training of established youth Magistrates.


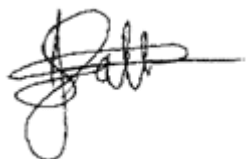

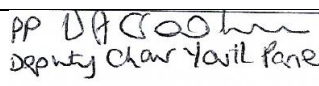

## **Escalation of disputes**

106. Any concerns regarding the delivery of the SLA should be managed by the respective Operational Managers in the first instance. In the event that a resolution cannot be found then it should be escalated to Service Manager/ Heads of Services.

# Review

107. It is agreed that the SLA will be reviewed on an annual basis and this will be initiated by the YOT's. The next review date is December 2021.

## Signatories:

Agency	Name and Designation	Signature and date
Barnet YOT	Cezar Tan – Youth Justice, Service manager	 January 2021
Brent YOT	James Salter – Service manager	 January 2021
Harrow YOT	Mark Scanlon – Head of Service	 January 2021
Chair of the Youth Bench	Mike Herlihy	 PP DA Coohm deputy chair Youth Panel
Legal Adviser	Sabine Franz	

## Appendix A

### 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	Harrow will cover for all children and young people that are	Youth Court Remand day for Barnet and Har-	Youth Court Remand day for Brent. All Children	Barnet will cover for all children and young people that are	As per YOS Court Protocol during Bank Holidays/

known to Barnet, Brent and Harrow and for the Out-of-Borough Children and Young people.	known to Barnet, Brent and Harrow and for the Out-of-Borough Children and Young people.	row. All Children and young people that are known to Barnet, Brent, Harrow and for the Out-of-Borough will be covered by Barnet and Harrow YOS.	and young people that are known to Barnet, Brent, Harrow and for the Out-of-Borough will be covered by Brent YOS.	known to Barnet, Brent and Harrow and for the Out-of-Borough Children and Young people.	Saturdays Court cover ( <b>see above on Page 7</b> )
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### **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 overnights 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 Counter-signed 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.