
Overview

This unit is about “minor reports” – hearing charges that young people and young offenders have committed minor offences against establishment discipline whilst in custody. Young people refer to those aged 17 on remand, males aged 15-17 and females aged 17 who have been given a custodial sentence. Young offenders are those aged 18-20.

This unit is for those establishments where it has been decided to operate a Minor Reports system.

There are three elements

- 1 Prepare to conduct minor report hearings in respect of young people and young offenders in custody
- 2 Conduct minor report hearings in respect of young people and young offenders in custody
- 3 Adjudicate the case and decide the punishment to be imposed on young people and young offenders in custody

Target Group

This unit applies to those working in the custodial care sector who have the Governor's written authority to hear specific minor charges against young people and young offenders who have committed disciplinary offences whilst in custody in establishments where it has been decided to operate a Minor Reports system.

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

Performance criteria

You must be able to:

Prepare to conduct minor report hearings in respect of young people and young offenders in custody

- P1 check that the charge of an offence against prison discipline has been properly laid under the correct rules and within the required timescale
- P2 check that all the correct documentation has been completed
- P3 check that the **accused** has been given sufficient time to prepare to reply to the charge
- P4 decide not to proceed with the adjudication
 - P4.1 where the charge has not been properly laid
 - P4.2 the correct documentation has not been completed
 - P4.3 the **accused** is unfit to participate in the adjudication, or
 - P4.4 the required timescales have not been adhered to
- P5 make arrangements to carry out the adjudication in an environment which will permit a fair hearing within the required timescale
- P6 make arrangements for an interpreter to be available to the **accused** or any **witnesses**, if necessary
- P7 check that your knowledge of the requirements for hearing charges of offences against prison discipline is current and that you are authorised to hear the charges

Conduct minor report hearings in respect of young people and young offenders in custody

You must be able to:

- P8 check that the **accused** has been charged under the correct rules
- P9 ascertain whether the **accused** understands the charge and has had sufficient time to prepare to answer to the charge
- P10 follow legal principles, natural justice and organisational guidelines when deciding whether to allow the **accused** to have the assistance of an adviser or friend
- P11 follow legal principles and organisational guidelines when deciding whether to allow the **accused** to call **witnesses**
- P12 give clear and legitimate reasons if you refuse to allow the **accused** to call a particular **witness**
- P13 investigate and carefully consider all the evidence which is relevant to the charge
- P14 allow the **accused** to question **witnesses**, comment on evidence and draw attention to relevant points about the case
- P15 adjourn the adjudication, and give reasons for the adjournment
 - P15.1 if more time is needed for preparation,
 - P15.2 if **witnesses** need to be called, or
 - P15.3 if a medical examination of the **accused** is required
- P16 ensure the hearing is recorded on the correct documentation in sufficient

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

detail to show how the inquiry was conducted and how decisions were arrived at

- P17 communicate in ways that can be understood by the **accused** and **witnesses**, responding to their different needs, abilities and preferences

Adjudicate the case and decide the punishment to be imposed on young people and young offenders in custody

You must be able to:

- P18 communicate in ways that can be understood by the **accused** and **witnesses**, responding to their different needs, abilities and preferences
- P19 dismiss the charge if the evidence does not support a finding of guilt
- P20 find the **accused** guilty only if you are satisfied beyond reasonable doubt that the charge has been proved
- P21 when considering appropriate punishment, you take account of
- P21.1 all the circumstances
 - P21.2 anything the **accused** says in mitigation
 - P21.3 the seriousness of the offence
 - P21.4 intent to commit the misdemeanour, and
 - P21.5 organisational guidelines on punishments for particular offences
- P22 make decisions which can be shown to be
- P22.1 lawful
 - P22.2 reasonable
 - P22.3 proportionate
 - P22.4 fair
 - P22.5 in line with the laws of natural justice, and
 - P22.6 consistent with other decisions of adjudications in the establishment
- P23 ensure that the **accused** understands the decisions, the reasons for these decisions and how the punishment imposed will affect the accused
- P24 you ensure that the **accused** is informed of their right to request a review of the adjudication decision and punishment imposed and the procedures and timescales for requesting a review
- P25 record accurate and complete information of the adjudication and any punishment imposed, in line with organisational procedures

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

Knowledge and understanding

You need to know and understand:

- K1 organisational rules and procedures covering minor offences against prison discipline by young people and young offenders in custody
- K2 differences in rules and procedures which apply in different circumstances
- K3 the principles of natural justice, and the legal principles (e.g. reasonableness, de novo, bias, proportionality) and precedents that affect the conduct of hearings
- K4 current, relevant legislation and organisational requirements in relation to race, diversity and human rights
- K5 your own role and responsibilities in hearings and how to ensure your knowledge of the process is up-to-date
- K6 how to assert your authority in the hearing with the accused and witnesses
- K7 the relevant documentation and how it should be completed
- K8 the rights of the accused and how to ensure these are protected
- K9 the rights of witnesses and how to ensure these are protected
- K10 the importance of ensuring the accused is physically and mentally fit to participate in the hearing and submit to potential punishments
- K11 the importance of ensuring that organisational rules and procedures are followed within the required timescales and how to do so
- K12 how to ensure that the physical environment is suitable to permit a fair hearing
- K13 when an interpreter may be required, and how to obtain one
- K14 organisational guidelines for taking decisions during adjudications
- K15 how to investigate charges of offences against prison discipline, examine evidence and question witnesses in order to ascertain the truth
- K16 how to decide when you may need to adjourn an adjudication and for how long
- K17 the importance of providing clear and legitimate reasons for your decisions during adjudications, and how to do so
- K18 the importance of completing an accurate record of all the salient points of a hearing, and how to do so
- K19 different types of evidence and their relative validity
- K20 how to consider evidence to decide beyond reasonable doubt whether the accused is guilty of the charge
- K21 the range of punishments which can be imposed on individuals
- K22 the factors to be taken into account when deciding on punishments and how to consider these to arrive at a fair decision
- K23 the different impacts that punishments may have on individuals according to their circumstances

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

- K24 organisational guidelines on appropriate punishments for particular offences
- K25 the importance of being able to show that your decisions are lawful, reasonable, proportionate and fair
- K26 the principles of effective communication and how to apply them
- K27 the accused's right to request a review of the adjudication decision and punishment imposed and the procedures and timescales for requesting a review
- K28 the types of documentation which must be completed and how to complete it correctly

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

Additional Information

Scope/range related to performance criteria

Prepare to conduct minor report hearings in respect of young people and young offenders in custody

1. **accused**
 - 1.1. co-operative
 - 1.2. unco-operative
 - 1.3. with special needs
2. **witness**
 - 2.1. co-operative
 - 2.2. unco-operative
 - 2.3. with special needs

Conduct minor report hearings in respect of young people and young offenders in custody

3. **accused**
 - 3.1. co-operative
 - 3.2. unco-operative
 - 3.3. with special needs
4. **witness**
 - 4.1. co-operative
 - 4.2. unco-operative
 - 4.3. with special needs

Adjudicate the case and decide the punishment to be imposed on young people and young offenders in custody

5. **accused**
 - 5.1. co-operative
 - 5.2. unco-operative
 - 5.3. with special needs

Links to other NOS

Links to Custodial Care Units: this unit links closely to CC026 Contribute to the adjudication process, which is for staff in the custodial care sector who have either laid charges against individuals, or are called as witnesses in an adjudication. It is complementary to CC070 Adjudicate on charges against individuals in custody, which is for Governors and Directors who carry out adjudications for offences alleged to have been committed by individuals who are 18 and over, and by young people and young offenders where the charge is not dealt with under a Minor Reports system.

SFJCHCC071

Adjudicate on minor charges against young people and young offenders in custody

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