



**Public
Prosecution
Service**

Guidelines for the Prosecution of Young People

Prosecuting Cases Involving Young People Under 18 Years
Who Are Vulnerable

Information Booklet (3 of 4)



YOUNG PEOPLE WHO ARE VULNERABLE



This booklet explains the approach taken by prosecutors when dealing with vulnerable young people who have been accused of committing a crime.

There are many different groups of vulnerable young people, including those who live in children's homes, those with mental health and learning difficulties, those with physical disabilities and those with substance misuse problems.

More information on the different types of vulnerability is provided below.

OFFENDING IN CHILDREN'S HOMES



Many children living in care have often had difficult experiences, which can lead to offending behaviour. Reasons for this include:

- They may be living far from their home, and may not have support from friends and family.
- Their behaviour may be more difficult because of their family experience, the breakdown of foster placements and frequent moves from other children's homes.
- They may also have been diagnosed as having a learning disability or a mental health issue and their offending behaviour may be linked to the disorder.
- Living in a group with other challenging and demanding children of the same age can lead to conflict, bullying and peer pressure.

The police are also more likely to be called to a children's home than a child's family home to deal with an incident of offending behaviour by a young person. Youth Prosecutors will bear this in mind when dealing with incidents that take place in a children's home.

HOW DO PROSECUTORS MAKE THEIR DECISIONS?



Prosecutors will consider all of the circumstances of the offence(s) and the personal circumstances of the young person before reaching a decision (Booklets 1 and 2 have more information on this).

Diversionary disposals, such as, restorative cautions or diversionary youth conferences, or disciplinary measures and restorative practices used within the children's home may be enough to satisfy the public interest and to reduce the risk of future offending (Booklets 1 and 2 have more information on this).

MENTAL HEALTH AND LEARNING DISABILITIES



Children and young people in the criminal justice system with poor mental health and learning difficulties are very vulnerable.

The definition of 'mental disorder' is broad and includes mental illness, learning disabilities or any other disorder or disability of the mind. Examples of mental disorders include personality disorders, eating disorders, autistic spectrum disorders, mental illnesses (such as depression), as well as learning disabilities.

Some young people may have more than one disorder; for example, they may have mental health needs as well as a learning disability.

Prosecutors have to decide how best to deal with the case. It is their responsibility to respect a person's right to a fair trial.

What are the main considerations for the prosecutor?

- To make sure that those who are vulnerable due to their mental health or capacity are treated fairly.
- The seriousness of the offence.
- Previous offending.
- The young person's mental illness, disability or learning disability.
- The likelihood of further crimes.
- The availability of alternatives to prosecution.

OTHER YOUNG PEOPLE WHO MAY BE VULNERABLE



Examples of other vulnerable groups include those with physical disabilities and those with substance misuse problems.

Further information can be found in the PPS's Guidelines for the Prosecution of Young People on the PPS website at www.ppsni.gov.uk

