

# Going to Court

## A Young Person's Guide to the Youth Court

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Youth Courts deal with nearly all cases where young people between the ages of 10 and 17 inclusive are said to have broken the law.

This page tells you about the Youth Courts, and shows how they deal with offenders. It is for information only and should not be regarded as a full statement of law.

### Going to Court:

There are two ways in which you may be brought before the Youth Court:

#### **Summons:**

Usually you will get a written summons from the court. This will be posted to you or handed to you personally. The summons tells you what offences you have been charged with and gives the day and time that you have to be at court and the address of the court building.

#### **Arrest:**

The Police may take you into custody. They will usually then release you on bail, sometimes with conditions, until the court hearing. Details of the court hearing will be on your bail notice. Details of the offences with which you have been charged will be shown on your charge sheet.

### Attending Court:

It is advisable to get to Court half an hour before the time you have been given. When you arrive, tell the usher that you are there. Usually they wear a black gown.

At least one of your parents (or guardians) must come to Court with you, if you are 17 years of age this is not compulsory, but still advisable. If no one attends with you, the case may be put off (adjourned) to another day.

### Seeing a Solicitor:

Consider getting a solicitor to speak for you in court. You may qualify for free legal advice.

Your parents or friends may suggest one or you can see the Duty Solicitor at Court. Don't be shy about contacting a solicitor; it is their job to deal with such matters. Make sure that you show the solicitor any charge / summons papers.

## **In Court:**

Courts are very formal. If you want to make good impression in court the following points may be helpful:

- Try to be neat and tidy in your dress and appearance.
- Don't put your hands in your pockets, it is best to keep them by your side.
- Don't eat or chew gum in court.

If you want to say something to the Magistrates but feel nervous about speaking in court, write down what you want to say and hand your note to the solicitor or the Court Clerk. When you are speaking to the Magistrates, address them as 'Sir' or 'Madam'.

Do not be afraid to ask if you do not understand anything. It can be explained to you. If you or your parent/guardian or other adult attending with you do not speak or understand English well, ask for an interpreter.

## **Admitting/Denying the Charge(s):**

When you first go into Court the Clerk will read out the offences with which you are charged. You will then be asked whether you wish to plead 'guilty' or 'not guilty'.

You can then do one of three things:

- You can ask for a delay (an adjournment) to give you time to talk to a solicitor about your case. If you are unsure about what to do or if you have not spoken to a solicitor, it is best to ask for an adjournment.
- You can deny the offence (plead 'not guilty'). The case will then be adjourned to a later date for a 'Pre-trial review' or a full trial when witnesses can be called by both yourself and the Crown Prosecution Service (CPS).
- You can admit the offence (plead 'guilty'). You should not do this unless you have first discussed it with a solicitor. If you plead guilty you may be dealt with there and then. Sometimes the case will be put off until a later date to allow the Court to find out more about you.

## **Pre-Sentence Reports:**

These are prepared by a worker from the Youth Offending Team (YOT) and will give the Magistrates relevant information about you. There may be a separate report from school (where applicable).

When talking to the person writing the report, remember that anything that is relevant can be included in the report. Don't forget to mention the good things about yourself.

When you come before the Court to be sentenced you and your parent / guardian will be given a copy of the report. You should read it very carefully. A

Youth Offending Team worker will be at court and will assist you if you have difficulties reading.

If you feel any part of the report is wrong or unfair, speak to the officer present at Court and to your solicitor.

## **The Decision:**

If you are found guilty or if you plead guilty the Crown Prosecutor will tell the Magistrates about the offence(s) and whether you have any previous convictions or Police cautions. If you disagree with anything they read out you should tell your solicitor immediately.

Your solicitor will then speak for you, giving the Magistrates any reasons or explanations concerning your behaviour. Any reports available will also be read.

When the evidence from both sides has been heard the Magistrates will then retire (leave the courtroom) to reach a decision. They will take into account the seriousness of the offence, any previous record, your general behaviour and the likelihood of your offending again. When they return you should stand up and remain standing whilst they give their decision.

## **Sentencing:**

There are a number of ways you can be dealt with. Ask your solicitor, or a Youth Offending Team worker to discuss likely sentences with you.

The more usual sentences are:

### **Conditional Discharge:**

The Magistrates may choose not to sentence, but to 'discharge' the matter on the 'condition' that you do not re-offend during a set period of time (usually 1 - 2 years). If you do re-offend you may be dealt with for this matter also.

### **Referral Order:**

Referral Orders are made for a period of not less than 3 months and not longer than 12 months. The young person is ordered to appear before a Referral Order Panel accompanied by their parent. Referral Order Panel Meetings involve specially trained volunteer panel members, the young person and their parent/carer, a Youth Offending Team (YOT) Officer and in many cases the victim of the offence. All parties meet to negotiate a contract of reparation (payback) to the victim or community and a programme of work to address offending behaviour.

### **Attendance Centre Order:**

You may be ordered to go to an Attendance Centre for between 12 - 36 hours. Usually you will be expected to attend for two hours on alternate

Saturdays until you have completed the number of hours required. Whilst at the centre, most of which are run by the Police, you will have to take part in sport / physical exercises as well as other activities.

**Financial penalties:**

Fines, Court Costs or Compensation Orders. The Court will take your financial situation into account. You should therefore be ready to give details of your income to your solicitor or to the Court. Unless a young person is aged 16+ and has his/her own income, the responsibility for payment of such penalties will fall to parents / guardians.

**Parenting Order:**

Requires the Parent(s) or Guardians of offenders to undertake some work to address issues relating to the upbringing of their children.

**Youth Rehabilitation Order:**

The Magistrates can place you under the supervision of a worker from the Youth Offending Team for between 6 months and 3 years. This person will offer advice and support for the duration of the order. A Youth Offending Team worker may request that specific requirements be attached to it. Failure to co-operate will result in your being returned to Court (breached) for re-sentencing. In the event of good progress being made on such an order, an application can be made to the court for it to be discharged early.

**Curfew Order:**

(ages 16 - 17) Commonly known as a 'tag'. This is a form of electronic monitoring, and requires agreement to the installing of equipment in your home. A curfew order can be made alongside another order.

**Note:** Failure to comply with any of the above Court Orders will result in the case being referred back to the Court. This may result in re-sentencing for the original offence, as well as for the additional 'breach' offence.

## **Custody**

**Detention and Training Orders:**

(ages 12 - 17) A period of time between 4 and 24 months, half of which is served in detention, the remainder in the community under the supervision of a Youth Offending Team worker.

## **Committal to Crown Courts:**

The Magistrates in the Youth Court may decide to commit the case to the Crown Court where the sentencing decisions are made by a Judge. They will do this for all very serious offences that might result in longer custodial sentences than those which the Magistrates can impose.

For the most serious of crimes e.g. murder, manslaughter, rape etc, an order can be made under Section 53 of the 1933 Children and Young Persons Act, to 'detain' offenders aged 10 to 17 years.

### **Appeals:**

If you are unhappy about the result of your court case you should discuss an appeal immediately. Appeal papers have to be filed in court within 21 days of your conviction or sentence. If you appeal against a custodial sentence, you can apply to be bailed until the appeal hearing.

Appeal cases are heard at the Crown Court. The court can increase or decrease the original sentence.