



Inspection of
Youth
Offending

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Arolygiad ar y Cyd Cyfiawnder Troseddol

Not Making Enough Difference: A Joint Inspection of Youth Offending Court Work and Reports

**A Joint Inspection by HMI Probation, HMI
Courts Administration, HM Crown
Prosecution Service Inspectorate**

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Foreword

A team of Inspectors visited six locations in England and Wales to assess how well children and young people (under 18) were being managed through the court process by the Youth Offending Team (YOT) and other staff - from the point of charge by the police to sentence. We were looking for a service that was not only timely but also good quality – enabling magistrates and judges to make the best possible decisions at all points in the whole court process.

The YOT role in court is complex and requires confidence, knowledge and considerable skills. It is the YOT's 'shop window', the place they put forward their professional view about what will best influence that young person to desist from offending, whilst acknowledging the need to protect the public and the individual's vulnerability.

We found many examples of good practice, but overall our view was that there was considerable room for improvement. Too much of the time, YOT staff were too passive, both in contacting defendants and their parents/carers before court, and on the day of court itself. Too often the reports for court that we read were of insufficient quality. Although some local variation in service can be desirable when the variations represent different ways of doing it well, what we encountered was that the work to 'make a difference in court' just wasn't being done well enough often enough.

Most of the improvements we recommend can and should be made locally, but we do also think that there is an 'enabling' role that would best be carried out nationally, such as to devise training packages that can be deployed locally to improve the skills of local staff.

In the meantime, regrettably, in our view the work we found being done in the Youth Courts did not represent best value.

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[HM Inspectorate of Courts Administration, which also contributed, ceased operations in January 2011, HM Inspectorate of Constabulary also contributed]

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Key Findings

- 1 YOT court workers were not fulfilling some aspects of their role in court. They were not engaging sufficiently with young people and their parents/carers or helping them understand what was happening. Often, contact wasn't made until either a report was ordered or the young person had been sentenced. Time in court was dominated by administrative tasks.
- 2 Not all courts had reliable and fast information communication technology facilities for YOT staff.
- 3 The Youth Justice Board and YOTs had reduced the number of young people remanded and sentenced to custody, but there continued to be important differences between YOTs. Some YOTs were not working proactively with other agencies to reduce the rate of remands in custody.
- 4 When remands or custodial sentences occurred there was scope for the processes used by YOTs and Prison Escort and Custody Services to be joined up. When young people were remanded or sentenced to custody YOT staff were not always sending essential documents to the Youth Justice Board Placement Service¹.
- 5 YOTs produced Pre-Sentence Reports and Breach Reports for the required court date (but generally not within the timescale prescribed by the National Standard). We did not see many expedited reports. It was disappointing that we found that the majority of reports were not of sufficient quality. Reports lacked analysis and did not always contain relevant information. Young people and their parents/carers were not consulted about the contents of the report.
- 6 Locally, in YOT Management Boards, there was evidence that strategic thinking about court work was taking place in some areas, but others were paying little attention to and showing a lack of understanding of the strategic importance of court work as the 'shop window' of the YOT. The reduced throughput of cases in the Youth Court offered an opportunity to review resources that was not being grasped. There needed to be more staff development including joint training.
- 7 Performance systems and data were not sophisticated or used to improve practice. Agencies were responding to problems individually rather than working together. This was particularly the case for assessing and managing vulnerability in the court setting, reducing the time young people spent in court cells and monitoring diversion from court.
- 8 At the time of the inspection the Youth Justice Board was the natural lead agency for YOT court work and reports. This work required a joint partnership approach. The Youth Court Issues Group² had provided some coordination and had the potential to facilitate better local services by improving the way central government departments worked together and disseminated good practice.

¹ See Glossary for more details

² The Youth Court Issues Group is a multi-agency advisory group hosted by the YJB. See Glossary for more details.

- 9 Although this work should be principally a matter for local delivery, a national focus can sometimes highlight what it is possible to achieve, and help to prevent local providers and 'customers' from becoming overly satisfied with indifferent provision. Nationally organised specialist core training packages can provide an efficient and cost effective way of improving practice (rather than 157 YOTs each developing their own).

RECOMMENDATIONS

Youth Offending Team Management Boards should ensure that:

1. All YOTs produce, implement and monitor a locally agreed joint strategy for court work and the production of quality reports for the court. This should incorporate, where applicable, plans to achieve the improvements outlined in this report. In particular:
 - a. to reduce the length of time young people are held in court cells,
 - b. to improve services to out of area defendants, Saturday courts and the Crown Court,
 - c. to improve facilities in courts so that YOTs, as a minimum, have access to a suitable interview room, information communication technology systems and telephone,
 - d. the provision of specialist training in court skills, report writing and relevant legislation, and
 - e. to reduce the number of young people remanded and sentenced to secure accommodation except where there are public protection concerns.

Local Safeguarding Children Boards should ensure that:

2. their work incorporates consideration of young people in the court setting and relevant personnel in the court agencies.

The Ministry of Justice or Youth Justice Board should take on an enabling role in helping to develop improved YOT practice in courts by:

3. organising the provision of specialist training packages for working in and with courts.

1. WORK PRIOR TO COURT

General Criterion:

All relevant agencies contribute to decisions about diversion and preparation for the young person and parents/carers attendance at court.

Specific Criterion:

1. Post PACE interviews - the police notify the YOT in a timely manner that a young person is to appear in court and relevant agencies are informed when the Police bail a young person to the court for their first appearance.

Findings:

Summary

It was important that YOT staff were aware at the earliest opportunity that a young person was going to appear in court. We found that although different systems were in place, generally the police notified the YOT when a young person was due to appear in court.

- 1.1.1 We found that in general the police informed YOTs about any young person who was at the police station and due to appear in court.
- 1.1.2 In Neath Port Talbot, for example, on a daily basis the YOT seconded police officers or trained administrative staff interrogated the police system and passed on details of all young people entering police custody. Another police force used the Police Electronic Notification to YOTs (PENY) system for transferring data from the police to the YOT.
- 1.1.3 In Kingston Upon Hull the triage system facilitated the process by having a YOT worker in the police custody suite. The police felt that since the introduction of this model the quality of information flowing between the police and the YOT had improved.
- 1.1.4 Occasionally, YOTs would receive information from appropriate adults who had been present when the young person was interviewed by the police. If all other channels of communication had failed, the court security staff would inform the YOT that a young person was in their custody.

Specific Criterion:

2. *Appropriate pre-court information sufficiently prepares young people and parents/carers for an appearance at court and is available and effectively disseminated.*

Findings:**Summary**

The first time a young person appears in court can be frightening and confusing for both them and their parents/carers. The period of time between a young person being charged at the police station and appearing in court could be a matter of days. We found that the YOT and other agencies were not involved during this period of time, unless, as in Kingston Upon Hull, YOT staff were working in police custody suites. The young person should receive a copy of the explanatory HMCS leaflet 'You have to go to Court' but HMCS, the police and YOTs were not clear about how often this leaflet was provided.

HMCS leaflet *You have to go to Court*

- 1.2.1 In March 2007 HMICA published a report entitled *HMICA thematic report of Youth Courts Implementation of the Youth Court Good Practice Guide 2001*. The first recommendation was *'that HMCS ensure appropriate pre-court information that sufficiently prepares young defendants and their parents/carers for an appearance at court is available and effectively disseminated'*.
- 1.2.2 A leaflet *'You have to go to court'* published by HMCS, was designed by an inter-agency group and sent to each police area in November 2008. It was printed in English and Welsh and was on the HMCS intranet in several languages. The leaflet was in a question and answer format and attempted successfully in our view to explain legal terms in short bulleted sentences. Copies were sent to HMCS Area Directors and YOTs. The Association of Chief Police Officers (ACPO) 'youth lead' wrote to police forces asking them to distribute the leaflet at the point of charge.
- 1.2.3 The police were aware that young people received standard literature when leaving police custody but they were not clear what this covered and how the distribution worked. YOT staff were equally unclear about the availability of the leaflet. In Kingston Upon Hull, under the triage system³, YOT staff working in the police custody suite were able to explain to young people about what would happen at court.
- 1.2.4 HMCS court and customer services managers had not recently checked whether young people were receiving the leaflet or if other agencies had copies to distribute.

Making It Count In Court (MICIC)

- 1.2.5 A joint YJB/HMCS document, *MICIC* emphasised the importance of preparing the young person for the court hearing, particularly as it may be the first time they have entered the criminal justice system. It specified that:
 - i. it was the YOT's role to ensure that the young person understood their rights with regard to legal representation;

³ A system where YOT staff are based in the police station. See Glossary for more details.

- ii. they had been given the leaflet *You have to go to court* and where necessary further explanation was provided;
- iii. parents/carers were informed about the importance of attending court;
- iv. the young person knew the date and time of the court hearing and how to dress and behave; and
- v. any specialist assessments were completed prior to the court hearing.

We would endorse this list, although we found that at present the YOTs we visited were not achieving any of the above actions.

- 1.2.6 These YOTs did not have a process in place for contacting young people and their parents/carers between the time they were charged at the police station and their first appearance in court. The only exception was if a triage arrangement was in place such as we found in Kingston Upon Hull. Contact with YOT staff before their court appearance was uncommon unless the young person was already on an order. Young people appearing in the Youth Court for the first time were dependent on their defence solicitors providing them with information about what would happen. One young person thought it would have been useful to know in advance what to expect in court and what types of 'punishment' would be considered.

Other pre-court preparation

- 1.2.7 We were told that Magistrates' Courts and Crown Court staff were willing to facilitate pre-court visits for young people and parents/carers but these hardly ever happened and it was not common practice for YOT staff either.
- 1.2.8 We did not see any leaflets about the provision of bail supervision and support packages for young people, except in relation to Intensive Supervision and Surveillance (ISS). Apart from in Oxfordshire YOS, we did not find a specific leaflet for young people or parents/carers that described the purpose of a PSR and the process for its preparation.
- 1.2.9 In several YOTs it was not clear what languages leaflets were available in. Oxfordshire YOS translated leaflets on a case by case basis if required, which seemed an efficient arrangement to us.

Specific Criterion:

3. Where relevant, opportunities for diversion from the criminal justice system are considered at court.

Findings:**Summary**

YOTs, the police and other agencies have a role in diverting young people who have committed less serious offences away from courts by the use of reprimands and final warnings. The vast majority of diversions occurred 'pre-charge'; but occasionally those cases for various reasons were brought to court. YOT staff should take the initiative, identify cases and take steps to divert them. There was evidence from our observation of court practice and in particular interviews with the CPS that relevant opportunities for diversion from the criminal justice system were considered in court. The number of diversions varied between courts and no agency was consistently monitoring levels with the result that most staff only had an impression of the numbers. In the main the CPS were driving this initiative rather than YOTs.

- 1.3.1 Where a case has proceeded to court and the CPS has decided that a reprimand or final warning can be justified, the matter would be adjourned for consideration of that proposal. The young person must have admitted that they committed the offence. We saw examples of diversions being agreed in Cannock and Oxford Youth Courts during our observations.
- 1.3.2 At the time of the inspection there was no consistent and coordinated monitoring of diversions from court by the CPS, the police or YOTs, and feedback processes that could drive improvement were underdeveloped. The CPS has subsequently introduced post-charge diversions as a national measure that is now included in their Performance Framework. Local managers may be held to account for results in the Quarterly Performance Review process.
- 1.3.3 There were several factors that influenced the number of potential diversions from court. If the police were not applying the final warning scheme 'gravity factor matrix' effectively, more young people could be charged who should have been eligible for diversion at an earlier stage. In another area the CPS explained that the most common reason for court diversions (which appeared relatively high in that area), was a lack of representation in the early stages leading to a 'no comment' interview or a failure to admit the offence. It was less likely that the CPS would accept a change of plea if the young person had been represented from the outset.
- 1.3.4 The Director's Guidance Streamlined Process (DGSP) was designed to reduce the number of documents that the police were required to produce in more straight forward cases that met set criteria. In some areas this led to the police taking an optimistic view of when a case might plead and allowed them to make the charging decision. In one area the CPS considered that this had created scope for more diversions being missed at the charging stage.
- 1.3.5 There was a CPS national *Looked After Children's Policy* which described what should be taken into account before a looked after child was charged with a criminal offence in a residential establishment. The main point of the policy was to ensure

that looked after children were not criminalised for behaviour that in a family home would not have resulted in the intervention of the police. Defence solicitors might make representations to CPS about diverting a looked after child, but the YOT were not usually involved in this specific process.

- 1.3.6 We were told by CPS staff in two areas that British Transport Police processed a number of young people for minor byelaw offences, for example, smoking on station precincts. These cases come straight to court without the YOT being aware of them. The CPS would normally cooperate in diverting some of these cases.

Specific Criterion:

4. A range of support/supervision services are offered including non-secure remands, commensurate with the likelihood of secure or custodial remand and in addressing objections to bail.

Findings:

Summary

YOTs should be striving to ensure that young people are only remanded in custody if absolutely necessary. One way they could contribute to this was by offering the court a range of bail supervision and support packages that addressed objections to bail. We didn't see a YOT court worker offering a bail package to a court. Only two YOTs prepared Bail Supervision and Support reports. Consequently, we had limited information to judge YOTs against this inspection criterion. We found that bail supervision and support packages were available but YOT staff were not always taking the initiative in court. We were told that a lack of suitable accommodation was increasing the likelihood of young people being remanded into secure accommodation/custody.

- 1.4.1 YOT staff would normally complete a Bail Asset assessment on the day the young person was in court. There were good working relationships between YOT staff and the CPS. They were able to discuss why bail had been opposed. If it was, they would find out what bail package or intervention could be offered to address any objections to bail and match the seriousness of the offence. If the offence was serious, a bail package could involve ISS. Under this option, the young person would receive a timetable for a week with up to 25 hours of different types of activity. YOT workers involved with ISS worked closely with either YOT court and/or Bail Supervision and Support workers.
- 1.4.2 Two YOTs produced Bail Supervision and Support reports for the court. Other YOTs normally provided a pro forma which described the bail package that was being offered to the court. In Oxfordshire and Neath Port Talbot there were dedicated Bail Supervision and Support Officers. In the other YOTs court officers would undertake the role. The use of Bail Supervision and Support Officers had made a difference to the rate of remands in custody in Neath Port Talbot but not in Oxfordshire (see Table 1 on page 21).
- 1.4.3 There were not many examples of bail supervision and support processes operating in the courts we observed, mainly due to the nature and length of the court list on the day, except in Witham Youth Court in Essex. It was therefore difficult to assess

whether bail packages were commensurate to the likelihood of a secure or custodial remand occurring. In Witham Youth Court we saw positive interaction between YOT staff and the CPS. The prosecutor was very clear about when bail would be opposed and negotiated proposals for bail packages with YOT staff.

- 1.4.4 Defence solicitors commented that YOT staff were effective in supporting constructive bail packages. They were generally positive about the engagement of YOT staff for subsequent bail applications following a secure remand.
- 1.4.5 From our survey the majority of sentencers felt that YOT court staff had addressed any concerns they had raised about bail applications. We return to this issue later in the report.

Issues with accommodation

- 1.4.6 Difficulties in securing suitable accommodation for young people who were at risk of a custodial remand were mentioned by a number of YOT staff. This was a particular problem for 17 year olds who had committed sexual offences or arson. We were told by YOT staff that young people had been subject to a custodial remand due to the lack of appropriate addresses.
- 1.4.7 The option to remand a young person to non-secure Local Authority Accommodation was available to the court and it was a duty of the Local Authority to place the young person. However, we were told that those who were remanded to Local Authority Accommodation were sometimes placed back at home, which was not what the court had intended. If the YOT's own accommodation officer had failed to locate an appropriate place, the YOT may propose a bail condition '*to reside as directed by the local authority*'. This had no basis in statute but was sometimes imposed by the court when no suitable address could be provided.
- 1.4.8 The relationship between YOTs and Children's Services varied even though it was clearly crucial when YOTs were attempting to find alternatives to a court ordered secure remand or a remand in custody. In one case, staff in Havering YOT, to their credit, persistently made representations to Children's Services until a suitable placement was found.
- 1.4.9 We were disappointed to find that bed and breakfast accommodation continued to be used. YOT staff acknowledged that it was far from ideal but there were no other options except a remand in secure accommodation or custody. A District Judge commented that occasionally bail supervision and support packages presented to him were unsatisfactory, mainly because the address proposed was bed and breakfast accommodation.
- 1.4.10 We observed that the sixth recommendation in *Safeguarding children The third chief inspectors' report on arrangements to safeguard children A summary* (2008) stated that local authorities should make adequate provision of safe, sustainable and supported accommodation and stop the use of bed and breakfast accommodation for care leavers and young people both at risk of custodial remand or returning to communities from custodial settings. We also noted that on the 20 May 2009 a judgment in the House of Lords (*R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents)* (2009) UKHL 26, known as the Southwark judgement) established that a young person aged 16 or 17 who is homeless and deemed a vulnerable person should be accommodated with additional

support under the Children Act 1989 rather than simply accommodated under the Housing Act 1996. However, if young people are housed under the Children Act, there is no statutory restriction on the use of bed and breakfast accommodation. In April 2010 guidance was issued by the previous Government entitled '*Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*' which clearly stated that bed and breakfast accommodation was not suitable for 16 and 17 year olds.

- 1.4.11 During 2011 HMI Probation will be undertaking an inspection of accommodation that is available for young people subject to the Police and Criminal Evidence Act 1984.

Specific Criterion:

5. YOT court staff undertake pre-court preparation, adequately supported by administrative staff and relevant documentation is produced and collated.

Findings:

Summary

If YOT court workers did not prepare well for court duty, time could be wasted and potentially positive outcomes for young people maybe missed. We found evidence of effective pre-court preparation for the YOTs' own cases. But in court, staff were less prepared for young people from other areas or those supervised by other YOTs.

- 1.5.1 The majority of YOT staff on court duty set aside time the day before, to go through all the paperwork and chase up any missing reports or any placement alert forms for young people at risk of receiving a custodial sentence. YOT workers tried to anticipate which cases could involve a request for a PSR, or the making of a referral order. Case managers provided written information to court duty officers about current cases that were appearing in court, but this practice was not consistent in every YOT.
- 1.5.2 In two areas HMCS staff mentioned a problem in receiving the correct paperwork for breaches.
- 1.5.3 In the majority of YOTs the administrator would prepare folders for each defendant appearing in court on a specific day and include all the paperwork. If necessary, they would contact other YOTs for information about out of area cases. However, we saw examples of YOT court workers who had not been briefed about a case.
- 1.5.4 There were varying degrees of administrative support at court. Those administrative staff who attended court usefully recorded case results directly on to the YOT information technology (IT) system. However, this could have been done by YOT court duty staff. We were not convinced that there were sufficient tasks for administrative staff to undertake at court.

2. WORK IN COURT PRIOR TO CONVICTION– Court Cells, Remands in Custody

General Criterion:

All relevant agencies contribute to minimising the number of episodes and the amount of time a child or young person spends in court cells/remanded in Local Authority care/remanded into custody where this is not justified by the *RoH* that the child or young person poses.

Specific Criterion:

1. The amount of time a young person is in court cells or other secure holding area is kept to a minimum and they are treated with appropriate respect and fairness, and in a way which acknowledges that they are a young person.

Findings:

Summary

All agencies at court should work together to reduce the time a young person spends in court cells. Whilst all agencies stated they were committed to this principle, in practice there were competing priorities that prevented this. From our observation of activity in seven courts we noted examples of young people being kept in court cells longer than was necessary. Improved access to video link facilities between courts and secure establishments could reduce the need for young people to spend time in court cells and provide a more cost effective option on some occasions.

There were a few examples of some custody staff demonstrating awareness of the needs of young people and responding sensitively.

Potential reasons why a young person spent longer than necessary in court cells before they appeared in court

2.1.1 Common reasons for a delay prior to a young person appearing in court were the availability of their defence solicitor and the competing priorities of listing cases. For example, one court dealt first with young people who were not in custody because they wanted to clear the waiting room as quickly as possible to reduce the risk of potential disturbances. Another court preferred to deal with guilty pleas first when the parent/carers were present. And in another, those in the cells were dealt with at the end of the day to retain the presence of custody staff and transport in case of further remands or custodial sentences. These examples demonstrate the legitimate and competing priorities that exist when scheduling court time, but we were not clear exactly what weight was given to minimising the time young people spent in court cells. CPS staff acknowledged that there was a shared understanding that young people in custody were dealt with first if possible but this was not regularly achieved in practice.

- 2.1.2 We did not observe YOT court staff making representations to legal advisers or ushers to move a specific case higher up the court list, although in one YOT staff felt that they were able to do this.

Potential reasons why a young person spent longer than necessary in court cells after they appeared in court

- 2.1.3 Reasons for delays after the young person was remanded or sentenced to custody related to processes around their placement in an institution and transportation. If the YOT did not have access to IT at court, staff could not take advantage of 'connectivity' between the YOT and the YJB Placement Service. Delays occurred when communication was via a fax machine which was often located in another part of the court building away from the office used by a YOT.
- 2.1.4 In three areas, HMCS staff and custody contractors mentioned delays caused by the YJB Placement Service taking a long time to issue a placement confirmation form. This document confirmed where the young person was going to be placed. The court needed to know this information for the completion of the warrant. We were told that waiting for the placement confirmation form could be, on occasions, over four hours from the time the young person was remanded or sentenced. In one case the young person was taken to the placement without the form, which was faxed to the court at 18:55.
- 2.1.5 The YJB Placement Service was aware of the criticism. They required 30 minutes just to contact or get through to a Secure Children's Home or Secure Training Centre. Some establishments insisted that they needed time to discuss whether to accept a young person. The Placement Service tried to minimise delays but their concern was in finding the most appropriate placement. To do this they had to be satisfied that they had received all the available information about the young person. The placement could then be made on the basis of maintaining family links and taking into account issues of vulnerability. One aspect of the process that other agencies found frustrating was that a new placement confirmation form was required even if the young person was returning to the same YOI and a bed had been kept for their return.
- 2.1.6 Another potential, although infrequent, cause of delay was rectifying inaccuracies in court warrants. If the court was not sitting, YOT staff would have to contact a magistrate or Judge outside office hours to correct or amend the warrant. If YOT staff were not properly trained and legal advisers were not familiar with legislation associated with young people, an inaccurate warrant could be the result. The risk of inaccuracies in a court warrant, though low overall, was more likely to occur with Saturday courts. In July 2008 the YJB issued a guidance note to YOTs and secure establishments about court-ordered secure remands and remands to prison custody. The guidance included a warrants checklist and examples of two types of warrant.
- 2.1.7 Once the placement confirmation form had been received there was a further 30 minutes to complete the warrant and 30 minutes to move out of the custody area, which meant the young person should leave court within one hour of the placement being agreed.

- 2.1.8 PECS staff did not cover satellite courts or courts that were used periodically unless requested by the court. In two such courts, HMCS staff would contact the contractor if a young person was likely to receive a custodial sentence to arrange for transport. Due to limited cell capacity at courts, on rare occasions defendants had been kept in the transportation vehicle for part of the day.
- 2.1.9 Court custody staff kept a detailed log of activity while the young person was in the court cell. Typically the record showed when the individual had arrived at court, when they were seen by their solicitor, the time they went in and out of the court and when they were released or collected. There was enough information to monitor the total amount of time each young person spent in a court cell. Apart from court custody staff no one was recording how long young people were in court cells and certainly there was no evidence that there was a concerted effort by all agencies collectively to minimise the time spent by young people in court cells and in custody-related transport, or to acknowledge that this was an issue that needed to be addressed.
- 2.1.10 YOT Management Boards were not aware that young people were kept in court cells for long periods of time because no one was reporting on this phenomenon. There was a perception by strategic managers and board chairs that YOT staff were successfully influencing the process, but this was not what we saw. YOTs tended to investigate why a delay had occurred after the event, for example raising the issue with a legal adviser or the appropriate manager in the organisation responsible for oversight of the court cells. If thought appropriate, the matter was referred to an interagency meeting.
- 2.1.11 One of the suggestions from *HMICA thematic report of Youth Courts Implementation of the Youth Court Good Practice Guide 2001 (2007)* was that 'HMCS work with the judiciary to review and clarify the rules in relation to the use of prison video links for pre-trial hearings in the Youth Court'. A national officer felt strongly that an increased use of video links in appropriate cases would reduce transportation costs and the time young people spent in transit and court cells.
- 2.1.12 It was difficult to establish how many times prison video links were being used for young people. The data available was for adults and juveniles and was not separated. A number of HMCS staff mentioned that prison video links were limited in terms of the institutions that were covered and the availability of time slots. In three courts video links were never used in the Youth Court, despite concerns being expressed about the long distances that young people had to travel. Although we did not specifically ask staff about the use of video links, it was occasionally mentioned. The exception was Swansea Crown Court where staff informed us that they had tried to make good use of video link facilities with Her Majesty's Prison Young Offender Institution (YOI) – Parc. It could avoid young people coming to court before the trial date, but the link was only available on Friday afternoons and if all parties were available.
- 2.1.13 We note that in the recent Green Paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* (December 2010 Cm 7972) the Government indicated its intention to build on existing arrangements for prison to court video links to improve efficiency. Increasing the usage of prison to court video links is now a priority for HMCS and the YJB.

- 2.1.14 Transportation to and from court was not within the scope of this inspection except in terms of how it had affected the time young people spent in court cells. For financial reasons, transportation for those young people sent to YOIs was organised like a bus route (rather than a taxi service) combining collections and drops at various institutions and courts. If a court was at the end of a route, young people would arrive at and leave court late. The number of people being transported on any given day was another factor.
- 2.1.15 Institutions varied in the time when prisoners could be collected in the morning, which meant that arriving at court for a 10am start was not always practicable, particularly if the institution was many miles away. After court, adult prisons would only receive prisoners up to a certain time in the evening, but YOIs had no such restrictions; therefore priority was given to the delivery of adults rather than young people. Consequently, young people spent longer in transit and arrived later which affected the ability of YOI staff to properly settle them and deal with Safeguarding issues before they were locked up. It was left to the contractor to plan how to manage collections and drops on a particular day in the most efficient way but they had to take into account the welfare of young people when making decisions. It was not clear how this was measured. We had concerns that the decommissioning of some YOIs could have led to longer journey times resulting in an overnight stay in a police cell. We were also informed from three different sources that mixed transport was used, carrying both adults and young people, males and females.
- 2.1.16 A joint letter from the YJB and HMCS in 2010 to HMCS Area Directors, Justices' Clerks and YOTs and referring to juvenile defendants attending court from places of custody asked recipients to consider a number issues; for example, listing and prison video links, to minimise the time young people have to spend in court cells. The letter was circulated after the fieldwork for the inspection was completed, so we do not know whether it has improved local practices.

The treatment of young people in court cells

- 2.1.17 The evidence we gathered about the treatment of young people in court cells was based on interviews with young people and relevant staff. Most of the time we were shown the court cells when they were not in use. On the days we observed court practice there were two courts where young people were held in court cells. The extent of our evidence is therefore limited, since such remands were relatively infrequent.
- 2.1.18 There were only three young people we interviewed who had experienced being in a court cell. One was in the cell for about five hours. On a second occasion, although he had been sentenced early in the day, he had to wait for transport and did not leave the court until five in the afternoon. In the other two cases both were dealt with before lunch.
- 2.1.19 Those who had been held in court cells had been treated well, offered food and drink and both the security and YOT staff had enquired about their welfare. A wide range of meals and drinks was normally available.
- 2.1.20 We found that the condition of cell areas and cells was generally satisfactory. In one court the cell was not clean. Where possible, young people were separated from adults. In cases where there were concerns about potential self-harm, young people

were placed in those court cells which allowed custody staff to undertake a constant watch over them.

Specific Criterion:

2. All relevant agencies work towards reducing the number of young people remanded in secure accommodation/custody.

Findings:

Summary

In recent years the YJB and YOTs nationally had successfully achieved a reduction in the number of young people in custody. Considerable variations in the rate of remand between YOTs persisted.

The YJB

- 2.2.1 The YJB had provided a sentencing data toolkit to individual YOTs, local authorities, Youth Court Panel Chairs and magistrates about offences, sentences, remand/custody data and reoffending figures (see Table 1 for custodial remand data for the YOTs we inspected – the numbers in brackets were the actual number of young people remanded in custody and the rate of remands as a percentage of the total number of court episodes). For the seven YOTs we inspected the rate of custodial remands in 2008/2009 ranged between 4.3% to 10.6%.
- 2.2.2 YOTs were encouraged to use the toolkit with chairs of Youth Court Panels with the intention that it would stimulate discussion about the rates of remand and custody in their area compared to other part of the country. The YJB hoped that locally action would be taken to address any disparities. We did not find any direct evidence that the toolkit had been used. In one area a Youth Court Panel meeting in October 2009 discussed the sentencing data toolkit. Magistrates continued to believe that they only used custody as a last resort. Their view was that high custody rates were more common in cities and urban areas because offences were more serious. The sentencing data toolkit had less impact for this particular Youth Court Panel because the YOT covered more than one court. Data for each court as well as each YOT would have been useful.

Table 1 Rate of Custodial Remands - YJB April 2010⁴

| YOT | 2006/2007 | 2007/2008 | 2008/2009 |
|--------------------|------------------|------------------|------------------|
| Kent | (95) 3.8% | (66) 4.1% | (95) 6.3% |
| Essex | (65) 4.8% | (62) 5.5% | (53) 5.9% |
| Kingston Upon Hull | (103) 11.8% | (71) 9.8% | (57) 10.6% |
| Staffordshire | (26) 2.5% | (26) 3.2% | (28) 4.3% |
| Oxfordshire | (22) 3.5% | (26) 5.6% | (26) 6.2% |
| Neath Port Talbot | (19) 7.6% | (11) 5.3% | (8) 5.1% |
| Havering | (12) 5.9% | (12) 8.6% | (18) 9.0% |
| National | (6,360) 6.2% | (5,663) 5.5% | (5,504) 7.7% |
| Convictions | 9,388 | 9,002 | 8,024 |

2.2.3 The final row in Table 1 refers to the number of young people aged between 10 and 17 receiving their first conviction processed by English and Welsh police forces⁵. For some of the YOTs we inspected and nationally, as the total number of young people convicted and remanded in custody reduces, and the throughput goes down, the rate of remands in custody goes up. YOT staff we interviewed had noted that more complex and serious cases were dealt with by the court; consequently it may be increasingly difficult for YOTs to reduce the proportion of young people remanded in custody. It would be wrong to read too much into minor changes in the figures on an individual YOT basis as the figures are small. For example, a serious offence committed by several young people can skew the remand figures for a small sized YOT.

2.2.4 We note that in the recent Green Paper '*Breaking the cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*' (December 2010 Cm 7972) the Government noted that although custodial sentences for young people had been reducing, the use of custodial remand had not been falling at the same rate. The complexity of the current remand legislation for young people was acknowledged. The proposal to simplify the present legal framework and create a single remand order for 12-17 year olds will, in our view, assist YOT court staff and other court users carry out their day-to-day business and help focus attention on reducing custodial remands.

The role of YOTs

2.2.5 YOTs were sometimes a lone voice when raising the issue of reducing the number of young people who received custodial remands or were sentenced to custody. One YOT tried very hard to engage other agencies with this issue but there was a belief

⁴ Although figures for 2009-2010 are available, the statistical methodology used to collect this data has now changed and as a result it is not possible to undertake any trend comparisons. We have therefore not included them in this table.

⁵ (*Youth Crime: Young People aged 10-17 receiving their first reprimand, warning or conviction 2000-2001 to 2009-2010*, Ministry of Justice Statistics Bulletin, October 2010).

by magistrates and others that the historically higher use of custody was acceptable because of the serious nature of offences committed by young people in that area. In all the places we inspected, HMCS staff and sentencers stated that custody would only be used as a last resort.

- 2.2.6 *National Standards 2004* stated that YOT managers were responsible for the development of an integrated remand management strategy for their area. The majority of YOTs had remand and bail management procedures but not remand management *strategies*. YOTs were taking steps to try to reduce custodial remands but often without involving HMCS staff and sentencers.
- 2.2.7 In Oxfordshire YOS it was noted by the YOT Management Board that custodial remands had increased between April and June 2009. A paper on the circumstances of each case where a young person received a custodial remand was produced. Despite action to increase the use of bail supervision and support packages with ISS, the rate of custodial remands continued to increase for July to September 2009.
- 2.2.8 The YOT Manager and Chair of the Management Board in Kingston Upon Hull had been concerned for some time about the disproportionate use of custody by the court despite previous efforts to tackle the issue. In 2009 a consultant was commissioned to produce a report on how the rate of custody could be reduced. More robust community sentences as alternatives to custody were recommended and there was recognition that the courts should be represented on the Management Board. At the time of the inspection it was too early to judge whether the implementation of the recommendations had made a difference.
- 2.2.9 Staff involved with the provision of Bail Supervision and Support packages were not clear whether their YOT had a remand management strategy, if there were local objectives or targets or what the team's current rate of custodial remands was. They had a general awareness that the overall aim was to reduce the number of custodial remands and they felt their contribution to this aim was on a case by case basis. The majority of YOTs had a weekly meeting to review their remanded population, to discuss any vulnerability issues and reassess those cases in custody for future bail options.

Specific Criterion:

3. Relevant staff are aware of the vulnerability and Safeguarding issues, including the risk of self-harm by young people produced from and remanded or sentenced to custody. These issues are assessed, appropriate management plans implemented with prompt, accurate communication to relevant staff.

Findings:**Summary**

Courts were places where a variety of defendants and others were brought together, including those who were vulnerable and those who may exploit the vulnerable. Young people who offend, particularly those who have offended with an adult, were potentially vulnerable. No agency had thought in any depth about Safeguarding issues that might occur in the court setting. Safeguarding incidents at court may be few in number but it was not safe for agencies and professionals to rely on an assumption that others will take whatever action was necessary.

We found that YOT staff were clear about their role regarding Safeguarding and vulnerability when young people were remanded or sentenced to custody. However, there was an unacceptably high number of missing documents that should have been sent by YOTs to the YJB Placement Service. YOT staff were not making a formal contribution to Person Escort Records (PERs). There continued to be confusion about who was responsible for young people remanded to secure Local Authority Accommodation when they were at court waiting for transport.

The role of YOT staff

- 2.3.1 We examined the minutes of three consecutive Local Safeguarding Children Board (LSCB) meetings from each area. Normally the YOT was represented but CPS attendance was less consistent. There was little evidence that the YOT representative had made a significant contribution. The main business of these meetings was serious case reviews. There was no evidence in the information provided of any Safeguarding issues related to young people appearing in court being raised.
- 2.3.2 YOT workers, custody officers and legal advisers were confident that they were actively communicating with each other in court about vulnerability and potential risk of self-harm issues. Although the CPS was not directly involved they were aware that YOT staff would assess the vulnerability of young people who were at risk of a custodial remand.
- 2.3.3 One of the most common scenarios where Safeguarding issues could arise was when a young person appeared as a co-defendant with an adult. The assumption of the majority of YOT staff was that in this scenario any Safeguarding issues would have been picked up before the court hearing, through checks on the Police National Computer (PNC), with probation or on Children's Services' databases. This was a reasonable assumption. If any concerns arose during the court hearing they would be referred to Children's Services.

- 2.3.4 Mental health/substance misuse workers in Essex YOS and Havering and Neath Port Talbot YOTs attended court and, if required, carried out assessments. Essex YOS and Neath Port Talbot YOT had developed a 'health custody assessment'. The form was devised to record assessments undertaken in court cells. The assessment was shared with custodial placements and PECS staff and it ensured ongoing treatment was arranged quickly if required. It was also used as evidence for the YJB Placement Service when, for example, requesting a specific placement within an institution with healthcare. In one case a very distressed young person was seen by a CAMHS worker who carried out an assessment which contributed to the young person being placed in a Secure Training Centre rather than a YOI, because it was more suitable for them.
- 2.3.5 The attendance of YOT staff at the Crown Court was, in the view of managers and staff, sufficient to ensure that Safeguarding was addressed in that setting. Assessing the vulnerability of young people appearing in the Crown Court from outside the area was often a challenge for YOT staff due to what they considered to be the poor quality or absence of documents from the out of area YOTs.

The role of HMCS and sentencers.

- 2.3.6 HMCS staff were to some extent reliant on YOT workers to identify and deal with Safeguarding issues in the court setting, although one legal adviser mentioned they would contact Children's Services if necessary.
- 2.3.7 HMCS staff and sentencer's perspectives of Safeguarding was in relation to young people in court cells, the criminalisation of looked after children in residential care (which was outside the remit of this inspection), ensuring that bail addresses for young people were suitable and encouraging parents/carers to attend court for those young people who were 16 or under. In some court buildings, the facilities existed for separate waiting areas for young people and adults. Where appropriate, Magistrates' Courts aimed to schedule Youth Court hearings on days when no or few adult cases were listed to be heard. Ushers were expected to keep young people separate from adults if this could be arranged within the court building.
- 2.3.8 The District Judge in Essex was confident that YOT staff ensured he knew about any welfare issues pertaining to young people. Magistrates were able to describe what they would do if they had concerns, for example about the suitability of bed and breakfast accommodation. A Chair of a Youth Court Panel mentioned a case where magistrates were so concerned they referred the matter to the LSCB.

Probation staff in the Crown Court

- 2.3.9 All probation staff referred to their own Safeguarding procedures which did not specifically cover issues that may arise in the court setting. If probation staff witnessed an incident in court, their common response was to investigate, make enquires and alert either security staff/police or Children's Services according to the nature of the incident and contact the YOT officer, if the YOT was involved. In normal circumstances they assumed that YOT staff would inform them about any Safeguarding issues before the young person appeared in court and that a representative of the YOT would be present at the hearing.

Person Escort Records

- 2.3.10 Person Escort Records (PER) were booklets completed when young people were transported from police custody suites or from a YOI to the court. The front cover consisted of basic details and a photograph of the young person if available. Each booklet contained four sections, a risk indicator sheet, escort handover details, and two sections of history and record of detention and escort events. A section consisted of four different coloured pieces of carbon paper. The white copy was retained in the booklet and always followed the person being escorted. Other coloured copies were detached and kept by officers when dispatching or receiving the person. It included information about suicide and self-harm, communication and language difficulties and medical/mental health issues.
- 2.3.11 If a young person appeared in court by summons or police bail and was then remanded in custody, court custody staff would complete a PER. At that stage it would only contain limited information. A copy of the Bail Asset was not given to court custody staff and details from it were not transferred to the PER. We thought it would be helpful if the YOT worker directly completed parts of the PER or contributed formally. We found that YOT workers would inform court custody staff verbally if there were any issues of self-harm.
- 2.3.12 In two areas we were told of disappointingly incomplete PER forms. For example, in one case the court custody officer had completed a PER form to indicate that there was a risk of self-harm. When the young person was later collected from the same YOI a new PER form indicated there was no known risk of self-harm. Although standard PER forms were introduced in 2009, in one area three different forms were being used by the police and prison establishments. At Thanet Youth Court custody staff described Kent Police PER forms as excellent, containing full information on any vulnerability issues.

The management at court of young people remanded to secure Local Authority Accommodation

- 2.3.13 The *HMICA thematic inspection of Youth Courts Implementation of the Youth Court Good Practice Guide 2001* (2007) recommended that 'for young people remanded or sentenced to local authority secure accommodation, HMCS clarify responsibility for the young person whilst waiting for escort from the court, and ensure that its responsibilities are consistently met'. Arrangements remain unclear.
- 2.3.14 In cases where young people were remanded into secure Local Authority Accommodation, transport was arranged by the YOT. Despite an amendment to the national contract to ensure that court custody staff continued to have charge of the young person until transport had arrived, there were three courts where staff believed this task was not covered by the contract. In those courts, YOT staff or sometimes a police officer would sit with the young person either in court, in the YOT office, in a hallway or in a secure cell or custody area, until the transport arrived. In two different courts we were told of instances where the young person had escaped. In one court, the contractor was clear that custody staff did look after young people remanded to secure Local Authority Accommodation but YOT and HMCS staff working in the same court did not think this was the case. We were told by national officers from NOMs that there was conflicting legal advice about whether

custody staff under the PECS contract should be in charge of young people in court who had been remanded to secure Local Authority Accommodation and that the matter remained outstanding.

The YJB Placement Service

- 2.3.15 The main purpose of the YJB Placement Service was the appropriate placement of young people sentenced or remanded into prison custody and the management of transfers across the estate. For those young people made subject to a Court Ordered Secure Remand, the YJB Placement Service provided local authorities with vacancy information and, if required, advice and guidance on the most suitable placement available. For these the Local Authority has the placement authority. On a typical day there would be between 70 and 100 remands or sentences to custody, which included re-remands. Approximately 40 new notifications were received each day.
- 2.3.16 The placement process involved the YOT court worker completing and sending various forms to the YJB Placement Service. The main forms were:
- i. the Placement Alert Form completed when a YOT worker assessed that a custodial placement was likely to be required. For example, if the court had requested that the PSR should address 'all options' - which may be an indication of a likely custodial sentence. The Placement Alert Form was sent to the YJB Placement Service usually 24 hours before the court hearing.
 - ii. The Post Court Report (PCR) was completed *after* the young person was remanded to secure accommodation/custody or sentenced to custody. The YOT worker would normally interview the individual in the cells and include any salient points; for example, their reaction to the sentence, in the PCR.
 - iii. The Asset and PSR should also be sent to the placement service within 24 hours of the young person being remanded or sentenced to custody.
- 2.3.17 There were three main methods of communication between YOT staff and the YJB Placement Service. The quickest and most efficient method was the use of (direct electronic) connectivity, followed by secure email and lastly faxes.
- 2.3.18 We were told by the Head of Operations for the YJB Placement Service that about 95% of YOTs have connectivity, but actual usage was as low as 55% (particularly for new admissions). There were great variations between YOTs in the usage of connectivity. Some YOTs hardly used this at all. The majority of the YOTs we inspected used connectivity.
- 2.3.19 The YJB Placement Service would immediately let the YOT know if any documents were missing. Managers and staff in the YOTs we inspected were confident that they were sending the necessary documentation via the YJB Placement Service to institutions, which was necessary to ensure young people were safeguarded. However, data supplied by the YJB Placement Service for each of the YOTs we inspected compared with figures for England and Wales for that month were illuminating. Using the total figure for all seven YOTs, one-third of Placement Alert Forms and two-thirds of PCRs were missing. This compared with one-quarter of

Placement Alert Forms and just over half of PCR's for England and Wales. For England and Wales and the seven YOTs, 16% of Assets were missing. During the period January 2009–March 2010 for England and Wales there was a gradual decrease in the number of forms (Placement Alert Form, Asset and PCR), that were missing; however, it was still unacceptably high.

3. WORK IN COURT PRIOR TO SENTENCE

General Criterion:

The needs of young people, parents/carers are taken in to account in the court setting. Knowledgeable and proactive YOT staff provide a good quality of service in court.

Specific Criterion:

1. Innovative, differentiated and appropriate services are offered in court settings that match local needs.

Findings:

Summary

The provision of innovative and differentiated services by YOTs in court is a challenge in a legal environment dominated by rules and procedures. From our observations of court duty, the majority of tasks undertaken by YOT court staff were routine, process driven and predominantly mechanistic in nature. There appeared to be little room for creativity or innovation. We did not see any services that matched particular local needs, for example, based on the ethnic and cultural profile of the local population or responding to specific issues such as the misuse of specific drugs. The HMCS staff of all the courts we visited tried to make adjustments for the diversity of young people by offering differentiated and appropriate services in the court setting.

Innovation

3.1.1 We were disappointed that we did not find many examples of innovative practice by YOTs in the courts we visited. The most innovative practice we found was in Staffordshire YOS where pre-court planning meetings at Cannock Youth Court were facilitating the business of the court on the day. In Essex, Havering and Neath Port Talbot specialist workers would attend court and carry out assessments as appropriate.

Differentiated and appropriate services

3.1.2 Young people appeared in less formal court rooms in order to enable more engagement and eye contact. However, some sentencers had mixed feelings about how informal a Youth Court should be. They wanted the court to have appropriate authority and for the experience to be memorable for the young person.

3.1.3 All Judges and HMCS staff we interviewed told us that in the Crown Court adjustments were made for youth cases. They mentioned prioritisation of cases, and the use of smaller courtrooms (which were less daunting). Wigs and gowns were not worn by Judges and barristers, and young people were not seated in the dock if possible.

- 3.1.4 HMCS staff were confident that the YOT or defence solicitors would notify the court about any special needs the young person had, including arranging interpreters to attend. However, we did not see any mechanisms in place to assess the needs of young people appearing in court for the first time, for example, young people with learning difficulties that could impact on their ability to understand what was happening in court.
- 3.1.5 If a young person appeared in an adult court, we were told attempts would be made to use youth trained magistrates or the case was adjourned until the next Youth Court day. The legal adviser would be responsible for the treatment of a young person appearing in an adult court. In cases of young people appearing with adults, if all defendants were pleading guilty, the case would be split between the Youth and adult court.

Good Practice Example:

In one Youth Court YOT staff were actively discussing arrangements for allowing a vulnerable 12 year old defendant to enter the courtroom by another entrance and wait in a separate waiting area to avoid media attention. In another Youth Court a case was scheduled for later in the morning to take into account travelling time.

Specific Criterion:

2. Suitable facilities are available in court for YOT staff to maximise their impact.

Findings:

Summary

To operate effectively in court YOT staff needed office interview space and access to IT and a telephone. The availability of these facilities was, to some extent, dependent on the age and type of building used by the court. Facilities available to YOT staff in court varied considerably and not all YOT court staff had Information Communication Technology (ICT) or office space.

- 3.2.1 In three YOTs an administrator was present at court - situated in the YOT office, inputting results directly on to the YOT ICT system. Dates of Youth Offender Panel meetings (for referral orders) or for appointments with PSR writers were infrequently known or given to young people or their parents/carers. In most cases people were told that someone would be in touch. However, in Kingston Upon Hull we were pleased to see that when young people received an order they were asked to report to the YOT on the following Monday for an induction. The Chair of the Youth Court Panel thought this initiative had reduced the number of breaches.
- 3.2.2 In four YOT court offices there was a photocopier, printer and fax machine. A range of leaflets were normally available. In only two YOT court offices was there access to resource material, in particular legal guidance notes for technical queries. YOT court officers tended to phone the office and speak to a manager if they needed an answer to a difficult question rather than use reference material on site.

- 3.2.3 A lack of access to ICT in one court meant that YOT court staff were involved in convoluted communication systems with their office. Consequently, delays occurred when making arrangements for the placement of young people either remanded or sentenced to custody.
- 3.2.4 The working relationship between YOT staff and probation staff in court was crucial because interview room space was at a premium. Arrangements for sharing facilities with probation were normally verbally agreed rather than in writing. This sometimes resulted in fraught situations and unhelpful competition for the use of space.
- 3.2.5 HMCS staff acknowledged that facilities in some court buildings were stretched. They tried to satisfy all users' needs; however, sharing office and interview space was the norm. Two YOTs were prepared to finance the installation of IT systems at court which had been approved and supported by HMCS.
- 3.2.6 YOT staff who attended Crown Courts would normally use probation interview rooms and facilities.

Specific Criterion:

3. The YOT and all court users/agencies communicate effectively with each other in order to facilitate the efficient and appropriate management of criminal cases involving young people on the day of hearing.

Findings:

Summary

YOT court duty staff should be spending their time in court trying to achieve the best outcomes for young people and the community. Their time in court should be balanced between the use of their professional skills and knowledge of working with young people who offend, and completing administrative tasks. We found that the job of YOT court duty officer was dominated by process and staff had adopted a mechanistic approach to the work. Their engagement with parents/carers was limited. There was some evidence of good communication between court users. When parents/carers did not attend court, various methods were used by the court to ensure they attended next time.

The purpose of court duty

- 3.3.1 After observing practice in seven courts we questioned whether YOT court staff fully understood the purpose of court duty and their role in court. The general approach of staff appeared to be to prioritise the bureaucratic part of their job at the expense of time spent on professional engagement with young people and parents/carers.
- 3.3.2 Like others we interviewed we felt that best practice was usually achieved when there was a clear focus on what court staff were trying to achieve. 'National Standard 6: Work in Courts' (effective from 30 November 2009) stated what court staff should do but not why they should do it or what they were aiming to achieve. When observing court duty we had no sense that YOT staff were trying to make a difference. 'Chapter 6. The YOTs role in court' in MICIC was more helpful although

half the chapter covered preparation for court duty which was largely administrative with less detail about the main purpose of the YOT worker in court.

The number of YOT court duty staff in court

- 3.3.3 When observing court practice in the Youth Courts we noted that the number of staff on court duty often exceeded the amount of work that needed to be done especially when very few stand down reports were being prepared at court. In our view, in the majority of Youth Courts there was at least one more person on court duty than was needed to do the work. One YOT acknowledged there were too many staff in court and that service provision was being reviewed. However, 88% of sentencers in our survey indicated that YOT court staffing levels were sufficient to provide appropriate information to aid decision making.

Sentencers and YOT court duty staff

- 3.3.4 There did not appear to be a link between the location of the YOT in the Local Authority structure, for example, whether in Children's Services or Community Safety, and the quality of their relationship with other criminal justice agencies, such as HMCS or CPS.
- 3.3.5 All court users and sentencers preferred the same YOT court staff to be on duty every week. A number of sentencers would have liked the YOT to provide progress reports on the young people they had sentenced. Generally, sentencers were positive about the service they received from YOT staff in court. However, there were examples of sentencers identifying court staff who, in their view, did not provide a good service. In our sentencers survey there were several comments about new staff in particular not having sufficient knowledge or skills.
- 3.3.6 We did not always see PSR feedback forms submitted to sentencers. In one court the YOT worker forgot to give them to sentencers at the time the reports were submitted.

CPS and YOT court duty staff

- 3.3.7 Youth Courts started to hear morning cases at 10:00am. YOT staff arrived at court at different times which had an impact on others. In one court the CPS would have preferred YOT workers to arrive at court earlier than 9:40am to discuss the day's list and potential custody cases. In Cannock Youth Court a joint meeting of CPS, YOT staff and the legal adviser was taking place at 9:30am. YOT and CPS staff in one court were positive about a meeting they held together at 9:45am to discuss cases. However, on the day we were in court all we observed was that the CPS handed over bundles of documents to the YOT without any discussion. Overall, CPS staff were content with the amount of interaction they had with YOT staff in court.

Other court users and YOT court duty staff

- 3.3.8 There was limited evidence of YOT staff making representations about the order of cases, which appeared to be driven mainly by the availability of defence solicitors.

- 3.3.9 A defence solicitor commented that it was difficult to develop a working relationship with YOT court staff when they changed every few months. Another defence solicitor complained that he was never sure which YOT court officer to speak to in court about his cases.

YOT court staff engagement with young people and parents/carers at court

- 3.3.10 We rarely saw YOT court staff engaging effectively with young people and parents/carers in the waiting area, and only occasionally in the court. We would expect the YOT court worker to introduce themselves before the court started (clearly wearing a badge with the name of the YOT, their name and title); describe what will happen in court, and show them a diagram of the court layout, explaining some of the terminology the court may use. They should ensure that both young people and parents/carers feel able to ask them questions at any time. One parent/carer commented that whilst YOT workers were clearly present in court not everyone introduced themselves and she had not always been kept informed about when her child's case was likely to be heard. In another court we saw court staff updating young people at various times about the court process.
- 3.3.11 YOT court workers sometimes used obscure and unclear language when talking to young people and their parents/carers. For example, we observed one YOT court worker in the court waiting room using words such as 'reparation' 'restorative' and 'Scaled Approach' and at one point asked whether 'they had any diversity issues'.

Young people appearing at court without a parent/carer

- 3.3.12 The Magistrates' Association were concerned that YOTs did not make enough effort to get parents/carers to court. We did not find any procedure in place to encourage this. However, there were examples of triage workers in Kingston Upon Hull or YOT court duty staff contacting them before the court hearing, but this was an ad hoc arrangement.
- 3.3.13 In some courts, young people appearing without their parent/carer happened quite regularly. In the context of the individual circumstance of the parent/carer, the court may require them to be present at all stages of the case, particularly if the young person was under 16. The court could issue a summons or warrant although we were told a letter was sometimes sent. Whatever the method used parents/carers usually responded and attended the next hearing.
- 3.3.14 A Justices' Clerk mentioned the difficulties the court had in dealing with the cases of looked after children, particularly looked after children who were from outside the area. Often they were not accompanied by a social worker or foster carer and there was usually no care plan available. When they appeared at court on the first occasion often the local YOT that served the court did not know anything about them.

Youth Courts covering more than one YOT

- 3.3.15 One Youth Court that we observed covered the work of the YOT we were inspecting and also had a significant number of cases from a neighbouring YOT. It was clear

from our observation of YOT staff in court that they were not familiar with the services or programmes offered by the other YOT. In one case, for example, the YOT court officer informed the court that the young person who had been in contact with the other YOT had completed YISP⁶ which he 'thought was a diversionary programme'. In addition, court staff did not have any updates about the cases of young people from that YOT. This was very frustrating for defence solicitors and magistrates. In another court the YOT officer appeared to distance their self from involvement in an out of area case. They informed the court that any future queries should be directed to the outside YOT and then left the court while the magistrates were asking the young person and their parents/carers about their progress with the present court order.

The Crown Court

- 3.3.16 It was positive to hear that Kingston Upon Hull Crown Court were prioritising all young people. They aimed to achieve a first hearing within seven days and a trial hearing within six to eight weeks. The only exceptions were very serious or complex cases. Swansea Crown Court operated similar timescales for youth business and would move fixtures to ensure that youth cases were prioritised and timeliness achieved.

The role of ushers

- 3.3.17 Ushers were the first point of contact at court. The ushers we interviewed were aware that in the Youth Court in particular they needed to be approachable, deal with any concerns and provide information. In their experience young people did not like to be kept waiting. They were also alert to any tensions between groups of young people from different areas. They would tell security staff if they felt there was likely to be potential conflict. In one area ushers had not received specific training for dealing with young people other than an instruction not to put them in the dock.

Good Practice Example:

In Staffordshire a pre-court meeting in the Youth Court occurred at 9:30. The CPS, legal adviser and YOT court staff went through the case list. The meeting was led by the legal adviser. Any queries were ironed out and issues raised about individual young people. CPS would give an indication about the direction of cases particularly for those young people appearing for the first time.

⁶ Youth Inclusion Support Panel

Specific Criterion:

4. The YOT provides trained, knowledgeable and skilled staff who provide effective services to the courts within its geographical area, including Saturday/bank holiday cover and the Crown Court.

Findings:**Summary**

YOTs should be providing fully trained, knowledgeable and skilled staff to work in courts. We found that job descriptions did not adequately represent the tasks associated with court duty. From our observations at court and comments from HMCS staff and sentencers, the standard of court duty was variable. YOT managers' observation of court work was inconsistent. Joint training with other agencies was unusual. Arrangements to cover Saturday and the Crown Court were in place. Sometimes there were difficulties with the management of court cases for young people from outside the area.

Job descriptions for YOT court duty staff

- 3.4.1 Youth justice services agreements covered court duty services and described the duties and tasks of the court duty officer. We seldom found a description of the purpose or general role of the court duty officer. Agreements mainly consisted of a list of tasks or processes that the YOT court officer was expected to complete. One exception was in Staffordshire where the role of court duty officer was given a status in relation to the court. The agreement stated that the:

'Court Duty Officer is regarded as an official and integral part of the Court proceedings...'

- 3.4.2 Most job descriptions were generic with only one sentence that described the person's role in court. In one YOT a key task for three grades of staff was to:

'Act as court officer' in another 'make verbal representations in court including stand down reports.'

- 3.4.3 Two job descriptions were more detailed describing what the person was required to do:

'To represent the Havering Youth Offending Team at the local Youth Court and attend Crown Court, when necessary. This will include assessments of young people in custody (pre- and post- sentence), presentation of information to magistrates, Crown Prosecutors, defence solicitors and other court professionals. Liaison with other Youth Offending Teams, other service providers, the Youth Justice Board, transport agencies and custodial facilities.'

In Kent, the job description for a YOT Officer, under main duties and responsibilities stated:

'Assist in the preparation of paperwork for the Youth Court, attend under the direct supervision of the Court Officer as the Youth Offending Service representative and present reports on behalf of colleagues, ensuring that processes and decisions are accurately recorded in accordance with departmental and legislative requirements.'

- 3.4.4 YOT court staff thought that the court was aware of their role and responsibilities and some staff were clearly proud of the service they provided. Not all sentencers had a full understanding of the YOT staff's role in court.

Knowledgeable and skilled YOT court staff – our observations in court

- 3.4.5 In court, experienced YOT staff were paired with less experienced staff. In our view, even those experienced staff lacked sufficient specialist or technical knowledge of the law. The legislation for remands and bail supervision and support work was complicated. Training was not available for this complex area of work except in Essex.
- 3.4.6 We observed a number of YOT staff with a range of knowledge and skills who provided varying degrees of service to the court. YOT court staff in Essex were well prepared, confident and knowledgeable about changes in legislation. When requested, they offered reliable guidance to the court about certain types of orders.
- 3.4.7 In other courts we witnessed examples of incorrect or inaccurate information being given to the court. In one case the court had sentenced a young person to a reparation order. The YOT court officer mistakenly thought the court could not make this order under the new sentencing framework. In another case the YOT officer was not sure whether a current supervision order should be revoked when a new one was made.
- 3.4.8 The YJB produced detailed practice guidance in relation to the legal aspects of the Criminal Justice and Immigration Act 2008, which included the YRO. The guidance was available on the YJB website from August 2009. The Youth Justice Interactive Learning Space (YJILS), a web based training platform, was created by the YJB in partnership with the Open University. It enabled practitioners to access a training package about the YRO. More in-depth training about the YRO was delivered by the YJB during 2009 to two or three selected staff from each YOT who were then expected to 'cascade' the content of the training they received to their colleagues. From our observations of court practice it was apparent that despite having had training and guidance about the YRO, YOT court staff were not as knowledgeable and confident about the new legislation as they should have been. This may have been partly due to a gap of several months between YOT staff receiving the training and the first time a young person was actually sentenced to a YRO.
- 3.4.9 YOT staff in court were generally prepared for any questions from sentencers about individual cases but occasionally they did not have key facts to hand. In one case, a defendant appeared for new offences and was already subject to a community punishment order. The YOT had not checked how many hours were outstanding on the current order which was the first question the bench asked. We felt this question could have been anticipated and planned for – as would most questions relating to performance on current orders.

Knowledgeable and skilled YOT court staff – HMCS staff and sentencers views

- 3.4.10 HMCS staff in Essex noted how YOT court staff had developed over the last three years. They felt they were prepared, willing and proactive and they had acted on feedback from sentencers.
- 3.4.11 Other HMCS staff and sentencers thought that YOT staff were helpful, experienced, well trained and skilled but the general view was that the level of service they received from YOT staff in court was variable.
- 3.4.12 In three areas HMCS legal staff commented on YOT workers' lack of legal knowledge particularly in relation to breach procedure, for example, "*No one knows how to put together a summons for breach of order*" was one comment.
- 3.4.13 In another area HMCS staff particularly criticised YOT court workers who, in their view, had not prepared sufficiently for court duty and exhibited a lack of interest: they had neither read reports, nor conducted background checks, nor were they ready to answer questions about a young person's response to previous orders. HMCS staff in other areas mentioned a lack of preparation specifically in relation to 'out of area' cases.

The role of YOT operational managers responsible for courts and joint training

- 3.4.14 Several YOT court managers and staff were not clear about how they could improve services to courts and the quality of their reports. Staff did not have relevant objectives in their appraisals for court work and report writing.
- 3.4.15 The majority of YOT operational managers who had a responsibility for courts said they observed staff in court; however, this was not always corroborated by court staff. In Essex, we confirmed that YOT court staff were observed and they received feedback based on a set of court competencies. In another YOT, the manager observed court practice but it was not formally recorded or structured.
- 3.4.16 We think it is important for YOTs to ensure that the court is satisfied with the standard of their court duty staff. In one YOT, staff were removed from the court duty rota because of feedback from magistrates.
- 3.4.17 YOTs' contribution to magistrates' training at Youth Court Panel meetings was widely valued. However, joint training or inter-agency training with YOTs, HMCS and sentencers to improve the quality of work of YOT court staff did not happen very often. In one area the YOT had invited magistrates to attend their training on presentation in court. In Neath Port Talbot YOT a bench training event had taken place at the YOT office where each staff member had delivered a presentation about aspects of the work of the YOT. Open days in Essex and evening liaison meetings in Neath Port Talbot were other ways YOT staff and sentencers would meet.

Arrangements for Saturday courts

- 3.4.18 There were various arrangements to cover Saturday courts. HMCS staff confirmed in all the areas we inspected that Saturday courts were covered. In one YOT cover was provided by a rota of volunteer YOT practitioners. In another YOT the Bail

Support Officers provided cover and in another cover was shared with other adjoining YOTs. Finally, one YOT used the Children's Services Emergency Duty Team.

- 3.4.19 The CPS in one area commented that YOT staff were not in a position to offer any structured programmes for Bail Supervision and Support until the following Monday or the next Youth Court day. We would not expect, as it states in *National Standards for Youth Justice Services 2009*, that the YOT should provide a full range of services at a Saturday court as they would at the Youth Court on a weekday. In our view, a service that would help prevent unnecessary custodial remands should be available on a Saturday.

YOT staff and the Crown Court

- 3.4.20 The YOTs' relationship with Probation Trusts was mainly at a strategic level. A senior manager from probation was a member of the YOT Management Board. There was very little joint training involving YOT and probation staff although there were a number of potential subjects where YOT staff could gain knowledge and skills, for example, working in an adult or the Crown Court or even report preparation. The probation staff we interviewed would have also liked some training or materials about the YRO and Scaled Approach.
- 3.4.21 YOTs were not seeking feedback from the judiciary about their reports or the service they provided in the Crown Court. Judges did not have direct or formal contact with YOTs except where YOT staff attended Crown Court User Groups. One Judge had attended a YOT presentation on intensive fostering. Several Judges attended the Youth Court Panel meetings, which was another opportunity for interaction with YOT staff.
- 3.4.22 Probation staff in the Crown Court expected YOT officers to undertake the same role as them, which was to present reports, answer questions in court, see the young person after sentence and have all the necessary paperwork available. Although YOT officers in the majority of cases fulfilled this role satisfactorily we were told about a small number of examples of YOT officers who had passed notes to probation staff rather than answered the Judges questions directly. Other YOT staff were not familiar with court etiquette, or they 'dressed inappropriately'.
- 3.4.23 Generally probation staff felt that the arrangements in place to cover the Crown Court were sufficient, although two YOTs in our inspection sometimes struggled to send a YOT officer. There was a reliance on colleagues in probation who worked in the Crown Court to let the YOT know if there were any issues for their attention. YOTs acknowledged there was a gap in communication.
- 3.4.24 The YOTs we visited had protocols with their relevant Probation Trust. The protocols mainly covered the transfer of cases, victim contact work and unpaid work arrangements. PSRs were mentioned in relation to the preparation of reports on young people nearing their eighteenth birthday. Arrangements for YOT staff providing a service to the Crown Court were mentioned briefly if at all. In the Essex protocol it was clear that the attendance of a YOT staff member at the Crown Court was required if a young person was sentenced to custody. The Senior Probation Officer who managed the Crown Court in Essex confirmed that overall YOT staff attended the Crown Court as required, even for cases from outside of the county.

- 3.4.25 Two YOTs had cross-border cooperation protocols or cross-boundary protocols with other YOTs, usually within a region. In both, the expectation was that staff from the YOT where the child and young person lived and was supervised, should try to attend courts, particularly the Crown Court.
- 3.4.26 We were concerned to hear that some YOTs had refused to send their staff to the Crown Court outside of their area when young people they were supervising were due to appear. At the very least they should liaise with the YOT that staffed the Crown Court; we were told that sometimes even this did not happen.

The YJB Placement Service

- 3.4.27 If no YOT worker was at court and a potential remand or sentence of custody of a young person was likely, the YJB Placement Service would attempt to get a YOT worker to attend. In their experience this was more likely to happen at a Saturday court or at the Crown Court. During the 12 month period April 2009-March 2010 the YJB Placement Service logged seven instances when YOT staff were not present in court (nationally, in any court). The YJB Placement Service thought it was likely the actual number of instances had been under-reported. Also there were examples where no assessment information had been provided by YOT staff who had seen young people in court from another area.

Good Practice Example:

In Essex YOS when young people who were appearing in court were already supervised by the YOS, case managers had completed written updates to provide a current picture of their engagement, compliance and issues. Up to date information was provided to the court avoiding further delays and possibly removing the need for adjournments. In Oxfordshire YOS staff had been proactive and anticipated that reports may be requested. They had completed update letters to the court, with the intention of avoiding adjournments. On the day we were observing in court one letter was used as the basis for sentencing. In two other cases, where an update letter had been submitted, the bench felt further information was required and adjourned for PSRs.

Good Practice Example:

Essex YOS had identified a list of court competencies under the headings of knowledge, organisational, communication and assessment skills. Each competence was evidenced by direct court observation, supervision, court training events, court feedback forms and quality assurance. A further column headed training and development needs described action to enable a member of staff to achieve a particular competence.

Specific Criterion:

5. Steps are taken to ensure the young person understands what is happening and what is being said throughout the court process.

Findings:**Summary**

We expected to see YOT court staff engaging with young people in court to help them understand what was being said. However, in practice we found that YOT court staff did not play a significant role. On the other hand, magistrates tried to ensure that young people understood what was happening in court.

The role of YOT court staff

- 3.5.1 Not all young people and parents/carers had understood what had taken place in court. One parent/carer felt that YOT staff could have been more active in court and kept them informed about what was happening. One young person remembered people in court introducing themselves but that was all.
- 3.5.2 After being sentenced most young people remembered being given a leaflet about the order they had just received, and/or the YOT worker explaining what the rules were and what happened if they failed to attend appointments.
- 3.5.3 We did not see YOT staff referring to the Communication Trust booklet *Sentence Trouble* which was written for YOTs and others to help improve their understanding about communication with young people, particularly those with communication needs. There was also no evidence of a screening process for young people to identify learning disabilities, learning difficulties and communication difficulties. The lack of a screening process was highlighted in the *HMICA thematic inspection of Youth Courts Implementation of the Youth Court Good Practice Guide 2001* (2007) and the Prison Reform Trust report *Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children* (2009) Overall, we considered that YOT staff in court could have done a great deal more to help young defendants and their parents/carers to understand the court process.

The role of magistrates

- 3.5.4 In the majority of courts we observed, magistrates tried to explain to the young person what was happening in court. The Magistrates' Association acknowledged that some magistrates had requested more training with regard to communicating with young people. In their *Youth Court Panel Protocol* issued in February 2010 a whole section was devoted to engagement with young people and there was an emphasis throughout the document about providing an explanation and checking that it had been understood. In Havering and Oxford Youth Courts when a young person appeared for the first time magistrates ensured that all personnel in the court introduced themselves and explained what their roles were.

- 3.5.5 The seating position of YOT workers in court sometimes hampered communication and the overall building layout and courtroom design occasionally did not facilitate this. In the Youth Court at Kingston Upon Hull we were pleased to see a diagram of the court layout in the waiting area.
- 3.5.6 There were several examples where courts were warned about difficulties the young person may have in understanding what was happening before they came in to the court. For example one young person had attention deficit hyperactivity disorder (ADHD) which may have impaired their ability to concentrate during the proceedings.

Good Practice Example:

In Kent a legal adviser would read the oath or affirmation and ask the young person to repeat each phrase where literacy was an issue, rather than asking them to read a card.

4. REPORTS FOR COURTS

General Criterion:

Sentencers and other relevant court users are provided with timely, good quality reports and/or information to assist in bail/remand decisions and sentencing.

Specific Criterion:

1. *Effective arrangements are in place for the provision of a range of reports.*

Findings:

Summary

Effective arrangements were in place for the provision of Pre-Sentence Reports (PSRs), although we did not see many Specific Sentence Reports (SSRs) or stand down reports. Breach reports were available. Bail Supervision and Support reports were only prepared in Kent and Neath Port Talbot. We did not see any parenting order reports or individual support order reports. Reports had been almost always produced for the court within the timescale required by the court even when this was outside the (shorter) timescale set by the National Standard.

Timeliness of PSRs

- 4.1.1 The National Standard set the timeliness of PSRs, which sometimes meant that a report should be completed earlier than the relevant court needed it in practice. Whilst the majority of reports were completed within the National Standard timeframe there were a significant number (45%) which were not, because the court had adjourned for a longer period. This may have been partly attributable to the Christmas and New Year holiday period and some places had been affected by adverse weather. There was a noticeable difference between reports written on offences committed on or after 30 November 2009 (75% completed within the National Standard timeframe) and those which preceded that date (35% completed within the National Standard timeframe). There was a significant difference for Crown Court reports, 92% of which were outside the National Standard, but again this was due to the longer period before the court actually sat. In almost all cases reports had been produced for the required court date which was confirmed by sentencers in our survey.
- 4.1.2 We did not see many examples of appointments for PSR interviews being given to the young person before they left court. This was disappointing. Instead, young people and parents/carers we interviewed confirmed that they were told to wait for a letter.
- 4.1.3 PSR writers were preparing on average two PSRs a month. Generally they felt they had sufficient resources to complete quality reports on time, and we concur with this.

- 4.1.4 In our survey, sentencers were numerically overwhelmingly positive about the quality of court reports, including breach and oral reports, and told us that the vast majority were supplied within the required timescale. Nevertheless, there were several specific criticisms. For example, there were a small number of comments about YOT workers not being keen to undertake reports on behalf of absent colleagues. Nearly all respondents to our survey felt that they had sufficient information to aid the sentencing process when they were considering imposing a YRO. Most did not know whether YOTs employed quality assurance or monitoring processes for court reports, although 87% stated that the YOT actively sought feedback from sentencers. As will be seen further below, we did not share the sentencers' positive assessment of the quality of the reports that we read.
- 4.1.5 The CPS mentioned there were delays in the provision of reports from other areas, sometimes because the young person had not cooperated. Defence solicitors received PSRs in good time, usually at court, unless the reports were from another YOT.
- 4.1.6 The time the reports arrived at court varied. In one court the reports were not submitted until 10:00am and in another court the magistrates had read all the reports before 10:00am.
- 4.1.7 A small number of HMCS Crown Court staff commented that reports were not always timely. Reports were required a day before the hearing for Judges to read. Occasionally a report would arrive in the morning of the hearing which was close to causing an adjournment.

Obtaining documents for the preparation of PSRs

- 4.1.8 Kent and Essex YOSs did not have any problems obtaining prosecution papers. The bundles were passed to YOT court staff. In another YOT, due to a change in police processes whereby they no longer provided sufficient copies of documents, YOT court staff borrowed the CPS files and photocopied them at court, which was time consuming. The streamlining process for prosecution papers meant that PSR authors did not always have access to witness statements or victim impact statements. The YJB was clear that PSR writers should have access to them as they were 'very important'. In one, YOT victim information was difficult to obtain partly because the police had cut a victim liaison officer post. In Havering YOT the summary of the case (referred to as the MG5) was the main document they received. Previous convictions were obtained via the seconded police officer in the YOT. Neath Port Talbot YOT were trying to gain access to closed circuit television coverage of the offence in certain cases for their PSR writers.

Good Practice Example:

In Neath Port Talbot we were pleased to note that when a young person was remanded in custody it was YOT practice, wherever possible, to offer to the court to complete a report in a week.

Good Practice Example:

Within the protocol between Oxfordshire YOS and Children's Services it was clearly stated that social workers were empowered to share information with the YOT that may be relevant to preventing a young person offending under Section 115 of the Crime and Disorder Act 1998. This facilitated PSR writers access to crucial information for court reports.

Specific Criterion:

2. Expedited reports are informed by an assessment based on an interview with the young person, their parents/carers and information from the CPS about the current offence.

Findings:

Summary

The introduction of the Scaled Approach and the need to prepare a full assessment using Asset was seen by YOT staff as a barrier for the provision of stand down reports. Providing an adequate and up to date assessment had been completed we could see a role for expedited reports in some circumstances. We judged the overall quality of just 1 out of the 11 expedited reports to be of sufficient quality.

- 4.2.1 The normal period of time the court adjourned for the preparation of a PSR was three weeks (unless the young person was designated a 'Deter Young Offender' (DYO) then the adjournment would be for two weeks). As alternatives to a full PSR, there were two types of expedited reports: a stand down report prepared on the day in court, and a SSR requested by the sentencing court in consideration of a specific sentence. SSRs could be completed on the day, or exceptionally within five working days. Normally, both stand down reports and SSRs should be based on an Asset that was not over three months old. Expedited reports have a place in the repertoire of service offered by YOTs to the court, particularly when the case is suitable for a fine, conditional discharge or reparation order.
- 4.2.2 The YJB believed that there would continue to be stand down reports following the introduction of the YRO and Scaled Approach. We were told by staff in the YOTs we visited that there had been a reduction in the number of stand down reports, mainly due to a generally held view that the introduction of the Scaled Approach and YRO would inevitably require the completion of a full Asset, which would not be possible to prepare on the day at court. In one YOT, court staff used an Asset checklist to enable them to prepare stand down reports on what was seen as 'straight forward' cases. In another, YOT staff prepared a full Asset at court and typed stand down reports were presented to the court.
- 4.2.3 One YOT noted that magistrates were keen to use stand down reports rather than adjourning for a PSR, but there had been some staff resistance. In two other YOTs lack of access to ICT and interview rooms in court meant the preparation of stand down reports was severely restricted. In another YOT stand down reports were avoided and if they were requested staff required permission from a manager to complete them. The court was aware of this approach and accepted it. HMCS staff

and sentencers' comments confirmed that the use of expedited reports was not frequent, although the facility was available in most areas.

- 4.2.4 We did not see any stand down reports prepared during our observation of court practice, but we did see a court turn down an offer by a YOT court officer to prepare a report on the day. In contrast, in another court, we thought a case could have been dealt with by using a stand down report and the YOT court worker agreed, but had not offered this service to the court.
- 4.2.5 There were varied responses from YOT managers about the expectation of their staff to undertake expedited reports. Most YOT Managers acknowledged the courts' emphasis on timeliness and the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative and the potential increase in the number of expedited reports that may cause. Yet, in contrast, Essex YOS was considering asking for six week adjournments for more complex cases; for example, when an assessment for a YRO with an education or mental health treatment requirement was being considered by the court. In this inspection, although we judged that the quality of the majority of PSRs prepared in three weeks was insufficient, we were very doubtful that a longer period of time to prepare a report would necessarily mean a better quality report.
- 4.2.6 In the Crown Court probation staff could not give any examples of a report being provided by the YOT on the day. Sometimes a report was produced in a shorter period of time, two weeks rather than three. One District Judge did not think expedited reports were appropriate for young people.
- 4.2.7 We were able to examine just 11 expedited reports across the six YOTs. We interpreted this as an indication of how rarely such reports were requested. In practice, courts did not really recognise the difference between SSRs and Stand down Reports. Where we examined expedited reports, they had generally been carried out on a stand down basis. We judged the overall quality of just 1 of the 11 expedited reports to be of sufficient quality, even allowing for them being expedited reports.
- 4.2.8 Only two reports included an analysis of the offence as distinct from a description. In two cases where there was some evidence of racial motivation or aggravation, this had not been sufficiently analysed. We judged the quality of the information and analysis of *RoH* and *LoR* to be insufficient or poor in all but one instance.
- 4.2.9 There was at least a clear single proposal for sentence which was logical in the majority of reports. Where the proposal was a YRO, we judged the proposed level of intervention to be appropriate.
- 4.2.10 Nevertheless, we considered that most of the reports were not of sufficient overall quality, indeed, the style, grammar and presentation was insufficient in just under half the reports. This was even allowing for the fact that these were expedited reports.

Specific Criterion:

3. Reports are provided promptly and assist the court in reaching a decision. Reports are produced and distributed in accordance with the relevant national standards, are of a good quality and have proposals which are appropriate and commensurate with the seriousness of the offence and are effective in influencing the outcome.

Findings:

Summary

It is the job of the report writer to help the sentencer to understand why the young person has committed this offence at this time and to give an opinion on the best way to reduce the likelihood of offending in the future. In a large number of reports these professional tasks were not done well enough. What we found were overly long reports filled with description, irrelevant information and very little analysis. With a few exceptions, the quality of PSRs and Breach Reports was insufficient or poor.

PSRs

- 4.3.1 Reports should be adding value through assessment and analysis so that sentencers know more about the case after a three week adjournment for the preparation of a report than they did before. This makes the PSR both essential and crucial and it was evident that sentencers valued being able to order and receive such reports. It was for this reason that the report writer must bring the young person 'to life' through the written word. The contents of a report should be relevant, focused and personalised.
- 4.3.2 To write a good quality PSR requires knowledge and a range of skills. These include interviewing and assessment skills, particularly in relation to *RoH*, *LoR*, and Safeguarding, an ability to analyse and identify offending patterns, writing and communication skills, ICT skills, and being able to influence sentencers with cogent and robust arguments for specific proposals. The knowledge required includes criminal law, child development and behaviour, diversity and disability and how to make provision for them, criminology, current relevant research and effective practice as well as keeping up to date with any changes in the law and in practice.
- 4.3.3 We inspected 115 PSRs, of which 24 were prepared for the Crown Court. Assets had been prepared for all of them.

Format

- 4.3.4 Although there was a nationally prescribed format for PSRs, most of the reports we inspected (82%) did not follow this. Furthermore, sometimes the report structure was electronically 'tied' to the structure of the Asset, or even the text itself was taken straight from the Asset electronically. A legal adviser mentioned that there had been criticism from two magistrates about the layout of the reports but the YOT had explained that they had no choice. One Youth Panel Chair commented that there was too much reliance on ICT generated reports which were formulaic. However, these problems with report format were not our greatest concern.

Sources

- 4.3.5 PSR writers were generally able to access sources of evidence for the preparation of reports. Information obtained from other agencies, where applicable, was included in PSRs as follows: the CPS 94%; ETE providers 70%; Children's Services 80%; mental health services 62%; and previous assessments 87%. In two YOTs, Children's Services were identified as being 'difficult' or 'protective' about the information they would share with the YOT worker. In some areas the practice was to clearly bullet point sources of information, but in others we found sources much less transparently identified, which did not help us (and presumably sentencers) to understand what information had actually been verified.
- 4.3.6 In more than three-quarters of the reports we inspected, report writers had taken into account the views expressed by the court about the seriousness of the offence. Reports hardly ever contained the terms 'serious enough' for a community order or 'so serious' that custody could be considered, the reference to the court's view of seriousness was often implicit. For example, it was in the form of an acknowledgement that the court had requested an 'all options' report. The YJB had hoped that since the introduction of the YRO, courts would be more specific about the type of sentence they were considering, leading to more focused report requests, but we did not see evidence of this happening in practice.
- 4.3.7 Where the PSR was incorrectly identified as an 'all options' report, there were a number of potential consequences. Firstly, report authors would complete a Pre Placement Form and submit it to the YJB Placement Service just in case the court decided to sentence the young person to custody. Secondly, the report writer would sometimes include every possible sentencing option in the report, many of which were not relevant to the case. If courts avoided the term 'all options' and when appropriate referred to an offence as 'serious enough' for a community sentence, report writers would not waste their time completing Pre Placement Forms and addressing unnecessary sentence options in their reports.
- 4.3.8 Where the court had indicated that the offence was 'so serious' that a custodial sentence would be appropriate, report authors had rightly considered appropriate alternative sentences in 64% of reports prepared for the Youth Court, and 85% reports for the Crown Court. A custodial sentence was more likely in the Crown Court, due to the more serious nature of the offences, and so it was important that report writers addressed appropriate options.
- 4.3.9 The young person had been interviewed in 96% of the reports that we looked at. On four occasions it was not clear from the report that the young person was specifically interviewed for its preparation. In 82% of PSRs there had been no home visit carried out for preparation of the report and there were a significant number of parents/carers who had not been interviewed. Together with the absence of other sources of information in some reports, this led us to question whether sufficient evidence had been gathered in order to undertake the assessment.
- 4.3.10 *National Standards for Youth Justice Services* 2009 states that a copy of the PSR should be provided to the young person and their parents/carers. *Case Management Guidance* 'Section 2: Work in courts' suggested that before a report was provided to the court it should be shared with the young person and their parents/carers and that they fully understand the contents and proposal.

- 4.3.11 There was evidence that reports prepared for the Youth Court had been explained or discussed with the young person in just over one-quarter or parents/carers in 10% of cases. (This was better in Crown Court cases where over half had been discussed with the young person and over one-third with their parents/carers.) Most young people interviewed did not remember discussing the report with the report author prior to the date of the court hearing or being given a copy. Those that did remember found that their experience of YOT staff going through the report with them was mainly positive.
- 4.3.12 We found that it was not the practice of any of the YOTs to provide copies of the report to young people and their parents/carers or to make time to go through it with them. The first sight that they had of the report was at court on the hearing date. At this point it was often solicitors who went through the report with them.
- 4.3.13 A quick run through with a solicitor on the day of the court hearing is not, in our view and in the view of most of the practitioners and managers to whom we spoke, satisfactory. Further, it is not a skilful way to engage young people and their parents/carers in a successful partnership with the YOT. Given that there was agreement on this it was disappointing that it was not an embedded part of the process, especially when some individual practitioners were following this practice.

Good Practice Example:

In Kingston Upon Hull a young person and their parent had been invited into the office to read the report before the court date. The mother had been unable to attend so a copy had been sent to her in the post and followed up with a telephone call.

Good Practice Example:

In Oxfordshire we saw, within Sources of Information:

'Peter has co-operated in the preparation of this report. I have met with Peter; we have looked at the report together and he understands the contents and the consequences of non-compliance.'

Offence Analysis

- 4.3.14 Analysis of the offence, as distinct from a description, had not taken place in the majority of the reports. Often the section contained a lot of description and context but no analysis. Conversely, we saw reports where authors gave no detail of the offence, merely stating that the account of the young person concurred with that of the CPS. Some report writers seemed to rely too heavily on the young person's version of events and did not question what often appeared to be implausible explanations. All of this reflected very disappointing practice.
- 4.3.15 Sometimes it could be difficult to offer an analysis of the offence – such as when there was a not guilty plea or the young person claimed that they could not remember the offence due to misuse of alcohol and/or drugs– but writers should have made use of prosecution papers and made more effort to analyse in a step by step approach the sequence of events leading up to the offence.

- 4.3.16 PSR writers confirmed that they included the young person's behaviour while subject to bail supervision and support packages in PSRs; however, we did not see an example of this in any of the reports we inspected.
- 4.3.17 Most reports made reference to a young person's previous offending but most did not adequately cover the response to previous sentences and detail any work carried out or progress made. In some reports we saw long, overly detailed, lists of previous convictions and sentences which added nothing to the report and potentially obscured important information.
- 4.3.18 An analysis of patterns of offending or behaviour was often absent. For example:

'Peter is a young man who has been known to the Youth Offending Service for previous offences. The Court will be aware that he received a Final Warning for Theft on 11/09/00 for Shoplifting. On 29/10/00 at Anywhere Youth Court Peter was made subject to a 6 months Referral Order for two counts of Fraud (making false representation to make gain). Peter was convicted of Theft, which was committed on 1/11/00 at Anywhere Juvenile (sic) Court and he was given an Action Plan Order. This indicates that the offence was committed only two days after the imposition of the Referral Order. Peter's Previous PSR indicates that his Case Worker challenged him about his offending behaviour and his disregard for the Referral Order. His assessment was that Peter may not have wholly realised the consequences of his behaviour and was more likely to have been influenced by his peers. Peter appeared at Anywhere Juvenile Court On 12/01/00 and this time he was convicted of Burglary and Theft (Non Dwelling) which was committed on 11/11/00 and Criminal Damage which was committed on 18/01/00 and 21/01/00. He received a 12 hour Attendance Centre Order and a 3 months Curfew Order with an Electronic Tag. Peter received another 12 hour Attendance Centre Order for Theft (Shoplifting) on 18/02/00, which was committed 14/02/00. Peter failed to comply with the Attendance Order (sic) and he was breached by this court on 18/11/09. The Order was allowed to continue, and he was fined £25. On 12/03/09 Anywhere Juvenile Court made Peter subject to a 2 year Supervision Order, along with a 3 months Curfew Order with Electronic Tagging for handling Stolen Goods on 01/03/09.'

Overall, too many reports were long on description, and short on analysis.

Good Practice Example:

In Oxfordshire we found the following:

'Lily successfully completed her Referral Order and Action Plan Order, and tasks including victim awareness and empathy, reparation work on issues surrounding being a victim, writing a letter of apology to the victim and a visit to a charity for victims of brain injuries, and has completed work on anger management and assertiveness. As Lily's supervising officer for her Action Plan, I can confirm that she engaged well during supervision sessions and complied with all aspects of her Order. She demonstrated good insight into her behaviour, and I believe that she was motivated to make changes.'

- 4.3.19 In the majority of reports where there was a direct victim there was no reference to victim impact statements. Sometimes this was because there had been no

statement taken by the police or this may have been partly attributable to the implementation of the DGSP process whereby the police provide less information at the outset of a case when a guilty plea was anticipated.

- 4.3.20 Information relating to the impact of the offence on the victim can only be taken from prosecution papers and from victim personal statements which have been available to all parties in the case. Any additional information about the impact of the offence on the victim should not be included in the report because it would not have been available in advance to the defence to enable them to question it and may influence the court when sentencing⁷. Therefore, where we saw some examples of YOT staff obtaining information directly from victims about the impact of the offence which was included in the PSR, this was wrong.
- 4.3.21 The CPS in one area felt that YOT reports were one sided when discussing the offence, they only included the defendant's view so it was often necessary to make sure the bench fully understood the victim and prosecution version. A Youth Panel Chair thought that reports were not always fully balanced and were written from the defendant's viewpoint. This person also thought that report writers often did not recognise that the court had to consider the risk to the public as well as to the young person.

Assessment of the young person

- 4.3.22 In our opinion the inclusion of 'appropriate and relevant information' in reports was not sufficient in 56% of reports. In some there was not enough information and in others there was too much irrelevant detail. We saw some 'cutting and pasting' from Asset. This was not necessarily a bad thing, but it was often the cause of overlong reports which obscured or overlooked more important information and lacked analysis. We saw reports that detailed the young person's favourite television programmes, included information on his father's previous offences and sentences and talked about a sibling's disabilities. Reports were too often repetitive, rambling and confusing.
- 4.3.23 The maturity of a young person in relation to their ability to understand the seriousness of the offence and its consequences and to carry out the proposed sentence was not addressed sufficiently in the majority of reports and in some was not considered at all. The lack of consideration of age, child development and adolescence was so distinct in some reports that they could have been written about adults.
- 4.3.24 We judged that diversity issues (which included a wide range of issues, for instance gender, ethnicity, religious commitments, learning difficulties and mental health) were not considered in the context of the proposed intervention in 61% of all reports. There was a significant difference with diversity issues not being considered in 50% of reports prepared on white young people compared with 75% for black and minority ethnic young people. The difference may have arisen from practitioners' lack of confidence and knowledge to comment in reports and a wish to avoid stereotyping black and minority ethnic young people. We noted that the race, ethnicity and culture of a young person was either ignored completely or recognised but not linked to offending behaviour if relevant or addressed sufficiently in relation to the proposed interventions.

⁷ Lord Chief Justice Practice Direction on *Victim Personal Statements* (2001).

- 4.3.25 We also saw some individual examples of excellent reports. In particular, a number that we saw in Staffordshire really brought the young person to life through skilled assessment and writing. The example below demonstrates how diversity issues could be related to offending behaviour; although, we think some of the language was too technical for a young person to understand.

'Richard presents as an intelligent, articulate, but emotionally immature young person whose early life experience has left him eager to please within a peer group and, at this time with no skills to navigate the world of relationships and community. He is, I believe completely vulnerable in community settings; his friendships will not be equal and his care status and troubled childhood increase his vulnerability and psychological and emotional state.'

'In relation to the risks of re-offending, the static factors of gender, ethnicity, care status and childhood experience would show a predisposition to risk. Modifiable risks however show a capacity for change. For example, Richard has benefited from a settled placement which has offered him a stability he has rarely experienced before. He has ambition and the ability to do well in his life and he can work with care staff who, through a growing depth of knowledge should be able to support him practically and emotionally. His social worker is also supporting his carers and advising them on methods of engagement and strategies to manage his behaviour and ways to build positive attachments.'

- 4.3.26 In our view, only 42% of reports sufficiently addressed Safeguarding or vulnerability issues. When reference to vulnerability was made it was often confused and it was unclear why it had been included. In other reports, where there was a clear need to assess and inform, it was absent. For instance, we saw a number of reports where the proposal was custody or the magistrates had indicated that they were considering a custodial sentence and there was no mention of the young person's ability to cope in custody. This was important because staff in YOIs relied on the content of PSRs to complete their own vulnerability assessments. We also saw instances where issues had clearly been identified but the link with vulnerability/Safeguarding had not been recognised. For example, we read a report on a young person who had been subjected to domestic violence, was estranged from his parents, living rough and had been reported as missing. The report read, somewhat to our surprise: *'There is no evidence at my disposal to suggest that he is vulnerable'*.

Assessment of the risk to the community

- 4.3.27 Whilst the majority of reports differentiated between *RoH* and *LoR* this was sometimes as perfunctory as 'the *RoH* was high whilst the *LoR* was low' giving no explanation or analysis of factors, triggers or circumstances that contributed to either assessment. The quality of the assessment of *RoH* and *LoR* was judged to be insufficient in 71% and 51% of reports respectively. There was evidence that some practitioners were completing an Asset but failing to make an assessment. An extreme example of this resulted in a report which included the words *'The Asset says...'*
- 4.3.28 We found an example of how the *LoR* was addressed sufficiently in a report from Staffordshire (though again the language could be somewhat plainer).

'In summary I think the risks of re-offending will be medium if, as his care plan dictates, he remains at his present placement. I believe however, that this risk may be subject to rapid alteration up and down the scale as the dynamics in such placements are subject to change. The mix of such emotionally damaged children will always represent fluctuating risks as they vie with each other for attention, seek to adapt to each other and the placement and reconcile themselves to life in the care system and away from home.'

- 4.3.29 Despite clear YJB guidance that dangerousness must be addressed in all Crown Court reports on specified or serious specified offences, it did not feature in 94% of relevant reports. There was a similar picture in reports written for Youth Courts. The sample included only two reports on sexual offences which should have resulted in the report addressing the possibility of a disqualification order. This was not considered in one of the applicable reports.

Assessment for the need for parenting support

- 4.3.30 In some areas there was no information on parenting at all in the reports and this heading was often not included. Where it was, the format was often formulaic and had not always been given sufficient consideration. For example:

'A Parenting Order is available to the Court today. However, given that Oliver is almost 18 years of age, he should be at a level of maturity where his is responsible for his own behaviour. Therefore I do not believe that a Parenting Order would be an appropriate disposal today.'

The young person was a looked after child living in a residential home and the victim of the offence was his mother.

Conclusion and proposal for sentencing

- 4.3.31 Reports contained a single, clear proposal for sentencing in 78% and were largely logical in their conclusion; although, there were instances where it was difficult to see the purpose of a proposal. For example, we saw a proposal for a night time curfew for an offence committed at lunchtime.
- 4.3.32 Proposals were commensurate with the seriousness of the offence in 80% of reports and were followed by the court in 73%. Report writers balanced the welfare of the young person with the purposes of sentencing in just under two-thirds of reports.
- 4.3.33 There was a wide variety in the format and content of conclusions, some of which drew the salient points of the report together and proposed the most suitable sentence whilst others merely catalogued an unnecessary list of considered (and discarded) sentences, not all of which were either applicable, possible or appropriate.
- 4.3.34 Some sentencers believed that YOT staff never considered custody as an option and never mentioned it even in cases where the seriousness of the offence would most certainly attract such a sentence. However, we found that generally report writers acknowledged that custody was a distinct possibility and offered a non-custodial alternative, where appropriate, for the court to consider.

- 4.3.35 A Judge felt that reports needed to be clear about what would actually happen to the young person as a result of a community sentence. Another Judge thought that recommendations were sometimes unrealistic considering the seriousness of the offence and commented that it was rare to read a YOT report that acknowledged that a community sentence would not be appropriate. Two Judges from different courts thought that occasionally the YOT misunderstood the sentencing powers of the Crown Court and assumed they were the same as the Magistrates' Court.
- 4.3.36 Where a YRO was proposed, report writers considered the level of intervention, frequency of supervision and requirements appropriate to the offending behaviour in the majority of reports.
- 4.3.37 The YJB's Scaled Approach had been used to determine the proposed level of intervention in 62% of reports written on offences committed on or after 30 November 2009 and 25% of reports covering offences committed prior to that date.
- 4.3.38 Magistrates feared that the Scaled Approach would mean that report writers would be telling courts what the sentence should be, rather than advising them. Magistrates focused on the seriousness of the offence and the punishment that was required, not just the individual and the assessment of *RoH* and *LoR*. This was a sensitive issue. We interviewed a number of other people who felt the Scaled Approach was unscientific or unfair. In our view the Scaled Approach was a way of allocating resources within a YOT. The report writer using the Scaled Approach would indicate what the frequency of contact between the YOT and the young person would be and propose a sentence but the court would ultimately decide.
- 4.3.39 In Neath Port Talbot we saw what we considered to be a helpful pro forma for use in detailing the proposed content of a YRO:

| YRO Requirement | Specific detail | Hours/Sessions/Term |
|------------------------|--|-------------------------------|
| E.g. Supervision | E.g. Content of supervision plan Other agencies involvement | E.g. Minimum/maximum numbers |
| E.g. Activity | E.g. Content of reparation | |
| E.g. Curfew Order | | E.g. Term and suggested hours |

Good Practice Example:

In Oxfordshire, in the conclusion of two reports, we saw a sentence that indicated that all the work completed with the young person would match their individual needs, learning style and attention span.

Guidance and training for PSR writers

- 4.3.40 HMI Probation had noted from its inspections of YOTs in England and Wales during the period 2003 – 2008 that the quality of PSRs was variable, particularly the section on the analysis of the offence. To some extent we had attributed the variation in quality to a lack of practice guidance or training materials from the YJB.

A number of other agencies had expressed the view that national guidance was needed and several national officers thought that the YJB had not placed enough importance on court reports. Yet the YJB had produced a certain amount of potentially helpful material. The *Key Elements of Effective Practice* were reworked and published by the YJB in 2008. One of these, *Assessment, Planning Interventions and Supervision*, included assessment which is a component of report writing – though it will be seen that we found assessments in reports to be insufficient. *MICIC* covered the preparation of reports used in court, the YOT's role in court, presentation in court and post-court administration.

- 4.3.41 We do not take the view that centralised direction from Westminster is the way of managing this locally delivered service, but we do think that the centre can undertake a useful 'enabling' function, such as with the provision of training packages. However, at the time of the inspection the YJB had not created any training packages for YOT staff who worked in courts or prepared PSRs beyond that prepared for the introduction of the Scaled Approach and YRO.
- 4.3.42 The production of guidance and training materials will only go so far: as mentioned elsewhere, the majority of staff we interviewed were not familiar with *MICIC*. It was more common to find that staff had been given copies of the NACRO guidance on working in courts and PSRs.
- 4.3.43 In local areas, Essex and Staffordshire YOSs had produced training packages for staff on court skills and the preparation of reports. In Oxfordshire YOS magistrates were invited to PSR training to explain what they expected to see in a court report. A number of YOTs were planning to deliver PSR training during 2010/2011. Guidance for PSR writers in Oxfordshire and Havering was mainly based on national standards and the *Case Management Guidance* which was not that helpful. Neath Port Talbot YOT had produced good practice guidelines for practitioners writing PSRs. It was short (four pages) and written in the same order as the sections of a PSR with a summary statement for each section followed by bullet points. We felt it was a useful tool for practitioners to have by their side when preparing reports.

The quality of PSRs and quality assurance

- 4.3.44 The achievement of the quality requirements of national standards was variable. Whilst 83% of reports were considered to be free from discriminatory language and stereotypes, 61% were not considered concise and under two-thirds were considered impartial, verified and factually accurate and understandable to the young person.
- 4.3.45 We found some reports with unnecessary use of complex language which could not possibly have been within the grasp of most young people. There were also some instances of pejorative or emotive language, for example:

'Millie has accumulated an unenviable record of previous offences' and *'Kate is emotionally damaged'*.

We also found too much use of jargon, such as:

'consequential thinking skills', 'static and dynamic risk factors', 'significant cognitive deficits'

and there were examples of unhelpful professional ambiguity:

'this risk can be managed through local area risk management procedures'.

We saw unnecessary reference to research such as:

'Prochaska and Diclemente's theory on the Stages of Change Model indicate that Naomi is in the pre-contemplation stage of change.' We thought this meant: *'Naomi is not yet ready even to start thinking about changing her behaviour'* – but we were not sure.

These were particularly significant when allied to the lack of explanation offered to young people and their parents/carers identified earlier.

- 4.3.46 We found no evidence *within* 64% of reports that they had been quality assured. That is not to say that they had *not* been quality assured; however, we were not supplied with supplementary evidence to that effect one way or the other. In Havering YOT the report included the name of the person who had quality assured it.
- 4.3.47 We did discover a number of different 'gate keeping' systems. The YJB had produced quality assurance templates for both assessments and PSRs, but not breach reports. In Oxfordshire YOS since December 2009 a 'gate keeping' matrix was in place which determined which member of staff was able to quality control which type of report. A new quality assurance tool was being developed which was adapted from the YJB suggested format to accommodate the introduction of the YRO. The form addresses the issues of whether the report was shared with the young person. 'Gate keeping' forms were not always collated to identify any themes of patterns to inform training plans.
- 4.3.48 We did not consider the reports we read to be of sufficient quality in terms of style, use of language, grammar, spelling and presentation in 65% of cases. It was disappointing to find a significant number with spelling mistakes, poor grammar and straightforward inaccuracies such as incorrect dates of birth, conflicting address information on the front sheet and in the body of the report and rambling, sometimes confusing, content. Reports were often formulaic or used set phrases.
- 4.3.49 Overall, we judged the quality of the reports to be insufficient in 75% of cases. For those reports written on offences committed before 30 November 2009, only 17% were sufficient, compared to 33% for those prepared after that date. This latter finding was probably explained by the quality of the assessment of *RoH*, clearly a key area, as this was also judged to be better in those reports written post 30 November.

Sentencers and others views about the quality of PSRs

- 4.3.50 One District Judge was satisfied with the quality of reports; however, very occasionally a recommendation was unrealistic. Another District Judge thought that reports were well written and realistic but sentencing options could be more imaginative.
- 4.3.51 HMCS staff, magistrates and defence solicitors were positive about the quality of the majority of reports. A Deputy Justices' Clerk and Senior Legal Adviser from Oxfordshire said *"some YOT officers write exceptional reports"*. A Youth Panel Chair remarked that *"the YOT understand what was needed (for recommendations in reports for young people) - they were the experts"*. The Magistrates' Association

view was that overall magistrates were happy with the quality of reports but there had not been any training for magistrates about what a good report looked like. In our survey 97% of sentencers were satisfied with the quality of PSRs – but we think that sentencers should have higher expectations of report writers.

- 4.3.52 There were a number of reasons for the differences between our judgements about the quality of reports and those of sentencers. In some cases inspectors had access to more information about a young person compared to the information that was available to sentencers. For example, we saw the completed Asset assessment, any previous assessments and partner information – none of which would be available to sentencers. With this more detailed context setting, we could then tell when an opportunity had been missed by the report writer to write a better report. With sampling reports across a number of areas, we also had the benefit of seeing some high quality work too.

Breach Reports

- 4.3.53 We inspected 62 Breach reports. The format varied considerably from reports which covered the original offence, the response to supervision and up to date information on the young person, to others which were little more than a statement of facts accompanied by the original PSR.
- 4.3.54 We judged the use of language, grammar, spelling and presentation sufficient in 79%. Most were judged to be free from discriminatory language and stereotypes (97%); understandable to the young person (90%); were suitably concise (85%); and contained a clear single proposal (71%). They were largely completed within appropriate timescales (71%); based on appropriate sources of information (78%); and provided sufficient details of failures to comply.
- 4.3.55 Reports did not sufficiently cover the young person's response to previous YOT involvement/sentences in 59% or address progress and achievements on the order in 53%. Details of the original offence were absent in 35% and insufficient attention had been paid to *RoH* or vulnerability in 77% and 74% respectively. Conclusions were not logical in 53% and did not give sufficient consideration to all sentencing options in 74%. This was reflected in comments from sentencers who said "*proposals for sanction/resentence are often unclear or ineffective*". Another sentencer said "*I'd like more suggestions as to whether the order should continue or not*". The court followed the proposal in 65% of the breach reports we inspected.
- 4.3.56 It was not clear that the report had been verified or was factually accurate in 58% and there was no evidence that the proposal had been discussed with the young person in 93%. Diversity issues had not been sufficiently addressed in 60% of all breach reports. Similar to the results for PSRs for this question, there was a difference in scores for breach reports prepared on white (50%) and black and minority ethnic young people (83%). There was no evidence that the reports had been quality assured in 94%, although breach reports were subject to 'gate keeping' in one YOT. Breach reports were judged to be of insufficient quality in 69%.

Bail Supervision and Support Reports

- 4.3.57 Bail Supervision and Support Reports, whether in the form of a report or a letter, should enable the court to make an informed judgement about bail based on relevant information about the young person, their *RoH* and how individual bail packages would address objections to bail.
- 4.3.58 We therefore inspected nine Bail Supervision and Support reports, all prepared in one YOT. We found that *RoH* was not covered in reports. In some reports this was due to the young person intending to plead not guilty. This was the major reason why the inspection team scored the overall quality of the reports as insufficient. Reports did not contain an outline of the objections to bail or any discussion or analysis of *RoH* related to the objections. Most of the reports contained too much information, some of which was unnecessary and not directly related to the issue of bail. The reports did not always reflect what had been identified in the Bail Asset. For example, in one case vulnerability issues were identified and in another, the CPS's reasons for opposition to bail were contained in the Bail Assets but not in the reports.

5. LEADERSHIP OF WORK WITH COURTS

General Criterion:

There is effective national and local leadership of court services.

Specific Criterion:

1. National strategy/policy gives clear direction to YOTs (and other agencies where appropriate) in developing a coordinated approach to work in courts, preparing reports and aims to identify and reduce inequalities.
2. The YOT has effective strategies and plans in place to deliver priorities, objectives and targets in relation to court work, the delivery of reports and related services.
3. YOT inter-agency working is effective in contributing to improvements in the facilities for Youth Court users and the effective operation of Youth Court processes.
4. All agencies work together to ensure that young people are safeguarded.
5. There are jointly agreed arrangements that set out the roles and responsibilities of YOT court officers.
6. YOT staff at all levels have:
 - the knowledge required to manage court work,
 - the skills to prepare a range of reports,
 - appropriate training and support.
7. The YOT has effective performance management systems in place which cover, in particular, the satisfaction of stakeholders with the services provided by the YOT and the professionalism of their staff in the court setting.

National arrangements

- 5.1.1 There were a number of national bodies that had an interest in court work and the preparation of reports. They had made a variety of separate initiatives relevant to YOT work in courts.
- 5.1.2 The YJB had overall responsibility for monitoring the Youth Justice System, including oversight of court work and reports in conjunction with various Government departments. One of their key targets for YOTs was to reduce the proportion of young people being remanded or sentenced to custody. This had been successful in reducing the *absolute number* of young people entering custody, but overall, due to changes in throughput in Youth Courts, the *proportion* had actually increased. See Table 2 overleaf.

Table 2

YJB April 2010⁸

| | 2006/2007 | 2007/2008 | 2008/2009 |
|--|--------------|--------------|--------------|
| Rate and number of custodial remand episodes | (6,360) 6.2% | (5,663) 5.5% | (5,504) 7.7% |
| Rate and number of custodial sentences | (7,097) 5.9% | (6853) 5.7% | (6719) 6.1% |

- 5.1.3 The YJB Placement Service managed the placements of young people in England and Wales from courts to institutions, as has been described earlier in this report.
- 5.1.4 The YJB's main focus in 2009 had been the implementation of the Scaled Approach and the Youth Rehabilitation Order. Local YOT staff worked with YJB regional teams, and had access to the YJILS and cascade training. YOT staff were positive about the amount and quality of training they had received. Probation staff in the Crown Court felt they would have benefited from some training on these issues.
- 5.1.5 The *Youth Crime Action Plan 2008* included two issues relating to Youth Courts: the need to increase feedback between YOTs and sentencers about the outcomes of sentences and the promotion of measures to strengthen the relationships between YOTs, court users and others.
- 5.1.6 The Youth Court Issues Group was a national advisory body and consultation forum. Hosted by the YJB, and chaired by a District Judge, it sought solutions to problems relating to the Youth Court. It had wide representation from:
- Youth Justice Board
 - a Judge
 - Magistrates' Association
 - Crown Prosecution Service
 - Her Majesty's Courts Service
 - Law Society
 - Judicial Studies Board
 - Justices' Clerks Society
 - Association of YOT Managers
 - Ministry of Justice
 - Home Office
 - Office for Criminal Justice Reform
 - National Policing Improvement Agency
 - Association of Chief Police Officers
- and relevant inspectorates
- 5.1.7 One of the few forums with all the relevant players present, the twice yearly meetings were well attended and it had successfully influenced the development

⁸ Although figures for 2009-2010 are available, the statistical methodology used to collect this data has now changed and as a result it is not possible to undertake any trend comparisons. We have therefore not included them in this table.

of number of initiatives such as *MICIC*. It had the potential to facilitate better local services by improving the way central government departments worked together and to expand its work to include the dissemination of good practice.

- 5.1.8 *MICIC* was a re-launched joint publication by the YJB and HMCS issued initially in November 2009 and amended and reissued in March 2010. The key message in *MICIC* was greater involvement by YOTs in court processes to increase the trust between YOTs and magistrates. It included the preparation of reports, the YOT's role in court, presentation in court and post-court administration. Not all YOT managers or practitioners had seen *MICIC*, some sentencers and HMCS staff did not mention it at all. In November 2010, after our inspection visits, we noted that the YJB on their website made available to YOTs an *MICIC* Toolkit which was based on the last chapter of *MICIC*. The purpose of the toolkit was to assist local areas review and improve the effectiveness of local arrangements for working with young people in court. The toolkit provided YOTs with methods and templates to address a number of issues raised in this report including parental attendance at court, and identifying gaps in services provided to courts.
- 5.1.9 The Magistrates' Association, also after our inspection visits, published *Guidance for new Youth Court Panel Chairs* in October 2010, emphasising the importance of establishing close working relationships with the YOT manager and the court team, including YOT Manager attendance at Panel meetings, regular meetings to discuss sentencing data and the development of protocols. The Magistrates' Association later also issued guidance to its members in December 2010 *Liaison between Magistrates and YOTs* that reinforced the need for formal links between YOTs and magistrates.
- 5.1.10 Joint work, both locally and nationally, on the CJSSS initiative sought to maximise the number of cases that could be dealt with at the first court appearance, avoiding unnecessary adjournments.
- 5.1.11 The CPS had a national policy on cases involving youth offenders and provided detailed guidance to area staff on how such cases should be handled. They also had national leads on youth justice to ensure that CPS practices and policies remained fit for purpose.
- 5.1.12 We saw no evidence of any specific national or regional arrangements about youth justice policy or delivery within HMCS.
- 5.1.13 Overall, our view is not that this whole service should be directed from Westminster – it is principally a matter for local delivery. But a national focus can sometimes highlight what it is possible to achieve, and help to prevent local providers and 'customers' from becoming overly satisfied with indifferent provision. This can and should include providing national training packages that could enable local YOTs to achieve higher quality practice. However, this would in turn depend on effective local management arrangements to 'make it happen'.

Local arrangements

- 5.1.14 Each YOT had a Management Board which comprised of statutory strategic managers who made up the partnership. In addition, some had representation from courts, either HMCS or magistrates. Whilst there was evidence that

strategic thinking about court work was taking place in some areas, others focused solely on those elements that were part of the nationally prescribed performance framework, such as remands into custody. Given that court work is the 'shop window' of the YOT, we were surprised that quality of service to local courts did not have a higher profile within the board's work.

Good Practice Example:

In Kent YOS, three Youth Court Panel Chairs attended board meetings and the influence of the court perspective on the board's business was clear. Other members of the Kent YOS Management Board were positive about the presence of magistrates on the board, in particular their challenging questions.

- 5.1.15 In our view, a good working relationship between YOT staff and the courts was essential. This could be achieved in a number of ways, including participation in one of a variety of different meetings: Youth Court User Groups, Court User Groups and Youth Court Panel Meetings. Our survey of sentencers indicated that the latter was the main source of information for them about YOTs, but joint training was not usual.
- 5.1.16 The total numbers of cases going through each Youth Court had decreased in recent years, with a consequent reduction in court sittings. We found that the YOTs we visited had not adapted sufficiently to these changes in workload, and the majority of courts were overstaffed - thus not achieving value for money.
- 5.1.17 Our observations of court work and the results of the inspection of reports indicated that there was much room for improvement in both areas of work. We did not see evidence of objectives in appraisals relating to the quality of court work or report writing.
- 5.1.18 We saw very little evidence of performance data on court work; for example, in some of the areas we have outlined in this report, and even where it was available, it was difficult to find examples of how it had been used to improve practice. Rarely did we see data used to explore diversity issues such as race and ethnicity, gender or looked after status.
- 5.1.19 Overall, we found a variety of strengths and areas for improvement in the local management arrangements (not surprisingly). However, if the quality of YOT work in courts is to improve, we consider that they will need to focus more on 'growing a culture of quality' by their YOT practitioners and managers. This could be supported by a certain amount of 'enabling' material produced effectively and efficiently 'at the centre'.

Appendix 1: Glossary

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| ACPO | Association of Chief Police Officers |
| ADHD | Attention Deficit Hyperactive Disorder |
| Asset | A structured assessment tool based on research and developed by the Youth Justice Board looking at the young person's offence, personal circumstances, attitudes and beliefs which have contributed to their offending behaviour |
| Bail Asset | A shortened version of an Asset assessment undertaken by YOT court staff when preparing a bail supervision package for a young person when the court may be considering a remand in custody |
| Bed and breakfast | This is usually unsupervised accommodation in an address which provides a lockable room and other joint facilities, including breakfast. These addresses may also be used for a range of unsettled adults who may be violent or sexual offenders. There are rarely constraints over who else may be resident there, thus resulting in the potential for the young person to be exploited and/or abused |
| 'the bench' or Magistrates' bench | A generic, collective term for a group of magistrates in a particular court area. This group will meet periodically to discuss issues relevant to their work |
| CAMHS | Child and Adolescent Mental Health Services: part of the National Health Service, providing specialist mental health and behavioural services to young people |
| CJSSS | Criminal Justice: Simple, Speedy, Summary was an initiative for all relevant agencies to work towards the achievement of a resolution to individual cases at the first court hearing, avoiding unnecessary adjournments |
| Connectivity | Connectivity allows the immediate transfer of information from one case management system to another. Certain documents (for example the Placement Alert Form, PSR and Asset) can be shared with the YJB Placement Service and the secure establishment without the need to attach them to emails. It also reduces re-keying the same information in to different documents. For example sections of Asset will automatically populate PSRs. Information completed by the YOT can be used directly in the Secure Accommodation Clearing House System which is used to manage placements in England and Wales |
| CPS | Crown Prosecution Service |
| Custody | A placement in a YOI. |
| Disqualification Order | A disqualification order disqualifies certain sexual or violent offenders from broadly defined work (paid or unpaid) with children. For offenders under the age of 18 the court (the Crown Court and Court of Appeal) may only make an order if it is satisfied that it is likely that a further offence against a child will take place. A disqualification order applies for life. |
| DYO | Deter Young Offenders. See also PYO |

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| Expedited Report | Expedited reports included those reports prepared on the day in court and were known as a stand down report or same day report and Specific Sentence Reports (SSRs), a short report requested by the sentencing court for a specific sentence also prepared on the day in court or exceptionally within five working days |
| 'Gate keeping' | 'Gate keeping' reports for court, mainly PSRs, is a form of quality control. Before a report is submitted to the court, a manager, senior practitioner or colleague will scrutinise it normally using a checklist to make sure the report is of sufficient quality e.g. sources of information are identified, there is an analysis of the offence etc. The report is returned to the report author who then makes amendments if necessary |
| HM | Her Majesty's |
| HMCPSP | HM Crown Prosecution Service Inspectorate |
| HMCS | Her Majesty's Courts Service |
| HMIC | HM Inspectorate of Constabulary |
| HMICA | Her Majesty's Inspectorate of Court Administration. (Administratively closed in December 2010. to be formally abolished at a later date) |
| HMI Probation Interventions | HM Inspectorate of Probation Work with an individual that is designed to change their offending behaviour and/or to support public protection. |
| ISS | Intensive Supervision and Surveillance: this intervention is attached to the start of some orders and licences and provides initially at least 25 hours programme contact including a substantial proportion of employment, training and education |
| IT | Information Technology |
| <i>Key Elements of Effective Practice</i> | Advisory documents published by the YJB for practitioners and managers |
| LoR | Likelihood of Reoffending |
| LSCB | Local Safeguarding Children Board: set up in each Local Authority (as a result of the Children Act 2004) to coordinate and ensure the effectiveness of the multi-agency work to safeguard and promote the welfare of children in that locality |
| MG5 | An MG5 is a Police Report prepared for the first hearing of a case. It is a summary of the key evidence which establishes every element of the offence to be proved and that the person charged committed the offence with the necessary criminal intent. The summary should be balanced and fair, setting out the facts in a narrative style. |
| Magistrates' Bench Meetings | A formal meeting of magistrates'. Magistrates' sitting in a court are collectively known as 'the bench'. Magistrates Bench Meetings can include guest speakers as well as elections of officers. They take place at least once a year |
| MoJ | Ministry of Justice |
| <i>MICIC</i> | <i>Making It Count In Court</i> a YJB/HMCS joint publication |
| NACRO | National Association for the Care and Resettlement of Offenders |

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| Oath and Affirmation | An Oath is a solemn declaration or undertaking (often naming God) as to the truth of something. An affirmation is a solemn declaration by a person who declines to take an oath normally because they do not believe in a God |
| 'Out of area' cases | Those young people who offend outside their home court area and are therefore dealt with by the local court in that area |
| PECS | Prison Escort and Custody Services |
| PENY | Police Electronic Notification to YOTs system |
| PNC | Police National Computer. The Police National computer is a national information system, available to the police, criminal justice agencies and a variety of other non-policing organisations |
| PYO | Prolific Young Offender: designated offenders - usually as a result of the volume of their offending, determined locally, who received extra attention from local Criminal Justice System agencies. The PYO pledge finished in December 2008 and was replaced by the DY0 scheme |
| PSR | Pre-sentence report: for a court |
| RoH | <i>Risk of Harm to others. See also restrictive Interventions</i> |
| 'RoH work', or 'Risk of Harm work' | This is the term generally used by HMI Probation to describe work to protect the public, primarily using <i>restrictive interventions</i> , to keep to a minimum the individual's opportunity to behave in a way that is a <i>Risk of Harm to others</i> |
| Safeguarding | The ability to demonstrate that all reasonable action has been taken to keep to a minimum the risk of the young person coming to harm, either from themselves or from others (i.e. vulnerability). This is broader than the formal meaning of child protection, which focuses on the need of compulsory intervention to protect that young person from harm |
| Scaled Approach | The Scaled Approach aims to ensure that interventions are tailored to the individual and based on an assessment of their risks and needs. The intended outcomes are to reduce the likelihood of reoffending for each young person by tailoring the intensity of the intervention to the assessment and more effectively managing the <i>RoH</i> . There are three levels of intervention, Standard, Enhanced and Intensive which define the frequency and intensity of contact as determined by an assessment using Asset of LoR, <i>RoH</i> and needs of the young person. |
| Secure accommodation | Secure Children's Home or Secure Training Centre. |
| SSR | Specific Sentence Report: A short, usually expedited, report requested by the sentencing court for a specific sentence prepared on the day in court or exceptionally within five working days. |
| Stand down report | A report prepared on the day in court either in writing or delivered verbally |
| 'Triage' system | System by which a YOT worker is based in the police custody suite and has direct access to young people early in the criminal justice process |
| YJB | Youth Justice Board for England and Wales |

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| YJILS | Youth Justice Interactive Learning Space – a web based training platform created by the YJB in partnership with the Open University. It enabled practitioners to access training packages |
| YOI | Young Offenders Institution: a Prison Service institution for young people remanded into or sentenced to custody. |
| YOT/YOS/YJS | Youth Offending Team (YOT) is used synonymously for ease throughout this report to indicate youth offending teams, youth offending services and youth justice services as set up under the Crime and Disorder Act 1998. YOTs are multi-disciplinary teams which include seconded police officers, probation officers, a social worker, health and education workers |
| Youth Court Panel | The term used to describe the group of specially trained magistrates who sit in Youth Courts |
| YRO | Youth Rehabilitation Order. The YRO is a generic community sentence for young people who offend and combines a number of previous sentences in to one generic sentence. It came in to effect for offences committed on or after 30 November 2009 as part of the Criminal Justice and Immigration Act 2008. There are potentially 18 requirements that can be attached to a YRO, the most common requirements are supervision, activity, unpaid work (for 16 and 17 year olds only) intensive supervision and surveillance and attendance centre |

Appendix 2: Inspection Methodology

Criteria

The criteria are based on the following documents:

- *Working in the courts: A good practice guide for practitioners in the youth justice system* Nacro 2008,
- *Pre sentence reports for Young People: A Good Practice Guide* Second Edition Nacro 2003,
- *Joint Inspection of Youth Offending Teams End of Programme Report 2003-2008* HMI Probation March 2009.
- *Making It Count In Court* Second Edition YJB 2009,
- *Draft Case Management Policy guidance.* YJB 2009,
- *Draft National Standards for Youth Justice Services* YJB August 2009,
- *Overarching Principles – Sentencing Youths* Sentencing Guidelines Council 2009,
- *HMICA thematic inspection of Youth Courts Implementation of the Youth Court Good Practice Guide 2001* HMICA March 2007

Please note that there have been some amendments to the order and wording of the criteria used in this report.

Court Work and Report Thematic Inspection Reference Group

A reference group was formed for the inspection consisting of organisations and individuals that had an interest in court work delivered by YOT staff and court reports prepared by them. The reference group met on one occasion and was consulted via email at key stages during the inspection.

Pilot

We carried out a pilot of the inspection in Kent YOS in January 2010 to test out the methodology and tools that we were using.

Selection of YOTs for the inspection

We selected a total of seven YOTs for the inspection based on whether they had been recently inspected, their size and a mix of rural and urban areas. They were, in order of being inspected, Kent, Essex, Kingston Upon Hull, Staffordshire, Oxfordshire, Havering and Neath Port Talbot.

Evidence in Advance

An Evidence in Advance template was sent to each YOT, HMCS and the CPS. The template included a list of core documents to be submitted, a summary and a self-assessment section for YOTs to identify strengths and areas for improvement against relevant parts of the criteria.

Fieldwork

The fieldwork was undertaken between 22 January 2010 and 30 April 2010. The fieldwork was over three days where the second or middle day was the day the Youth Court sat. There were three main activities, inspecting a sample of reports, observing and talking to court staff while on court duty and formal interviews with staff/sentencers/managers either individually or in groups.

Inspection of Reports

We inspected 126 PSRs, 62 Breach Reports and 9 Bail Supervision and Support Reports. Selection of PSRs was based on inspecting the most recent reports to capture as many as

possible prepared on offences committed on or after 30 November 2009 when the new sentencing framework was in place, the main sentence was the YRO. Included amongst the PSRs were Crown Court Reports, Specific Sentence Reports and stand down reports. We used an electronic form which was used to score individual reports of each type in conjunction with guidance notes for specific questions.

Court observation

Two or three inspectors, depending on the size of the court, observed YOT court staff using a court observation checklist, based on the criteria. One inspector would observe practice in court and the other would be either in the waiting room area or the YOT court office. We also handed out a questionnaire with a stamped addressed envelope to defence solicitors who were in court. We received six completed questionnaires from them.

Interviews with individuals and groups

We interviewed the following people using a record of evidence with a list of questions based on the criteria: magistrates, District Judges, Crown Court Judges and/or resident judge, Chairs of the Youth Court Bench, Chair of Youth Court User Groups, PSR writers, YOT Manager, YOT Court Manager, Chair of YOT Management Board, YOT Court team (and Bail Support team), police, CPS, legal advisers, court ushers, young people and parents/carers, custody contractors, probation court staff. We also interviewed National Officers from the leading organisations involved in youth court work and reports.

Questionnaires

We received 140 completed questionnaires from sentencers.

The following documents are available on our website:

www.justice.gov.uk/inspectors/hmi-probation/youth-offending-thematics.htm

- Criteria (English and Welsh)
- Report inspection tool and guidance
- Court observation checklist

Appendix 3: Role of Inspectorates and Code of Practice

HMI Probation

Information on the Role of HMI Probation and Code of Practice can be found on our website:

<http://www.justice.gov.uk/inspectorates/hmi-probation>

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

*HM Chief Inspector of Probation
2nd Floor, Ashley House
2 Monck Street
London, SW1P 2BQ*

HMCPST

Information on the Role of HMI Crown Prosecution Service Inspectorate and Code of Practice can be found on our website:

www.hmcpst.gov.uk

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

*HM Chief Inspector of the Crown Prosecution Service
HM Crown Prosecution Service Inspectorate,
26-28 Old Queen Street,
London SW1H 9HP*

HMIC

Information on the Role of HMI Constabulary and Code of Practice can be found on our website:

www.hmic.gov.uk

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

*HM Chief Inspector of Constabulary
HM Inspectorate of Constabulary,
6th Floor, Globe House,
89, Eccleston Square,
London SW1V 1PN*

HMICA

HM Inspectorate of Courts Administration, which also contributed, ceased operations in January 2011.