

**Protocol between South East London Youth
Court**

and

**Bexley Youth Offending Team
Bromley Youth Offending Team
Greenwich Youth Offending Team
Lewisham Youth Offending Team**

YOT telephone numbers – main office:

**Bexley: 020 3045 5073
Bromley: 020 8466 3080
Greenwich: 020 8921 8700
Lewisham: 020 8314 7474**

INDEX

- Introduction
- 1. Attendance at Court
- 2. Court Duty arrangements
- 3. Court list
- 4. Facilities at Court
- 5. Presentation of Previous Findings of Guilt
- 6. Young people charged with an adult
- 7. Court Orders
- 8. Remands
- 9. Bail Programmes
- 10. Court Reports
- 11. Parenting Order Assessment Reports
- 12. Orders Supervised by YOT
- 13. Breach of Orders
- 14. Attendance of Parents/Carers at Court
- 15. Presentation of Information to the Court
- 16. Meetings
- 17. Monitoring
- 18. Development of practice
- 19. Presentations/workshops
- 20. Equality and Diversity
- 21. Review of protocol

Introduction

This protocol has been agreed between the Youth Offending Team (YOT) managers for the London Boroughs of Bexley, Bromley, Greenwich and Lewisham and the Court Managers for the South East London Local Justice Area.

All signatories to this protocol have had regard to statutory duty to prevent offending by children and young people, to the principal aim of the Youth Justice System as detailed in the Crime and Disorder Act 1998.

All services provided by the YOTs and the Youth Courts will adhere to relevant legislations, including Criminal Justice Act 2003, Powers of Criminal Courts (Sentencing) Act 2000, Criminal Justice and Immigration Act 2008 and National Standards for Youth Justice Services. This document should, therefore, be read in conjunction with these.

The YOTs party to this protocol will strive to deliver services dependent upon local needs and provision.

Provisions have been made for the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

The views and wishes of young people will be considered alongside the professionals assessment of their needs.

All agencies are committed to delivering a service that demonstrates due regard of the diverse needs of its service users. For further information, please see the website for each agency.

1. **Attendance at Court**

The system will be as outlined below:

Bexley Youth Court

MONDAY TO THURSDAY

Bexley and Greenwich YOTs operate a duty services on alternate weeks in order to assist in overnight cases.

FRIDAY:

Bexley Youth Court. Bexley and Greenwich YOTs will attend Court on alternate weeks to provide a service, assist with the court listings, charges, trials and overnight cases.

Bromley Youth Court

MONDAY:

Trials and overnight cases - Lewisham YOT staff will provide duty YOT services.

TUESDAY:

Bromley Youth Court. Bromley YOT staff will provide a service to assist with the court listings, charges, trials and overnight cases.

WEDNESDAY:

Trials and overnight cases - Bromley YOT staff will provide duty YOT services.

THURSDAY:

Lewisham Youth Court - Lewisham YOT staff will attend to provide a service to assist with the court listings, charges, trials and overnight cases.

FRIDAY:

Trials and overnight cases; Lewisham YOT staff will provide duty YOT services.

SATURDAY/BANK HOLIDAY:

For any youths appearing as overnight cases in the occasional Courts held at Bromley, a duty service is provided by Bexley, Bromley, Greenwich and Lewisham YOTs on a rota basis.

Arrangements for Court/YOT services are outlined below:

The court will do its best to ensure that youths overnights will be dealt with as a priority and will review the list at regular intervals.

As a starting point as cut-off time of 3.00pm will apply for the receipt of youths into the cells.

On the days when there are no youth charges court (Mondays to Thursdays at Bexley Youth Court and Mondays, Wednesday and Fridays at Bromley Youth Court), the YOT duty service will operate until close of court business. When all youth cases have been dealt with and there are no further cases expected, the YOT Court duty worker will notify the legal advisor that they are leaving and will provide a mobile number on which they can be contacted to return to court if required. Should this arise, the YOT Court duty worker will indicate to the court their expected arrival time. In these circumstances the court will normally put the matter back in order for the YOT Court duty worker to attend and support the court in any decision being made.

2. Court Duty arrangements

Weekdays

The arrangements for dedicated borough Youth Court days will be:

Tuesday	-	Bromley
Thursday	-	Lewisham
Friday	-	Bexley Court for both Bexley and Greenwich

The responsibility to keep listings under review is with the Judicial Leadership Group.

Both Bexley YOT and Greenwich YOT will attend the Bexley Youth Court and provide a duty service on – **Mondays to Thursdays**.

Both Bromley YOT and Lewisham YOT will attend the Bromley Youth Court and provide a duty service on trial days – **Mondays, Wednesday and Fridays**.

The YOT Court duty worker will interview young people following a request from the Court and respond to bail/remand or other enquiries as soon as possible.

The YOT Court duty workers will liaise with any YOT and other agencies including Children Social Care departments.

The Court will provide a list of all young people appearing before the court in advance of the court sitting via LIBRA or with the provision of lists for late cases and overnights. This will ensure that the YOT Court duty worker is in a position to make a full assessment of the young person, including vulnerability, risk and welfare issues. It will also enable the YOT Court duty worker to inform the court as to bail recommendations.

Saturdays and Bank Holidays

All youth cases dealt with on Saturdays and Bank Holidays are heard at Bromley Magistrates' Court (subject to emergencies arising). The YOT Court duty service for Saturdays and Bank Holidays will be provided by Bexley, Bromley, Greenwich and Lewisham YOTs.

The YOTs will draw up an annual rota outlining court cover for Saturdays and Bank Holidays. The YOTs will ensure that this rota specifies which YOT will provide the duty service along with their contact details. This rota will be issued to the South East London Local Justice Area by the 1st December of the preceding year.

As detailed above the court will provide a list of all young people appearing before the Court in advance of their appearance.

From 1st January 2013 Saturday Court cover arrangements for the 4 YOTs will be:

- 1st Saturday of the month – Greenwich
- 2nd Saturday of the month – Bexley
- 3rd Saturday of the month – Bromley
- 4th Saturday of the month – Lewisham

Where there is a 5th Saturday in the month, it will be covered by Greenwich and Lewisham respectively.

The YOT Court duty worker is responsible for ensuring that all relevant information (Bail ASSET and placement information forms) is sent (preferably electronically) to the YJB and conveyed also to the transport provider SERCO.

Bexley Youth Court

The YOT Court duty worker will also inform the Local Authority Emergency Duty Team/Out of Hours Service of any remand on the day in addition to the parent/carer. In the case of any Bexley young person, the YOT Court duty worker is required to notify the Bexley Placements Manager of any remands on the day. In the case of any Greenwich young person, the YOT Court duty worker is required to notify the Greenwich Contact and Referral Manager of any remands on the day. Where there is a concern the YOT Court duty worker will contact the secure establishment with any additional information on the day.

Bromley Youth Court

The YOT Court duty worker will inform the relevant Local Authority Emergency Duty Team of any remand on the day in addition to the parent/carer. In the case of any Bromley/ Lewisham young person, the YOT Court duty worker is required to notify, by email, the relevant group manager from the Referral & Assessment team for Children's Social Care of any remands within one working day. Where there is a concern the YOT Court duty worker will contact the secure establishment with any additional information on the day.

3. **Court List**

LIBRA should be checked each day by the YOTs no later than 9.00am, as this will show further additions and overnights to the list.

Greenwich YOT will be notified by secure email and/or telephone at least 24 hours in advance of any hearing.

Any extra cases listed after 9.00am, will be notified to the YOTs by the court via the provision of a court list.

In the event of Libra being unavailable to the YOTs the court will provide the court lists by secure email.

Contact details for the YOT below:-

Bexley YOT office: 020 3045 5073

Bexley YOT fax: 0203 045 3898

Bexley secure email address: grp.bexleyyot@bexley.cjsm.net

Bromley YOT office: 020 8466 3080

Bromley YOT fax: 020 8466 3099

Bromley secure email address: grp.bromleyyot@bromley.cjsm.net

Greenwich YOT office: 020 8921 8700

Greenwich YOT fax: 020 8921 8701

Greenwich secure email address: grp.greenwichyot@greenwich.gov.uk.cjsm.net

Lewisham YOT office: 020 8314 7474

Lewisham YOT fax: 020 8314 3505

Lewisham secure email address: grp.lewishamyot@lewisham.gov.uk.cjsm.net

4. **Facilities at Bexley Youth Court**

The court will provide a room for the YOT Court duty staff to use. YOTs are responsible for providing a telephone, laptops, fax and photocopying facilities.

The detention and supervision of any young person made subject to a secure remand is the exclusive responsibility of the YOT. It should be noted that Serco has no authority to detain youths made the subject of a secure remand.

Facilities at Bromley Youth Court

The court will provide a room for the YOT Court duty staff to use during the week and on Saturdays and Bank Holidays. YOTs are responsible for providing a telephone, laptops, fax and photocopying facilities. There will be shared responsibility for the costs of the phone line and the photocopier between Bromley YOT and Lewisham YOT.

The YOT will have at their disposal youth cells in the cell area. The detention and supervision of any young person made subject to a secure remand is the exclusive responsibility of the YOT. It should be noted that Serco has no authority to detain youths made the subject of a secure remand.

5. Presentation of Previous Findings of Guilt

The YOTs will provide the legal advisor with records of previous findings of guilt for any young person appearing before the court where available. This is in addition to the PNC lists of convictions or warnings that are provided by the Crown Prosecution Service (CPS).

6. Young people charged with an adult

The YOT will provide an on-call duty service for youths who appear in the adult court in order to assist the Probation Service.

Where there is a youth appearing in the adult court with an adult, the relevant YOTs will be informed by the court of the result within one day on LIBRA. If LIBRA is unavailable, results will be provided via secure email within 24 hours.

7. Court Orders

Where the court has imposed a remand order the court will ensure that the warrant of commitment is available for collection within 1 hour of the order being made.

A copy of any court orders made in the Youth Courts will be available to the relevant YOTs within three working days of the order being made. Cases will be resulted as outlined above within one day on LIBRA.

8. Remands

Young People Appearing from Police Custody

Prior to the court sitting the YOT Court duty worker will discuss with the CPS regarding any issues in relation to bail. The YOT Court duty worker will continue to liaise with the CPS and legal advisor throughout the day to identify any other young people who may become at risk of bail refusal.

The YOT Court duty worker will interview all young people produced from police custody. The court will ensure that these young people have been interviewed by the YOT before the case is called into court (subject to judicial discretion to proceed).

Remands to Local Authority Accommodation (REMLA)

The court will not, subject to judicial discretion, impose a bail condition for a young person to reside as directed by the local authority without consulting the relevant local authority/home YOT.

The court will consult with the responsible local authority before any conditions are attached to a remand into local authority accommodation, subject to judicial discretion.

The court will endeavour to ensure that youths in custody are dealt with as a priority within the court list.

Whilst at court, young people remanded in local authority accommodation will be supervised by the YOT Court duty worker. Young people remanded in open accommodation will be kept in the general court waiting area and will remain the responsibility of the YOT.

The YOT Court duty worker will consult the responsible local authority on behalf of the court, or according to local arrangements, act as the agent of the local authority. YOTs will ensure that social care managers are updated regarding local authority care arrangements and transportation of the young person safely to the designated accommodation by social care colleagues. The social worker from the responsible home borough should be in attendance at court.

Where a young person cannot be collected before the court closes, the YOT Court duty worker will keep court security informed of the position.

Subsequent Court appearances whilst remanded to Local Authority Accommodation

The home YOT will ensure that the young person is:

- Escorted from the placement to court punctually;
- Supervised whilst at court
- Accompanied in the courtroom

The home YOT is responsible for the arrangements of escorts from court back to the placement.

In the event of a young person absconding from a Local Authority accommodation placement, the responsible local authority should inform the court at the earliest opportunity. On the date of the hearing, the YOT Court duty worker will inform the court of any non appearance.

Court Ordered Secure Remand

The court will endeavour to deal with all cases involving a potential remand to Local Authority accommodation – secure remand as early as possible.

Consultation in relation to Remands to Custody

The court will consult with the responsible local authority before remanding any young person into any form of secure accommodation. In the case of a 15/16 year males, the consultation will also ascertain vulnerability. The YOT Court duty worker will consult the responsible local authority on behalf of the court, or according to local arrangements, act as the agent of the local authority.

Young people who are remanded into custody or youth detention accommodation will be seen by the YOT Court duty worker for completion of the Placement Information Form (PIF) and Post-Court Report (PCR) form. Vulnerability information, including potential for self-harm or gang related concerns should be clearly indicated on the above forms. The YOT Court Duty Officer is responsible for ensuring this information is immediately sent electronically to the YJB, SERCO and the Home YOT following the remand.

Where there is a concern it is expected that the Court Duty Officer will contact the secure establishment with any additional information on the day.

Remand to Youth Detention Accommodation (YDA) implementation of LASPO Act 2012.

The court will endeavour to deal with all cases involving a potential remand to YDA as early in the day as possible.

The court will endeavour to ensure that the YDA order is made out to the respective local authority.

9. Bail Programmes

The YOT Court duty worker will undertake bail assessments. Liaison will take place with the CPS, defence lawyers and parent/carer, other YOTs as well as Children Social Care departments. In cases where a bail support programme is being considered the YOT Court duty worker will ask the court for the case to be put back for a short period to allow for arrangements to be made. Bail programmes will be presented to the court in written format, which will identify elements suitable as conditions of bail and the consent of the young person and parent/carer.

Courts will not impose a bail support programme on a young person without first consulting the home YOT, subject to judicial discretion.

Where it appears likely that bail will be refused for an out of borough young person, the YOT Court duty worker will contact the appropriate YOT in order to present a bail support programme to the court.

Bail support programme Information leaflets will be made available to courts, CPS and defence solicitors to explain what a young person is required to do on a bail support programme. The YOT Court duty worker will provide parties with precise details of what will be offered and how the programme will be enforced.

In the cases where a young person has failed to comply with a bail support programme the relevant YOT will instigate breach proceeding no later than 24 hours of breach.

Bail Intensive Supervision and Surveillance (ISS)

When a young person appears in court and is charged with an offence that fits the ISS criteria and if a remand into custody/detention is likely, a referral will be made to the ISS nominated lead for the purpose of undertaking an assessment.

The ISS lead will make contact with the young person and parent/carer and undertake the ISS assessment. The ISS programme will be explained to the young person and their parents/carer. If the young person is suitable for ISS, the ISS lead will attend court and present a written report outlining the Bail ISS programme and expectations.

In the cases where a young person has failed to comply with a Bail ISS the relevant YOT will instigate breach proceeding within 24 hours of breach.

A progress report will be made available to the court at any subsequent hearings, outlining the young person's progress and any failures to comply with the Bail ISS programme.

10. Court Reports

Where a Pre-Sentence Report has been requested for a young person who does not reside in the London Borough of Bromley, Lewisham, Greenwich or Bexley sentencing should be remitted where possible to the young person's home court, subject to judicial discretion.

To facilitate the production of Court reports the CPS bundle should be provided to the YOT on the day. Should the CPS bundle not be available on the day of request, the home YOT will then make a request to the CPS for the documents to be provided and sent via secure email.

Report writers will inform the court and defence solicitor when it has not been possible to complete the report. If the young person has failed to keep appointments, a non-report will be provided to the court, which will include a new appointment for the young person and parent/carer.

Where a Pre-sentence Report cannot be provided for other reasons, a letter requesting an adjournment and outlining the reasons will be sent via secure email to the court and defence solicitor no later than 5 working days before the sentencing hearing.

The court will notify the YOT and the defence solicitors whether an adjournment will be granted no later than 24 hours before the sentencing hearing and confirm whether the attendance of the young person is required.

Stand down Report

Where the Court has requested a stand down report, the court will put the matter back for the production of such a report.

These reports can be presented in a written or oral format.

If the court is considering a requirement which involves work with victims (e.g. direct reparation) the court will consider adjourning the case to allow the report writer to carry out the necessary consultation with the victim.

Specific Sentence Report (SSR)

YOT will prepare a SSR within 10 working days. The report will cover all aspects details of the young person, including victims' input and the elements of reparation.

Pre Sentence Reports (PSR)

The PSR will normally be completed within 15 working days of the request. The YOT may apply to the court for further time to prepare the report in cases of a complex nature, for further victim consultation, or where the request for the PSR was made by a court outside the young persons home borough.

The YOT Court duty worker will hand deliver any reports (excluding breach reports) to the court general office, for the attention of the list caller covering the Youth Court by no later than 9.15am. The list caller will provide them to the relevant youth tribunal.

11. Parenting Order Assessment Reports

A written report will be provided for consideration of a Parenting Order being imposed for all young people under the age of 16.

Where there is an absent parent, the YOT will investigate and assess the necessary involvement of the absent parent and this will be included within the Parenting Order assessments report for court.

Where a parent(s) fails to attend court for sentencing, the court will consider whether to adjourn for a further hearing to enable a Parenting Order to be considered. The court will notify the parent, should their attendance be required.

12. Orders supervised by the YOT

Those young people made subject to a court order will be seen by the YOT Court duty worker before leaving the court.

Young people remanded to custody/YDA and those sentenced to a Detention and Training Order, will be interviewed by the YOT Court duty worker before they are taken from the court to ensure their wellbeing has been assessed.

13. Breach of Orders

Breach proceedings cases will be listed by the court to the appropriate borough courts. Reports outlining the breach will be ready at the first court hearing. Where a young person fails to attend court, a breach warrant application will be sought by the responsible YOT.

The paperwork will be submitted to the court by the relevant YOT. The YOT will allow sufficient time, a minimum of 3 days, for these to be processed and signed by the duty legal advisor. YOTs will ensure that they indicate clearly the date for listing within timescales and that the young person is notified of the breach date. Where breaches need to be fast tracked, the YOT will send the information to the court admin via secure email.

Secure email address at Court is: GL-BROMLEYMCLIST@hmcts.gsi.gov.uk

14. Attendance of Parents/Carers at Court

Encouraging Attendance

YOT staff will encourage the attendance of all parents/carers of the young people they are in contact with.

Where a young person has received an appropriate adult service under PACE and is charged, the YOT staff will notify the parent/carer of the date of the first court hearing and encourage them to attend.

In the case of Looked After Children, a representative of the local authority children services will be responsible for ensuring the young person's attendance at court. In all cases parent/carers are expected to attend, except where the local authority holds parental responsibility, in which case a representative from the local authority should attend court.

Unaccompanied young people

In the event of parents/carers being unable or unwilling to attend proceedings, the court may, following consultation with the defence solicitor, the YOT Court duty worker and the young person, ask a member of the YOT to sit with the young person in court to facilitate communication and explain proceedings. The YOT Court duty worker will endeavour to meet the needs of unaccompanied young people. Liaison will take place wherever possible with the absent parent/carer.

15. Presentation of Information to the Court

The YOT Court duty worker will provide information to the court regarding a young person's circumstances to assist decision making in relation to remands or sentencing.

The court will be kept informed of significant changes in the circumstances of the young person parent(s)/carers during the proceedings, which the court might need to take into account when making a decision.

Efforts will be made to ensure information is provided on behalf of other agencies and the YOT. It may be necessary to put cases back whilst investigations are made.

In some cases it may be necessary for a representative of the home YOT or Children Social Care department to attend court. In these situations, the YOT Court duty worker will inform the court of that fact and give an indication of the individual's anticipated time of arrival.

16. Meetings

Representatives from all various agencies in the Youth Court will meet on a quarterly basis as a Youth court User Group.

The Youth Court User Group meeting will be attended by at least one representative of Bexley, Bromley, Greenwich and Lewisham YOTs.

The YOTs will attend Youth Panel meetings by invitation, in order to give presentations, present issues and raise awareness of the work being undertaken by the YOTs to the Youth Court Panel.

An HMCTS representative will attend YOT Management Board meetings and relevant panels, resources permitting.

The court Legal Team Manager and YOT Service Managers will endeavour to meet quarterly to discuss any operational issues and share performance data, resources permitting.

17. Monitoring

YOTs will request the court to participate in completing questionnaire/report feedback forms, in order to improve practice, monitor quality of service and disproportionality. Report feedback forms will be attached the individual reports to ensure that they are completed by the tribunal. Questionnaires/ feedback in relation to quality of the service provided by the YOTs will be requested on a bi-annual basis.

18. Development of practice

YOTs recognise the benefit and value of inter-agency development of practice and are committed to joint working with court staff and the tribunal, resources permitting.

19. Presentations/Workshops

YOT staff will be available to undertake joint presentations and workshops with court services to promote the work of the YOT, as and when required.

Invitations from the YOTs will be extended to the tribunal and HMCTS representatives re: open days and relevant events.

20. Equality and diversity


All agencies are committed to delivering a service that demonstrates due regard for the diverse needs of its service users. For further information, please see the website for each agency.

21. Review of Protocol

This will take place annually and jointly by HMCTS representatives and YOT Service Managers or their designated Managers.

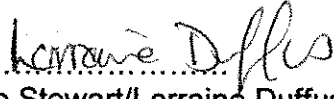
Signatories to the protocol

Signed on Behalf of
Bromley & Bexley Magistrates Court:



Angela Wilder
Legal Team Manager

Signed on behalf of Bromley YOT



Elayne Stewart/Lorraine Duffus
YOT Group Manager/Operations Manager

Signed on behalf of Lewisham YOT



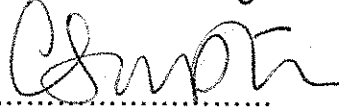
Tanya Edwards
Youth Offending Service Manager

Signed on behalf of Greenwich YOT



Audrey Johnson
Youth Offending Service Manager

Signed on behalf of Bexley YOT



Charlotte Shrimpton
Youth Offending Service Manager

Date protocol signed:

27/3/13

Date of review: April 2014.....