# Protocol

# Between

# Barking & Dagenham Youth Offending, Havering Youth Offending and Redbridge Youth Offending Services

# And

# North East London Local Justice Area

**(June 2018)**

**1. Purpose**

The purpose of this document is to set out how the respective parties intend to ensure that a high quality service is delivered through North East London Local Justice Area. A high quality service is defined in this document having the following features:

* A service where there is clarity and certainty about the role and tasks of the Youth Offending Services and Legal Advisers within the courtroom;
* A service where justice is administered transparently, fairly and timely; and
* A service where all parties to the process are equally valued and are able to appropriately contribute and are held accountable for the smooth running of the legal process.

**2. Enabling Function (Equipment)**

To ensure that the administrative functions that form the bedrock of an efficient youth justice court service, Barking & Dagenham, Havering and Redbridge Youth Offending Services will provide data, telecom lines, computer and phones for this office.

* The Youth Offending Services will undertake upgrades and repairs of this equipment.
* An additional telephone line will be provided by North East London Local Justice Area, linked to the court’s internal telephone network.

## 3*.*  Characteristics of successful court engagement

The protocol is keen to promote a level of engagement that maximises confidence in the respective parties. In addition, the conduct this document promotes is one which maximises young people’s safeguarding interests and assists the court in making the most appropriate decision based on the available information.

* All officers of the court should be appropriately dressed and behave in accordance with their agency’s code of conduct.
* Both legal advisers and YOS officers should be easily identifiable either by name or organisational badge.
* YOS Officers in court should be proactive and assist the court where ever possible so that the necessary information and advice is offered to enable the court to exercise its judicial functions.
* Any concerns regarding the quality or the appropriateness of a particular YOS input should be addressed outside the formal court arena.

**4*.* Courtroom management**

**The Youth Offending Service will:**

* Ensure that YOS court officers arrive at court by 9.15am to commence their court functions.
* Ensure where possible reports are made available to the court, legal representatives and unrepresented defendants by 9.30am.
* If a case is transferred to another courtroom the YOS will endeavour to ensure representation of the YOS in that court. When a case is transferred from one courtroom to another the usher/list caller or Legal Adviser will ensure that the YOS Officer is fully aware of the situation.
* Where a young person aged 16 years or under attends court alone, the Youth Offending Service will make every effort to contact the parent(s) or a carer(s) to request that they attend court. Where there is a Child Looked After, the YOS will contact the relevant Children’s Service to request an appropriate adult.
* If all attempts are unsuccessful then the YOS assisting the court will act as the Responsible Adult, except in cases of breach of order or licence or where there is the potential for a conflict of interest.
* Ensure that young people whose cases are adjourned for Pre Sentence Reports (PSR) are seen before they leave the court’s premises to inform them of the purpose of a PSR and when and how they will receive their appointment;
* Provide a written Non Report where in the circumstances that a young person fails to attend or co-operate with the Pre-Sentence Report interview.
* The respective YOS may include a request for bail condition to be imposed on a young person to attend the YOS at a specific time and date for a rescheduled interview;
* The YOS will adequately resource the court during both morning and afternoon sessions.

**The Youth Offending Service will In relation to PSRs:**

Facilitate the use of a Pre-Sentence Report prepared for earlier proceedings to allow consideration of the full range of sentences where:

* + The report is no more than three months old;
	+ An ASSETPLUS (assessment) has been completed within the last three months;
	+ There is no risk of the young person receiving a custodial sentence;
	+ The young person’s circumstances have not changed significantly;
	+ The offending pattern has not changed significantly;
	+ Assessment of risk of reoffending and of harm remains relevant;
	+ Assessment of the suitability of sentences remains relevant and no alternative YRO requirements need assessing;
	+ The court is assured by the Youth Offending Service duty officer that the conditions above are satisfied;

**The YOS role in assisting the court in effective decision-making:**

* The YOS will in their written or verbal communications specify the type of risk being assessed and its level.
* This will enable the court to consider the appropriate risk and safeguarding issues prior to making its decisions.
* Specify the level and content of intervention the young person will receive in line with the Scaled Approach, National Standards and local resourcing.

Ensure that all PSRs have been quality assured in line with the respective YOS quality assurance process.

**5. YOS role in assisting the court in deciding the appropriate report**

**Specific Sentence Reports**

* The legal adviser will encourage the Justices to be clear and specific about the type of report requested to assist the sentencing decision. The YOS should ensure the specific request is carried out or ask for the case to be re-called if they feel further representations need to be made.

**Stand Down Reports**

* YOS Court Officers will guide the court in order to make a proportionate and appropriate disposal. This will only be done when the most recent ASSETPLUS (assessment) is not more than three months old or still relevant to ensure appropriate assessment before advising the court.
* If YOS officers preparing specific sentence reports receive more requests than they are able to deal with in the time available, they should inform the court immediately and offer the court an alternative option.
* It is noted that the court will generally not make stand down report requests after 4pm but adjourn those cases to the next available youth court for the preparation of the report.
1. **Full Pre-sentence Reports**

**The legal adviser will advise the Justices to:**

* Adjourn the case for a minimum of 15 working days unless all the parties agree a different period.
* In the presence of a Youth Offending Service Court Officer provide clear information regarding adjournment time, dates and specific information in relation to sentencing options that are being considered.  All options reports will not be asked for and a clear indication of Custody or Community based sentencing will be provided.
* Ensure that where the Youth Offending Service Court Officer has not been in court at the time of the adjournment for a Pre-Sentence Report, that they are informed of the adjournment time, date and receive written information identifying the offences, the court’s view of seriousness and any specific comments or requests by the bench in relation to sentence. These findings must be documented in an agreed format;
* Use a Pre-Sentence Report prepared for earlier proceedings, if within a three months to coincide with the timeframe given in the PSR section above and only where custody is not being considered and will encourage a verbal update from the youth offending service representative;
* Recognize that Pre-Sentence Reports are the corporate responsibility of the Youth Offending Service, and as such, the court officer represents it in all respects in the absence of the report writer. Consequently, courts will be advised not to adjourn for the attendance of the report writer other than when a specific question of fact in the report is disputed or otherwise in question, and this is likely to be germane to the sentencing decision;
* Endeavour to avoid separate sentencing, by amalgamating offences committed in the same period or as part of the same episode of offending (by bringing cases forward wherever possible), where such action is desirable in the interests of justice and will not lead to unnecessary delay or the risk of further offending.

**Health Assessments**

* In cases where Justices require information about the physical or emotional well-being of a defendant, and are considering a custodial sentence, the legal adviser will advise them, in the first instance, to ask that the YOS uses its multi-agency structure to specifically address the particular concern.
* If the YOS forms the opinion that a full psychiatric or sexual harmful behaviour assessment is required, the YOS will advise the court at the earliest opportunity, and may set out clear instructions for the preparation of the report and specify a timeframe for its completion. The court will cover the cost of such an assessment.
* If the court makes a direct request for a full psychiatric or sexual harmful behaviour report then the defence solicitor or YOS will make arrangements for this to take place and inform the Court of this arrangement for the purposes of a PSR. The court will pay the costs of such a service, the court will specify a reasonable time for the sourcing and completion of this report.

**Engagement in relation to Romford Court**

If either a PSR or Referral Order is imposed at Romford Court, the Legal Adviser will ensure that the relevant PSR request form is completed with full contact details of young person parent or carer, including the CPS paperwork pertaining to the offence and sent to the appropriate YOS via secure email. The Legal Advisers will only request that the YOS attend Romford Court if:

* + The young person changes plea on day of trial and the courts are wishing to sentence on the same day in the interest of justice.
	+ The young person enters court from the community, but is remanded after the outcome of the trial.
	+ If the defence solicitors wish to make a bail application or other exceptional circumstances.

**Court Legal Advisers will ensure the following:**

* Endeavour to assist the YOS Court Officer in obtaining court results which the YOS were unable to obtain during the course of the day’s proceedings.
* In all cases and regardless of the outcome the Legal Adviser should notify the appropriate YOS of the outcome so that the YOS can update their records.
* If the court decides that they wish to sentence a young person on the day of trial then they will request the relevant YOS to attend court.
* That Justices’ on request complete the appropriate YOS’ Pre-Sentence Report feedback form. Thus assisting the YOS with developing the quality of report writing and providing information in relation to relevance.

**North East London Local Justice Area**

**Barkingside & Romford Magistrates Courts will be advised to:**

* Remit cases that cannot be sentenced within the powers of an Adult Court to a Youth Court sitting on the same day, or where this is not practice, to the next available Youth Court.
* Any request for a Pre-Sentence Report will be a matter for the Youth Court;

**6. BailInformation and Remands**

**YOS Court Officers will ensure:**

* That bail information is available to the court wherever possible.
* They liaise with both the CPS and defence solicitor to identify young people at risk of a Youth Detention Accommodation (YDA) Order or a Remand into Local Authority Accommodation (RLAA).
* That if a bail application is made for electronic tagging the YOS will endeavour to verify the suitability of the address.
* That the appropriate placement is obtained via the relevant Children’s Social Care Service or Youth Custody Service, as well as suitable transport.
* If a remand to Youth Detention Accommodation is made, the YOS will notify the relevant Children’s Social Care Service of the result and the corresponding child looked after obligations. In the interim period the young person will remain in the cells pending the arrival of secure transport.
* They transmit the appropriate documentation via Connectivity where possible to the Youth Custody Service with the appropriate documentation.
* Where a young person resides outside of the LBBD, LBH or LBR the local YOS will be contacted so that if necessary a Bail Supervision and Support package may be imposed if required or the necessary documentation is sent to the Youth Custody Service.

**The Legal Adviser will ensure:**

* That when a young person is at risk of a remand to Youth Detention Accommodation or a Remand to Local Authority Accommodation they will endeavour to ensure the case is prioritised and heard in court at the earliest opportunity.
* Identify in open court which authority is responsible for the administration of the Youth Detention Accommodation order based on the information available at that time.

**7. Weekend and Bank Holiday Remand Courts/Occasional Court Day**

### LBBD, LBH, LBR collaboratively cover both weekend and bank holiday court dates. A copy of this rota will be supplied to Barkingside Magistrates’ Court. In addition, Occasional Court will be covered on Tuesdays, Thursdays and Fridays.

**The YOS Court Officer will ensure that:**

* They telephone Barking and Romford police stations on Friday night and Saturday morning prior to the court hearing.
* They call Barkingside Magistrates’ court cells on the day in question to ascertain if any young people have arrived or are likely to arrive at court. (Before the court worker decides that they are not required in court, they will make a final call to the court cells at 11am).
* They attend court if a young person will be appearing.
* An appropriate bail supervision package is made available to the courts.
* Liaise with either the relevant Social Care department or the Youth Custody Service’s Secure Placement Service in order to identify the remand accommodation available and to arrange and confirm transport arrangements.
* That they remain at court until released by the Bench.

**The Legal Adviser will ensure that:**

* Any cases involving young people will be called into court at the earliest opportunity to be heard.

**8. Breaches**

**Each Youth Offending Service will ensure that:**

* At breach hearings, a report is available that explains the basis for the breach action and gives an indication of options for the court to follow where either the breach is admitted, proved or denied.
* If there is an admission, a breach report is given to the defence solicitors.
* A Warrant After Summons is included in Breach Pack paperwork and a signed summons (as proof of service) also included, should the young person fail to attend.
* Digital Summons Applications, the revised process is that each authority sends the scanned summons application and any relevant information to Londonnortheastmc@hmcts.gsi.gov.uk. The email subject should be the date of requested hearing.

**The Legal Adviser will ensure that:**

* On emergency requests, they sign the summons, handing at least one copy back to the YOS officer by the end of the court day. The YOS officer will then hand one copy to the court administration department.
* That in the case of non-attendance a warrant for the Young Person’s arrest is obtained.

The court pre team act swiftly when digital summons applications are received from the YOS and that they enter the matter onto Court computer system and send all the information to the legal adviser inbox for consideration. Once granted, pre-court team will notify the YOS team of the signed summons.**Parties to this agreement**

**Signed on behalf of the North East London Local Justice Area:**

Deputy Clerk to the Justices

Dated:

**Signed on behalf of the LBBD Youth Offending Service:**

Head of Barking & Dagenham Youth Offending Services

Dated:

**Signed on behalf of the LBH Youth Offending Service:**



Gary Jones

Head of Havering Youth Offending Service

Dated: 23-08-18

**Signed on behalf of LBR Youth Offending and Targeted Prevention Service:**

Head of Redbridge Youth Offending Service

Dated: