

## Youth Rehabilitation Orders (YROs)

- 5.23 A YRO is a community sentence within which a court may include one or more requirements designed to provide for punishment, protection of the public, reducing re-offending and reparation.
- 5.24 When imposing a YRO, the court must fix a period within which the requirements of the order are to be completed; this must not be more than three years from the date on which the order comes into effect.
- 5.25 The offence must be “serious enough” in order to impose a YRO, but it does not need to be an imprisonable offence. Even if an offence is deemed “serious enough” the court is not obliged to make a YRO.
- 5.26 The requirements included within the order (and the subsequent restriction on liberty) and the length of the order must be proportionate to the seriousness of the offence and suitable for the offender.
- 5.27 The available requirements within a YRO are:
- activity requirement;
  - supervision requirement;
  - unpaid work requirement;\*
  - programme requirement;
  - attendance centre requirement;
  - prohibited activity requirement;
  - curfew requirement;
  - exclusion requirement;
  - electronic monitoring requirement;
  - residence requirement;\*
  - local authority accommodation requirement;
  - fostering requirement;\*\*
  - mental health requirement;
  - drug treatment requirement (with or without drug testing);
  - intoxicating substance requirement;
  - education requirement; and
  - intensive supervision and surveillance requirement.\*\*

\*These requirements are only available for offenders aged 16 or 17 years old on the date of conviction

\*\*These requirements can only be imposed if the offence is an imprisonable one and for offenders aged under 15 they must be deemed a “persistent offender”

- 5.28 When determining the nature and extent of the requirements the court should primarily consider the likelihood of the young person re-offending and the risk of the young person causing serious harm.
- 5.29 The Youth Offending Team will assess this as part of their report and recommend an intervention level to the court for consideration.

	<b>Offender profile</b>	<b>Requirements of order</b>
Standard	Low likelihood	Primarily seek to repair harm caused

	of re-offending <b>and</b> a low risk of serious harm	through, for example: <ul style="list-style-type: none"> <li>• reparation;</li> <li>• unpaid work;</li> <li>• supervision; and/or</li> <li>• attendance centre.</li> </ul>
Enhanced	Medium likelihood of re-offending <b>or</b> a medium risk of serious harm	Seek to repair harm caused and to enable help or change through, for example: <ul style="list-style-type: none"> <li>• supervision;</li> <li>• reparation;</li> <li>• requirement to address behaviour e.g. drug treatment, offending behaviour programme, education programme; and/or</li> <li>• a combination of the above.</li> </ul>
Intensive	High likelihood of re-offending <b>or</b> a very high risk of serious harm	Seek to ensure the control of the young person through, for example: <ul style="list-style-type: none"> <li>• supervision;</li> <li>• reparation;</li> <li>• requirement to address behaviour;</li> <li>• requirement to monitor or restrict movement, e.g. prohibited activity, curfew, exclusion or electronic monitoring; and/or</li> <li>• a combination of the above.</li> </ul>

5.30 If a young person is assessed as presenting a high risk of re-offending or of causing serious harm but the offence that was committed is of relatively low seriousness then the appropriate requirements are likely to be primarily rehabilitative or for the protection of the public.

5.31 Likewise if a young person is assessed as presenting a low risk of re-offending or of causing serious harm but the offence was of relatively high seriousness then the appropriate requirements are likely to be primarily punitive.

### **Orders with intensive supervision and surveillance or with fostering**

5.32 An intensive supervision and surveillance requirement and a fostering requirement are both intended to be a community alternative to custody.

5.33 The offence must be punishable by imprisonment, cross the custody threshold and a custodial sentence must be merited before one of these requirements can be imposed.

5.34 An order of this nature may only be imposed on an offender aged below 15 (at the time of conviction) if they are a “persistent offender.”

### **With intensive supervision and surveillance**

5.35 An order of this nature must include an extended activity requirement of between 90 to 180 days, a supervision requirement and a curfew requirement. Where appropriate, a YRO with intensive supervision and surveillance may also include additional requirements (other than a fostering

requirement), although the order as a whole must comply with the obligation that the requirements must be those most suitable for the offender and that any restrictions on liberty are commensurate with the seriousness of the offence.

- 5.36 When imposing such an order, a court must ensure that the requirements are not so onerous as to make the likelihood of breach almost inevitable.

### **With fostering**

- 5.37 Where a fostering requirement is included within a YRO, it will require the offender to reside with a local authority foster parent for a specified period that must not exceed 12 months.
- 5.38 In order to impose this requirement the court must be satisfied that a significant factor in the offence was the circumstances in which the young person was living and that the imposition of a fostering requirement would assist in the rehabilitation of the young person. It is likely that other rights will be engaged (such as those under Article 8 of the European Convention on Human Rights) and any interference with such rights must be proportionate.
- 5.39 The court must consult the young person's parent or guardian (unless impracticable) and the local authority before including this requirement. It can only be included if the young person was legally represented in court when consideration was being given to imposing such a requirement unless the offender, having had the opportunity to do so, did not apply for representation or that right was withdrawn because of the offender's conduct. **This requirement may be included only where the court has been notified that arrangements are available in the area of the relevant authority.**
- 5.40 A YRO with a fostering requirement must include a supervision requirement and can include other requirements when appropriate (except an intensive supervision and surveillance requirement). The order as a whole must comply with the obligation that the requirements must be those most suitable for the offender and that any restrictions on liberty are commensurate with the seriousness of that offence.
- 5.41 It is unlikely that the statutory criteria will be met in many cases; where they are met and the court is considering making an order, care should be taken to ensure that there is a well developed plan for the care and support of the young person throughout the period of the order. A court will need to be provided with sufficient information, including proposals for education and training during the order and plans for the offender on completion of the order.