Surrey Care Leavers Service Personal Advisor Guidance – The Criminal Justice System

**Version FINAL v1.1 Approved by PLT**

**Date: October 2023**

# About this document

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| **Title** | **Surrey Care Leavers Service Personal Advisor Guidance – The Criminal Justice System** |
| **Purpose** | **To explain the Crimina Justice System in England: the framework and responsibilities of the criminal justice partners. A place for personal advisors to access links to legislation and guidance that can support working with young people, families, victims and key partners to prevent criminalisation and to support and promote positive outcomes for care leavers involved in the Criminal Justice System.** |
| **Created by** | **Emma Kirkby** |
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#### Intended Audience

This document has been issued to the following people for Review (R) Information (I) and Review and Sign off (S). The Child in Need procedure is mandatory and must be shared with all staff and partners working with Children in Need and their families.

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| --- | --- | --- |
| **Name** | **Position** | **S/R/I** |
| Tina Benjamin / Matt Antsell | Directors | S/R |
| Fiona Wraith / Jackie Clementson / Catherine Watkins / Siobhan Walsh / Clive Seall / Nicole Miller / Jenny Brickell  /Jo Rabbitte | Assistant Directors | R |
| Service Managers |  | I |
| All staff |  | I |

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## Introduction

*‘We have made significant strides in reducing the criminalisation of children and young people...This is a credit to the agencies and practitioners involved. However, although the vast majority of looked-after children and care leavers do not get involved with the justice system, they remain over-represented compared to others in the criminal justice system…This is a challenge we must meet.’*

**Source: The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

Care leavers often remain vulnerable and all agencies should be aware that childhood trauma can continue to affect behaviour and behavioural and emotional development into early adulthood, including poor emotional regulation and impulse control. Care leavers may require carefully planned and well-focused support underpinned by the following principles to both help avoid them offending and support them if they do come into contact with the criminal justice system.

*‘Those with experience of the care system are more likely to have experienced significant trauma and abuse and other disadvantage that can put them more at risk of violence, self-harm and suicide when in prison. Many also have experiences of being failed by their corporate parents and can come to prison feeling extremely isolated and angry.’* (Farmer Review, 2017)

* 27% of the prison population have spent some time in care, despite the fact that only 1% of under 18s enter local authority care annually.
* Care leavers are more likely to be reconvicted or breached when they leave custody (MoJ, 2013).
* Looked after children and care leavers are between four and five times more likely to attempt suicide in adulthood.

Surrey Leaving Care service have developed constructive working relationships with our local criminal justice partners to divert our care leavers from criminalisation using preventative work and out of court disposals that best support those who become subject to the criminal justice system.

We seek to support our criminal justice partners to understand the needs of care leavers, these may include:

* Impact of childhood trauma and adverse experiences
* Time of transition and change
* Relationships
* Unstable accommodation
* The impact of Stigma and labels ‘Care Leaver’ is a label that some individuals may not feel comfortable with.
* Health – physical and emotional
* Challenges in participating in education, training or employment

The Criminal Justice System includes Police, Court, Prisons and Probation. Prison and Probation have been grouped together to be called His Majesties Prison and Probation Service (HMPPS)

## Supporting Care Leavers that are Victims of Crime

Care Leavers are also more vulnerable to becoming victims of crime. The Office for National Statistics Crime Survey for England and Wales estimates that children and young adults aged between 16 to 24 are [more likely to be a victim of violent crime](http://youthjusticeboard.newsweaver.co.uk/yots2/g0pkqnkriab14qoo0lfj3s/external?email=true&a=5&p=62053609&t=21098815) than older age groups, particularly with regards to violence against the person. This victimisation can lead to an engagement in crime, for example, children may become involved in criminality as a result of sexual or criminal exploitation. [[1]](#footnote-1)

As a victim of crime or someone who has witnessed a crime, there are things victims can expect from the police and criminal justice system.

Personal Advisors’ (PA’s) can support care leavers emotionally and practically if they do become the victim of crime; emotionally by listening, being supportive, compassionate and non-judgemental in practice, making relevant referrals for mental health or support services as needed. Practically by encouraging young people to report crime if they feel comfortable to do so and support them through the process.

PA’s should also ensure the young person is made aware of the following –

The [Code of Practice for Victims of Crime](https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code) outlines what happens from when a crime is reported to what happens after a trial, if there is one.

Under the Code of Practice, a ‘victim’ is someone who:

* has been harmed, physically, mentally, emotionally, or financially by a crime
* is a close relative of someone who has died as a result of a crime.

Witnesses of crime are protected under the [Witness Charter](https://www.gov.uk/government/publications/the-witness-charter-standards-of-care-for-witnesses-in-the-criminal-justice-system). The charter explains the support you can get and how you should be treated.

All witnesses of crime have the right to:

* be treated equally, fairly and with respect by everyone
* a main contact who'll update them about the case and support them
* an assessment to check what their needs are, including special measures if they are vulnerable or an intimidated witness
* be given information about the court and court processes

For victims of rape and sexual offences there are additional services as follows –

**Surrey Solace Centre**

The Solace Centre offers free support and practical help to anyone in Surrey who has experienced sexual violence and/or sexual abuse. The service is completely confidential, and you do not have to give any personal information in order to get help. ​If you would like to speak to someone, they are available 24/7 on 0300 130 3038.

**Rape and Sexual Abuse Support Centre (RASASC)**

RASASC are a caring, non-judgmental charitable organisation. Their aim is to support all male and female survivors of sexual harm in Surrey and the surrounding areas by providing a helpline, counselling and independent sexual violence advisors. The helpline is available Monday, Tuesday, Wednesday and Thursday evenings from 7.30pm-9.30pm for female and male callers any age. Local 01483 546400 or Freephone 0800 0288 022.

**Independent sexual violence advisors (ISVAs)**

Independent sexual violence advisors (ISVAs) are specially trained staff who give practical and emotional support to adults, children and their families. An ISVA can help in lots of different ways:

* If a care leaver is thinking of reporting an incident to the police, but are unsure what that involves, ISVAs can talk them through the process
* If a care leaver decides to report to the police, ISVAs can support them throughout the investigation and if the case goes to court
* ISVAs can advise about a care leave’rs health, wellbeing and rights
* ISVAs can help access other support services

ISVAs are completely independent of the Police, and care leavers can talk to them without involving the Police at all. [Independent Sexual Violence Advisors (ISVAS) | RASASC | Rape and Sexual Abuse Support Centre](https://www.rasasc.org/Independent-sexual-violence-advisors)

[Rape Crisis](http://rapecrisis.org.uk/) An organisation supporting the work of Rape Crisis Centres for women and girls across England and Wales. [Find a Rape Crisis Centre in your area](https://rapecrisis.org.uk/get-help/find-a-rape-crisis-centre/)

[Survivors Trust](https://www.thesurvivorstrust.org/) (SARC) This is an umbrella agency for specialist rape and sexual abuse services around the UK.

**Sexual Health**

If victims of sexual offences are worried about sexually transmitted infections (STIs) or pregnancy, [find sexual health services via the NHS website](https://www.nhs.uk/service-search/sexual-health). They can also get help at a Sexual Assault Recovery Centre (SARC).

## Multi-agency Risk Assessment Conference (MARAC)

A Multi Agency Risk Assessment Conference (MARAC) is a regular local meeting within each district and Borough to discuss how to help domestic abuse survivors, aged 16 or over, at high risk of murder or serious harm.

There are six MARAC meetings regularly held in Surrey. Between them, they cover the geographical area of Surrey:

* Surrey Heath and Woking
* Guildford and Waverley
* Tandridge, Mole Valley and Epsom
* Reigate & Banstead, & Ewell
* Runnymede, Elmbridge
* Spelthorne

**How to make a referral to MARAC?**

If the situation is urgent, visible injury is evident, and children or a vulnerable adult are at risk, you should contact Surrey Police on 999. You can also report your concerns to the Adult Multi-Agency Safeguarding Hub (adults) Phone: 0300 470 9100. You can also email your concerns to Childrens Single Point of Access (C-SPA): [**cspa@surreycc.gov.uk**](mailto:cspa@surreycc.gov.uk) or Adults Social Care Multi-Agency Safeguarding Hub (MASH)  [**ascmash@surreycc.gov.uk**](mailto:ascmash@surreycc.gov.uk).

For further information or help in making a referral PA’s can contact: [**MARAC@surreycc.gov.uk**](mailto:MARAC@surreycc.gov.uk?subject=MARAC%20Referral)

If domestic abuse is disclosed to you, and has been assessed as high-risk, either through a risk assessment, escalation of the abuse, or professional judgement, a MARAC referral should be made:

[Surrey MARAC Referral Form](https://customer.surreycc.gov.uk/surrey-marac)

* MARAC referrals will be accepted from any agency
* A professional will have identified that someone is at risk of domestic abuse, either through disclosure by the survivor, or in their professional judgement they believe they are at high risk of harm
* The perpetrator(s) should never be told of the MARAC referral
* The referral form will be received by Surrey's MARAC administrators
* Following a referral, the survivor is assigned an independent Domestic Abuse Outreach Worker who will contact the survivor to offer support and represent them at MARAC
* The MARAC takes place and relevant information is shared by all attendees, who should ensure they are clear on the actions they can and will take, and by when, to ensure the safety of the survivor, their children and any other dependents
* Following the meeting minutes and agreed actions are sent out to all attending agencies

The independent Domestic Abuse Outreach Worker or lead professional will let the survivor know about the safety plan, and the support available to them. The safety plan will outline actions to support the survivor, and any children, to reduce the risk from the perpetrator.

**Your Sanctuary**

The charity that works directly with those affected by domestic abuse.

Your Sanctuary  
15a Monument Way East  
Woking  
Surrey  
GU21 5LY

Telephone - 01483 776822 Email - [info@yoursanctuary.co.uk](mailto:info@yoursanctuary.co.uk)

## The National Referral Mechanism (NRM)

NRM is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support. Modern slavery is a complex crime and may involve multiple forms of exploitation. It encompasses:

* human trafficking
* slavery, servitude, and forced or compulsory labour

An individual could have been a victim of human trafficking and/or slavery, servitude and forced or compulsory labour. Victims may not be aware that they are being trafficked or exploited. If a professional considers that modern slavery has taken place, the young person should be referred to the NRM so that the relevant competent authority can fully consider the matter. You do not need to be certain that someone is a victim.

Care Leavers who were identified as a victim of exploitation as a child through the National Referral Mechanism (NRM) will be offered the opportunity to consent for the NRM scheme support to continue as an adult. The National Referral Mechanism contact the Local Authority to request signed consent is obtained from the care leaver to continue to be supported by NRM.

[One-minute guide to the National Referral Mechanism (surreycc.gov.uk)](https://www.surreycc.gov.uk/__data/assets/pdf_file/0005/263057/NRM-One-Minute-Guide-update-2022.pdf)

Consent is required for an adult to be referred to the NRM. For an adult to provide their informed consent, PA’s must explain:

* what the NRM is
* what support is available through it
* what the possible outcomes are for an individual being referred

PA’s should also make it clear that information may be shared or sought by the relevant competent authority from other public authorities, such as the police and local authorities, to gather further evidence on an NRM referral.

[National referral mechanism guidance: adult (England and Wales) - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)

Adults in England and Wales who are recognised as a potential victim of modern slavery through the NRM have access to specialist tailored support for a period of at least 45 days while their case is considered, which may include:

* access to relevant legal advice
* accommodation
* protection
* independent emotional and practical help

Support in England and Wales is currently delivered by the Salvation Army and several subcontractors. The Salvation Army will assess each potential victim to determine what support is most appropriate.

## Prevention of Criminalisation of Surrey Care Leavers

The National Protocol on reducing the criminalisation of looked after children and care leavers 2018 [National protocol on reducing criminalisation of looked-after children - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children) sets out best practice for avoiding the criminalisation of care leavers up to the age of 25.

The protocol highlights key areas to reduce the likelihood of criminalisation, offending or reoffending through promoting:

* an understanding of trauma and attachment and their impact on neurodevelopment and behaviour amongst all key professionals;
* an understanding of where children (UK as well as foreign nationals) may have been coerced and subsequently criminally exploited (for example, through running county lines or in cannabis cultivation).
* Supporting learning from incidents;
* listening to children and young people’s voice/views and using this to inform practice;
* the development of strong understanding of local data and circumstances;
* use of restorative approaches.

When a looked after child reaches 16 years old, a personal advisor is allocated to work jointly with the young person and allocated social worker. Throughout the joint working phase, PA’s will build trusting relationships and promote that care leavers disclose they are a care leaver if they encounter Police intervention.

Surrey has developed strong restorative approaches to reduce the offending and criminalisation of all care leavers who have broken the rules, been involved in conflict with others or ‘offended’ within a semi- independent, staying put, supported lodgings, family home or their independent home.

This prevents criminalisation through using a restorative response to reported incidents of threats and violence by care leavers towards providers, hosts, family members or property damage, whilst also offering rapid, holistic support to address underlying vulnerabilities and issues that are likely to be contributing to incidents.

A maintaining accommodation planning meeting (MAP) is the first step to endeavour to restore relationships and stabilise the accommodation provision, in order to reduce repeat police call outs and prevent reoffending by care leavers.

This enables the young people to be offered second chances, learn from their experiences and allow an opportunity to repair any harm arising and have a voice in what happens next.

Restorative approaches seek to establish an environment where mutual regard is foremost, and to repair or resolve a harm that has been perpetrated. It is a process whereby the care leaver has an opportunity to be heard and to state the impact of the behaviour for them and others also impacted, to have an opportunity to take responsibility for their actions. Restorative approaches need to be informed by the following six principles:

• Restoration – the primary aim of restorative practice is to address and repair harm.

• Voluntarism – participation in restorative processes is voluntary and based on informed choice.

• Neutrality – restorative processes are fair and unbiased towards participants.

• Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused.

• Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm.

• Respect – restorative processes are respectful of the dignity of all participants and those affected by the harm caused.

## Surrey Police

England is divided into a number of separate Police forces; they all operate slightly differently. The police objectives are to ‘Protect the Public’ and ‘Prevent & Detect Crime’.

Surrey’s Children’s Services work closely with Surrey Police thorough C-SPA. If the Police are aware a young person is known to Children’s Services a Police notification, known as a SCARF (Single Combined Assessment of Risk Form) will be sent regarding any incidents involving the Police to the relevant team.

Adults will only be offered an appropriate adult if they have mental health issues or learning disabilities.

**Care leavers are encouraged through their pathway plans and from the advice of their personal advisers that they should identify themselves as care leavers, if they come to the attention of the police.**

Where the care leaver consents to their notification, Police and criminal justice agencies should seek and encourage the involvement of the care leaver’s PA and their support network in decision-making.

The police and Surrey Leaving Care Service should ensure that care leavers who come into contact with the criminal justice system are aware of their rights to legal representation and/or advocacy support.

## Partnership Intelligence

The Police gather intelligence to support public protection and to prevent and detect crime. The public and other agencies can share information direct to a police officer/staff member, into the Police through 101 or via Crime Stoppers ([Independent UK charity taking crime information anonymously | Crimestoppers (crimestoppers-uk.org)](https://crimestoppers-uk.org/).

As a partner agency Surrey County Council Care Leaver Service also have the option to provide information through using a ‘Partnership Intelligence Form.’ The partnership intelligence form is an avenue available to personal advisers to share information in a faster and more efficient way, thereby enabling the police to assess, research and develop the intelligence picture quicker. We all have a role to play in harvesting the intelligence PA’s come across as part of their daily business.



## Diversion from Court – The Checkpoint Plus Scheme

Care Leavers that live or commit a criminal offence in Surrey could be eligible for the Checkpoint Plus scheme. Checkpoint is a deferred prosecution scheme supported by the Police and the Crime Commissioners’ Office in partnership with Surrey Police and Surrey County Council.

Deferred prosecution means that conditions are set by the Police after speaking the care leaver’s PA, allowing the young person to address the causes of crime and reduce their risk of reoffending in place of formal prosecution. This means our care leavers can avoid a criminal record and be able to have additional support to help them move forward.

The main driver of the scheme is the need to treat vulnerable adults with multiple disadvantage; including care leavers in the criminal justice system differently; to get behind the reasons why they are offending whilst appreciating that often a care leaver can be more complex and need more specialist help.

Care leavers are referred to the scheme by the officer in charge of the criminal case. Once referred the care leaver will be discussed in a multi-agency panel who may decide on a Checkpoint outcome, if the eligibility criteria is met. For care leavers where the eligibility criteria is not met a conditional discharge is considered.

Surrey police have specialist workers to co-ordinate the Checkpoint plus interventions and monitor the progress against the Checkpoint plus agreement. The specialist workers are called ‘Navigators’.

The assigned police navigator will liaise closely with the care leavers and their personal adviser to ensure the interventions address the root causes of the behaviour and offending, they will also take into account any additional vulnerabilities the care leaver has. In some circumstances and if appropriate the care leavers service provide interventions for care leavers via the personal adviser as part of the Checkpoint plus.

**Who is eligible for Surrey Checkpoint plus?**

The scheme is for adults with multiple disadvantages, including care leavers who have committed an offence and have limited previous offending history.

**To be considered for Checkpoint plus, a care leaver must:-**

* Have committed the offence in Surrey
* Live in Surrey
* Be aged 18 years old or over
* Have had a Checkpoint plus in the past 12 months.
* Not be subject to an order imposed by the courts. e.g. a suspended sentence, community sentence or conditional discharge, or be on license or court bail.
* The Crown Prosecution Service charging guidelines must be met: There must be enough evidence to charge and be in the public interest to do so.
* The young person should not have more than 3 previous convictions.
* Have committed an offence which is eligible for an out of court disposal.



**Exemptions from the Checkpoint plus scheme** (list not exhaustive):-

* Domestic Abuse offences including harassment (except for female offenders)
* Hate crime
* Indictable only offences
* Motoring offences
* Breach of the peace, immigration offences and bail offences will not be considered

In circumstances where a care leaver does not meet the eligibility criteria for the Checkpoint plus scheme nor a conditional discharge, they may be formally charged and required to attend in court.

## Surrey Community Safety Partnerships and Community Harm and Risk Management Meetings (CHaRMMs)

Crime is tackled in every local district and borough area by Community Safety Partnerships. These partnerships are made up of a wide variety of organisations all working together to make Surrey a safer place, including:

* Surrey County Council
* Surrey Police
* Borough and district councils
* Surrey Fire and Rescue Service
* Clinical Commissioning Groups
* National Probation Service
* Other agencies and organisations determined locally, for example the local social housing provider

The above-named organisations are required under the Crime and Disorder Act 1998 to formulate and implement a strategy to tackle crime and disorder in their area.

[Surrey community safety - Healthy Surrey](https://www.healthysurrey.org.uk/community-safety)

**Community Safety Priorities**

Surrey's shared community safety priorities have been incorporated into the [Health and Wellbeing Strategy](https://www.healthysurrey.org.uk/about/strategy) as follows:

* Domestic Abuse (Priority One: Helping People Live Healthy Lives)
* Drug and Alcohol Abuse (Priority One: Helping People Live Healthy Lives)
* Prevent (Priority Three: Supporting People in Surrey to Fulfil their Potential)
* Serious Youth Violence (Priority Three: Supporting People in Surrey to Fulfil their Potential)
* ASB Strategy Group (Priority Three: Supporting People in Surrey to Fulfil their Potential)
* Tackling High Harm Crime will be delivered by the Serious and Organised Crime Partnership

**Community Harm and Risk Management Meetings**

Care leavers that are perpetrators of acts directed at people (i.e. intimidation/harassment, making threats, verbal abuse, coercion/exploitation) anti-social behaviour can be discussed at Community Harm and Risk Management Meetings (CHaRMMs). Using the expertise that exists on this multi-agency group, members will share information on high risk young people and incidents and implement appropriate risk management plans to address the behaviour of the perpetrator and reduce the negative impact on victims.

PA’s should make a referral to CHaRMMs through the community safety partnership for the relevant area. [Find your local Community Safety Partnership - Healthy Surrey](https://www.healthysurrey.org.uk/community-safety/in-surrey/your-local-partnership)

## Multi-agency Public Protection Arrangements (MAPPA)

The Criminal Justice Act 2003 established MAPPA designed to protect the public from serious harm by sexual or violent offenders. MAPPA requires the local Criminal Justice agencies and other bodies dealing with offenders to work together in partnership in managing the risk these offenders pose.

MAPPA management levels are set according to the number of agencies involved –

Level 1 – Ordinary agency management

Level 2 – Active multi-agency approach is needed (MAPP meetings required)

Level 3 – Senior representatives of the relevant agencies with authority to commit resources that are needed to manage the risk must be involved.

There are three categories:

Category 1 – Sexual offenders

Category 2 – Violent Offenders

Category 3 – High profile cases

The expectation is that personal advisers attend MAPPA meetings being held in relation to their young person.

## Violent Sexual Offender Database of Records (ViSOR)

This is the violent and sexual offender database of records of those registered to the Police under the Sexual Offences Act 2003 and those detained for 12 months or more for violent offences, and those at risk of violent and sexual offending.

The register can be accessed by the Police, National Probation Service and Prison Service personnel. It holds information regarding name (including aliases) address, date of birth, NI number, bank and passport details. Other details such as appearance, employer’s details and car registration number can also be added.

## Criminal Courts

It is good practice for the care leaver’s personal adviser to attend court with care leavers when they need to attend, particularly on the day of sentence, to ensure that the young person’s best interests are represented, and that custody is used only as a last resort.

It is advisable for the personal adviser to seek from the young person their expressed written consent for communication between their PA and legal representative to improve the sharing of relevant information and appropriate support and advice offered.

**12.1 Crown Prosecution Service –**

The Crown Prosecution Service was established in 1986 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

* Advises the police on cases for possible prosecution
* Reviews cases submitted by the police for prosecution
* Where the decision is to prosecute, determines the charge in the more serious and complex cases
* Prepares cases for court
* Presents those cases at court

**12.2 Magistrates Court –**

All criminal cases start in a magistrates’ court.Cases are heard by either:

* 2 or 3 magistrates
* a district Judge

There isn’t a jury in a magistrates’ court. Magistrate courts deal with ‘summary offences’ these are minor criminal offences, such as drunk and disorderly it can also deal with some more serious offences such as burglary or drug offences. Serious cases are referred on to the Crown Court. Some offenders are convicted at the Magistrates Court, but their case is passed to the Crown Court for sentencing to be passed.

There is usually a bail information officer (Probation worker) who prepares bail reports for the court to consider. Stonham housing operates the bail and support scheme (BASS) which offers accommodation to those on bail or on tag, who have no suitable alternative. Young people have to pay for BASS accommodation and should claim housing benefit to help with the cost.

**12.3 Crown Court –**

Deals with more serious cases such as murder, rape and robbery**.** Crown Court also deals with appeals against magistrate court convictions, sentences and can pass sentences for cases passed on from the Magistrates court.

The Crown court will have a judge and a jury. The judge decides a sentence and gives instruction to the jury. The jury is made up of 12 members of the public and will sit through a trial and decide if a defendant is guilty or not guilty.

Solicitors and Barristers offer the defence (works on behalf of the defendant) and the evidence (Crown Prosecution service)

**12.4 Court Disposals -**

When sentencing courts have three forms of disposal available for sentencing – Fines, community sentences or detention in custody.

**Court Fines -** A fine is the most common form of punishment for an offence given by the criminal courts. The judge will decide how much the fine is and any other costs the young person must pay, this may include compensation to the victim of the offence. The total fine owed is called the financial penalty. The judge will consider the young person’s financial circumstances when setting the fine and the time the young person will have to pay the fine. Fine’s must be paid by the date set by the court.

***How to pay a court fine***

There are different ways to pay a financial penalty. The young person will need their case reference number to pay:

* online with a debit or credit card at [Courts and Tribunals online services (external link opens in a new window / tab)](https://onlineservices.justice-ni.gov.uk/finepaymentsonline/(S(lp1nujs3xtjoyteau5flle4r))/default.aspx)
* by telephone with a debit or credit card

In some circumstance the court can agree to payment by instalments from benefits. The maximum that can be taken is £5.00 per week.

An unpaid fine might be deducted from the young person’s benefits. This can happen with or without their consent.

**Community sentences –** Community sentences include some form of rehabilitation, either through engaging in specific work with a specialist agency or probation (such as drug rehabilitation), community payback through unpaid work (such as clearing rubbish, removing graffiti) or restorative justice outcome. The court can give a community sentence and a fine.

**Detention in custody –** Where community disposals are not appropriate due to the seriousness of the offence, previous offending history or risk to the public a custodial sentence is given.

Prison sentences can be concurrent (sentences served at the same time) or consecutive ( more than one offences committed and sentences service one after another).

***Determinate prison sentences*** are for a fixed length of time. If the sentence is of 12 months or more the offender will spend the first half of the sentence in custody and the second half in the community on ‘Licence’.

***Indeterminate prison sentences*** Do not have a fixed length of time. This means there is not a fixed release date.

A tariff is set at sentencing, this will be the minimum length of time the offender will spend in custody. The parole board assess if the offender can be released from custody following their tariff. The victim’s views, rehabilitation, risk to the public and behaviour in custody are taken into consideration by the Parole Board.

***Life sentences*** are for offenders found guilty of murder or other very serious offences such as rape or armed robbery. A life sentence will include a tariff and as with the indeterminate sentences the parole board decide if the offender remains a risk to the public. Once released the offender remains on licence for life.

Whole term life sentences mean there is no minimum tariff, the offender is never considered for release.

## HMPPS – Probation

When an offender is released from prison on licence or a community sentence is imposed by the courts, probation officers will create a sentence plan, which is specifically catered to that individual.

The plan is created in line with National Probation Standards and will identify what the offender will do during their sentence or community order as well as reduce the likelihood of future re-offending.

Effective partnership working is a key enabler to cut crime, reduce re-offending and safeguard our communities across Surrey.

The Probation service support young people on probation through statutory, non-statutory and voluntary partnership arrangement, delivering intervention, managing risks and protect the public from harm via a joined-up approach.

Kent, Surrey and Sussex Probation area work collaboratively with Surrey leaving care service in the pursuit for shared outcomes.

The role of probation practitioners who deliver the sentences for people on probation is to assess, protect and change.

* Assess the risk factors and root causes behind the individuals offending.
* Use these assessment to inform the steps we need to take to protect the public.
* Work with young people subject to probation to support them in addressing their needs and making positive change in their lives.

## A diagram of a diagram with text Description automatically generated with medium confidence

For unpaid work, accredited programmes, and structured interventions the probation service aim to make placement and programmes available locally, with a thorough framework of commissioned rehabilitative services. Regional area’s procure interventions that can be tailored to local need and create or take advantage of emerging local opportunities, such as opportunities for co-commissioning.

A range of programmes are available for people on probation. They include programmes to address:

• specific offences, for example sexual offending and domestic violence

• general patterns of offending behaviour

• substance misuse related offending

Offender behaviour programmes and interventions aim to change the thinking, attitudes and behaviours which may lead people to reoffend. Most programmes and interventions are delivered in groups, but one-to-one provision is available in some circumstances.

They encourage pro-social attitudes and goals for the future and are designed to help people develop new skills to stop their offending. These include:

* problem solving
* perspective taking
* managing relationships
* self-management

Offending behaviour programmes often use cognitive-behavioural techniques. There is good international evidence that these are most effective in reducing reoffending.

Probation practitioners liaise closely with the commissioned rehabilitative services provider regularly throughout delivery so that the progress can be closely reviewed; and where there are challenges, these are swiftly addressed so that progress towards successful achievement of the outcomes is maintained.

**Personal Advisors role for care leavers under Probation**

Personal advisors should liaise closely with Probation staff when a care leaver is subject to probation to ensure a collaborative approach, sharing of relevant information and using Motivational Interview principles and skills encourage the young person to engage fully with Probation services to successfully reduce offending and make the changes identified by Probation.

PA’s should request details of the licence conditions community sentence. **Key requirements or conditions should be included in the young person’s pathway plan.**

**A Community sentence** means punishment and rehabilitation are carried out in the community instead of in prison. Any young person who receives a community order will need to complete one or more requirements. The maximum duration of a Community Order is three years (there is no minimum duration).

If a young person on a Community Order fails to carry out a community order requirement (such as failing without good reason to attend an Unpaid Work appointment, without a reasonable excuse ), they will receive a warning stating that any further failure to comply within the next 12 months will mean the case will be brought back to court.

PA to ensure that young people are informed for employment, travel and other purposes that Community Resolutions are not disclosed as part of a standard DBS check.

There is no general exclusion from travelling abroad whilst serving a community order. However, travel abroad may, in practice, not be feasible due to the requirements of the community order, e.g. a curfew, regular unpaid work or supervision.

**Care leavers subject to licence conditions**- Licence conditions are the set of rules young people must follow if they are released from prison but still have a part of their sentence to serve in the community.

The aim of a period on licence is to protect the public, to prevent re-offending, and to secure the successful reintegration of the individual back into the community. They are not a form of punishment and licence conditions must be considered necessary and proportionate.

Community Offender Managers can apply to the Parole Board to vary, add, or remove conditions on the licence of an individual where a release decision has been made by the Parole Board and at any time when the individual is on licence in the community.

**Licence recall/ Breaches of licence**

A young person on licence in the community can have their licence revoked and be recalled to custody at any time during their licence period.

Where the Probation Service considers that an individual has breached the conditions of their licence, the young person’s behaviour indicates that they present an increased or unmanageable risk of serious harm (RoSH) to the public, or there is an imminent risk of further offences being committed, the Probation Service will request that the young person be recalled.

It is the Public Protection Casework Section acting on behalf of the Secretary of State that will make the final decision about recall. The Parole Board is not involved in the decision to recall a young person.

**Probation Offices in Surrey:**

|  |  |  |
| --- | --- | --- |
| **Guildford**  College House  Woodbridge Road  Guildford  Surrey  GU1 4RS  Tel 01483 534701 | **Staines**  Swan House  Knowle Green  Staines  Surrey  TW18 1AJ  Tel: 01784 459341 | **Redhill**  Allonby House  Hatchlands Road  Redhill  Surrey  RH1 6BN  Tel: 01737 763241 |

**Surrey Probation care leavers lead –**

Ryan Morden -Care Leavers lead

Probation Officer. Staines Offender Management Team

Staines Probation Office, Swan House, Knowle Green, Staines, TW18 1XS

Email: RyanM.Morden@justice.gov.uk

☏ Office: 01784 459 341/ 07971 254 353

## HMPPS - Prison

The purpose of Prisons is to detain those sentenced by the court to detention in custody, helping offenders to lead law-abiding lives, both while in prison and after they are released and protect the public. Once a young person is detained in custody, they will be issued with a prison number – this remains with them for life, so will remain the same if they re-enter custody at a later date.

The Legal Aid, Sentencing and Punishment of Offenders Act, 2012 (Known as LASPO) means that any child under the age of 18 years old, who is remanded to detention in custody becomes a Section 20 ( The Children Act 1989) Looked After Child, , and as such some young people become care leavers through this route. (see page 25 for more information on LASPO).

There are different types of prisons, dependant on the category and type of offender (sentenced or remanded). There are ‘closed’ prisons where most offenders will be accommodated or ‘open’ prisons for low risk offenders and those preparing for release usually towards the end of a long sentence. Most offenders in open prisons will be released daily on temporary licence and be engaged in employment.

***Local Prisons -*** Most offenders placed on remand will be sent to a ‘local prison’. Local prisons often do not offer rehabilitation or Offender Management programmes; as their purpose it to hold offenders on remand who need to be detained during the court process. They may also hold offenders who are close to release, if the local Prison is closer to their home area.

***Sentenced Prisons –*** Offer rehabilitation through engagement in purposeful activity (employment, education or training), offender behaviour programmes and support in addressing mental health and substance/alcohol misuse.

Prisons will induct new prisoners, during the induction they will be interviewed using a basic custody screening tool (known as BCST1) at this point they are asked if they are a ‘Care Leaver’, and if they have any particular vulnerabilities within 72 hours of going into Prison.

A second screening tool (BCST2) is completed by the offender supervisor or a resettlement worker. The second part acts as a tool to signpost appropriately to services and is used to create a resettlement plan. There is also a marker on the prison computer system P:NOMIS for care leavers and professionals. PA’s details can be added to the system, so that partnership working is consistent while the young person is detained in custody.

Prisons and Probation use a system called OASys (Offender Management system) The Offender Management Unit manage and co-ordinate the case. They will complete an OASys assessment (risk assessment and sentence plan). The OASys measures the risk and needs of offender while in custody and in the community. The BCST1 & 2 entered onto the OASys system to:

* assess how likely an offender is to be re-convicted
* identify and classify offending-related needs, including basic personality characteristics and cognitive behavioural problems
* assess risk of serious harm, risks to the individual and other risks
* assist with management of risk of harm
* links the assessment to the supervision or sentence plan
* indicate the need for further specialist assessments
* measure change during the period of supervision / sentence.

**Vulnerable Prisoners**

For prisoners at risk of self-harm or suicide an Assessment, Care in Custody and Teamwork (ACCT) document can be opened at any time.

The ACCT document (ACCT v.5) is a series of forms held together in a bright orange folder opened in response to concern that an individual in prison is at risk of self-harm or suicide, it is reviewed with the prisoner and professionals in custody involved in the care or the prisoner. A care plan is implemented to reduce the risk and ensure the correct support is put in place.

**Prison Offender Management Unit**

All offender manager units have a specific OMU mail box, therefore to most effective way to gather information about your young person or make contact with the Offender Supervisor is via the generic OMU mailbox.

Please see the following flow chart for more information on the initial steps to take when your young person is detained in custody.



**Personal Advisors role and tasks for care leavers in custody:**

* **MUST** book a legal visit with the young person within **1 week** of the young person being detained in custody.
* Ensure that the landlord or housing provider are made aware that the young person has been detained in custody.



* Notify the DWP that the young person is detained in custody if they are claiming Universal credit and Housing benefit.
* Support your young person to notify their place of education, trainer or employer that they are detained in custody and expected date of release with their consent. Support the young person to discuss if they can return upon release with their place of education, trainer or employer.
* Ensure thatthe care leaver in custody is visited in line with statutory guidance (every 8 weeks) , unless there are exceptional circumstances, in agreement with the Team Manager and PA. In these cases, telephone calls, letters and Purple visits (Virtual visits through the Purple visits app) to be used until face to face visits can resume**.**
* Gain details of the Prison Offender Manager (POM) and regularly liaise with the POM to gain updates of the young persons welfare, activities, behaviour, sentence planning and progress.
* Attend the initial sentence planning meeting in order to review the pathway plan in conjunction.
* Attend and contribute to any further planning meetings to prepare the young person for release and support their resettlement - Plans for release should be formulated at the beginning of a sentence. PA’s to consider:
* All prisoner have access to GP’s Dentist and optician but must apply through an application, ongoing issues can be referred onto these services in the community.
* Substance misuse and alcohol abuse services
* Community Mental Health services
* DWP – Benefit claims can be made prior to release.
* Mentoring services may be available.
* Ensure the young person is aware of their entitlements as per the Surrey Local Offer; Arrange a financial contribution for the young person (See Finance policy) to be able to keep in touch with their family and significant people in their lives and to be able to purchase key personal care items. The financial contribution also reduces the risk of the young person becoming a target for exploitation and bullying.
* PA to use Motivational Interview skills to encourage the young person to engage in purposeful activity within the Prison (This is an expectation as part of the Prison regime) such as attending education or working within the prison. The activities offered are paid.
* Incorporate the sentence planning and discharge planning into the Pathway Plan. Share the Pathway plan with the Prison Offender Manager and Community Offender Manager
* Clothing cannot be posted into custody and can only be handed in at social visits in most establishments.

**A discharge board will be held 12 weeks prior to release ( PA to ask for an invite)**

* *Please see the section below - Accommodation upon release from custody – The options available for other types of accommodation an offender can be referred to by HMPPS within this guidance.*
* PA to consider with Team Manager if a request to search for semi-independent accommodation via the Surrey Gateway to Resources team is needed.
* All prisoners will be offered a travel warrant and a discharge grant of £46 upon release.
* A duty to refer to be made to the appropriate housing district of borough within 56 days of release (for short sentences under 56 days, DTR should be made as soon as release date is known and a minimum of 12 weeks prior to release).

**Upon release**

* Ensure the young person has season appropriate clothing to wear upon release from custody.
* Collect the young person on release.
* Support the young person to make a benefit claim –

Information for prison leavers, work coaches and probation officers about Universal Credit. [Universal Credit and prison leavers](https://www.gov.uk/government/publications/universal-credit-and-prison-leavers?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=5a910e57-bf9c-4142-961f-c395aa8d5e8f&utm_content=daily)

How prison leavers can verify their identity in [**‘Supporting prison leavers: a guide to Universal Credit’.**](https://www.gov.uk/government/publications/universal-credit-and-prison-leavers/supporting-prison-leavers-a-guide-to-universal-credit#before-making-the-universal-credit-claim)

**Accommodation upon release from custody – The options available**

* For offenders that do not have an address upon release a duty to refer should be made to their originating borough 56 days prior to release.
* HMPPS (Probation) may decide due to an offender’s risk that they will need to reside in **Approved premises** **(AP) is under CAS-1 .**

Approved Premises (APs) are premises approved under Section 13 of the Offenderc Management Act 2007. They provide intensive supervision for those who present a high or very high risk of serious harm.

They are mostly used for people on licence, but they also accommodate small numbers of people on bail or community sentences.

Approved Premises monitor and manage the risk of residents. They provide key workers and a programme of purposeful activity that is intended to help with reducing re-offending and resettlement into the community. The resident pays maintenance charges whilst staying in an Approved Premises, the amount differs depending on if the AP is catered or self -catering.

Residents have a curfew. Minimum curfews are from 11pm to 6am or 7am, depending on the Premises. You may have extra curfew conditions set by the court or as part of your licence, this may include drug and alcohol testing.

Residents are expected to take part in group and individual activities that are on their sentence or supervision plan.

This length of stay is between 3 and 12 months before move on to other accommodation.

* HMPPS can make a referral to **Community Accommodation Service, Tier 2 (CAS-2) previously known as (BASS). CAS-2** provides accommodation to offenders from courts, offenders from custody and offenders referred by Community Rehabilitation Companies (CRCs). Accommodation and support are provided during the period of a person's bail, Home Detention Curfew or Intensive Community Order. These offenders are placed in BASS-owned properties when they do not have a permanent place to live.

Referrals are made by prison establishments, courts, community rehabilitation companies (CRCs) or youth offending teams.

Eligibility

*be aged 18 and over*

*not be serving a custodial sentence of four years or more (unless moving on from an Approved Premises)*

*Assessed as low- to medium-risk of serious harm*

*Not in breach of immigration laws other than overstaying an approved period of leave to enter/remain in the UK.*

*Do not have a conviction, caution or allegation of any sexual offences mentioned in Schedule 3 of the Sexual Offences Act 2003 or those who currently pose a high- or very high-risk of harm.*

The CAS-2 contract is provided by NACRO**;** People live in a mix of one-bed self-contained units and two, three and four-bed shared houses with communal living space, kitchen and bathroom.

NACO workers support the person to find stable accommodation to move on to and can also offer support with the following:

employment, training and education

managing money

health and wellbeing

substance misuse

relationship building.

[Nacro Community Accommodation Service (CAS-2) | Nacro](https://www.nacro.org.uk/services/nacro-community-accommodation-service-cas-2/)

* HMPPS (Probation) can make a referral to Community accommodation called **CAS3 accommodation**. This accommodation provides temporary accommodation for up to 84 nights for homeless prison leavers and those moving on from Approved Premises (CAS1) or the Bail Accommodation and Support Service (CAS2), and assistance to help them move into settled accommodation.
  + To be eligible for this type of accommodation YP would need to be -
  + At risk of being released as homeless from prison following a custodial sentence to be supervised by the Probation Service; or
  + • moving-on as homeless from an Approved Premises (CAS1); or
  + • moving on as homeless following a period at a CAS2 residence. And who have;
  + • given consent to be referred into the service; and • signed an Accommodation Compact

**HMPPS Care experienced and care leavers strategy-**

**Care Experience Matters.** Is the HMPPS guide to how Prisons, Probation and Local Authorities can work together to support people with care experience in custody and on probation. Prisons and Probation are asked to incorporate and commit to these practices in their support offer for those with care experience in their prisons and Probation Regions. Local Authorities are asked to include them in their published local offers. Local offer guidance (publishing.service.gov.uk)

 

The HMPPS strategy aims to improve the collaborative working between Local Authority Leaving Care Teams and the Prison estate. The measures HMPPS have put in place to ensure this are:

* Toolkit for HMPPS Practitioners has been developed [**https://www.nicco.org.uk/directory-of-resources/toolkit-for-supporting-care-leavers-in-custody**](https://www.nicco.org.uk/directory-of-resources/toolkit-for-supporting-care-leavers-in-custody)
* HMPSS have updated their practice guidance
* Inclusion of care experienced young people in the transition’s model/ protocol
* Improved identification of care leavers through the Basic Custody Screening Tool (BCST) and notify offender management unit (OMU) and the young person’s record on the PNOMIS system.
* Roll out and embed of the Offender management in custody (OMiC) for resettlement planning 12 weeks prior to release <https://www.gov.uk/government/publications/manage-the-custodial-sentence>
* Communicate with the young person’s PA of any significant issues, such as a transfer to another establishment.
* Area care leavers leads in place and Care leaver leads in place within establishments (Please see appendix A)
* Move towards sentence planning and pathway plan reviews to be co-ordinated (one meeting with YP, POM, PA and other relevant professionals.

**A Custody offer for care leavers is currently being piloted in the Midlands region until the end of 2023 and if successful will be rolled out Nationally. The custody offer from HMPPS is:**

PA is provided with a single point of contact.

* Offered a flexible range of options for visiting and communicating with your young person.
* PA is invited to the initial sentence planning meeting, where the sentence plan and pathway plan are co-ordinated.
* PA is kept updated with the YP’s progress & invited to contribute/ attend significant events (With the young person’s consent)
* PA is invited to resettlement planning meeting
* PA is notified of key dates/ events e.g. Release date, transfers
* HMPPS will assist in obtaining identification for release.
* HMPPS will ensure the local authority are able to send money to the young person.

## Youth Justice

Relevant young people and looked after children under 18’s (that you may be jointly working with the social worker) may have come into contact with the criminal justice system through a different system and approach to adults.

**The Youth Justice Board (YJB)**

The Youth Justice Board for England and Wales is a non-departmental public body responsible for the youth justice system; its primary aim is to reduce offending. Youth offending teams are community-based teams working with young people on prevention, out-of-court interventions and community sentences.

Young people subject to the youth justice system will become known to the Surrey Youth Offending Service (Within Targeted Youth Support) . All work is underpinned by the YJB Child First approach where children under 18 years old who commit an offence are treated as a child first and supported to build on their strengths, practitioners listen to their wishes and feelings to inform service delivery focused upon the child’s needs and desistance from further offending. The Youth Justice Board (YJB) set out the national standards for all youth justice work.

[Standards for children in youth justice services 2019.doc.docx (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957697/Standards_for_children_in_youth_justice_services_2019.doc.pdf)

**Surrey Youth Offending Service (YOS)**

The Youth Offending Service (YOS) in Surrey operates in an integrated model. Within the four Targeted Youth Support (TYS) quadrant-based teams. There are designated staff who hold the out of court & court ordered youth justice work and have been trained to have the specific skills required to fully discharge youth justice expectations in relation to children who offend. TYS works with children who offend, are at risk of offending, family breakdown, homelessness, sexual exploitation, criminal exploitation, and complex mental health. The service provides help at the point when problems emerge, preventing the need for more specialist services further down the line.

In addition, there is a YOS Central Team, which has co-ordination and oversight of all the youth justice functions in Surrey. This team provides technical support and guidance, and drives practice, learning, improvement, and service development to ensure consistency across the four area-based teams. The YOS Central Team also host all partnership seconded staff and specialist practitioners, including a seconded Probation Officer

The seconded Probation Officer within YOS is key to a young person’s transition from YOS into adult Probation Services as they approach 18 years old, PA’s should liaise with the YOS worker and the seconded Probation Officer as the young person approaches the age of 18 years.

The government protocol for the transition of children under YOS transferring to HMPPS Probation can be found here-

[Joint National Protocol for Transitions in England for PDF - Final version.doc (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001347/Joint_National_Protocol_for_Transitions_in_England.pdf)

**Youth courts**

A youth court is a special type of magistrates’ court for people aged between 10 and 17. Youth courts are less formal than adult courts, for example; members of the public are not allowed in to the court (unless they get permission). The child is called by their first name. There is not a jury in a youth court. A youth court has either:

* 3 magistrates or, a district judge

Types of cases a youth court deal with -

* Theft and burglary
* Anti-social behaviour
* Drugs offences

**For serious crimes, like murder or rape, the case starts in the youth court but will be passed to a Crown Court.**

The Youth court can give a range of sentences including:

* Community sentences
* Detention and Training Orders carried out in secure centres for young people

**Community disposals overseen by YOS:**

**Community Resolution (CR)**

An out of court disposal (OOCD). This is agreed at the OOCD panel. Generally allocated to the YOT early help workers.

This is voluntary and should be for no more than 3 months. If the YP doesn’t engage they are

referred to the police and the arresting officer will decide to send it to court. If the offence is drug or

alcohol only and the YP has no other agency involved/other issues, then it will be allocated to the

Wize up YOT worker.

**Youth Caution (YC)**

This is agreed at the OOCD panel-held every Friday at YOS. This will be

allocated to a YOT practitioner. The YP will sign a caution but after this all interventions are

voluntary, can engage for maximum a 3-month order. It can be extended to 5 in exceptional

circumstances.

**Youth Conditional Caution (YCC)**

This is agreed at the OOCD panel. This will be allocated to a YOT practitioner and it is not voluntary but is a 3-month order. It can be extended to 5 months in exceptional circumstances. This differs from a YC as there are conditions on this order i.e. the young person may have to attend for two sessions per week.

**Referral Order (RO)**

This is court ordered and it can be for a minimum of three months and a maximum of twelve

months. Referral orders can include reparation or restitution to the victim, for example, repairing

any damage caused or making financial recompense, as well as undertaking a programme of

interventions and activities to address their offending behaviour.

**Youth Rehabilitation Order (YRO)**

This is court ordered. It is a community sentence which can include one or more of 18 different

requirements that the offender must comply with for up to three years. Some examples of the

requirements that can be imposed are a curfew, supervision, unpaid work, electronic monitoring

and education requirements.

**Youth Rehabilitation Order (YRO) with Intensive Supervision and Surveillance (ISS)**

This is a court order and can last for 36 months; this is bolted on to the YRO. ISS is the most

rigorous, non-custodial intervention available for YP. Most people spend six months on ISS. The

most intensive supervision (25 hrs per week) lasts for the first three months of the programme.

Following this, the supervision continues at a reduced intensity (a minimum of five hours per week,

and weekend support) for a further three months. On completion of ISS the YP will continue to be

supervised for the remaining period of their order.

**Youth detention in custody**

The Youth Justice Board are responsible for placing a young person (Juvenile offender) if the courts decide to detain in custody. Where the young person is place will depend on their gender, age, seriousness of offence and vulnerabilities.

**Youth detention accommodation:**

**Young Offender Institutes (YOI)** – Accommodate 15 – 17 year old males. YOI accommodate large numbers of offenders and those who are more resilient, the older age range, committed a serious offence or externalise their risk will be place in a YOI.

**Secure Training Centre (STC)** – There are three purpose built Secure Training Centres in England, they offer secure provision to sentenced or remanded young people aged 12-17 years old. There is a very strong focus on education. The older young people placed in STC’s are usually more vulnerable that those placed in a YOI.

**Secure Children’s Homes (SCH’s)** – Secure children’s homes in England are run by Local Authorities in conjunction with the Department for Education (we do not have any secure children’s homes in Surrey). These are for the most at risk and vulnerable young people with more complex needs. Usually for younger, very vulnerable young people. They have a high staff to young person ration to focus on the emotional, physical and mental health needs of the young people they accommodate.

The Youth Justice Board have set National Standards for meetings whilst on remand and sentenced. The YOT worker (Youth Offending Team) will liaise with the case worker in custody to arrange meetings within the timescales to agree a remand or sentence plan.

## Legal Aid, Sentencing and Punishment Act 2012 (LAPSO)

The LASPO Act introduced a remand framework for 10-17 year olds who are charged with, or convicted of, a criminal offence or concerned in extradition proceedings. Section 92 of the LASPO Act provides for remands to local authority accommodation. Such children become looked after by their designated local authority.

The local authority may only have very short-term relationships with this group of children, lasting only for the period of the remand. *Furthermore, where children are remanded into YDA, these placements are not commissioned by the local authority but by the Youth Justice Board, acting on behalf of the Secretary of State for Justice*.

Where a child was not looked after before the remand and becomes looked after purely by virtue of their remand, the Local Authority is not required to prepare a full care plan for them or a “plan for permanence”, due to the likely short-term nature of their looked after status. Instead a detention placement plan (“DPP”) for the child must be completed by the Local Authority to satisfy itself that day to day arrangements for the child are of sufficient quality to be able to offer an appropriate response to the range of the child’s individual needs. The authority’s assessment should address:

1. how will the child be safeguarded and their welfare promoted whilst they are detained in the YDA.
2. (ii) will the child have somewhere to live with appropriate support when they are no longer detained. The DPP must be agreed with, and signed by, the governor or registered manager (as the case may be) of the YDA.

**Care Leavers Status following LASPO looked after status -** The Local Authority must consider the need to provide continuing support for the child when the remand ceases whether they receive a custodial sentence or return to the community. For example, such support could include continuing to look after the child when they are no longer detained.

Where children who become looked after as a result of the remand provisions in the LASPO Act are aged 16 + and are looked after for a period of more than thirteen weeks from the age of fourteen they will become entitled to continuing support from the responsible authority as “care leavers”.

If eligible for a care leavers service, following sentencing or release the young person will be consider a ‘relevant’ young person until they turn 18 years old and the PA must still visit the young person regularly to offer advice and assistance, including practical and financial support. This should continue up to age 21 years old, or 25 years old if extended duties under The Child and Social Work Act 2017 is required.

**Types of Under 18 sentences**

**Detention and Training Order (DTO) –** Youth sentences that may be from four months to 2 years in duration. The order is in two halves, the first is served in custody with the possibility of ‘early release’ (one month for 8-12 month sentences and two months for over 12 months). The second half in serviced in the community with a Youth Offending Team, The young person is subject to licence for the duration.

**Section 90 –** Children and Young People aged 10-17 years old convicted on murder will be given a life sentence under section 90 of the Powers of the Criminal Courts (Sentencing) Act 2000. The court sets the minimum term which must be served in custody, starting at 12 years.

**Section 91 -** If a young person is convicted of an offence that an adult could be sentenced to at least 14 years in custody, they may be sentenced under section 91 of the Powers of the Criminal Courts (Sentencing) Act 2000. These are usually serious violent or sexual offences. The length of sentence be up to the adult maximum for the same offence, which for some offences may mean life. Early release may be suitable under ‘Home Detention Curfew’ although some offences are not exclude eligibility.

**Section 226B –** An extended sentence for certain violent or sexual offences) under section 123-5 LASPO Act 2012 (amending sections 226 & 228 of the Criminal Justice Act 2003) & schedule 20 LASPO Act 2012. Young people can be sentenced to an extended custodial sentence if they are convicted for a specified offence listed in schedule 15 of the Criminal Justice Act 2003 and the court believes they will be a significant danger to the public.

Looked after children and Relevant care leavers under Youth Offending services will transition at 18 to adult Prison and probation service.

[Joint National Protocol for Transitions in England for PDF - Final version.doc (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001347/Joint_National_Protocol_for_Transitions_in_England.pdf)

## Other Useful Contacts

**Become charity**

<https://becomecharity.org.uk/>

Email: mailbox@becomecharity.org.uk

Telephone: 020 7251 3117 - Mondays to Fridays 9.30 to 5.30pm

**The Princes Trust**

<https://www.princes-trust.org.uk/help-for-young-people/who-else/housing-health-wellbeing/ex-offender-support>

**Turn2Us**

[Fighting UK Poverty - Turn2us](https://www.turn2us.org.uk/)

**Clinks**

Support for ex-offenders to find employment

[Providing employment and training opportunities for people with convictions | Clinks](https://www.clinks.org/publication/providing-employment-and-training-opportunities-people-convictions)

Tavis House, 1-6 Tavistock Square, London WC1H 9NA

Tel: 020 7383 0966 Email: [info@clinks.org](mailto:info@clinks.org)

**Apex Trust**

The Apex Trust supports ex offenders, prisoners, probation staff and employers. Cover a range of issues that affect ex-offenders seeking employment including when a conviction becomes spent, how to find local sources for help, information about the Criminal records Bureau and how to disclose a criminal record to an employer.

Tel: 01744 612 898

[www.apextrust.com](http://www.apextrust.com)

**NACRO**

[A Social Justice Charity | Nacro](https://www.nacro.org.uk/)

**Inside Time** – [www.insidetime.org.uk](http://www.insidetime.org.uk)

This website gives Prison visiting and other advice

**Unlock**

The charity Unlock supports & advocates for people with criminal records to be able to move on positively in their lives

[Home - Unlock](https://unlock.org.uk/)

**Pact (Prison Advice and Care Trust)** – [www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)

Provides useful information on visiting and how visitors’ centres can help families.

**Prisoners’ Families Helpline**: 0808 808 2003 [info@prisonersfamilies.org](mailto:info@prisonersfamilies.org)

[www.prisonersfamilies.org](http://www.prisonersfamilies.org)

**Prisoners’ Families and Friends Service**: 0808 808 3444 info@pffs.org.uk

[www.pffs.org.uk](http://www.pffs.org.uk)

**AFFECT** – AFFECT provides services for the families of serious offenders and offers support groups to families in the south of England. [www.affect.org.uk](http://www.affect.org.uk)

**I HOP ( Barnardo’s )**

The Barnardo's i-HOP [Quality Statements and Toolkit](https://www.nicco.org.uk/quality-statements-and-toolkit) is a helpful resource for all professionals in universal, targeted, specialist and criminal justice services to assess and develop their practice with children of offenders.

1. https://www.london.gov.uk/sites/default/files/reducing\_criminalisation\_of\_looked\_after\_children\_and\_care\_leavers-\_a\_protocol\_for\_london.pdf [↑](#footnote-ref-1)