



**Directorate of People Services**  
**Youth Offending Service and**  
**Grimsby and Cleethorpes**  
**Magistrates Court Protocol**  
**APRIL 2021**

To be reviewed every 12 months

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## THE AGREEMENT

This agreement between the above parties takes into account:-

- The responsibilities in law of both parties in the conduct of Youth and Magistrates Court business in respect of young persons under 18 in criminal and Criminal Behaviour proceedings.
- National Standards for Youth Justice
- Shared responsibility for the implementation, as laid down in the Crime & Disorder Act 1998, to ensure the swift administration of justice and the Legal Aid Sentencing and Punishment of Offender Act (2012).

## COMMENCEMENT & REVIEW OF THE AGREEMENT

The agreement will take effect from 08.08.2018. It will be reviewed every 12 months.

Any part of this protocol may be amended at any time by agreement between both parties.

Areas involving difference of interpretation or disagreement will be resolved between a Justices Clerk's representative with special responsibilities for Youth Courts and the Operations Manager, Youth Offending Service.

## NATIONAL STANDARDS

North East Lincolnshire Youth Offending Service will provide high-quality services to courts, and magistrates and the judiciary have confidence in the quality of information and in the rigour of supervision of children and young people who offend. Young people and their parents and carers are provided with appropriate information and support during the Court process.

Will provide the court with a service as agreed within the youth justice service agreement, giving particular priority to:-

- providing up-to-date and relevant information to the court
- engaging children, young people and their parents/carers, and providing information on the court process
- ensuring accurate recording of court information
- presenting reports to the court
- developing the confidence of the court in the quality of services provided by the YOS.

YOUTH OFFENDING SERVICE and Magistrates Court Protocol



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## **LISTING ARRANGEMENTS**

The Court will send Youth Court Listings to the Youth Offending Service by Secure e-mail 48 hours before the hearing in question.

The duty court officer will contact the police cells daily, including Saturdays and Bank Holidays, to check as to any young people held in the cells for court that day.

The court will be responsible for advising the Youth Offending Service of any young people before the court following the earlier check made by the Youth Offending Service.

The court will contact the Youth Offending Service should a young person be brought before the court without a court officer being present in a timely manner.

## **STANDARD BREACH PROCEEDINGS**

Youth Offending Service staff will complete the Information for Breach Form and send this with a copy of the Order to the Court via secure e-mail.

Hearing dates should normally not exceed 10 working days from the submission of correct paperwork

The Youth Offending Service will provide the following paperwork to the court in respect of all breaches (standard and fast track)

Information/application to breach	1 copy
Copy of order	1 copy

The Youth Offending Service will send the summons to the Young Person either by first class post or hand delivery.

## **FAST TRACK BREACH PROCEEDINGS**

Youth Offending Service staff will obtain hearing dates for all fast track breach proceedings via Court Listings within 5 working days of request. All paperwork will be submitted to the court within one working day of the hearing date being obtained.

The Youth Offending Service will send the summons to the Young Person either by first class post or hand delivery.

## **INTER AGENCY LIAISON**

A Youth Offending Service Team Manager (or representative) shall be a member of the Youth Panel Meeting.

Opportunity shall be provided at the Youth Panel Meeting for the Youth Offending Service Team Manager to comment on the work of the Youth Offending Service and general circumstances. This may be done by written report or presentation.

## **TRAINING & PUBLIC RELATIONS**

During the preparation of the annual Magistrates training programme the Justices Clerk or a representative may liaise with the Youth Offending Service, Service Manager regarding involvement in Magistrates training or Court sponsored events as appropriate. Similarly, Court staff may be asked to provide expertise and training to enhance the performance of Youth Offending Service staff, to mutual benefit.

## **IN COURT**

### **YOUTH OFFENDING SERVICE COVER IN COURT**

The Youth Offending Service will provide at least one Officer for each Youth Court sitting including Saturdays and Bank Holidays, as well as Magistrates Courts where youths are to appear, provided adequate notice is given.

A Youth Offending Service Officer will generally be available to attend Court during normal working hours where a case is brought at short notice.

### **REPORTS FOR COURT**

Reports that are requested by the Court may be either

- a) Verbal reports
- b) Stand Down/Expedited written reports
- c) Pre-Sentence written reports

The Court will request either (a) or (b) in all cases, save for cases where a full pre-sentence report is considered the only viable option or when a Custodial Sentence is being considered.

## **Verbal Reports**

Youth Offending Service Court staff will be available, taking account of the pressures of other Court work, to provide verbal reports in cases where custody is not an issue and it is expedient to deal with the matter swiftly.

## **Stand Down/Expedited Written Reports**

Youth Offending Service Court staff will be available, taking account of pressures of other Court work, to provide written stand down/expedited reports in cases where it is expedient to deal with the matter swiftly but a verbal report is not considered sufficient. The Court may also choose to adjourn the case for a short period of time to enable preparation of an Expedited report.

## **Full Pre-Sentence Reports**

Upon request the Youth Offending Service will provide pre-sentence reports within 15 working days irrespective of whether these periods fall before the listed date. Exceptionally the Youth Offending Service may be able to produce a pre-sentence report in less time if the case is known, by mutual consent. In addition for those young people remanded a full pre-sentence report will be provide within 10 working days. The Youth Offending Service will provide a copy of the pre-sentence report via secure email sent to the court.

In cases where a specialist assessment is required to inform a pre-sentence report, the Youth Offending Service would request a six week adjournment to allow for any specialist assessments to be prepared.

## **Recent Pre-Sentence Reports**

In the event of a young person reappearing in Court for other offences within 3 months of the last pre-sentence report, that report, together with an addendum dealing specifically with the new offence and any changes of circumstance, will be made available to the Court. In the event of a serious offence a full pre-sentence report may be requested.

## **Standard of Reports**

Pre-sentence reports will be routinely 'Gate kept' by Team Managers and the Youth Offending Service will actively co-operate with Court Meetings or initiatives designed to maintain a high quality of pre-sentence report.

## **When a report is not ready**

Where it has not been possible for the Youth Offending Service to prepare a report the Youth Offending Service on the date of hearing the Court will prepare a 'Nil' report outlining the circumstances and, if appropriate, a request for a further adjournment to allow for completion of the report. The Youth Offending Service may request further bail condition requiring the young person to comply with the preparation of the report.

## **REMANDS TO LOCAL AUTHORITY ACCOMMODATION/ REMAND TO YOUTH DETENTION ACCOMMODATION**

Youth Offending Service Court staff, on being notified by the prosecution that such an outcome will be their request to the Court, will undertake the following:-

- Will contact Children's Services in advance to advise of possible remand. Following a remand to LA accommodation being made further discussions with Children's Services will take place who will advise regarding accommodation and where the young person is to reside.

## **BAIL SUPERVISION**

The following bail support packages will be available to the Court

- Youth Offending Service Bail Supervision
- ISS (Intensive Supervision and Surveillance) Bail Supervision

Should the prosecution intend to ask for a remand to youth detention accommodation, an Officer from the Youth Offending Service assessment will undertake an assessment of the young person and if deemed suitable, including addressing any objections for bail, a Bail Support Package/ISS package will be provided to the Court for consideration.

## **FACILITIES IN COURT**

The Court will provide a room for the Youth Offending Service use during Court hours.

Beyond basic furniture (desk, chairs) the Youth Offending Service will be responsible for installing, paying for and maintaining other equipment/furniture.

## LAPTOPS IN COURT ROOMS

Youth Offending Service staff will use laptops in court. Such equipment will not be used for any recording or photography of court proceedings.

## POST COURT PROCEDURES

Following sentence all post court documentation will be sent via secure e-mail to the Youth Offending Service within 4 working days, to assist the Youth Offending Service to serve such documentation upon the young person within the time scales prescribed by National Standards.

## EQUALITY & DIVERSITY

When in the Court building, Youth Offending Service staff will comply with the Equality & Diversity requirements of the Court. Should a Youth Offending Service officer have any concerns regarding any Equality or Diversity issue experienced during their work at the Court this will be shared with the Youth Offending Service Management team. Likewise if the Court has any concerns regarding Equality or Diversity issues relating to Youth Offending Service staff they will contact the Youth Offending Service Operations Manager.

## SIGNATURES

Signed	<u>D. Abenethu</u>
Title	<u>Youth Offending Service Team Manager</u>
Dated	<u>09.04.2021</u>
Signed	<u>Sophie Boon</u>
Title	<u>ACTING LEGAL TEAM MANAGER HUMBER MAGISTRATES COURTS</u>
Dated	<u>9.4.21</u>