



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART III

MANDATORY AND DISCRETIONARY REFERRAL OF YOUNG OFFENDERS

Youth offender contracts

23 First meeting: agreement of contract with offender

- (1) At the first meeting of the youth offender panel established for an offender the panel shall seek to reach agreement with the offender on a programme of behaviour the aim (or principal aim) of which is the prevention of re-offending by the offender.
- (2) The terms of the programme may, in particular, include provision for any of the following—
 - (a) the offender to make financial or other reparation to any person who appears to the panel to be a victim of, or otherwise affected by, the offence, or any of the offences, for which the offender was referred to the panel;
 - (b) the offender to attend mediation sessions with any such victim or other person;
 - (c) the offender to carry out unpaid work or service in or for the community;
 - (d) the offender to be at home at times specified in or determined under the programme;
 - (e) attendance by the offender at a school or other educational establishment or at a place of work;
 - (f) the offender to participate in specified activities (such as those designed to address offending behaviour, those offering education or training or those assisting with the rehabilitation of persons dependent on, or having a propensity to misuse, alcohol or drugs);
 - (g) the offender to present himself to specified persons at times and places specified in or determined under the programme;

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- (h) the offender to stay away from specified places or persons (or both);
 - (i) enabling the offender's compliance with the programme to be supervised and recorded.
- (3) The programme may not, however, provide—
- (a) for the electronic monitoring of the offender's whereabouts; or
 - (b) for the offender to have imposed on him any physical restriction on his movements.
- (4) No term which provides for anything to be done to or with any such victim or other affected person as is mentioned in subsection (2)(a) above may be included in the programme without the consent of that person.
- (5) Where a programme is agreed between the offender and the panel, the panel shall cause a written record of the programme to be produced forthwith—
- (a) in language capable of being readily understood by, or explained to, the offender; and
 - (b) for signature by him.
- (6) Once the record has been signed—
- (a) by the offender, and
 - (b) by a member of the panel on behalf of the panel,
- the terms of the programme, as set out in the record, take effect as the terms of a "youth offender contract" between the offender and the panel; and the panel shall cause a copy of the record to be given or sent to the offender.

24 First meeting: duration of contract

- (1) This section applies where a youth offender contract has taken effect under section 23 above between an offender and a youth offender panel.
- (2) The day on which the contract so takes effect shall be the first day of the period for which it has effect.
- (3) Where the panel was established in pursuance of a single referral order, the length of the period for which the contract has effect shall be that of the period specified under section 18(1)(c) above in the referral order.
- (4) Where the panel was established in pursuance of two or more associated referral orders, the length of the period for which the contract has effect shall be that resulting from the court's directions under section 18(6) above.
- (5) Subsections (3) and (4) above have effect subject to—
- (a) any order under paragraph 11 or 12 of Schedule 1 to this Act extending the length of the period for which the contract has effect; and
 - (b) subsection (6) below.
- (6) If the referral order, or each of the associated referral orders, is revoked (whether under paragraph 5(2) of Schedule 1 to this Act or by virtue of paragraph 14(2) of that Schedule), the period for which the contract has effect expires at the time when the order or orders is or are revoked unless it has already expired.

25 First meeting: failure to agree contract

- (1) Where it appears to a youth offender panel to be appropriate to do so, the panel may—
 - (a) end the first meeting (or any further meeting held in pursuance of paragraph (b) below) without having reached agreement with the offender on a programme of behaviour of the kind mentioned in section 23(1) above; and
 - (b) resume consideration of the offender’s case at a further meeting of the panel.
- (2) If, however, it appears to the panel at the first meeting or any such further meeting that there is no prospect of agreement being reached with the offender within a reasonable period after the making of the referral order (or orders)—
 - (a) subsection (1)(b) above shall not apply; and
 - (b) instead the panel shall refer the offender back to the appropriate court.
- (3) If at a meeting of the panel—
 - (a) agreement is reached with the offender but he does not sign the record produced in pursuance of section 23(5) above, and
 - (b) his failure to do so appears to the panel to be unreasonable,the panel shall end the meeting and refer the offender back to the appropriate court.

26 Progress meetings

- (1) At any time—
 - (a) after a youth offender contract has taken effect under section 23 above, but
 - (b) before the end of the period for which the contract has effect,the specified team shall, if so requested by the panel, arrange for the holding of a meeting of the panel under this section (“a progress meeting”).
- (2) The panel may make a request under subsection (1) above if it appears to the panel to be expedient to review—
 - (a) the offender’s progress in implementing the programme of behaviour contained in the contract; or
 - (b) any other matter arising in connection with the contract.
- (3) The panel shall make such a request if—
 - (a) the offender has notified the panel that—
 - (i) he wishes to seek the panel’s agreement to a variation in the terms of the contract; or
 - (ii) he wishes the panel to refer him back to the appropriate court with a view to the referral order (or orders) being revoked on account of a significant change in his circumstances (such as his being taken to live abroad) making compliance with any youth offender contract impractical; or
 - (b) it appears to the panel that the offender is in breach of any of the terms of the contract.
- (4) At a progress meeting the panel shall do such one or more of the following things as it considers appropriate in the circumstances, namely—
 - (a) review the offender’s progress or any such other matter as is mentioned in subsection (2) above;

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- (b) discuss with the offender any breach of the terms of the contract which it appears to the panel that he has committed;
 - (c) consider any variation in the terms of the contract sought by the offender or which it appears to the panel to be expedient to make in the light of any such review or discussion;
 - (d) consider whether to accede to any request by the offender that he be referred back to the appropriate court.
- (5) Where the panel has discussed with the offender such a breach as is mentioned in subsection (4)(b) above—
- (a) the panel and the offender may agree that the offender is to continue to be required to comply with the contract (either in its original form or with any agreed variation in its terms) without being referred back to the appropriate court; or
 - (b) the panel may decide to end the meeting and refer the offender back to that court.
- (6) Where a variation in the terms of the contract is agreed between the offender and the panel, the panel shall cause a written record of the variation to be produced forthwith—
- (a) in language capable of being readily understood by, or explained to, the offender; and
 - (b) for signature by him.
- (7) Any such variation shall take effect once the record has been signed—
- (a) by the offender; and
 - (b) by a member of the panel on behalf of the panel;
- and the panel shall cause a copy of the record to be given or sent to the offender.
- (8) If at a progress meeting—
- (a) any such variation is agreed but the offender does not sign the record produced in pursuance of subsection (6) above, and
 - (b) his failure to do so appears to the panel to be unreasonable,
- the panel may end the meeting and refer the offender back to the appropriate court.
- (9) Section 23(2) to (4) above shall apply in connection with what may be provided for by the terms of the contract as varied under this section as they apply in connection with what may be provided for by the terms of a programme of behaviour of the kind mentioned in section 23(1).
- (10) Where the panel has discussed with the offender such a request as is mentioned in subsection (4)(d) above, the panel may, if it is satisfied that there is (or is soon to be) such a change in circumstances as is mentioned in subsection (3)(a)(ii) above, decide to end the meeting and refer the offender back to the appropriate court.

27 Final meeting

- (1) Where the compliance period in the case of a youth offender contract is due to expire, the specified team shall arrange for the holding, before the end of that period, of a meeting of the panel under this section (“the final meeting”).
- (2) At the final meeting the panel shall—

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- (a) review the extent of the offender's compliance to date with the terms of the contract; and
 - (b) decide, in the light of that review, whether his compliance with those terms has been such as to justify the conclusion that, by the time the compliance period expires, he will have satisfactorily completed the contract;
- and the panel shall give the offender written confirmation of its decision.
- (3) Where the panel decides that the offender's compliance with the terms of the contract has been such as to justify that conclusion, the panel's decision shall have the effect of discharging the referral order (or orders) as from the end of the compliance period.
 - (4) Otherwise the panel shall refer the offender back to the appropriate court.
 - (5) Nothing in section 22(2) above prevents the panel from making the decision mentioned in subsection (3) above in the offender's absence if it appears to the panel to be appropriate to do that instead of exercising either of its powers under section 22(2).
 - (6) Section 22(2)(a) above does not permit the final meeting to be adjourned (or re-adjourned) to a time falling after the end of the compliance period.
 - (7) In this section "the compliance period", in relation to a youth offender contract, means the period for which the contract has effect in accordance with section 24 above.