

Kirklees Youth Offending Team

A YOT guide to
the Kirklees
Youth Courts

For Parents and
Young People



Introduction

This booklet has been designed to give both parents and young people an introductory guide to the Youth Court, the people involved with the court and the workings of the court.

If you need clarification about any of the information given in the booklet, please ask to see the Court Officer for the Youth Offending Team either at court or at your local office.

You and your parent(s)/carer(s) have the right to be treated fairly, openly and with respect during your contact with this service. In the same way you are expected to treat others with respect.

Supervision is available to all irrespective of race, language, culture, gender, religion, disabilities, sexual orientation or family responsibility.

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1 What's different about the Youth Court?

Listed below are some of the reasons why the Youth Court is different from Adult Courts.

- (a) The law is different for youths (young people up to 18 years). The Youth Court Magistrates have different powers.
- (b) The Magistrates are specially trained to deal with young people. They are sometimes called the 'Bench', youth panel or justices.
- (c) The law requires that parents/carers attend with their child.
- (d) The court is private. This means that no members of the public are allowed in the Court. Whilst the press can write about offences and the sentences passed, they cannot usually name the young person or their family.

2 Some basic Do's and Don'ts on the day

DO

Come with your parent(s)/carer(s). The Court may demand their attendance.

Plan your journey with plenty of time to arrive at least 15 minutes before court starts.

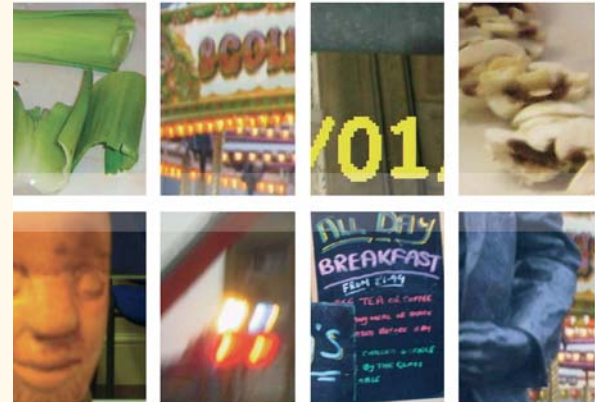
Book in at the enquiry desk and/or with the Court Usher so that the Magistrates know that you are there.

Make an effort to look smart.

Be polite when you speak to the Court staff and Magistrates.

Ask to see the Youth Offending Team Court Officer if you want help.

Think about what you would want to say before you get to court.



DON'T

Give the impression of being arrogant, like chewing gum, standing with your hands in your pockets or generally being awkward when you're in court.

Leave the court building while waiting for your hearing, you may be called in to court and not hear the announcement.

Cause a nuisance whilst in or around the court building.



3 Who's who in court

The Magistrates (sometimes called 'justices' or 'the bench')

These are the men and women from the local community who have the job of dealing with your offence(s). Two or three Magistrates usually sit behind a desk in the Courtroom. One of them is the chairperson and will speak for them all. Magistrates do not get paid and do not wear a wig or a gown.

The Legal Advisor (sometimes called the 'Justices Clerk')

The Legal Advisor is the person who sits near the Magistrates. It is this person who reads out the charge (the offence you are said to have committed) and will ask you whether you admit or deny the offence. Legal Advisors act as advisors to Magistrates and try to make the court run smoothly. They have no say in whether you are guilty or not guilty, or how you should be dealt with, but they can help and advise the Magistrates about what powers they have for dealing with you.

The Crown Prosecutor (sometimes called CPS)

The Crown Prosecutor presents the facts about the offence to the Magistrates and may talk about what happened when the Police arrested you.

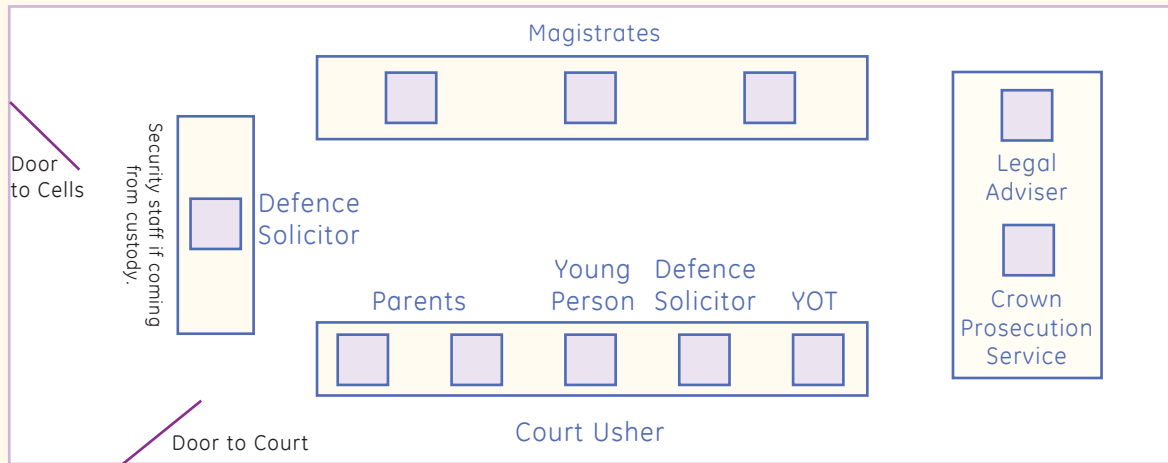
Youth Offending Team Officers

There are Youth Offending Team Court Officers in the Youth Court. If you admit to a charge or are found guilty by Magistrates, then they may be asked to write a report about you. This would usually take 2-3 weeks before you are sentenced, though they may do it on the day.

Court Ushers (sometimes wear a black gown)

The Court Usher will call you up to court when it is your turn and show you to your seat. It's very important that when you arrive at court you let the reception and Usher know that you are there, so that the Magistrates will know that you have arrived on time.

The diagram opposite is just an example and your court may not be exactly the same as this, but the same people will be in the court.



4 Before court

Getting a Solicitor

It is always advisable that a solicitor speaks for you in court. You will need to discuss this with your parent(s)/carer(s). The solicitor will tell the court about you and talk on your behalf in the court. A solicitor can also represent you in a trial. If you are guilty they will remark upon all the reasons for your offending. When you go to see the solicitor take along with you the court summons or charge sheet relating to the offence(s) that you were given by the Police or received in the post.

Legal Aid

A number of solicitors' firms operate a Legal Aid Scheme. If you are on bail you should go straight to your solicitor or the Duty Solicitor (ask at the enquiry desk or the Court Usher about the Duty Solicitor Scheme) and get legal aid forms from them. The solicitor will answer any queries you or your parents/carers have about legal aid free of charge.

5 The First Court Appearance

After the Usher has shown you and your parents/carers into court you will be asked to stand in front of the Magistrates (your parents can sit down) while the Legal Advisor to the Magistrates reads out the offence(s) with which you are charged. You will be asked whether you wish to admit the offence or deny it.

You can then do one of two things;

- (a) you can plead 'not guilty' (or deny) to an offence. The case will most likely be 'put off' (adjourned) for a trial date to be fixed. The Crown Prosecution Service will arrange for the witnesses to attend court. Your solicitor will prepare your case and see any witnesses you may have.
- (b) if after discussing with your solicitor you plead 'guilty' (or admit) to the offence or offences, you could be dealt with there and then. It is more common that the Magistrates will adjourn for 2-3 weeks for a Youth Offending Team Officer to prepare a report about you before deciding how you should be dealt with.





6 Adjournments

If your case cannot be dealt with the first time you appear in court, the Court will adjourn the case to another date.

The Court is then left with the decision about whether you can be relied upon:

1. Not to re-offend
2. Not to interfere with any prosecution witnesses
3. To turn up for your next court date

The Magistrates can do one of four things.

They can place you on:

1 Unconditional Bail

This means that you are on trust from the Court not to re-offend or interfere with witnesses and to report to the Court on the day the Magistrates state. Failure to turn up is an offence, and the Magistrates have full power to issue a warrant for your arrest.

2 Conditional Bail

If the Magistrates feel that there may be problems concerning you re-offending, interfering with witnesses or being uncooperative in preparing reports for the court, then they may:

- a. Impose a condition of residence (i.e. that you live and sleep in a certain place)
- b. That you stay at home between certain hours (a curfew)
- c. That you stay away from a certain person or persons, or a certain area
- d. Direct you to comply with the Kirklees Bail Supervision and Support Scheme
- e. Reporting at the Police Station at specific times on specific days

It is important that you understand and comply with these conditions. They are Court Orders. Other conditions may be added depending on personal circumstances, but the five conditions outlined above are the most common.

3 Remands in Local Authority Accommodation - 16 years and under.

If you are refused bail you may be remanded in Local Authority Accommodation. It is likely that if you were an adult you would have been remanded in prison. It is important to remember this. In this case, the Youth Offending Team will decide where you live. This is likely to be with special remand foster carers or maybe in a residential remand unit. In some circumstances you may be returned home under strict supervision.

If you are remanded in local authority care, you will have a named Youth Offending Team Officer who will arrange escorts every time you attend court whilst so remanded. The Magistrates may impose conditions on you whilst you are remanded in Local Authority Accommodation. These conditions may be similar to conditions of bail, e.g. Curfew.

You have to be returned to court within 8 days (or 28 days if you have entered a plea or are found guilty) for a new remand in Local Authority accommodation to be made. If your circumstances change while you are remanded then your solicitor can ask the Magistrates to reconsider bail.

In some circumstances where the offence is very serious, the Court may make a security requirement which means that you would go to special secure accommodation, not run by the prison service, but 'secure' meaning you cannot run away or get out.

4 Remand in Custody

If you are aged 12 years or over, and if you are charged with a serious offence e.g. arson, house burglary, robbery etc. the Crown Prosecution Service may not agree to you being released to go home. The Magistrates have the power then to remand you in Custody to a Prison Remand Centre. As with remands to Local Authority Accommodation, you must be returned to the Court within 8 days on the first occasion.



7 The decisions of the court

If you plead 'not guilty' and the Crown Prosecution Service want to proceed with the case, then a trial will be held. For most offences the Magistrates will usually agree to hear the trial in Youth Court. However, if the Magistrates feel that the offence is too serious for them to deal with it, they can send your case to the Crown Court (committal proceedings).

(a) Trials

If you have pleaded not guilty to the offence, evidence will be heard from the Crown Prosecutor and from your Solicitor. Then the Magistrates will probably leave the Courtroom to consider the evidence.

If you are found not guilty on all charges, you are free to leave the Court. If you are found guilty, the Crown Prosecutor will tell the Magistrates about your background including previous convictions. If any of the information is wrong, then inform your Solicitor and they will notify the Magistrates.

At this stage the Magistrates may put the case off for 2-3 weeks so that the Youth Offending Team Officer can prepare a report about you.

(b) Reports

Co-operating with the report writer is most important. Amongst other things they will be aiming to include all the positive things about you, as well as the things that aren't so good. The report should contain all relevant information about the offence(s) and your attitude to your family, school, employment, income etc. The Youth Offending Team Officer should make sure that you and your parents have seen and understand the report and that you agree to comply with what it proposes.

(c) Sentencing

After reading the report and hearing from your Solicitor (if you have one) on the day of sentencing, the Magistrates will make a decision.

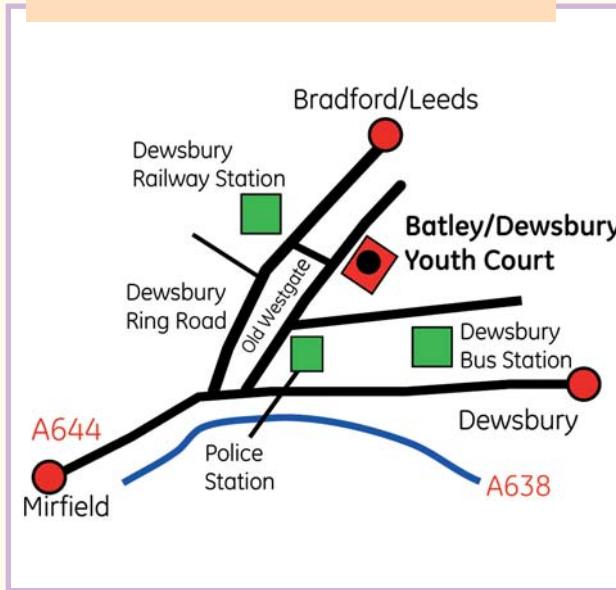
Listed below are the ways that you can be dealt with. If you need any of these explaining, then ask your Solicitor or Youth Offending Team Officer in Court.

Absolute Discharge
Conditional Discharge/Fines
Compensation Order
Referral Order
Reparation Order
Attendance Centre Order
Action Plan Order
Supervision Order
Supervision Order with conditions
Community Rehabilitation Order - (If you are 16 years or over)
Community Rehabilitation Order with conditions - (If you are 16 years or over)
Community Punishment Order - (If you are 16 years or over)
Community Punishment and Rehabilitation Order - (If you are 16 years or over)
Curfew Order
Detention and Training Order
The Court may also make a Parenting Order where your parents have to meet with YOT staff and look at new ways of dealing with your behaviour.

(d) Appeals

An appeal is a request to a higher Court to reconsider the sentence you were given. If you are unhappy with the sentence then you should inform your Solicitor immediately who will advise you on whether an appeal is possible and the grounds (reasons) for it. You have to appeal within 21 days of being sentenced in the Youth Court. If you do appeal against a custodial sentence you can apply immediately for bail, though you may not get it. If you get bail, you will be free to go from Court until your appeal is heard. You can appeal either against your sentence (if you think it is too severe) or against being found guilty, if you believe you are innocent.

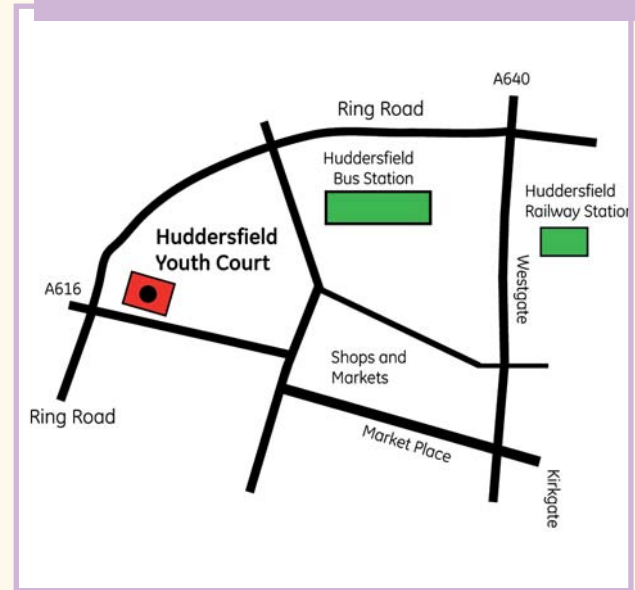
Batley and Dewsbury Youth Court



The Court House
Grove Street
Dewsbury
WF13 1JP

Tel: 01924 468287
Fax: 01924 430483

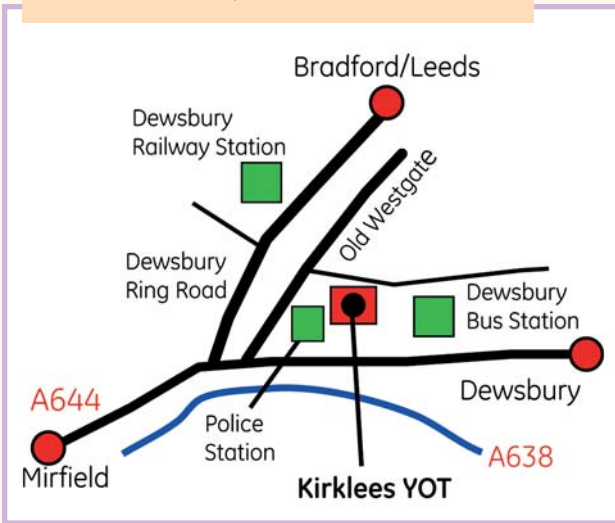
Huddersfield Youth Court



The Court House
P. O. Box B37
Civic Centre
Huddersfield

Tel: 01924 364141
Fax: 01924 382256

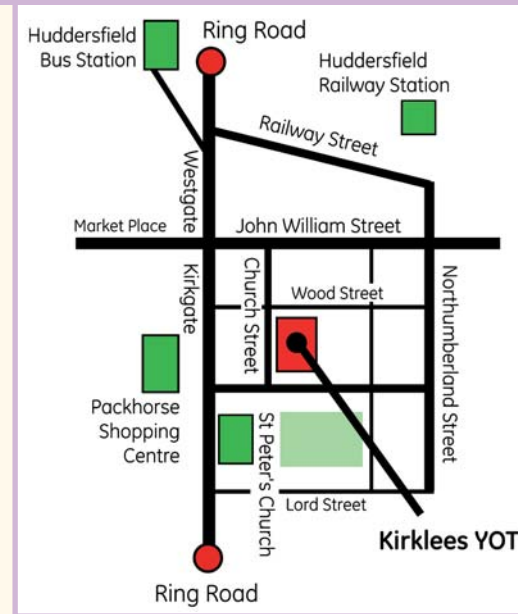
Dewsbury YOT Office



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WF13 1NB

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Huddersfield YOT Office



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HD1 1DD

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All the images used in this booklet show, or were created by, young people working with Kirklees Youth Offending Team.

www.kirklees-yot.org.uk

