

Referral Orders

What is a Referral Order?

The Criminal Evidence Act 1999 saw the introduction of the Referral Order. This is a way of dealing with young people between the ages of 10 and 17, who have appeared in court for the **first time** and have pleaded guilty to the offence. The new Legal Aid, Sentencing and Punishment of Offenders Act 2012 (the LASPO Act) now allows for repeat Referral Orders to be imposed as long as the young person pleads guilty.

Referral Orders are made for a period of not less than 3 months and not longer than 12 months. The young person is ordered to appear before a Referral Order Panel accompanied by their parent.

Referral Order Panel Meetings involve specially trained volunteer panel members, the young person and their parent/carer, a Youth Justice Service (YJS) Officer and in many cases the victim of the offence. All parties meet to negotiate a contract of reparation (payback) to the victim or community and a programme of work to address offending behaviour.

What is the aim of the Referral Order?

The Referral Order aims to prevent re-offending by ensuring that the young person is made aware of the impact and consequences of their criminal activity.

Referral Orders take into account the wishes and feelings of the victims of crime, and allow them where possible to have a say in what is agreed in the young person's contract.

Referral Orders gives the young person a second chance of a non-criminal future, as the sentence is 'spent' at the end of the order, provided the Panel agree that the young person has kept to the terms of their contract.

What is in a Referral Order Contract?

The Panel Chair will agree a contract of interventions with the young person. This may involve mediation, which is the offender meeting his or her victim in person to explain what they did and why. The victim will be given the opportunity to ask the young offender to do some work, either for themselves or the community as 'payback' for the offence. This 'payback' is known as Reparation.

The reparation may involve the offender writing a letter of apology and/or taking part in several hours of practical activity which benefit the victims of their offence.

Where the victim does not want direct reparation, then reparation will be made to the community at large. This is known as indirect reparation. This will involve some activity or series of activities carried out for the benefit of the community.

There will be some specific offence focused work, victim awareness sessions and positive activities included in the contract.

This contract will be signed by the Panel Chair, the young person and his/her parent/carer. The Referral Order does not start until the contract is signed when it becomes a legally binding document. Failure to complete any aspect of the contract, without panel consent will result in the young person being returned to court.

What will happen if the young person fails to co-operate?

At most, the young person will be given two written warnings before the Panel decide that Non-compliance (Breach) Proceedings are taken.

Non-compliance Proceedings will involve the panel returning the young person back to Court. The Court may re-order the young person to comply with the Panel or they may Revoke the Order and resentence the young person for the original offence.

Non-compliance Proceedings can be requested by the Panel at any stage of the Order (regardless of the length of time it has to run) and without prior warning if failure to comply is serious, such as an attempt to avoid its completion or serious misconduct.

Revoke and re-sentence: A young person can, at any time, ask the Panel to send them back to Court for revoke and re-sentence if they feel they have a valid reason.

Failure to comply with a Referral Order and re-sentence in Court will leave the young person with a criminal record that must be disclosed.

What is the role of parents/carers in Referral Orders?

Parents/carers should:

- Attend Referral Order Panels with the young person.
- Encourage the young person to appreciate fully the consequences of their offending behaviour.
- Ensure the young person attends on time and successfully completes the activities assigned him/her.
- Co-operate with any specific requirements placed on them by the Referral Order Panel Members.
- The failure of the parent/guardian named on the Referral Order to attend panels could result in the named parent/guardian receiving a Parenting Order. Therefore, it is vital that if you are experiencing difficulties due to

other commitments e.g. work, the Panel and the YJS are informed at the earliest possible stage.

If you are interested in becoming a Referral Order Panel Volunteer please contact the Youth Justice Service on the number below.

Contact

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