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The Youth Justice System of England and Wales

A short overview

In 1998 the Crime and Disorder Act changed the face of the Youth Justice System in England and Wales. The Youth Justice and Criminal Evidence Act 1999 also helped change the landscape of the Youth Justice System and introduced a radical new way of dealing with young people who have offended for the first time, the referral order. The Criminal Justice and Immigration Act 2008 introduced the Youth Rehabilitation Order to operate in accordance with the Youth Justice Board's Scaled Approach to interventions with children and young people.

The Aim of the Youth Justice System

Section 37 of the 1998 Crime and Disorder Act states:

It shall be the principal aim of the Youth Justice System to prevent offending by children and young persons.

All agencies and individuals working within the Youth Justice System are expected to work in partnership towards achieving this central aim. However, this must be read in the context of the Children and Young Persons Act 1933, section 44 which continues to make the 'welfare of the child or young person' the principal aim of the courts. This has not been repealed and sits alongside the 1998 Crime and Disorder Act.

The Objectives of the Youth Justice System

The six objectives set out by the Labour government of 1998 are:

1. ***The swift administration of justice so that every young person accused of breaking the law has the matter resolved without delay.***

In 1996, the period from arrest to sentencing of a young person took an average of 142 days. The uncertainty of a potential sentence being passed at some time in the future led to unnecessary stress being placed on young people, their family and friends. Many young people committed further crimes during this waiting period and, in turn, had to wait for these new offences to be processed. If found guilty, the sentence served by the young person was so long after the offence that it appeared meaningless to the young person and detached from their crime. Since 1998, all agencies working in the Youth Justice System have had a duty to work as quickly and efficiently as possible, although it is important to emphasise that this should not be done at the expense of ensuring that 'justice' is done in the eyes of the offender, the victim/s and the wider community.

2. ***Confronting young offenders with the consequences of their offending for themselves, their family, their victims and the community, and helping them to develop a sense of personal responsibility.*** It is important that young people take personal responsibility for their offences if they are to become less likely to repeat offending. In order to develop this personal responsibility, young people must see the effect of their crime on others, particularly the victim. This forms part of the ethos of restorative justice. Staff working with young people

should support them in taking responsibility for their actions and help them to work through the consequences.

3. ***Providing intervention that tackles the particular factors that put the young person at risk of offending (personal, family, social, educational or health), and strengthens 'protective factors'***. A vast number of complex contributory factors lead to a young person offending, therefore every young person needs an individually targeted intervention to tackle the reasons for their offending behaviour (risk factors), or to encourage those factors that prevent them offending (protective factors). This means that a wide range of interventions needs to be available to confront risk factors and to build on protective factors. Intervention should be provided on a statutory basis across England and Wales at an equally high standard and should reflect the nature and seriousness of the offence.
4. ***Punishment proportionate to the seriousness and persistence of the offending***. The Youth Justice System needs to be transparent and fair so that young people, victims, families and society in general can have confidence in it. Court responses need to reflect the seriousness of the offending and take all the relevant circumstances of the case into consideration.
5. ***Encouraging reparation to victims by young offenders***. Reparation denotes confronting young people who offend with the consequences of their crime and actively supporting them to take responsibility for their actions and to make amends. Reparation may mean apologising for a crime or doing something that goes some way to rectifying the damage. Victims are given the opportunity to participate in this process by helping young people to become aware of the consequences of the offence.
6. ***Reinforcing the responsibilities of parents***. Poor or inadequate parenting is a 'risk' factor that increases the likelihood of a young person offending. Parents and guardians play a key role in preventing young people from offending, but also in supporting them if they go through the Youth Justice System. Some parents/guardians need support and encouragement to carry out their roles and the *1998 Crime and Disorder Act* enables this support to be provided.

The Youth Justice Board of England and Wales

The Youth Justice Board of England and Wales was established on 30th September 1998 under Section 41 of the Crime and Disorder Act 1998.

The Youth Justice Board is:

- a non-departmental public body;
- sponsored by the Ministry of Justice
- accountable to the Minister for Justice.

The Youth Justice Board maintains and develops a Youth Justice System in which:

- the public has confidence;
- cases are dealt with without delay;

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- victims are satisfied;
- young people are dealt with fairly regardless of race, gender, religion, sexual orientation or any disability;
- services are targeted towards young people at high risk of offending;
- robust community penalties are used as alternatives to short custodial sentences;
- custody is used only as a last resort;
- families and local communities help to change the young person's offending behaviour;
- all services work in partnership;
- staff feel proud, engage successfully with young people and, if they wish, gain professional and academic qualifications.

Youth Offending Teams (YOTs)

At the heart of the concept of new youth justice provision are YOTs. They were introduced by the 1998 Crime and Disorder Act. The role of YOTs is laid out in the Crime and Disorder Act 1998, section 39 (7). These are:

1. to co-ordinate the provision of youth justice services for all those in the authority's area who need them; and
2. to carry out such functions as are assigned to the team or teams in the youth justice plan formulated by the authority.

In other words, it is the YOT's role to co-ordinate the provision of youth justice services within a local authority area.

Section 39 of the Crime and Disorder Act 1998 sets out the absolute minimum requirements for a YOT. It states that:

- each local authority must have a YOT;
- each YOT must be set up in conjunction with the local authority (social services and education), police authority, probation committee and health authority.

Each YOT must include at least one of the following:

- A local authority social worker
- A probation officer
- A police officer
- A nominee of the local education authority (LEA)
- A nominee of a health authority.

YOTs are also expected to work with other key services, such as youth services and education services, housing organisations, voluntary agencies and other non-statutory youth services. It is also a requirement that every YOT has a named accommodation officer who influences local housing strategies, ensures that young people being released from custody have appropriate accommodation, and that the housing needs of young people on community sentences are met.

Tasks of YOTs

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The YOT's overriding role is to provide a youth justice service for its local authority. Broadly, each YOT must:

- provide assessments and interventions (e.g. programmes of activities) for final warnings
- prepare court reports
- provide youth court duty cover
- manage all community and custodial sentences for 11-18 year olds
- manage all Parenting Orders
- provide an 'appropriate adult' service, i.e. an adult accompanying a young offender to the police station for interviewing etc. when the parent/carer cannot be present - as required by the Police and Criminal Evidence Act 1984 (PACE)
- carry out all operations with strict adherence to national standards as set out by the Youth Justice Board
- supply information and statistics regarding service delivery to the Youth Justice Board
- provide bail support and supervision
- provide information to young people who have been arrested, e.g. about legal advice, YOT services, court processes and the consequences of failure to attend reprimands and final warnings.