

Remand to Youth Detention Accommodation (YDA) and Remand to Local Authority Accommodation (LAA) guidance for Court Officers

The Crime and Disorder Act 1998 gives a list of youth justice services that local areas must provide and states ...'the provision of support for children and young persons remanded or committed on bail while awaiting trial or sentence'. It is therefore imperative that young people we supervise receive a service. This protocol will ensure that there is continuous/standardised supervision.

The Legal Aid, Sentencing and Punishment Act 2012 (Part 3 Chapter 3)

LASPO simplifies the current remand framework:

- all children (12-17) will be subject to the same remand provisions;
- all remanded children will be treated as looked after by the local authority designated by the court when remanded securely.

Purpose of the LASPO Act:

- equitable treatment for all children remanded to youth detention accommodation – no more distinction because of age/gender
- consistent services for all remanded children are ensured– including resettlement support, if appropriate
- incentive for LA children's services oversee services for a vulnerable group of children – remanded young people may not have offended, but, if sent to youth detention accommodation will be uprooted from their home for a period of time

Remanded to Youth Detention Accommodate (RYDA)

LASPO Part 3 Chapter 3 sec 98 states: A court can only remand a youth if the following conditions are met:

- 1 The age condition is that the child has reached the age of twelve.
2. The offence condition is that the offence is one or more of those offences—
 - (a) Is a violent or sexual offence, or
 - (b) Is an offence punishable in the case of an adult with imprisonment for a term of 14 years or more.
3. The necessity condition is that the court is of the opinion, after considering all the options for the remand of the child, that only remanding the child to youth detention accommodation would be adequate—
 - (a) To protect the public from death or serious personal injury (whether physical or psychological) occasioned by further offences committed by the child, or
 - (b) To prevent the commission by the child of imprisonable offences

A Young Person RYDA or RLAA is subject the same Local Authority statutory requirements and access to services as all Children Looked After

Court Officers Responsibilities for a youth RYDA

Inform Duty Manager / team manger of a YP being at risk of remand. A Placement Information Form should be completed and sent electronically to the YJB prior to the court hearing. A bail support package should be presented to the Court for consideration.

Whenever a young person is refused bail and remanded to YDA by the court they should be interviewed immediately after the hearing in the cells by the BYOS Court Officer. At this meeting a Post Court Report (PCR) and ASSET (if not already known to BYOS) should be completed. If the young person's parent/carers were not present then arrangements should be made to inform them of the court outcome.

A telephone call to the YJB Placements Team to arrange their placement should be made. The PCR and ASSET sent electronically.

The YJB will directly contact the Court Cells staff with a placement confirmation form; a copy of which will be sent to BYOS electronically.

If at any subsequent court hearings or at the request of the young persons solicitor there is any request for a bail package this will be prepared by the case manager, in conjunction with the parents/carers, solicitor and the YOI.

It should be remembered that a young person can only make two applications for bail in the Youth or Magistrates Court after this any subsequent application has to be at the Crown Court. But an application can be made direct to Crown Court.

Were a young person who has been on a statutory order to the YOT is subsequently arrested for a further offence and the court remand them to custody, the case manager will retain responsibility. National standards state that a planning meeting should be held within 10 working days and visited at least monthly where the remand plan will be reviewed.

BBC cases

The Duty Manager / Team Manager will inform the Head of Service for Looked after Children and the Conference and Reviewing Team Manager that a yp has been remanded to YDA and where they have been placed. If not already open to BBC Children's services, a referral to MASH should be made by the case manager. The YP will be allocated a LAC Social Worker to meet the statutory LAC requirements.

CBC cases

The Duty Manager / Team Manager will inform the CBC Team Manager for the Access and Referral Team that a yp has been remanded to YDA and where they have been placed. The YP will be allocated a Social Worker to meet the statutory LAC requirements

Telephone Numbers:-

YJB placements team: 0845 36 36 36 3

Remanded to Local Authority Accommodation (RLAA)

LASPO Part 3 Chapter 3 sec 92 states: A court remanding a yp to LAA states that:

(1) A remand to local authority accommodation is a remand to accommodation provided by or on behalf of a local authority.

(2) A court that remands a child to local authority accommodation must designate the local authority that is to receive the child.

A Young Person RYDA or RLAA is subject the same Local Authority statutory requirements and access to services as all Children Looked After.

A court can impose additional bail conditions to the RLAA

Court Officers Responsibilities for a youth RLAA

Inform Duty Manager / Team Manager of a YP being at risk of remand LAA. In discussion with the BYOS Duty Manager / Team Manager the relevant LA is contacted (CBC or BBC) to inform them of the potential / actual remand and identify a remand address with support of the LA.

BBC cases

The Duty Manager / Team Manager will inform the Head of Service for Looked after Children and the Conference and Reviewing Team Manager that an yp has been remanded to LAA. If not already open to BBC Children's services, a referral to MASH should be made by the case manager. The YP will be allocated a LAC Social Worker to meet the statutory LAC requirements

CBC cases

The Duty Manager / Team Manager will inform the CBC Team Manager for the Access and Referral Team. The YP will be allocated a Social Worker to meet the statutory LAC requirements.

The relevant LA needs to state where this yp is being accommodated; The Court Officer / Social Worker will need to take the YP to the accommodation placement and hand the yp to the care of the responsible adults at the accommodation placement. Failure of the yp to reside at the stated accommodation will be a breach of bail.