

YOUTH JUSTICE SERVICES GM AGREEMENT

1 Introduction

National Standards require Youth Justice Service Managers and HMCTS to have in place a Youth Justice Service Agreement that is reviewed annually.

2 Purpose of the Agreement

The Youth Justice Services Agreement will act as a protocol to ensure clarity between those parties responsible to the public for the provision of an efficient and effective justice process in the Youth Courts in Greater Manchester in which young people appear.

The main parties to the Agreement are:

Greater Manchester Magistrates Courts – Senior Legal Manager GM
GM Youth Justice Service Managers
Crown Prosecution Service – Branch Crown Prosecutor
Greater Manchester Police – Chief Superintendent
YCS (Youth Custody Services)
Children and Young People’s Services – Director of Children’s Services
National Probation Service – Head of Local Delivery Units
Community Rehabilitation Company – Assistant Chief Officer
Crown Court – Crown Court Operations Manager
Electronic Monitoring – EMS

3 Review

The Youth Justice Services Agreement will be reviewed annually by the signatories to the agreement, by a sub-group attached to the Greater Manchester Youth Court User Group.

4 Information Exchange

Exchange of information will be conducted within the terms of the Data Protection Act, Crime & Disorder Act (1998) Section 117 and local Information Exchange protocol

5 Management of Youth Justice Services Interface

5.1 These matters will be managed by individual Youth Justice Services (YJS) sharing via the Greater Manchester YJS Heads of Service group and Greater Manchester Youth Court User Group

5.2 Each YJS Steering Group/Management Board should aim to resolve matters at a local level and if necessary, the Greater Manchester YJS

Heads of Service group to decide on escalation to the Greater Manchester Youth Court User Group.

- 5.3 YJS have developed quality assurance systems with regard to key Youth Justice Services and processes. The Greater Manchester Youth Court User Group will play a significant part in assuring the quality of service delivery and will act as a feedback loop to YJS regarding elements of practice, monitoring outcomes and monitoring usage of orders.
- 5.4 If agreed locally there will be the opportunity for YJS and Courts to contribute to a periodic review of Youth Court practices.
- 5.5 As part of the quality assurance process YJS will endeavour to feedback to the Greater Manchester Youth Court User Group and Youth Court Panel the views of young people who have been through the Criminal Justice system.
- 5.6 The YJS will work together with HMCTS to deliver appropriate training within Youth Justice Services, the Greater Manchester Youth Panel and Legal Advisers

6 Bail Information and Support, Bail Supervision

- 6.1 All YJS provide a bail information and response service and bail supervision and ISS bail programmes to the Courts. This is delivered in accordance with National Standards.
- 6.2 Local Children's Social Care services will work with the YJS and Courts where a young person is at risk of remand to youth detention accommodation to seek suitable accommodation and bail packages to keep the child in the community where possible.
- 6.3 A Greater Manchester Youth court is scheduled every day at the Manchester courthouse, the home YJS will liaise with the court based YJS and court in order to expedite matters. The home YJS will be expected to provide all relevant information and deal with YJB placement services.
- 6.4 Where a Remand into Local Authority Accommodation (RILAA) is being considered, the Court must make YJS staff aware at the earliest opportunity so that arrangements can be made by the relevant local authority to place the child in an appropriate placement.
- 6.5 A RILAA can be made by the Court in conjunction with Bail conditions, which includes standard Court Bail conditions, Bail Supervision and Support (BSS) or Intensive Supervision and Support (ISS).
- 6.6 Out of Court Disposals – YJS to provide information on whether an OOCB has/has not been considered and reasons for this.

7 Court Duty

7.1 A YJS practitioner will normally be present at all Youth Court sittings, including occasional courts on Saturdays and Bank Holidays. The key points of interface in the Youth Court are:

- To promote the child or young person's attendance at court and to facilitate the child/young person's involvement in and understanding of the proceedings. (YJS)
- Review the IDPC (Prosecution Case) provided by the CPS in advance of the court hearing (CPS to provide, YJS to review).
- Review the IDPC provided by the CPS in advance of the court hearing (CPS).
- YJS and Children's Social Care (CSC) will work with parents/carers, to support their attendance to ensure there is a responsible adult in court on behalf for the young person; this will be particularly important with regard to children who are looked after by the Local Authority (YJS/CSC)
- YJS to provide bail support and supervision and ISS bail programmes as appropriate (YJS)
- Children and young people in custody should be dealt with first, if adult matters have been listed for the same Court and where possible the Ushers should provide the YJS Court Officer with a running order for the day's proceedings (Court Usher and Legal Adviser/Court Associate).
- If a case involves more than one defendant, then where possible the young people should be dealt with individually to prevent confidential information being shared with co-defendants and their parents.
- If a Youth Court deals with a matter whilst the Court Officer is not present, the Legal Adviser/Court Associate shall update the Court Officer when they return.
- At the conclusion of a trial resulting in a finding of guilt, where there is no YJS representative present, HMCTS will ensure that relevant information is passed electronically to the YJS immediately to enable YJS to contact the child or young person within three working days of the trial and/or sentence. This is pursuant to YJS making the necessary arrangements and signing up to EDT file transfer.
- If a child or young person is being released by the Court, then this must be to a parent, social worker or YJS worker.
- GEOAmev should only ever provide a travel warrant to either a home address or bail address unless otherwise agreed with the YJS worker. Travel costs where appropriate.
- If a young person is being transferred to the secure estate, then they should not be allowed to leave until they have been seen by a YJS worker.

7.2 With regard to children or young people appearing in Adult Court hearings, the main duties are:

- To promote the child or young person's attendance at Court and to facilitate the child/young person's involvement in and understanding of the proceedings (YJS)
- To ensure adequate representation of the Youth Justice Service in close liaison with the Probation Service (YJS/Probation)
- Police custody staff to ensure that the YJS is informed of any child or young person they are intending to detain and bring to court (Police). *There is also structures in place between HMCTS/CPS/Youth Services to ensure cases involving children/young people who are appearing via summons/postal requisition are also appropriately catered for.*
- HMCTS to ensure that requests for pre-sentence reports are sent electronically to the YJS on the day of the court sitting, when no YJS officer is present in court.

7.3 With regard to Crown Court sittings the main duties are:

- To promote attendance (this could be through parents or carers, residential staff, volunteers or others)
- To provide bail support and supervision and ISS bail programmes where appropriate
- To liaise with the Crown Court through Probation channels
- Present reports as requested
- Offer appropriate information and guidance to the Crown Court with regard to Youth Justice Services where circumstances demand.

7.4 Where there are additional Saturday and Bank Holiday Courts the duties are:

- To offer bail support or supervision and ISS bail programmes as appropriate
- To present reports as required

8 Referral Orders

8.1 The Court Officer will ensure that all children and young people given Referral Orders are seen before leaving Court in order that the Order and its requirements may be explained to them and that they may be given an appointment in writing with the assessment writer where practicable.

8.2 YJS will manage Referral Orders to national standards; if a child/young person fails to agree a contract or to comply with the contract, a review panel will be held to decide whether the child/young person is referred back to the court.

9 Adjournments for Court Reports – Referral Orders or Detention & Training

9.1 Local arrangements for adjournments to continue.

- 9.2 YJS will ensure that there is close liaison between YJSs and the courts in order to ensure that sentencers are well informed and have confidence in Referral Orders and youth offender panels.
- 9.3 In order to ensure the effective management of cases where the court must decide whether to impose a Referral Order or a custodial sentence (i.e. first conviction where the custody threshold is met), the court will request a PSR only when there is a significant likelihood of a custodial sentence. During the PSR preparation period, the YJS will hold a pre-sentence panel which will give the court an indication of the likely components of the contract. This contract will be for guidance only and is not binding.

10 Court Reports

- 10.1 Pre-sentence reports (PSR) will be produced using the standard headings as set out in National Standards. Usually there will be a three-week adjournment for the completion of a PSR. Six weeks for AIM based PSR reports and also other specialist health reports.
- 10.2 Where a Court report cannot be completed for whatever reason the report writer will advise the Court in writing as to why this is so using a 'Nil Report' format.

11 Community Sentences

- 11.1 The Court Officer will ensure that all children and young people given community sentences are seen before leaving Court so that the Order and its requirements may be explained to them and they may be given details of their first appointment with their supervising officer including the time, date and place of that appointment.
- 11.2 The court will only sentence on the day to a Youth Rehabilitation Order (YRO) if the child or young person is already on an Order supervised by the YJS or, if they are not, an AssetPlus assessment has been completed within the previous three months.
- 11.3 When the court does make a YRO on the day the YJS Court Officer will provide a Stand Down written or verbal report giving details of the requirements to be included and details of any work that the child or young person will be required to complete.

12 Detention & Training Orders & Section 91 Sentences

- 12.1 Young people should not be sentenced to custody without the court having sight of a full Pre-Sentence Report.

12.2 The Court duty officer must ensure that a YJS member of staff interviews all children and young people sentenced to Detention & Training Order (DTO) or Section 91 sentences before they leave court:

- To help the child or young person understand the meaning of the sentence
- Check whether there are urgent welfare or health issues
- Re-assess the young person's vulnerability and complete the AssetPlus post-court report stage.
- Inform the parent/carer of the sentence if they were not in court.
- Provide the Youth Justice Board with necessary documentation within the stipulated time-lines.

13 Parenting Orders

13.1 Every PSR will address parenting issues.

13.2 The Court must indicate when they require a full parenting assessment. Local adjournment periods to continue.

13.3 Where the Youth Justice Service is proposing a Parenting Order a responsible officer will be named in the report.

13.4 Where a court is considering making a Parenting Order in a court other than the Youth Court, the case will be adjourned in order that an assessment can be made by the Youth Justice Service.

14 Breach Proceedings

14.1 YJS will instigate breach proceedings in accordance with National Standards for Youth Justice 2019 and local YJS Manager's discretion.

14.2 YJS will provide the Court with the following breach paperwork electronically and in accordance with local arrangements.

- Copy of the Notice to Attend Court
- Certificate of Service
- Copy of Breach Letter
- Copy of Court Order
- Copy of Previous convictions
- Indication of likely recommendation to the court i.e. order to continue, revoke and re-sentence
- Where the child or young person presents a high risk of serious harm to others or is part of a locally agreed priority group, this should also be stated.

Copies of all the above will be available to the defence solicitor.

- 14.3 When a warrant is required, instead of a summons, the matter must be listed at least 24 hours in advance and the YJS Officer will provide a statement under oath in advance. In high-risk cases, a request for a warrant may be made on the day if urgently required. YJ services will provide a warrant info sheet/risk assessment.

15 Victims

- 15.1 All YJS will aim to comply with the Victim Code of Practice.
- 15.2 The wishes of victims in relation to their involvement in the Youth Justice Process must be treated with respect and considered by all agencies who are signatories to this agreement (All).
- 15.3 The need of victims to feel safe and, within legal boundaries, their right to information takes precedence over other considerations when mediation and reparation is being considered (All).

16 Working with Diversity

All the Services represented in this agreement are committed to justice and fairness for all and will work together to promote practice which is sensitive to working with diversity – needs and risks – in the Youth Justice System. For the purposes of this Agreement, this will involve raising concerns through the normal channels of communication about practices or processes which may be discriminatory.

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