

## 9. Children and young people

The Home Office, Youth Justice Board and Association of Chief Police Officers have issued separate guidance on the role of the youth offending team (YOT) in dealing with anti-social behaviour.<sup>7</sup> There is also separate guidance on the interventions available for children under 10 at Appendix B.

This section sets out the procedures for applying for ASBOs and similar orders in respect of children and young people, and the procedures for managing the case afterwards.

### Who can apply for an order?

Agencies able to apply for orders are the same as those for adults, and the consultation requirements are the same.

The role of the YOT needs to be clearly set out in terms of what it can offer in the prevention of anti-social behaviour, and in the ASBO process. All other agencies should involve the YOT in any consideration of an order at an early stage as it is likely to have much information to share about that young person. The YOT has a responsibility to prevent crime and anti-social behaviour by young people, and should help partners to obtain an order to stop the behaviour continuing where it is deemed appropriate. If there are any doubts about the option of obtaining an order, these should be explored at an early stage with the YOT and other partners, rather than in court. The YOT can also have a role in explaining the conditions of an order to the young person and their parents, explaining the impact of that person's behaviour on the community and making it clear that the order is the consequence of that behaviour. In addition, the YOT and other partners should offer support in order to aid compliance.

In cases of a breach of an order, the pre-sentence report (PSR) provided to the court by the YOT should outline the impact the behaviour has had on the community.

The YOT can also use the PSR in criminal proceedings to recommend an order on conviction where that course of action has been agreed and deemed appropriate.

The PSR should also address the issue of parenting and further support to the young person. Courts can make a parenting order with an ASBO or similar order, if a voluntary approach has failed and it will help improve behaviour, together with an individual support order (ISO). The YOT has a key role in both of these interventions. Details on these are set out below.

### Applications to the magistrates' court acting in its civil capacity

Since the youth court has no civil jurisdiction, applications for orders against under-18s will be heard by the magistrates' court (except where the youth court is asked to impose an order on conviction). A pilot to allow children and young people to be joined to proceedings in the county court, for the purpose of obtaining an ASBO where the anti-social behaviour is material to the principal proceedings, is currently under way in 11 county courts and is due to run until September 2006.

The officer in charge of the application should contact the justices' clerk in advance of the hearing to ensure that it will be conducted in a way that is suitable for the child or young person.

- Where there is an application to a magistrates' court for an ASBO under section 1 of the Crime and Disorder Act 1998, or an application to a magistrates' court for an ASBO to be varied or discharged under section 1(8) of the Act, and the person against whom the order is sought is under 18, the justices constituting the court should normally be qualified to sit in the youth court.
- Unlike a youth court, which is closed to the general public, the magistrates' court is

<sup>7</sup> Youth Justice Board, Home Office and Association of Chief Police Officers (2006). *Anti-social Behaviour: A guide to the role of Youth Offending Teams in dealing with anti-social behaviour*. This can be downloaded at [www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=212&ep=](http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=212&ep=)