

This procedure looks at Referral Orders in their entirety. This will outline the process once a Referral Order is imposed at Court and how it is then carried out. This should also be read in conjunction with the Referral Order Guidance.

This procedure also contains the Referral Order Process Flowchart (Appendix 1).

It is important to note that Referral Order Panel Paperwork is currently under review.

PRE PANEL ASSESSMENT

Once a Referral Order is imposed at Court the following takes place:

- The young person and their parents/carers attend the Assessment Clinic held at the Youth Justice Service (YJS). Young people and their parents/carers are required to see a number of specialist workers which include the Education Officer, Speech and Language Therapist, Parenting Officer and the School Nurse.
- The case is allocated to a Social Worker or Probation Officer
- A panel date is set for Initial Panel meeting within 20 working days
- The RJ Worker contacts panel members to ascertain their availability and to arrange the panel and venue
- The case worker arranges appointments including a home visit to complete the initial assessment
- The young person and their parents/carers are interviewed by the allocated Social Worker or Probation Officer to complete the assessment and panel report
- A letter is sent at least a week prior to the scheduled panel date to the young person and their parents/carers
- The ASSETplus and Referral Order report is completed within 15 working days and submitted for gatekeeping
- The completed report is shared with the RJ Worker
- The RJ Worker distributes the report to panel members securely as soon as it is made available.

INITIAL PANEL MEETINGS

Initial Panel meetings are required to take place within 20 working days of the order being imposed. It is good practice for panel members to have sight of the report at least 2 working days prior to the panel meeting.

PRE PANEL PREPARATION

- RJ Worker to contact the young person and parents/carers to confirm receipt of the report and their attendance at the Initial Panel meeting
- RJ Worker to prepare all the relevant paperwork. This includes the contract, copies of the report, and next appointment slips. A copy of the ASSETplus scoring for a case is also obtained to ensure all areas of need are covered in the contract
- RJ Worker and panel members meet 30 minutes prior to the panel to discuss the following:
 - Who will be chairing the meeting
 - Any questions with the information contained within the report
 - Interventions, this is flexible as the young person also has an input into this area within the panel meeting
 - Repairing the harm and what is on offer

The following areas are discussed within the panel meeting:

- The offence
- The impact of the offence on the victim
- Education/employment
- Substance misuse
- Living arrangements
- Lifestyle
- Peers
- Reparation
- Contract – agreed by all and signed; a copy given to the young person
- Young person and their parents/carers views
- Future planning
- Date of next appointment
- Date of next panel meeting

The RJ Worker and panel members de-brief after panel to discuss the following:

- Thoughts and feelings after the panel (e.g. how do the panel members feel that the panel went, what worked well etc.)
- What could be done differently (if anything)
- What could we do better
- Do we feel they were restorative
- Any causes for concern

The agreed contract is then written up, scanned and attached to CVision

INTENSIVE REFERRAL ORDER PANELS

This panel can be somewhat different, in that the Court are considering custody as an option for an offence. This would need to be arranged within five working days following sentence as per National Standards.

An Intensive Referral Order is often considered at Pre-Sentence Report (PSR) stage and often a panel is convened before the sentencing date so that an intensive contract can be proposed to the court.

These panels are carried out as per an Initial Panel meeting (see above) where attendees talk about the offence, who has been affected, what needs to be done to put things right and then a contract is agreed.

The proposal will need to ensure that the Court will feel that an Intensive Referral Order is a credible option as oppose to custody. At this meeting the young persons' parents/carers will be expected to attend and in principle agree to this proposal. Also, at this meeting a date for the next meeting, will be agreed for the young person and their parents/carers if the young person is under 16 they will be required to sign the contract. This will be scheduled no more than five working days after the sentence is imposed.

Contracts can be resourced using Internal provision consisting of YJS and Youth Service resources and externally purchasing via Croydon YOS' Intensive Supervision and Surveillance provisions.

The proposed contract will need to be returned to the Court for their consideration and approval. If the contract has been agreed by the Court, then the previously agreed meeting date can go ahead for the contract to be signed and the Intensive Referral Order can then begin.

EXTENSION PANELS

A young person may receive an extension to their Referral Order for either:

- Further offending or
- Breach action resulting in an extension.

An extension panel will only be held when a young person has reoffended. The purpose of the meeting is to discuss the new offence and add on any interventions in light of the extension. These panels are scheduled as per Initials and held within 20 working days as per National Standards. (See above for process outline)

REVIEW/FINAL PANELS

The purpose of the Review Panel is:

- To monitor the young person's progress
- Amend the contract if required
- To give the young person, and their parents/carers the opportunity to inform the panel how they are progressing

- To address any issues they may have faced
- To gain a sense of what the young person has learnt so far

Contracts can also be amended if the panel feel this is needed and this could be for a variety of reasons (e.g. change in circumstances)

Review/Final panels are held three months from the previous panel. The only exception from the rule relates to four month Referral Orders. This is a localised decision that was made based on the fact that due to the length of the Referral Order it was often difficult to manage the contract, to ensure the young person is on track to finish successfully. Therefore a Review panel will be held halfway through their order.

If a young person receives a three month Referral Order then they will not have a Review Panel. They would just have a Final Panel.

The process is as stated above in the pre panel preparation stage. The only changes are the following areas are discussed at the panel:

- Compliance to date
- What the young person has learnt so far
- What they have completed on their contracts and what is outstanding
- Any difficulties experienced whilst on their order
- Any amendments to the contract
- Exit strategy if required (Final Panel)
- Date of young persons' next appointment (Review Panel)
- Date of next panel meeting (Review Panel)

NON COMPLIANCE PANELS

The purpose of this panel is to explore the young person's lack of engagement and to address any issues that arise. A report will be provided prior to the panel that outlines all episodes of non-compliance and any explanations given. It is then the decision of the panel members to agree a way forward for the young person to complete the remainder of the order successfully. This could be a further opportunity to engage if the young person expresses a willingness to do so. Any changes to the original contract can also be made. If the young person does not engage then the case could be returned to Court for breach action.

The process is as stated above in the pre panel preparation stage. The only changes are as follows:

- The panel takes place within 10 working days of the young person's last missed appointment
- Non-compliance is discussed
- The panel decision is outlined (e.g. order to continue or return to Court for breach action)
- Date of next appointment (if order to continue)
- Date of next panel meeting (if order to continue)

BREACHING OF REFERRAL ORDERS

In the case of a breach of a Referral Order the Court will need to be notified of the breach. The paperwork for this is stored on the YJS shared drive. This is often completed by the Case Manager however the RJ Worker is also able to submit the relevant documentation following a discussion with the case manager. The breach is normally listed for a hearing within two weeks' by the Case Manager or the RJ Worker.

A completed summons and a copy of the young person's Referral Order is to be sent to the following email address:

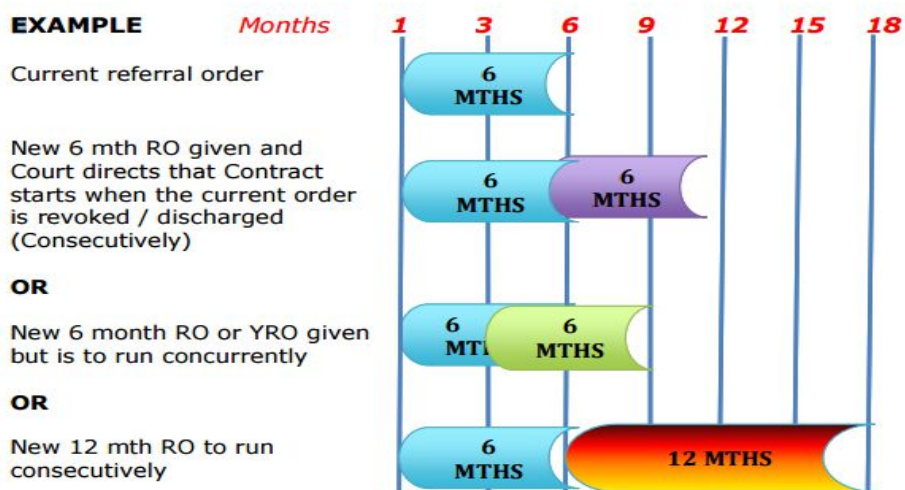
gl-southgroupmcsommons@hmcts.gsi.gov.uk

All other paperwork such as the warrant and the warrant additional information are completed by the Case Manager and will be made available in the young person's court file for when they appear in Court alongside the summons and a copy of the order.

All paperwork needs to be attached to CVision and copies of the email listing the breach needs to be added to the contacts screen.

CONCURRENT AND CONSECUTIVE REFERRAL ORDERS

The latest amendments contained within the Criminal Justice and Courts Act 2015 states that any previous convictions, irrespective of type or length, do not affect the availability of a discretionary Referral Order if the Court is dealing with two or more offences. Each offence can carry a different length. These can run concurrently or consecutively – as long as the maximum compliance period does not exceed 12 months. See table below for further clarity. There will only ever be one contract.



OTHER INFORMATION

The RJ Worker sends monthly updates to Case Managers to ensure they are aware of what panels are due within that month. The update also includes when the reports are due. The master spreadsheet is shared on the YJS shared drive.

The RJ Worker is also required to attend the PAN London quarterly forum meetings with other RJ Workers/Victim Workers/Referral Order Co-ordinators where they meet to discuss practice, any changes in legislation and generally any other enquiries relating to Referral Orders and victims or Restorative Justice practices.

Where requested panel members are sent diary invites to panel meetings.

The RJ Worker keeps an updated spreadsheet of all Referral Orders which looks at the young person is, the length of the order, the allocated worker, the start and end dates of the order, the date of panel and the panel members' names. This is consistently updated and all future panel dates should be recorded in CVision for all to see.

The process of Referral Orders is outlined as follows:

Notification of a Referral Order received via the YJS secure inbox (from another YJS) or following appearance at Court on a Sutton day (Thursday)

Allocation email to be circulated to Case Manager, RJ Worker, Victim Worker and Specialist Workers

Young Person and Parents / Carers to attend Assessment Clinic following Court (Tuesday) or booked in to the next Tuesday

RJ Worker to email date of panel to professionals and input onto Careworks

Case Manager to begin ASSETplus etc to compile the Referral Order Report for Initial Panel

Day of Panel

RJ Worker to make contact with young people, parents/carers to ensure they have received all the relevant information and to confirm attendance

RJ Worker to print off all relevant panel preparation and paperwork

Panel pre-meet

Panel Meeting takes place – future panel dates set. Paperwork signed – copy given to young person

Panel de-brief

Review Panel: as above

Final Panel: Process as above; Copy of completion and Certificate to be shared if possible

Non-Compliance Panel: Process as above;

Decision made to allow order to continue

Decision made to return to court

Breach proceedings to be initiated

RJ Worker to input on CVision, attach paperwork and file away

