



One minute guide

Youth justice system

No. 111, January 2021

What is the youth justice system?

The youth justice system for England and Wales was established through the [Crime and Disorder Act \(1998\)](#), with the aim of preventing young people from offending or re-offending. It is overseen nationally by the [Youth Justice Board for England and Wales](#), and delivered locally through youth offending teams (YOTs; Youth Offending Service or Youth Justice Service in Leeds). The age of criminal responsibility in England and Wales is ten years old, and young people are treated as adults in the eyes of the law when they turn eighteen.

There are two principles fundamental to the youth justice system:

- The court shall have regard to the welfare of any child or young person (whether they are an offender, victim or witness); and
- Preventing further offending by the young person.

How does it work at court?

Young people aged 10 - 17 are generally sentenced in the Youth Court, though some serious offences are dealt with in the Crown Court. The main differences between the Youth Court and other parts of the court system are that it is less formal, and that it is a 'closed court'. This means that only people who are directly involved with the case are allowed into the courtroom, which includes support workers and appropriate adults who are encouraged to attend.

Any court dealing with a young person has an obligation to consult with the local authority. The local YOT takes the role of the local authority in the courtroom.

Leeds Youth Court does not sit every day, and so on some occasions young people may be bailed by the adult Magistrates Court until a Youth Court is sitting. The Youth Court can also decide that an offence is likely to receive a longer sentence than they can legally give, deem the matter a 'grave crime' and commit the matter to Crown Court for sentencing. The current legal framework includes **out of court disposals** and **court ordered sentencing**.

In Leeds, the Youth Court covers the geographical area of Leeds, Wakefield and Kirklees and the YJS team based there consists of practitioners from all three local authority areas.

What are out of court disposals?

An out of court disposal allows the police to deal quickly and proportionately with less serious, often first time offending which could be appropriately resolved without a prosecution at court. A young person may also receive a No Further Action outcome following a police enquiry, perhaps because of lack of evidence or because a formal response is not believed to be in the public interest. Out of court disposals can be given more than once, which can be after a young person has been convicted and sentenced in court. Determining whether an out of court disposal can be made is done on a case-by-case basis, depending on the nature of and circumstances around the offence, including the willingness of the young person to accept responsibility.

There are three types of out of court disposal:

- **Community resolutions** - informal, restorative responses to minor crime, which do not result in a criminal record for the young person;
- **Youth Cautions** - including the opportunity to opt-in to further work with Leeds YJS; and
- **Youth Conditional Cautions** - which are supervised on a statutory basis by Leeds YJS, and can be brought back to the court's attention if the young person does not comply.

What court ordered sentences are there?

When a young person is to be sentenced by a Youth Court for the very first time, the court has the following options: an Absolute Discharge; a Conditional Discharge; a Detention and Training Order; or a Referral Order.

- An **absolute discharge** is when a finding of guilt is made, but no conviction is registered and the young person is not given any conditions to follow. A **conditional discharge** is a court order whereby the young person will not be sentenced for an offence unless a further offence is committed within a stated time period.
- The **Referral Order** is only available when a young person pleads guilty, and can be made for a period between three and twelve months. The Order is directed by a panel of community volunteers who meet with the young person and their parent or carer, taking a restorative approach and agreeing a contract of work with them.
- A **Youth Rehabilitation Order** forms the next tier of sentencing options and is available on a second conviction if: the young person pleads not guilty in a Youth Court but is found guilty; or if the young person is sentenced in Crown Court for a first offence.

A YRO can be up to three years duration (though this can be extended) and can include a number of requirements, such as supervision, curfew, unpaid work, activities, exclusions, and specific offence-related programmes. Individualised packages are proposed to the court by the YOT in order to meet each young person's needs in terms of welfare and risk of re-offending.

- A **Detention and Training Order (DTO)** is the first level of custodial sentence. It can be between 4 and 24 months duration, and early release is available for DTOs longer than 8 months. Half of the term is served in custody, and the remaining part under supervision. For the more serious offences, there is the option of an extended sentence, where the judge at the point of sentence can order that the young person serve an extended period of supervision, an indeterminate sentence, or a life sentence with a minimum term of 12 years.

There are now very stringent criteria in place before a young person can be remanded into custody prior to sentencing. The [Legal Aid, Sentencing and Punishment of Offenders Act \(LASPO, 2012\)](#) created a single remand framework, and if the criteria are met young people are remanded to Youth Detention Accommodation which is funded by the local authority. Any young person who is remanded, immediately acquires looked after child status.

Key contacts and further information

If you need to contact the Leeds Youth Justice Service about a child or young person who is due to attend court, or if you have any other queries, you can contact the Leeds Youth Court based team on (0113) 378 2071, or leeds.yos.court@leeds.gov.uk

For more information about the type of work Leeds YJS delivers, there is a one minute guide.

For more information about the Youth Justice Board for England and Wales, visit their [website](#).