ORDER NUMBER
0101

The Young Offenders Institution (Amendment) Rules 2000

Date of Amendment | Click on Number for link to reference
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26/07/2000

Amendments can be tracked in the Numerical Index.

PSI Amendments should be read before and in conjunction with PSO
INTRODUCTION BY THE DIRECTOR OF REGIMES

1. This Prison Service Order conveys the Young Offender Institution (Amendment) Rules 2000. Copies of the Statutory Instrument amending the YOI rules were posted to establishments on 29 March 2000. Sections 73 to 79 of the Crime and Disorder Act 1998 which came into force on 1 April 2000, enable courts to impose a sentence of a detention and training order (DTO) on offenders under 18 years old. The following changes to the YOI rules are necessary to accommodate this sentence:

(i) To YOI rule 6 on temporary release to accommodate the case of an inmate subject to more than one sentence, and possibly both DTOs and DYOI. These amendments ensure consistency with the provisions of the 1998 Act dealing with overlapping sentences.

(ii) Changes are also necessary to YOI rule 53 (Governors’ punishments) to remove the punishment of confinement to a cell or room for inmates who are under 18 years old or serving the initial custodial period of detention and training orders.

2. The 1998 Act does not allow for the granting of additional days to DTO sentenced inmates. However, Rule 53(1)(h) of the YOI rules relating to additional days has not been amended as the existing YOI rules make clear that these can only be awarded against persons serving sentences other than DTO. An explanatory commentary originally sent to establishments on 29 March is annexed to this PSO.

Implementation

3. This PSO comes into effect on 01/08/2000.

Impact and resource assessment

4. The amendments to the YOI rules enable the DTO to be implemented in YOIs in accordance with the 1998 Crime Disorder Act. Although not the subject of any changes to the YOI rules, inability to award additional days for inmates sentenced to DTO (see attached guidance) may produce savings. For those serving DTOs transfer to the community will normally take place at the mid point of the sentence, and for those sentenced to eight months or more, one or two months early, or exceptionally, one or two months late.

Mandatory actions
5. **Staff must comply with the mandatory instructions in the PSO.**

**Transitional arrangements**

6. In any incident involving more than one inmate where one inmate may be punished by an award of additional days/cellular or room confinement and another may not, governors should take into account the fairness of awarding different punishments to different inmates for the same offence committed in the same manner. This amplifies the guidance given in PSO 4950 (Chapter 2.2).

**Monitoring**

7. Monitoring of changes to policy will be undertaken by Young Offender Group.

**Contact**

8. Further information is available from:

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<thead>
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<tbody>
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**Ken Sutton**

**Director of Regimes**

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**NOTE FOR ESTABLISHMENT LIAISON OFFICERS**

ELOs must record the receipt of the Prison Service Order - The Young Offender Institution (Amendment) Rules 2000 in their registers as issue 100 as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001.

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<tr>
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The Young Offender Institution (Amendment) Rules 2000

1.1 The Secretary of State has used his powers, under section 47 of the Prison Act 1952, to make the Young Offender institution (Amendment) Rules 2000. These are annexed to this PSO.

Access to the Rules

1.2 All staff, and young offenders must have ready access to the Rules.

1.3 Copies must be held in the YOI library and arrangements must be made for those young offenders who, through educational, language, disability, or other reasons cannot understand them, to have them explained.

1.4 Copies must be held in such places as to allow easy reference by members of staff, for example the staff information room or staff training department.

1.5 Copies must be given to the chair of the board of visitors

Requests from the general public including young offenders’ legal representatives

1.6 The YOI (Amendment Rules) 2000 is a public document and members of the public, including young offenders’ legal representatives who request copies, should be advised that they may be obtained from the Stationery Office.
GUIDANCE ON CHANGES TO THE YOI RULES AND DTO SENTENCED INMATES AFTER 1 APRIL 2000 (SI 2000 No 700)

Definitions

The following abbreviations are used in this guidance:

(a) Any reference to the ‘YOI Rules’ is a reference to the Young Offender Rules 1988.

(b) Any reference to the ‘1991 Act’ is a reference to the Criminal Justice Act 1991;

(c) Any reference to the ‘1998 Act’ is a reference to the Crime and Disorder Act 1998; and

(d) Any references to the ‘YOI Amendment Rules’ is a reference to the young Offender Institution (Amendment) Rules 2000, which came into force on 1 April 2000.

The need for this guidance

As a result of the coming into force of sections 73 to 79 of the 1998 Act on 1 April, courts will now be able to sentence offenders under 18 years old to the sentence of a detention and training order ("DTO"). PSO 4950 provides guidance on how YOIs are to deal with DTO inmates in general.

Some changes have been made by the YOI Amendment Rules to the YOI Rules to prepare for DTOs. This guidance deals with these changes and also advises governors that additional days cannot be awarded to inmates serving a DTO.

There are three areas which are covered by this guidance: disciplinary awards of additional days; room or cellular confinement; and temporary release.
A. **Additional days**

1. This guidance in this section is additional to the guidance in paragraphs 7.26 to 7.29 of the Prison Discipline Manual.

2. The 1998 Act does not allow for the granting of additional days to DTO sentenced inmates. Rule 53(1)(h) of the YOI Rules relating to additional days has not been amended by the YOI Amendment Rules. However, an offender subject to a sentence of DTO is not a 'short-term prisoner' or a 'long-term prisoner' as defined in the 1991 Act and in rule 2(1) of the YOI Rules. Rule 53(1)(h) does not, therefore, apply to offenders subject to a DTO. It is therefore emphasised to governors that **additional days are not available as a punishment for any inmate who is serving a period of detention under a DTO.**

3. An inmate released from the initial period of custody under a DTO who is then detained as a result of breach of supervision conditions (under s77(3) of the 1998 Act) or detained as a result of having committed another offence (under s78(2) of the 1998 Act) is still subject to a DTO for this purpose and is therefore also exempted from an award of additional days until the period of any order under section 77 or 78 expires: if he then begins serving another determinate sentence (i.e. becomes a short or long term prisoner) he then becomes liable to an award of additional days.

4. Additional days will continue to be available for all inmates serving a sentence of DYOI or other sentences. Governors should note however, that under section 79(3) of the 1998 Act, if an inmate has been sentenced concurrently to DYOI and a DTO, he is to be taken as serving the sentence which was last imposed. Whether or not the inmate is subject to an award of additional days will therefore depend, in these circumstances, on which of the two sentences was imposed last.

B. **Confinement to a cell or room**

1. The guidance in this section is additional to paragraphs 7.20 - 7.25 of the Prison Discipline Manual.

2. Under the amended rule 53(1)(f) of the YOI Rules, governors **may not give any punishments of confinement to a cell or room to any inmate who was under 18 years old at the time of the commission of the disciplinary offence (whatever sentence he is serving).** This revision to the rules applies to all inmates, not just those serving DTOs.

3. In addition, governors may not award any punishment of confinement to a cell or room to any inmate **aged 18 or over at the time of commission of**
the offence who is serving the initial custody period of a Detention and Training Order.

4. However an inmate aged 18 or over at the time of commission of the disciplinary offence who has served the custody period, been released under supervision then ordered to be detained as a result of breach of supervision conditions (s77(3) of the 1998 Act) or detained as a result of having committed another offence (under s78(2) of the 1998 Act) can be punished with confinement to a cell or room.

5. In deciding whether or not confinement to a cell or room is available for a particular inmate, governors should note that under section 79(3) of the 1998 Act, if an inmate has been sentenced concurrently to a DYOI and DTO, he is taken to be serving the sentence which was last imposed.

6. In any incident involving more than one inmate where one inmate may be given a punishment of confinement to a cell or room and another may not, governors will take into account the fairness of awarding different punishments to different inmates for the same offence committed in the same manner.

C. Offences committed by different inmates together

1. In any incident involving more than one inmate where one inmate may be punished by an award of additional days/cellular or room confinement and another may not, governors should take into account the fairness of awarding different punishments to different inmates for the same offence committed in the same manner.

D. DTOs and temporary release

1. This guidance in this section is additional to guidance already provided to governors for calculating the time from which temporary release becomes available [details of small booklet which governors currently use].

2. The YOI Amendment Rules make some minor technical amendments to rule 6 of the YOI Rules so that overlapping DTOs are to be treated in the same way that governors currently deal with overlapping DYOIs for the purposes of temporary release.

3. However, where an inmate is subject to concurrent sentences of DTO then DYOI, or DYOI then DTO, the only sentence of relevance to the calculation of eligibility for temporary release will be the later imposed sentence.

E. Reference Materials
The Young Offender Institution Rules 1988
Criminal Justice Act 1991
Crime and Disorder Act 1998
The Young Offender Institution (Amendment) Rules 2000
The Prison Discipline Manual
[Temporary Release Guidance Booklet]

Produced by Home Office Legal Advisers Branch March 2000