

Children and young people

considers that the conditions for making the order are not met. ISOs are not available for orders on conviction.

Role of the youth offending team

The YOT advises the magistrates' court on whether an ISO is necessary and the conditions an ISO should contain. This information is based on a needs assessment of the young person.

The YOT is responsible for co-ordinating delivery of the ISO and also has a role in ensuring that the terms and conditions of both the ASBO and ISO are understood by the defendant. The conditions within the ISO are overseen by a responsible officer who is usually a member of the YOT, social services or local education authority.

Variation and discharge

An application to vary or discharge the ISO may be made by either the young person subject to the ISO or the responsible officer. The need to vary an ISO may arise where support proves to be inappropriate or the individual moves out of the area. Equally, if the ASBO linked to the ISO is varied by a court, the court may also vary or discharge the ISO at the same time.

If the ASBO comes to an end or is discharged, the ISO also ceases to have effect.

Breach

Breach of an ISO is an offence and criminal penalties apply. For ISOs to be credible, breaches must be dealt with.

The responsible officer is responsible for ensuring compliance with an ISO. It will usually be appropriate for the responsible officer to encourage compliance using warning letters before instigating proceedings for a criminal prosecution.

The breach is taken forward by the Crown Prosecution Service and breach proceedings are heard in the youth court. If a court finds that the subject of the order has failed to comply with any requirement of the order, they are guilty of an offence. Breach is a summary offence and the court can impose a fine of up to:

- £1,000, if defendant aged 14 or over; or
- £250, if defendant aged under 14.

Where the defendant is under 16, the parent will usually be responsible for payment of the fine. The court also has the discretion to order the parent to pay if the defendant is aged between 16 and 18 (as set out in section 137 of the Powers of Criminal Court (Sentencing) Act 2000).

A referral order is not available for breach of an ISO.

Balcony games for the boys creates corridor of hell for neighbours: ASBOs, ISOs and a house move bring relief for all

Issue

Sons of two neighbouring families were responsible for persistent noise nuisance which caused neighbours great distress for over a year. The children of families X and Y, aged between 10 and 15, lived in first-floor council flats where they played rowdy games outside their flats. Family X had a secure tenancy while family Y had a short-term tenancy. Residents frequently complained to the housing office or to the local police community support officers (PCSOs).

Approach

Police and the housing office worked closely together on the case and discovered a pattern of nuisance. PCSOs and the estate manager mediated between families X and Y and their neighbours. When mediation failed, joint visits were made to warn the families of the consequences of their continued anti-social behaviour. Formal warnings followed, outlining the consequences of the boys' actions in terms of potential ASBOs and possible loss of their parents' tenancy. When all warnings had failed, a multi-agency team obtained an interim ASBO on the five boys to put an immediate stop to the nuisance.

Evidence provided by PCSOs and the estate manager was used at the hearing, and interim orders were granted.

Minor breaches over the Christmas period were reported to the police by witnesses between the interim and full hearing, and