



ANDERIDA ADOLESCENT CARE

YOUTH JUSTICE POLICY AND PROCEDURE

It is Anderida policy and a legal requirement for all young people to be supported in the youth court system, sentencing process and disposal options and to have an Appropriate Adult present when any procedure requiring information, consent or signing between a young person and the police takes place. When supporting a young person within the process it is helpful for an appropriate adult from Anderida Adolescent Care to attend court and custody suites. (Also see Appropriate Adult Procedure)

GUIDE TO INFORMATION ON THE COURT SYSTEM, SENTENCING PROCESS AND DISPOSAL OPTIONS

This guide provides advice for you to understand the court system, sentencing process and disposal options given to young people.

There are a range of options the police have in order to deal with any offence committed by a child or young person:

- **No further action (NFA)** - Means that the police have not been able to find sufficient evidence to choose one of the other options and so the case is finished.
- **Community Resolution (CR)** – Is a way of dealing with what has been evidenced as less serious crimes, this allows officers to use their professional judgement when dealing with offenders. It can be used for what is assessed as low-level offences such as criminal damage, theft, and minor assaults.

Community Resolution Orders/Violence towards staff:

(The following is only relevant if the Local Authority have signed the consent form)

In some criminal cases, a Community Resolution Order may be suggested by one of the parties involved (police, solicitor, young person, or Anderida Adolescent Care). **This cannot be suggested by staff, or agreed to, without first consulting the manager of the home.** All Community Resolution Orders (CRO) would ideally take place at a police station or custody suite, so that the young person can receive free and independent legal advice and understand the seriousness of the situation, however this is not part of the police policy which is to try and bring around a resolution without arresting the young person and taking them to the police station.

On this basis it is often better to accept the community resolution if the young person is admitting responsibility and offering an apology and a desire to repair the harm rather than further criminalise a young person. At these times Anderida care staff in consultation with the homes Manager can agree if the young person is willing to go ahead with a CRO to act as appropriate adult and participate in the forming of a CRO contract without a solicitor being present, providing they were not involved in the incident.

Anderida Adolescent Care has a zero tolerance to violent behaviour towards staff and consequently police may be informed of assaults. Anderida will always take action where there has been a violent incident, a Community Resolution Order may be appropriate, depending on the severity of the situation. This decision will be made after discussions between the manager/on-call, victim(s) and in consultation with police.

Youth Caution – Children and young people aged 10-17 can be given a caution, this is when there is enough evidence to prove the offence was committed and the child or young person admits the criminal offence. In some cases when a caution is received, a referral to the Youth Offending Team (YOT) is made. This will show up on an enhanced Criminal record check.

* A child or young person must have an adult present if they are about to receive a youth caution.

Youth Conditional Caution - Youth conditional cautions are with one or more conditions attached. If a child does not keep to the conditions they could be prosecuted for the original offence. A child or young person that receives a youth conditional caution will always be referred to Youth Offending Team (YOT).

* A child or young person must have an adult present if they are about to receive a youth conditional caution.

Charge – A charge is when the police have found sufficient evidence that suspects the child or young person is the offender to the crime in question. From here this will be given to prosecution services where the child or young person must attend court where they will be found guilty or not guilty of the offence.

Restorative - Restorative justice enables those directly affected by an offence, including offenders, victims as well as the wider community, to be able to communicate for the purpose of deciding how to deal with an offence and its consequences. A trained facilitator will help facilitate and communicate the process.

Restorative can be an element of any disposal. Wherever appropriate, the restorative process is used alongside the delivery of out of court disposals or as a way to determine the appropriate disposal.

THINGS WE CAN DO TO SUPPORT DISPOSAL OPTION

At times when a young person has conditions to their charge or caution, we need to ensure that we are doing all we can to ensure they are remaining within the boundaries of these conditions. Some young people may have been fitted with a tag that reports information about their whereabouts in relation to the conditions given. There are things we can do as a team to support the young people in sticking to their conditions.

- Engaging in YOT meeting with the young person.
- Doing everything we can to ensure we get young people to their YOT meetings.
- Staff carrying through with YOT programmes if this is a requirement of the order.
- Updating support plans and risk assessments with any preventative measure to support the conditions in place. A young person may have a conditional caution which means they are

not to go into the town centre therefore your support plan and risk assessments must reflect this. This will be the same with curfews or any other conditions.

- Being present and taking part in any meeting involving professionals such as looked after child (LAC) reviews and professional meeting such as strategy meeting (A Senior or Manger should be the first person informed to be a part of these meetings, however all should be prepared to be part of this, if required.)
- Engaging or being a facilitator for restorative justice meetings.
- Use of NVR to resist children and young people's failure to comply with any conditions in place.

WORKING IN PARTNERSHIP WITH OTHER AGENCIES

Working in partnership with other agencies is important as it means young people are offered the best and full range of support needed for their individual needs. Working with different agencies that are involved within the youth justice system, aim to deter young people from offending behaviours.

KEY AGENCIES INVOLVED IN YOUTH JUSTICE ARE:

- **Youth offending teams (YOT)**
These teams work with young people that get into trouble with the law. They look at each young person as an individual and help them stay away from crime.
- **Probation Service**
The National Probation Service is a statutory criminal justice service that supervises offenders released into the community.
- **Youth Justice Board**
A non-departmental public body responsible for overseeing the youth justice system in England and Wales. They support partners such as YOT to prevent offending and reoffending by under-18s and achieve wider positive outcomes for children, young people and communities.
- **Crown Prosecution Service (CPS)**
This is the agency for conducting criminal prosecutions in England and Wales. It has the responsibility to provide legal advice to other agencies such as the police and other investigative agencies. It is also up to them to decide whether a suspect should face criminal charges and to conduct prosecutions in either the Magistrates' courts or the Crown court.
- **Drug and Alcohol Services**
Many services offer a holistic approach to support people to find a way to recover from addiction and behaviours that lead to offending.
- **Mental Health Services (CAMHS)**
This is an NHS service that assesses and treats young people with emotional, behavioural or mental health difficulties. It supports many areas such as depression, abuse, anxiety etc. CAMHS has officers set up all over the country with teams of nurses, therapists, psychologists and other professionals.

SUPPORTING THE SUCCESSFUL RE-SETTLEMENT OF A YOUNG PERSON

When young people have come from environments such as secure units, they may become very anxious and unsettled about moving to a new home that does not have such strict containment programmes to keep the young person feeling contained and safe. In these cases, it is important wherever we can to try and communicate with the young person. This is to be done either verbally or face to face and completed by the team that the young person is moving to. The team should begin to build a relationship with the young person and get to know the likes and dislikes of the young person in question so they may feel more comfortable when transitioning to their new home. In some cases, there may be a period of transition where the young person is able to have day visits and overnight visits to the home they are due to be moving to.

If there is a breach of disposal then we will need to ensure we take action regarding these breaches, again this could be:

- Tailing the young person.
- Confirming a young person is not home for their curfew with the security authority.
- Not making excuses for the young person's non-attendance meeting within their YOT order.
- Updating the support plan or risk assessment to fit with curfew times or restrictions of places they cannot go.
- Accompanying the young person to court hearings.

In some cases, staffing ratios may need to be adjusted to fit with the present needs of the young person. This will always be a well thought through and assessed process and changes will be made by management.