

Youth Justice Statistics Glossary

For further information about the Criminal Justice System please see:

www.cps.gov.uk/about/cjs.html

For further information about the Youth Justice System please see:

www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales

Absolute discharge: When the court decides someone is guilty, but decides not to punish them further at this time, they will be sentenced to a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no more action will be taken.

Average custodial sentence length: Average length of determinate (fixed length) custodial sentences given in months. This excludes indeterminate sentences (life or Imprisonment for Public Protection sentences) as the length of these sentences is not recorded.

Behaviour management: Behaviour management captures the processes and policies by which establishments manage challenging and difficult behaviour amongst young people in the secure estate. The following data are collected via summary level returns to the YJB from each establishment:

Assault in the youth secure estate: Assault is defined as “The intentional use of unnecessary force that results in physical contact with the victim”. The degree of force used is immaterial (e.g. touching, spitting, pushing or striking) and physical contact can be by any part of the assailant’s body or bodily fluid or by the use or display of any weapon or missile. It is not necessary for the victim to suffer injury of any kind. Assaults of a sexual nature are included.

Restrictive Physical Intervention: A Restrictive Physical Intervention is defined as: “Any occasion when force is used with the intention of overpowering or to overpower a young person. Overpower is defined as “restricting movement or mobility”.

Self harm: Self harm is defined as “any act by which a young person deliberately harms themselves irrespective of the method, intent, or severity of the injury”.

Single separation: Single separation refers to the “confining of a young person in custody in their bedroom, to another room or area as a means of control and without the young person’s permission or agreement, without a member of staff being present and with the door locked in order to prevent exit”.

The following data are collected via case level returns to the YJB from the six establishments which have implemented the Minimising and Managing Physical Restraint (MMPR) system.

Minimising and Managing Physical Restraint (MMPR): A new system of restraint developed for use in Secure Training Centres and under-18 Young Offender Institutions. MMPR puts considerable emphasis on using appropriate de-escalation and deceleration techniques (non-physical interventions) to ensure that restraint is only ever used as a last resort, when no other intervention is possible or appropriate.

Use of force: Within this publication, in relation to Minimising and Managing Physical Restraint (MMPR), any physical intervention is counted as a 'use of force'. Use of force is recorded under the MMPR system. This is different to the Restrictive Physical Intervention system which only counts those physical interventions deemed restrictive.

Breaches: A breach is when a young person fails to comply with the conditions of their disposal.

1. Breach of statutory order or of conditional discharge is an offence of failing without reasonable excuse to comply with the requirements of an existing statutory order or the conditions of a discharge. The offence is only counted where the failure is proved to the satisfaction of the court and the original order is revoked and/or an additional order or other disposal is imposed.
2. Breach of bail refers to the offence of absconding by person released on bail (Bail Act 1976, S6), but excludes liability to arrest for absconding or breaking conditions of bail (Bail Act S7), for which young people cannot be sentenced but only remanded in custody or given more restrictive bail conditions.

Caution: A caution is an out of court disposal for adults. Young people can be given Youth Cautions which replaced Reprimands and Final Warnings on 8 April 2013. Returns on cautions are submitted to the Ministry of Justice electronically each month.

Charge or laying of information: This relates to when the defendant is first charged at a police station (specifically, where an individual is arrested and formally accused of a crime) or when the information is laid (specifically, where an individual receives a written summons advising that an action has begun against them, and that they are required either to appear in person, or to respond in writing, to the court regarding the alleged offence).

Community resolution: This is a method of dealing with an offender for a lower-level crime, in a way which is proportionate. Resolutions can be offered when the offender admits an offence and, in most cases, where the victim has agreed that they do not want more formal action taken. Community resolutions can include the offender being given advice about their behaviour, apologising or sending a letter of apology to the victim, or making some form of reparation such as repairing or paying for any damage done.

Community sentence: When a court imposes a community sentence, the young person doesn't go to custody. But the court says there are specific things the young person can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the young person for their crime, while also reducing the risk of them offending again. A young person given a

community sentence will be given a Youth Rehabilitation Order (see separate entry) in which one or more requirements can be imposed such as Curfew or Supervision.

Completion: When a defendant's case is completed and a final decision is reached in either the magistrates' courts or the Crown Court.

Conditional bail: Conditions may be added to a bail decision in order to ensure attendance at court, prevent the young person offending while on bail, address a concern that the young person might interfere with witnesses or obstruct the course of justice, safeguard the young person's welfare, ensure availability for reports or to ensure they attend an appointment.

The conditions might include not contacting a particular person or entering a particular area. The young person may additionally be electronically tagged if it is felt necessary.

Conditional discharge: When the court decides someone is guilty, but decides not to punish them further at this time, they will be sentenced to a 'discharge'. Discharges are given for minor offences. A 'conditional discharge' means that the young person won't be punished unless they commit another offence within a set period of time (no longer than three years).

Conviction: When a court finds a young person guilty of a crime and gives them a formal sanction.

Criminal history: A young people is counted as having a criminal history if their Police National Computer (PNC) record shows that, at the time of receiving a caution or conviction, they had previously committed one or more offences that had resulted in one of these sanctions. Because the PNC data excludes a range of summary offences the figures presented focus on the criminal histories of young people cautioned or sentenced for indictable offences.

Custodial sentence: A young person may be sentenced to custody when an offence is so serious that it is the only suitable punishment. A custodial sentence will also be given when the court believes the public must be protected from the young person. There are two different types of custodial sentence available for young people: determinate sentences (those having a fixed term) and indeterminate sentences (which have only a minimum term and include life sentences). In the case of young people their time in custody will be served in establishments separated from the adult and 18-21 population.

Detention and Training Order: Detention and Training Orders are determinate custodial sentences which can last from four months to 24 months in length. A young person spends the first half of the order in custody and the second half in the community on licence. Should they breach the licence conditions or reoffend during the licence period, they may be returned/recalled back to custody by the court.

Disposal: Disposal is an umbrella term referring both to sentences given by the court and pre-court decisions made by the police. Disposals may be divided into four separate

categories of increasing seriousness starting with pre-court disposals then moving into first-tier and community-based penalties through to custodial sentences.

First listing: The first hearing of the case in a magistrates' court, whether or not the defendant is present.

First-tier penalty: This is an umbrella term used for the following orders made at court: bind over, discharges, fines and deferred sentences

First Time Entrants: First Time Entrants to the criminal justice are classified as young people, resident in England and Wales, who received their first reprimand, warning, caution or conviction, based on data recorded by the police on the PNC.

Index offence: The index offence is the proven offence that leads to an offender being included in the reoffending cohort. An offence is only counted as an index offence if it is, recordable, committed in England and Wales, prosecuted by the police and not a breach offence.

Indictable cases: The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' court in these cases is brief, and usually consists of a decision on whether to grant bail, and considers other legal issues, such as reporting restrictions. The case is then passed to the Crown Court.

Intensive Supervision and Surveillance: Intensive Supervision and Surveillance (ISS) can be attached to a Youth Rehabilitation Order (which would have the Curfew, Electronic Monitoring and Supervision requirements attached as a minimum) and has been set as a high intensity alternative to custody. ISS combines a set period of electronic tagging with a comprehensive and sustained focus on tackling the factors that contribute to the young person's offending behaviour. ISS is aimed at young people on the custody threshold and has to be considered as an option before a custodial sentence is given. ISS may also be attached to conditional bail or as a condition of licence on custodial sentences.

Legal basis for detention: Legal basis refers to the legal basis for the young person's detention, the (custodial) order given to them by the courts. A young person may have multiple custodial orders simultaneously, legal basis refers to the most precedent custodial order.

Notifiable offences: Notifiable offences are those offences which require the police to record an incident as a crime and report the occurrence to the Home Office.

Otherwise dealt with: Includes a number of orders, for example hospital orders, confiscation orders and compensation orders.

Parenting Orders: Parenting Orders are made against parents and aim to prevent offending and anti-social behaviour by reinforcing parental responsibility. A court may impose an order on a parent when their son or daughter aged 10–17 years is convicted of an offence; or is subject to an Anti-Social Behaviour Order; or where a Child Safety Order is made; or where a parent has been convicted of failing to make sure that the young person attends school.

Primary offence: Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the primary offence. Other offences also dealt with in that case would be ignored for data recording purposes. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'primary offence'.

Proven offence: A proven offence is defined as an offence which results in the young person receiving a caution or conviction.

Recordable offence: Recordable offences are those that the police are required to record on the Police National Computer. They include all offences for which a custodial sentence can be given plus a range of other offences defined as recordable in legislation. They exclude a range of less serious summary offences, for example television licence evasion, driving without insurance, speeding and vehicle tax offences.

Triable only on indictment: These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These 'indictable-only' offences include murder, manslaughter, rape and robbery.

Triable-either-way: These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated to form indictable offences.

Summary offences: These offences are usually heard only by a magistrates' court. This group is dominated by motoring offences, for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Referral Order: The order requires the young person to attend a youth offender panel consisting of a YOT representative and two lay members. The panel agrees a contract with the young person lasting between three and 12 months. The contract will include reparation and a number of interventions felt suitable for that young person (for example, a substance misuse assessment, anger management etc.). If completed successfully, the Referral Order is considered a 'spent' conviction and need not be declared.

Reparation Order: Reparation Orders require a young person to undertake reparation either directly for the victim or for the community at large (for example, cleaning up graffiti or undertaking community work).

Remand to Youth Detention Accommodation: Where a court orders a Remand to Youth Detention Accommodation, the YJB Placements Team will place the child in Youth Detention Accommodation according to the needs of the young person. There is therefore no need for the court to specify in the warrant the precise home, centre or institution but the court must specify the designated local authority so that the Youth Justice Board may consult it on the placement decision.

Restorative justice: Provides opportunities for those directly affected by an offence (i.e. victim, young person and members of the community) to communicate and agree how to

deal with the offence and its consequences. Restorative justice approaches are most often used in Referral Orders. A Referral Order's primary aim is to prevent young people reoffending and provide a restorative justice approach within a community context.

Safeguarding: All organisations whose work impacts on children have a responsibility to ensure that the actions they undertake protect the safety and welfare and promote the well-being of those children, the staff who work for them and members of the public. The Youth Justice Board works to protect the safety of children, the community and staff as well as encourage education and equality in our workings.

Section 226 (detention for life and detention for public protection) of the Criminal Justice Act (2003): This is a sentence of 'detention for public protection' imposed if the court decides that on the basis of the risk presented by the young person an extended sentence would be inadequate to protect the public.

Section 226B (Extended Determinate Sentence) (Sections 123-5 LASPOA 2012 (amending s 226 & 228 Criminal Justice Act 2003) & schedule 20 LASPOA 2012): Young people can be sentenced to an extended custodial sentence if they are convicted on or after 3 December 2012 of a specified offence as listed in schedule 15 of the Criminal Justice Act 2003 and the court believes that they are dangerous. The earliest possible release date is the two thirds point of the custodial period. Release will be on licence to the end of the extension licence period. Should they breach the licence conditions they are liable to be recalled to custody by the Secretary of State.

Section 90 of the Powers of Criminal Courts (Sentencing) Act (200): Detention at Her Majesty's Pleasure: This is the mandatory sentence for children and young people aged from 10-17 years convicted of murder. The court sets a minimum term which must be served in custody, starting at 12 years.

Section 91 of the Criminal Court Sentencing Act (2000): provides that children and young people convicted of certain specified "serious" offences other than murder which in the case of an adult are punishable with imprisonment for 14 years or more, may, if no other methods of disposal are deemed suitable, be sentenced up to the adult maximum for the offence, which may be for life. The young person spends half of the sentence in custody and the second half on licence in the community. Should they breach the licence conditions they are liable to be recalled to custody by the Secretary of State.

Summary offences: These offences are usually heard only by a magistrates' court. This group is dominated by motoring offences, for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Triage: Triage is an informal process that means a young person will not be prosecuted, given a community resolution or youth caution. The young person can be asked to go to Youth Offending Team appointments. Young people who get in trouble for the first time or for less serious offences can be dealt with informally by the police. Triage is recorded on the police national computer (PNC) as no further action (NFA).

Young person: In the context of this publication, a young person refers to anyone between the ages of 10-17, unless stated otherwise.

Youth Conditional Cautions: A Youth Conditional Caution allows an authorised person (usually a police officer) or a relevant prosecutor (usually a member of the Crown Prosecution Service) to decide to give a caution with one or more conditions attached. When a young person is given a conditional caution for an offence, criminal proceedings for that offence are halted while the young person is given an opportunity to comply with the conditions. Where the conditions are complied with, the prosecution is not normally commenced.

Youth Cautions: Youth Cautions are a formal out-of-court disposal that can be used as an alternative to prosecution for young people (aged 10 to 17) in certain circumstances. A Youth Caution may be given for any offence where the young person admits an offence, there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute.

Youth Offending Teams (YOTs): Youth Offending Teams (YOTs) are multi-agency teams made up of representatives from police, probation, education, health and social services, and specialist workers, such as accommodation officers. In the year ending March 2016, there were 153 YOTs across England and Wales. Organised geographically and independent of the police and courts, they advocate for young people involved with the criminal justice system both in custody and in the community run prevention programs aimed at keeping young people from criminal activity and also provide advice and guidance for young people and their families in court.

Youth Rehabilitation Order (YRO): The Youth Rehabilitation Order (YRO) was introduced at the end of November 2009. The YRO provides judges and magistrates with a choice of 17 rigorous community options from which they can create a sentence specifically designed to deal with the circumstances of the young people before them.

The requirements available for a YRO are; Supervision, Curfew, Activity, Unpaid Work, Attendance Centre order, Electronic Monitoring, Programme, Education, Exclusion, Drug Treatment, Prohibited Activity, Intoxicating Substance Treatment, Residence, Drug Testing, Mental Health Treatment, Intensive Fostering and Local Authority Residence.

Supervision requirement: Requires the young person to meet with the responsible officer or other nominated person as agreed.

Programme requirement: Requires the young person to engage in systematic number of activities (a programme) at a specified place on a specified number of days.

Attendance Centre requirement: requires the young person to attend the attendance centre specified in their order for the number of hours specified.

Activity requirement: Requires the young person to engage in activities specified in their order.

Curfew requirement: Requires the young person to remain in a specified place for the period specified in the order. The order can also specify different periods of curfew on different days.

Exclusion requirement: Prohibits the young person from entering a place specified in the order for a specific period. The specified period must not be longer than three months.

Education requirement: Requires a young person of compulsory school age to comply with approved education arrangements.

Electronic Monitoring requirement: Requires the young person to comply with arrangements for the electronic monitoring of the curfew period set by the court.

Residence requirement: Requires the young person to reside with an individual specified in the order or in a place specified in the order. Available for 16 and 17 year olds only.

Local Authority Residence requirement: Requires the young person to reside in accommodation provided by or on behalf of the local authority.

Drug treatment requirement: Requires the young person to submit to treatment during a specified time with the view to reduce or eliminate their dependency on, or propensity to misuse, drugs.

Drug testing requirement: Requires the young person to provide samples as instructed by their responsible officer.

Intoxicating Substance Treatment requirement: Requires the young person to agree to intoxicating substance treatment for the period specified in the order. The aim of this requirement is to reduce or eliminate the young person's dependency on, or misuse of, intoxicating substances where this has been identified as a problem.

Mental health requirement: Requires the young person to submit to treatment by or under the direction of a registered medical practitioner/ chartered psychologist for the period of time specified.

Prohibited activity requirement: Requires the young person to **not** participate in specified activities on the day or days specified or during a set period of time.

Unpaid work requirement: Requires the young person to undertake unpaid work for the specified number of hours.

Intensive fostering requirement: Requires the young person to live with specially trained and supported foster carers for a period of up to twelve months.

Youth secure estate: There are three strands of the youth secure estate. These are; Secure Children's Homes (SCH), Secure Training Centres (STC) and Young Offender Institutions (YOI). SCHs will hold both young people placed on secure welfare orders as

well as those sentenced to custody and those remanded to youth detention accommodation. When referring to SCHs within this report, only those young people held on remand to youth detention accommodation or those sentenced to custody are counted.

The three different sectors are as follows:

Secure Children's Home (SCH): The eight Secure Children's Homes (SCH) in England are run by Local Authorities and are overseen by the Department for Education in England. There is one Secure Children's Home in Wales run by Neath Port Talbot local authority, overseen by the Welsh Assembly Government in Wales.

They generally accommodate remanded or sentenced young people but can also accommodate young people placed by Local Authorities on welfare matters.

Secure Children's Homes range from four to 24 beds and have high staff to young person ratios.

Secure Training Centre (STC): There are three purpose built Secure Training Centres (STC) in England offering secure provision to sentenced or remanded young people. They provide a secure environment where young people can be educated and rehabilitated. They are run by private operators under contracts which set out detailed operational requirements.

Secure Training Centres have fairly high staff to young person ratios.

Young Offender Institution (YOI): Young Offender Institutions (YOI) can accommodate young people and young adults who offend from between the ages of 15-21 years old. The YJB is only responsible for commissioning secure accommodation for young people up to the age of 17 years old. In the year ending March 2016, the YJB commissioned beds at five YOIs for under 18 males.

YOIs tend to be larger sites than STCs and SCHs with lower ratios of staff to young people. A small number of young people will remain in an under 18s YOI before either being released or transitioning to the young adult or adult estate.