

YOT Practitioner's Guide: civil injunctions and the Criminal Behaviour Order

Contents

Introduction	3
Background to legislative changes	4
Overview of the Civil injunction and Criminal Behaviour Order	5
The civil injunction	5
The Criminal Behaviour Order	6
The civil injunction	6
Non-housing related	6
Housing-related	7
The civil injunction process	8
How the civil injunction works	9
Hearsay evidence	10
Variation and discharge of civil injunctions	10
Power of arrest	11
Breach of a civil injunction	11
Supervision Order	12
Supervision Requirement	12
Activity Requirement	12
Curfew Requirement and Electronic Monitoring	12
Responsible Officer for Civil Supervision Orders	13
Civil Detention Order	13
Breaching a Civil Supervision Order	13
Remands	14
Criminal Behaviour Order (CBO)	14
The CBO process	15
How the CBO works	16
YOT responsibilities during the CBO application process	16
Hearsay Evidence	17
Interim Orders	17
Applications to Vary or Discharge the Order	17
Breach of CBOs	17
Key issues	18
Transitional Arrangements for ASBOs on Conviction	18
Transitional Arrangements for standalone ASBOs	19
Reporting Restrictions	19
Consultation checklist	19

Introduction

This guidance is for youth offending teams (YOTs), YOT managers and operational managers with responsibility for anti-social behaviour (ASB), and liaising with the courts. It should be read in conjunction with:

- the [Anti-social Behaviour, Crime and Policing Act 2014](#)
- the Home Office statutory guidance '[Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers statutory guidance for frontline professionals](#)'

Other agencies have developed operational guidance to support the statutory guidance, including the Crown Prosecution Service (CPS), police and Judicial College. It is recommended that the YOT have sight of these as this guidance is aligned with those documents.

All references in this guidance relate to provisions in ASBCPA 2014.

The Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA 2014) replaces the original ASB powers with six new ASB options, set out in Table 1 and 2 below. This guidance provides information about the tools introduced by the ASBCPA 2014 of most relevance to YOT and, therefore, focuses on the civil injunction and the Criminal Behaviour Order.

Table 1

Old powers	
ASBO on application	Graffiti/Defacement Removal Notice
ASBO on Conviction	Designated Public Place Order
Drinking Banning Order on application	Gating Order
Drinking Banning Order on Conviction	Dog Control Order
Individual Support Order	ASB Premises Closure Order
Intervention Order	Crack House Closure Order
Litter Clearing Notice	Noisy Premises Closure Order
Street Litter Clearing Notice	Section 161 Closure Order
Litter Abatement Notice	Section 30 Dispersal Order
	Section 27 Direction to leave

Table 2

New powers	
Civil injunction	Public Spaces Protection Order
Criminal Behaviour Order	New Closure Power
Community Protection Notice	Dispersal Powers

The automatic reporting restrictions of certain information, which normally applies in legal proceedings for offenders aged under 18 who are subject to proceedings in the Youth Court (as per sec. 49 of the Children and Young Person Act (CYPA) 1933), does not apply to civil injunction and CBO hearings. However Section 39 of the CYPA does apply and enables the court to impose a discretionary reporting restriction. It is important that YOTs fully understand the provisions on reporting restrictions, (see page 16).

Due to recent changes to civil legal aid, young people appearing in the youth court for civil matters will have to undertake a 'means test' to determine whether they qualify for legal aid.

Background to legislative changes

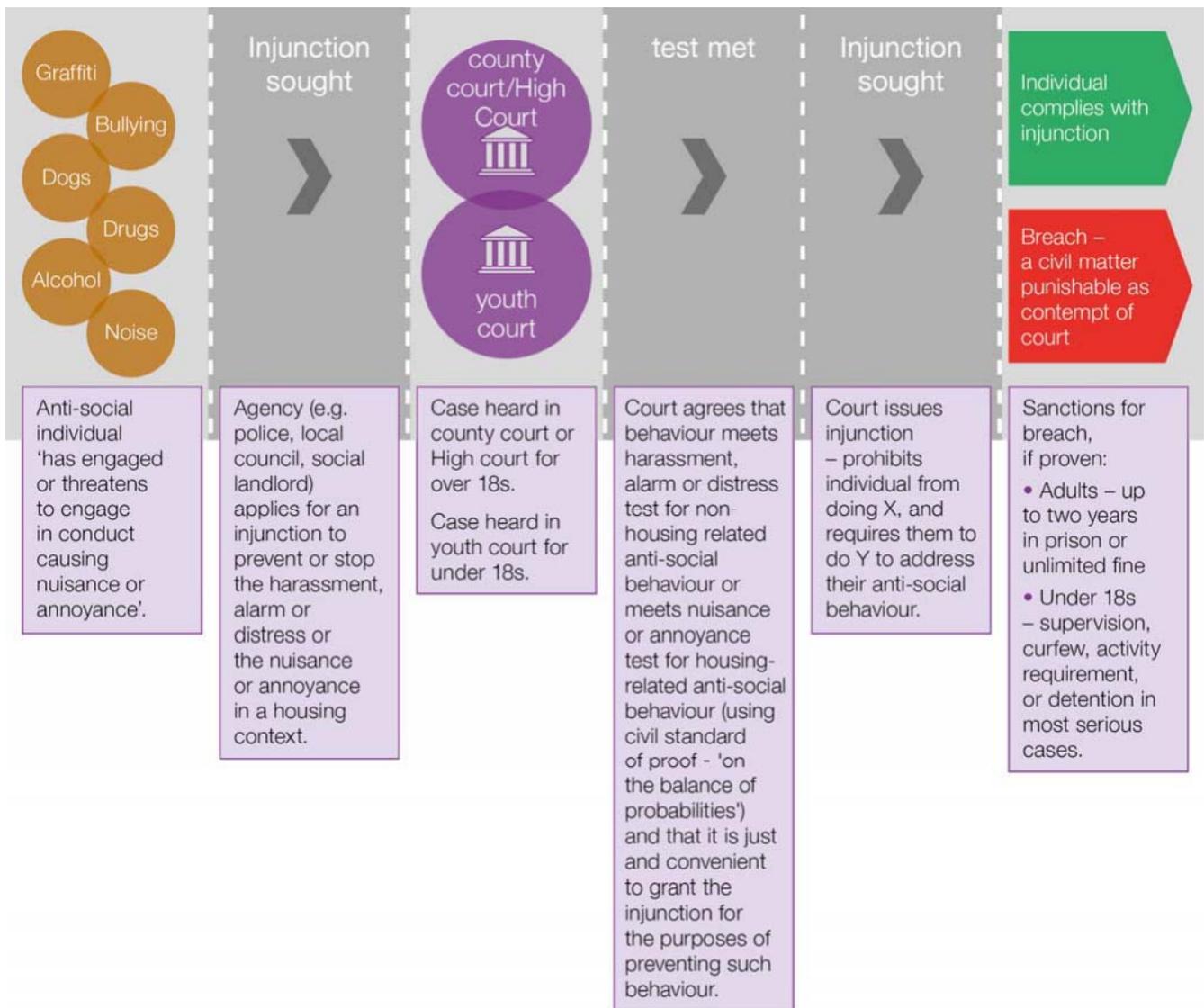
The document, ['The Coalition: Our Programme for Government'](#) in 2010 outlined a commitment to reform the powers available to deal with anti-social behaviour. Specifically it said: "We will introduce effective measures to tackle anti-social behaviour and low-level crime".

A consultation document, 'More effective responses to anti-social behaviour', was published in February 2011. Following the consultation, a White Paper was published in May 2012. The White Paper, 'Putting victims first: more effective responses to anti-social behavior', included a summary of responses to the earlier consultation, and proposed that the number of ASB tools would be reduced from 19 to 6.

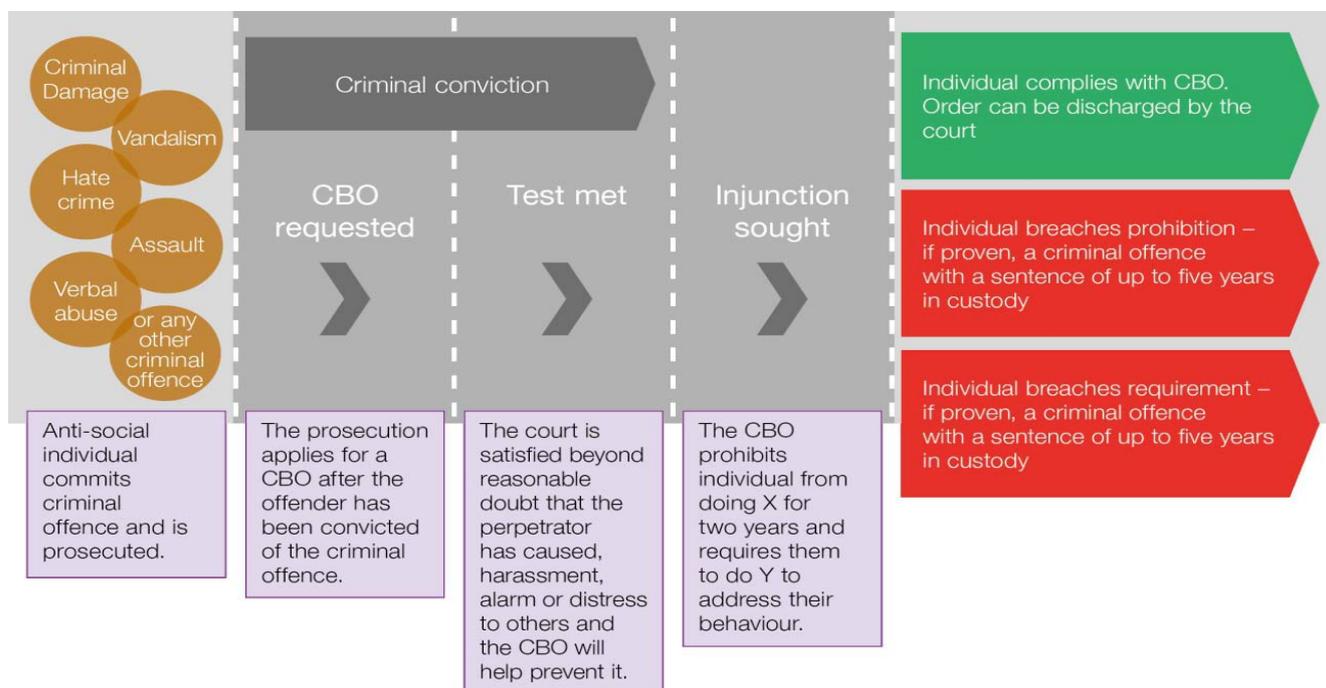
Overview of the Civil injunction and Criminal Behaviour Order

An overview of the civil injunction and Criminal Behaviour Order and some differences between the two are set out in the diagrams below, (source - Home Office statutory guidance):

The civil injunction



The Criminal Behaviour Order



The civil injunction

The powers relating to the Civil Injunction are contained in Part 1 of the ASBCPA 2014. Civil injunctions are available in the youth court for 10 to 17 year olds. Applications are made by a wide range of agencies, including the police, local authorities and housing providers. Applications may be made to the youth court (sitting in its civil capacity). There are two tests for the injunction, and the tests differ dependent on whether the behaviour is housing related or not.

Non-housing related

For anti-social behaviour in a non-housing related context the test is conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes. In considering an application the court must be satisfied that the following two conditions have been met:

- on the balance of probabilities the young person has engaged or threatens to engage in anti-social behaviour

- the court considers it is just and appropriate to grant the injunction for the purpose of preventing the person from engaging in further anti-social behaviour

Housing-related

For anti-social behaviour in a housing context the nuisance or annoyance test will apply, that is, where the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police will be able to apply for an injunction under these provisions in the legislation. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not even tenants of the social landlord who is applying for the order.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or lodger, is or has been behaving anti-socially, the injunction could be used against the problem visitor, lodger or owner if applicable. An agency seeking to apply for the injunction must produce evidence (to the civil standard of proof, that is, 'on the balance of probabilities') and satisfy the court that it is both 'just and convenient' to grant. In considering an application the court must be satisfied that the following two conditions have been met:

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- conduct capable of causing housing-related nuisance or annoyance to any person¹

As well as prohibitions to prevent ASB, the court can include positive requirements in the civil injunction to engage the young person in addressing the underlying reasons for their ASB.

In the case of under 18s, the prohibitions or requirements of a civil injunction must have a specified time limit, and the maximum term is 12 months.

When seeking a civil injunction the following steps should be taken:

1. Applicants must seek the views of the local YOT before applying for the injunction. YOTs do not have the power to veto an application. The requirement to consult does not apply to 'without-notice' applications where there is a need to tackle serious problems urgently.
2. Alongside the formal consultation requirement, the applicant must also inform other agencies or individuals before an application is made, if they (the applicant) think it is appropriate, for example, social services, mental health teams.

It is expected that informal measures will have been fully explored (such as working with the young person and/or their family on a voluntary basis, or by the use of Acceptable Behaviour Contracts (ABCs) before considering an application for a civil injunction.

A power of arrest can be attached to a 'requirement' or 'prohibition' in the Civil injunction if the young person's threatened or actual anti-social behaviour consists of or includes the use or threatened use of violence against other persons, or there is a significant risk of harm to other persons from the respondent. "Harm" includes serious ill-treatment or abuse, whether physical or not.

The civil injunction process

It is a requirement that before an injunction application is made to court, that the views of the YOT are sought, (section 14 of the ASBCPA 2014) if the subject of the application will be under 18 when the application is made. How this consultation is developed should be determined locally. However, we would recommend that the following process is considered as a minimum to ensure that all appropriate checks and issues have been fully explored and resolved before the application is made to the youth court:

Table 2: Civil injunction – suggested process
Applicant notifies the YOT ASB lead of intention to apply for a Civil injunction against a young person
YOT ASB lead adds the application to the agenda for the next 'prevention' panel (or equivalent, which may need to sit at short notice or take place 'remotely' if timescales are tight; should include representatives from the police, housing, YOT, education and children's services)

At the panel the discussion is focused on:

- are the panel satisfied that all pre-court/ voluntary options been fully explored?
- prohibitions and positive requirements. If the YOT already provide the requirements, they will need to prepare evidence on how they will supervise and promote compliance and make the necessary arrangements for notification of non-compliance.
- publicising orders made against under-18s (see page 24 of the Home Office statutory guidance and p16 of this guidance)
- the responsible person for supervision of the Civil injunction

At the court hearing:

- the case is presented by applicant as agreed at multi-agency panel
- the court must receive evidence about the suitability and enforceability of the proposed requirements from the person – the individual or individual representing the organisation responsible for supervising compliance

It is important to make best use of existing structures i.e. the local authority's existing, multi-agency approach to prevention. Where multi agency panels/meetings already exist, they can consider proposals to apply for a civil injunction or CBO.

How the civil injunction works

Before an application is made to the court it is important that the YOT is aware of what can be included in Injunctions so that when the applications are heard in court the YOT are fully aware and content that the proposed requirements are appropriate.

If a civil injunction is made to the court, agencies will need to tailor the positive requirements in each case to address the young person's individual circumstances, behaviour and needs to ensure they are suitable. Positive requirements could include the following:

- the young person attending alcohol awareness classes for alcohol-related problems
- attendance at a recreational activity to encourage more positive use of the young person's free time

The prohibitions or requirements in the civil injunction must not, so far as practicable:

- interfere with the times at which the respondent normally works or attends school or any other educational establishment
- conflict with the requirements of any other court order or injunction to which the young person may be subject

In addition to these factors, applicants should consider the impact on any

caring responsibilities the young person may have and, in the event that they have a disability or specific learning need, whether he or she is capable of complying with the proposed prohibitions or requirements.

A draft of the civil injunction should include all proposed prohibitions and requirements, their duration and any anticipated powers of arrest. Applicants will need to be prepared for the court to examine each prohibition and requirement, and will need to be able to demonstrate how each will prevent the young person from engaging in or threatening to engage in anti-social behaviour in the future. The responsible officer who will supervise the requirements will need to be identified at the pre-planning stage. It is anticipated that, in the majority of cases, this will be the YOT due to their expertise and access to appropriate intervention packages. However, it should not be assumed this will be the case. If it is identified at the pre-court planning meeting that another agency is best equipped and more appropriate to lead on the positive requirement, this should be clearly stated.

The automatic reporting restriction provision applicable to youth court proceedings and appeals from the youth court, does not apply in civil injunction hearings. Reporting restrictions are discussed further below.

Hearsay evidence

Hearsay and professional witness evidence allows for the identities of vulnerable or reluctant witnesses to be protected. This is especially important as cases can involve anti-social behaviour in residential areas where local people and those targeted by the behaviour may feel unable to come forward for fear of reprisals. Hearsay evidence could be provided by a police officer, healthcare official, or any other professional who has interviewed the witness directly.

Variation and discharge of civil injunctions

The court has the power to vary or discharge a civil injunction on application by either the respondent young person or the applicant. Again, the YOT must be consulted on any proposed variation or discharge of the injunction (s14). Applicants may consider applying to vary an injunction in response to changes in the respondent's behaviour. The powers of the court to vary an injunction include:

- to remove a prohibition or requirement in the injunction
- include a new prohibition or requirement in the injunction
- reduce the period for which a prohibition or requirement has effect

- extend the period for which a prohibition or requirement has effect
- attach a power of arrest, or extend the period for which a power of arrest has effect

If the court dismisses an application to vary or discharge the civil injunction, the party who made the application is not allowed to make a further application without the consent of the court or the agreement of the other party.

Power of arrest

The court can only attach a power of arrest to a prohibition or requirement in the

Civil injunction if:

- the anti-social behaviour in which the young person has engaged, or threatens to engage, consists of or includes the use, or threatened use, of violence against other persons
- there is a significant risk of harm to other persons from the young person

If the applicant believes a power of arrest is appropriate, they should consult the YOT as above, and present this to the court by way of written evidence. Such evidence may indicate that the young person poses a high level of risk to the victim or the community should any of the conditions in the civil injunction be breached, for example, a history of violent behaviour or threats of violence towards others. Where a power of arrest is attached to a condition of the injunction, a police officer can arrest the young person without warrant if he or she has reasonable cause to believe that a breach has occurred. The police must present the respondent to court within 24 hours of their arrest (except on Sunday, Christmas Day and Good Friday).

Breach of a civil injunction

It is recommended that an effective warning system is locally agreed and applied before a decision to make an application to court on breach is taken.

If the applicant thinks that the young person has breached a term of the civil injunction to which a power of arrest has not been attached, they may apply to the youth court to issue a warrant for the young person's arrest. The police must inform the applicant (if the applicant is not the police) when the young person is arrested. Before an application can be made to the youth court to start breach proceedings, the applicant must consult the YOT (Schedule 2).

A breach of a civil injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on young people, the criminal standard of proof – 'beyond reasonable doubt' – is applied in

breach proceedings. Breach proceedings are dealt with in the youth court and could result in a civil supervision order or a civil detention order

The court is given two specific powers in the Antisocial Behaviour Crime and Police Act: a Supervision Order and a Detention Order.

Supervision Order

Before the court may make a supervision order, it must consider a report made by the YOT for this purpose, and obtain and consider information about the respondent's family circumstances and the likely effect of such an order on those circumstances.

YOTs are required to supervise young people who are given a Supervision Order. You will also be required to notify the original injunction applicant where the young person fails to comply.

A Supervision Order may last for up to six months and contain one or more of three elements:

- supervision requirement
- activity requirement
- curfew requirement and electronic monitoring

Supervision Requirement

Under this requirement, a young person must attend appointments with the Responsible Officer, or another person decided by the Responsible Officer.

Activity Requirement

Again, this requirement states that a young person participate in or do a particular activity on particular days and times, including a residential exercise, for a total of between 12 and 24 days. The young person must also comply fully with instructions and behave in a reasonable manner for the duration of the activity. There can only be an activity requirement where the YOT have been consulted, compliance is likely (i.e. you are not setting a young person up to fail), and the proposed activities can be provided by the YOT or another suitable provider.

Curfew Requirement and Electronic Monitoring

This requires the young person to remain in a specific place for specified periods of time, and this may specify different places or different periods for different days. Curfew requirements can also contain a requirement for

electronic monitoring. The court must be notified by the YOT that electronic monitoring is available in the area. There are a number of requirements (set out in Schedule 2, Part 2, paragraph 6) which need to be complied with when attaching EM to a curfew requirement in a supervision order - the maximum length of which is 6 months.

Responsible Officer for Civil Supervision Orders

Although this is likely to be the YOT, except where only a Curfew Requirement is made, the responsible officer should be identified at the consultation stage and allocated on a case by case basis. The young person must keep in touch with the YOT as per their instructions and notify any change of address. The Responsible officer must make arrangements necessary in connection with the requirements in the Supervision Order and promote compliance with the requirements.

Civil Detention Order

It is only in the most serious or persistent cases of a breach that a court will order that a young person is detained. Schedule 2 makes it clear that a court may not detain a young person for breach of the injunction, "unless it is satisfied that, in view of the severity or extent of the breach, no other power available to the court is appropriate".

The statutory guidance notes that in the most serious cases, (that is, 'where the court determines that because of the severity or extent of the breach no other power available to it is appropriate') the court may impose a detention order on a young person for breaching the terms of the injunction – including breach of a positive requirement. Only those between 14 and 17 years of age can be detained for breaching the injunction and they cannot be detained for longer than three months. The court also has the power to grant an application to revoke a Detention Order made under Schedule 2, if it appears to be in the interest of justice to do so (Part 3, paragraph 15).

Before a Detention Order is made, the court must consider any representations made by the YOT. An applicant must also consult with the YOT before applying to the youth court to have a detention order revoked. A Detention Order, as stated above, is to be viewed as a last resort.

Breaching a Civil Supervision Order

If a young person breaches a Civil Supervision Order, they can receive a further supervision order or, because of the seriousness of the breach and the court believes that no other penalty available to it is appropriate, it can impose a civil detention order on the young person provided they are aged between 14 and

17.

Remands

The court only has the power to bail a young person after they have been arrested for suspected breach of a civil injunction (with or without warrant). The power to remand to custody is specifically excluded in the case of a young person. There is a very limited exception to this when court needs a report on the young person's mental health, after obtaining evidence from a registered medical practitioner and it is impracticable to get a medical report for the young person on bail (Schedule 1).

Criminal Behaviour Order (CBO)

A criminal court (Crown Court, magistrates' court or youth court) has the power to make a CBO where young person is convicted of an offence. The court may make a CBO against a young person only on application by the prosecution. For a CBO to be made:

- the court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person
- that the court considers making the order will help prevent the offender from engaging in such behaviour

A CBO can prohibit the young person from doing anything described in the order (which might include a condition preventing specific acts which cause harassment, alarm or distress or preparatory acts which the offending history shows are likely to lead to offences, for example entering a defined area). A CBO can also include positive requirements to require the young person to do anything described in the order (for example, attendance at a course to educate on alcohol and its effects).

A CBO is not a criminal sanction and is not intended to punish the individual. It is designed to be preventative, not punitive.

The CBO is intended for the most persistent anti-social individuals who are engaged in criminal activity.

The court may issue a CBO against the young person only if it is made in addition to:

- a sentence imposed in respect of the offence
- an order discharging the offender conditionally

It follows that an order may not be combined with an absolute discharge nor be

imposed at the same time as the court defers sentence.

The automatic reporting restriction, which normally applies in legal proceedings for offenders aged under-18, does not apply in CBO hearings (application or breach proceedings). Please refer to the section on Reporting Restrictions below for further information. More detailed information on reporting restrictions from the Association of YOT managers and the standing committee for youth justice can be found [here](#)

The CBO process

Before a CBO application is heard at court, the prosecution (in practice the police or the local authority) must seek the views of the YOT (s22(8) of the Act). Where the views of the local YOT are not part of the CBO file, the prosecutor must contact the police / local authority to request the views of the YOT. The prosecutor will prepare a Notice of Intention to apply if the view of YOT is not received within 5 working days. For more information on Crown prosecution guidance for criminal behavior orders see [here](#)

How this consultation is delivered is a local issue and should be agreed locally, in partnership. It is recommended that the following process is seen as the minimum requirement to ensure that all appropriate checks and issues have been fully explored before the application is heard in court:

Table 3: Criminal Behaviour Order (CBO) – suggested process
Police/local authority notifies the YOT ASB Lead and CPS of intention to request the prosecution apply for a CBO against a young person
YOT ASB lead adds the application to the agenda for the next 'prevention' panel (which may need to sit at short notice or take place 'remotely' if timescales are tight, and should include representatives from the police, housing, YOT, education and children's services and others as depending on local structures)
At panel – Discussion focuses on: <ul style="list-style-type: none"> • the likely impact of a CBO application – have all pre-court/voluntary options been fully explored? If not, this is fed back to the CPS • prohibitions and positive requirements. If the YOT already provide the requirements, they will need to prepare evidence on how they are suitable and enforceable, and make the necessary arrangements for notification of non-compliance • publicising orders made against under-18s: (see page 30 of the • Home Office statutory guidance)
CPS informed of outcome of discussions
Court Hearing for Offence
Young Person Convicted or Given Conditional Discharge
CPS makes application for a CBO
Court consider CBO application

How the CBO works

The prosecution may only apply for a CBO after the young person has been convicted of a criminal offence. The CBO must clearly describe the details of what the young person is not allowed to do (prohibitions) as well as what they must do (requirements). The court must be satisfied that the requirement(s) are suitable and necessary to help prevent the Anti-Social Behaviour and enforceable. For under 18s, the minimum term is one year and the maximum term is three years.

Where the CBO is made against someone under 18 years of age, there is a requirement to conduct an annual review. Section 29 states that the review is to be carried out by the chief officer of police of the police area in which the young person lives or appears to be living, (this requirement falls on the chief constable but in practice will be delegated locally to the most appropriate person or post within the police, and YOTs are advised to establish where this responsibility will rest).

The police, in carrying out the review, must act in co-operation with the local authority in which the young person lives or appears to be living, and the local authority must co-operate in the carrying out of the review. The police may invite the participation in the review of any other person or body. We would recommend that the members of the initial panel (as above) are invited to the annual review.

The review should consider the extent to which the young person has complied with the order, the adequacy of any support available to them to help comply with the CBO, and any matters relevant to an application to vary or discharge the CBO.

Breach of a CBO is a criminal offence. Breach proceedings for under 18s will take place in the youth court, where the maximum custodial sentence that a young person may receive is a two year detention and training order, although the whole range of 'community based' sentences or fines are available to the court.. These tough sanctions demonstrate to offenders and the community the seriousness of breach and, as it is an order on conviction, there is no risk of criminalising someone for breach of the order.

YOT responsibilities during the CBO application process

The YOT have a number of responsibilities:

- during the application process (see Table 3 above), the YOT must consider whether prohibitions or requirements conflict with the work or education commitments of the young person
- In court, the YOT should advise on compliance procedures and arrangements for notification of non-compliance

Hearsay Evidence

Evidence not heard in the criminal case can still be admissible at the CBO hearing, for example, evidence of other anti-social behaviour by the offender and information about why an order is appropriate in the terms asked for. Witnesses who might be reluctant to give evidence in person may have their evidence accepted as a written statement, or given by someone such as a police officer as hearsay evidence, but this will depend on the circumstances of the individual case.

Interim Orders

Where a young person is convicted of an offence but the court is adjourned for sentencing, or the CBO hearing is adjourned after sentence is imposed, an interim order can be granted. The prosecution can apply for the interim order; there must be particular reasons to compel the court to do so - to protect the victim(s) or community. The court must consider that it is just to impose an interim order.

Applications to Vary or Discharge the Order

A CBO may be varied or discharged by the court which made the original order. Either the offender or the prosecution can make an application, but if this is dismissed by the court neither party can make a subsequent application without the consent of either the court or the other party. The power to vary the order includes extending the term of the order or including additional prohibitions or requirements in the order. This flexibility allows for those monitoring the progress of offenders to apply to the court to alter the terms of the order to suit any developing new circumstances.

Breach of CBOs

Breach of a CBO is a criminal offence. If a young person breaches a CBO the court has the power to impose serious penalties on conviction. Although the full range of sentencing options are available to the court, the court has the option to make a Detention and Training Order.

Key issues

Transitional Arrangements for ASBOs on Conviction

Section 33 states that the repeal or amendment by the Act of provisions relating to ASBOs on conviction, drinking banning orders on conviction or individual support orders does not:

- prevent an order from being made in connection with criminal proceedings begun before 20 October 2014
- apply in relation to the an order which is made in connection with criminal proceedings begun before that day
- apply in relation to anything done in connection with such an order

As from 20 October 2014, there may be no variation of any of the orders listed above that extends the period of the order or any provision of the order.

Five years after the commencement of Part 2, any such orders still in force will automatically be treated as CBOs.

This means that up to the five year cut-off, existing ASBOs on conviction, DBOs on conviction and ISOs made in association with ASBOs on conviction remain in force and can be varied and discharged as usual, except that the length of them cannot be extended. Section 21 of the Act states that ASBOs made on application in the magistrates' court or County Court, ISOs made in connection with such orders and DBOs made on application also remain in force up to five years after the commencement date and that repeal provisions do not apply to 'anything done in connection with such an order'. The duration of these orders cannot be extended.

The combined effect of section 21 and section 33 is that breaches of ASBOs, DBOs and ISOs will continue to be prosecuted as usual up to five years after the commencement date.

After that date, breaches of ASBOs and DBOs made on conviction will be dealt with as if they were breaches of a CBO. Breaches of any other ASBOs (made on application in the magistrates' court or County Court), DBOs made on application and ISOs will be handled as if they are a breach of an Injunction and consequently will no longer constitute a criminal offence.

Transitional Arrangements for standalone ASBOs

The provisions on civil injunctions will not apply to:

- an application for an Anti-Social Behaviour Order or other order defined in s21(1) of this Act before it comes into force
- an existing order
- anything done in respect of these orders

No variation which extends the period of the order or any of the terms can be made.

Reporting Restrictions

It is crucial that YOTs fully understand the reporting restrictions and the powers of the court. The provisions differ dependent on when an application is made for a civil injunction or for a CBO. For more detailed information about reporting restrictions from the Association of YOT managers and the Standing committee for Youth Justice, see [here](#).

Consultation checklist

The applicant must consult with the YOT prior to application, unless an interim injunction is being sought. In this case consultation with the YOT must take place before the first adjournment hearing.

- Has all relevant background information regarding YP been made available prior to consultation meeting (consider social care involvement, current assessments, YOS records etc)
- Will an application be in the best interests of the child/YP? (has other support/voluntary input been exhausted?, what would be the likely impact of an order on the child/community?)
- Consider whether the evidence presented supports the application: Are these the right powers to address the presenting behaviour
- Consider prohibitions and requirements suggested- do they seek to address and support the identified problematic behaviour (provided in evidence?) are these available in the local area?
- Consider and agree which agency is responsible for administering and resourcing each suggested requirement and prohibition?
- Has the meeting considered the threshold criteria for breach of prohibitions and requirements? Has this been agreed? Have communication pathways been established/agreed?

- Has an equality impact assessment been completed by applicant? What are the specific diversity factors that may impact on suggested conditions (consider age, sex, religion, ethnicity, learning needs, mental health, resilience etc. Think about the young person and the local community)
- Has the meeting considered wider issues regarding risk and safety/wellbeing? E.g. consider impact on exclusion zones, removal of protective factors through prohibitions
- Has the meeting considered how the YP will be supported through the application process? I.e. access to civil legal aid/litigation friend/alternative advice? (YOTs should be aware of the potential conflict of interest as they will be viewed as the applicant)
- Have reporting restrictions been considered, what would be impact of this? In most cases we would recommend restrictions be requested due to age and impact of labelling, however you should weigh this up with the benefits of disclosure.