

## **Referral Orders in England & Wales.**

**Mick Cundy**

**Referral Order Officer  
Norfolk Youth Offending Team**

### **Who am I?**

I am one of three Referral Order Officers each in post in all three Youth Offending Team Units within Norfolk. I am a member of the Norfolk Youth Offending Team (YOT) and I have been involved in this and similar work for the last 12 years both as a volunteer and a full time employee.

All members of the Youth Offending Team work in accordance with The Crime and Disorder Act 1998 (England & Wales)

### **Principle Aim for Those Who Work With Young Offenders:**

- It shall be the principle aim of the youth justice system to prevent offending by children and young persons. (Section 37)
- In addition to any other duty to which they are subject, it should be the duty of all persons and bodies carrying out the functions in relation to the youth justice system to have regard to that aim

### **National Objectives set by the National Youth Justice Board:**

- The swift administration of justice.
- Confronting young offenders with the consequences of their offending, for themselves, family, victims and community.
- Intervention which tackles the particular factors (personal, family, social, educational, health) that put the young person at risk of offending and strengthens "protective factors".
- Punishment proportionate to the seriousness and persistence of the offending.
- Encouraging reparation to victims by young offenders.
- Reinforcing the responsibility of parents.

### **The Role of the YOTs**

- Prevent young people from offending
- Carrying out a standard assessment of all young offenders.
- Develop intervention programmes
- Provide a Supervising Officer and Plan that tackles criminogenic need

- Restore the harm caused to victim
- Supervise those released from prison
- Provide Court services
- Provide for Youth Offending Panels

**Youth Offending Teams consist of representatives of:**

- The Social Services Department
- The Probation Service
- The Police
- The Health Authority
- The Education Authority

and:

- Others thought appropriate by the YOT partnership agencies e.g. Drugs Worker, Reparation Worker....

**The Norfolk Youth Justice Board has published 13 Performance Measures**

- 1 Prevention
- 2 Recidivism
- 3 Final Warnings
- 4 Use Of Secure Facilities
- 5 Use Of Restorative Processes
- 6 Victim Satisfaction
- 7 Parental Satisfaction
- 8 ASSET (assessment framework)
- 9 Pre Sentence Reports
- 10 Detention and Training Orders
- 11 Education, Training, and Employment
- 12 Accommodation
- 13 Mental Health

**Reasons Why Young People Offend in Norfolk**

- ◆ Low education attainment – 80%
- ◆ Attitude to offending – 72%
- ◆ Behaviour and thinking process – 61%
- ◆ Family problems – 50%
- ◆ Substance misuse – 43%
- ◆ Neighbourhood influences – 38%
- ◆ Poor accommodation – 25%
- ◆ Mental health – 10%

## **When working with children in trouble we must consider principles of Restorative Justice:**

- **Responsibility**  
We need to hold young people to account for their misbehaviour and encourage more responsible behaviour in the future.
- **Restoration (Reparation)**  
Explore possibilities of making amends to victims or community (reparation).
- **Re-integration (Rehabilitation)**  
Provide support, assistance and guidance to help young people grow into law-abiding adults.

## **Principles & procedures established to protect victims rights.**

- ◆ The Risk Principle: Target intensive programmes at high risk offenders
- ◆ Targeting 'Criminogenic Need': Address factors that contribute directly to offending.
- ◆ Programme Integrity: Aims clearly defined and closely related to programme content. Intervention monitored and evaluated against aims.
- ◆ Learning Style: Active participation by the young person in process.
- ◆ Content: Skills based, focus on problem solving with a cognitive element.
- ◆ Community Based: Most effective if delivered in the community.

## **How We Are Doing? We can demonstrate:**

- 60% successful completion of orders.
- 69% successful completion of bail.
- 22% no re-offending within a year.
- 73% less serious offending.
- 30% increase in educational engagement.
- 9% reduction in number offending.
- Evidence of victim empowerment.
- 90% of parents satisfied.

## **What Needs to be Done? We need to:**

- Improve supported accommodation
- Improve educational engagement
- Provide more consistent offending programmes
- Aspire to fully engage victims
- Aspire to full engage parents
- Provide robust orders by consistent enforcement.
- Maintain our skilled and motivated workforce

**Since April 2002 the Referral Order is now the primary disposal for young offenders pleading guilty and convicted for the first time. The Court determines the length of the Order based on the seriousness of the offence. Each Order can last between 3 and 12 months. This disposal is firmly based on the principles of Restorative Justice.**

**The young offender is referred to a Youth Offender Panel (YOP)**

**The Panels are made up of:**

- two members of the local community
- one member of the Youth Offending Team (YOT)
- the Young Offender and their parent/carer (who may be ordered to attend)
- the young person's supporter
- the victim
- the victim's supporter

Panels can also involve any agreed person who appears capable of having a good influence on the young person

**The core values underlying Referral Orders are:**

- Responsibility
- Reparation
- Rehabilitation

**The aims of the Panel Meeting are:**

- To prevent offending by young people.
- To provide a forum for the young person, the family, and the victim of the offence to consider the circumstances leading to the offending behaviour, and the effect of the crime on the victim.
- To agree a plan of action with the young person involving reparation and a programme to address the issues behind the offending behaviour.

**The Process.**

- The Order is made at Court
- The Referral Order Officer is allocated to the case within one day of making the Order
- The Referral Order Officer meets young offender within five days of making the Order
- The Initial Panel Meeting is held within 20 working days
- Upon an agreement being reached case is allocated to a YOT worker who will oversee the implementation of the agreement and maintain supervisory contact with the young person.

- There will be further Panel Meetings to review progress at least every three months or at any other time agreed or called by the Referral Order Officer for non-compliance by the young person.
- Final Panel Meeting to take place not more than 28 days prior to the expiry of the contract period.

### **Key Principles**

- Restorative Justice
- Early interventions to tackle offending behaviour
- Community involvement in the youth justice system

### **Purpose of the Initial Panel Meeting:**

- Explore the impact of the offence on the victim.
- Explore the causes of the offending behaviour and consider the risk factors in the young person's life.
- Negotiate the plan of activities which includes some form of reparation and/or activities to address the risk factors identified.
- To engage the young person in the process

### **Purpose of Progress Meetings:**

- To review progress
- To address any breach of contract with the young offender
- To consider any variation sought by the offender
- To consider any request for referral back to Court

### **Purpose of the Final Meeting:**

- To review compliance to date and decide whether the Contract has been successfully completed
- To discharge the Referral Order or refer back to Court

### **A Youth Offender Panel may refer the matter back to Court if:**

- the young offender fails to attend a meeting
- it proves impossible to reach an agreed plan
- the offender fails to sign an agreement
- the offender is in breach of the agreement
- if the offender's overall compliance is insufficient to allow the Panel to agree the satisfactory completion of the Order
- the offender has requested a referral back to Court

### **The Court has the power to:**

- Revoke the Order and re-sentence the young offender
- Vary the Order
- Send the offender back to the panel for another attempt
- Discharge the Order

### **Revoking the Order**

- Should the Court decide to revoke the Order they may then deal with the young offender with any of the community or custodial orders otherwise available, ranging from absolute discharge to DTO

### **Discharging the Order**

- When dealing with a referral back to Court, the Court may decide that the offender has in fact complied with the terms of the agreement and discharge the Order

### **Progress to date in Norfolk:**

- Steering Group Established
- Dedicated Referral Order Staff recruited and in post (1 per team, 3 teams plus 1 County Manager and 1 administrator)
- Publicity and Press releases issued and media communication maintained.
- 56 Panel Members recruited, trained and available.

## **Recruitment Criteria for Panel Members.**

We focused on the personal qualities of applicant i.e.:

### **Motivation**

- An interest in citizenship issues
- Working with victims
- Crime prevention

### **Good Character**

- Personal integrity
- Discretion
- A clear and firm approach to offenders and crime
- Respect for diversity

### **Communication Skills**

- Effective listening and communication skills
- An ability to engage with young people

### **Understanding and good judgement**

- An ability to understand documents, to identify and comprehend facts and to follow arguments
- An ability to think logically, to weigh arguments and to reach logical conclusions
- Objectivity
- Common and 'uncommon' sense and realistic expectations
- Sound temperament
- An ability to relate to and work with others
- A willingness to listen to advice and to the view of others
- Maturity patience and the ability to remain calm

## **Commitment and reliability**

- A willingness to undertake the required training
- A commitment to serve as a Panel Member for a minimum length of time and to undertake the relevant preparatory work in each case
- Respect for diversity

This is a 'core value' and extends throughout all work undertaken by and on behalf of, the Youth Offending Team.

The Response to our advertising and other recruitment methods was nothing short of amazing. (We had set a target of 35 panel members to be trained.)

Initially, we received in excess of 80 enquiries resulted in 66 applications. 56 subsequently completed selection and training. We have 40 on our waiting list.

## **The Selection Process:**

Initial Interview.  
Ongoing Assessment throughout training.  
Exit Interviews  
(Required to evidence learning).

## **Training:**

- An introduction day followed by 6 full days training.
- On Saturdays
- Alternately held in two locations.
- Final Day all trainees were together at a central location.

## **Introduction Day consisted of**

- Rules
- Youth Justice Overview
- Introduction to Referral Orders
- Values & Young People Today
- Panel Meetings
- Qualities of a Panel Member

**Over subsequent sessions, training subjects included;**

- Interventions
- Offending Behaviour
- Child Protection and Sexually aggressive Youngsters (SAY) Project
- Diversity & Equality (Anti-Discriminatory Practice)
- Child & Adolescent Development
- Communication Skills
- Dealing with Aggression & Conflict
- Victim's Issues
- Engaging Victims
- Assessment of Offenders
- Equal Opportunities Policy & Guidelines
- Panel Member's Experiences
- Proportionality
- Links with the Courts
- Parenting Issues
- Conduct of Panel Meetings
- Formulating & Negotiating Agreements
- Reparation Projects
- Drugs & substance abuse
- Education Issues

**Training Methods employed included;**

- Experiential
- Role play
- Exercises
- Presentations
- Reading
- Discussion
- 'Homework' and personal reading.

**We also offer**

- Ongoing Training
- Personal Supervision
- Any support necessary to enable PM's to develop all their potential

We also hope to gain accreditation of the training for our Panel Member's.

## **What can we expect in Norfolk?**

### **Types of Offences**

- 4% Criminal Damage.
- 9% Public Order.
- 25% Theft/Burglary.
- 17% Violence upon a person.
- 4% Drug/Alcohol.
- 2% Possession of an offensive weapon.
- 39% Driving/ motor offences.
- 2% Miscellaneous.

(All percentages rounded up.)

### **Victim Engagement**

- The evaluation document based upon the pilot area study reports indicates that 6% of victims have been involved in Panel Meetings.
- This figure is reduced to 4% when you take away parents as victims (as they will be ordered by the court to attend when the young person is under 16 & may be ordered by the Court over 16).

### **Norfolk's Current Method of Engaging Victims**

- Due to the restrictions of the Data Protection Act a representative of the police must be the first contact with victims on behalf of the YOT. We are currently operating an 'opt-out letter' accompanied with a stamped addressed envelope as our first victim contact.

I hope that this may be useful. I am more than willing for anyone to contact me directly by e-mail on

[mick.cundy.yot@norfolk.gov.uk](mailto:mick.cundy.yot@norfolk.gov.uk)

Other sources of information:

[www.youth-offender-panels.org.uk](http://www.youth-offender-panels.org.uk)

and

[www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk)