INTRODUCTION FROM THE DIRECTOR OF RESETTLEMENT

1. This Prison Service Order (PSO) is being issued to update the information given in Prison Service Circular Instructions (CIs) 31/1987 and 29/1989, which it replaces. Updating is necessary not only because of the considerable structural changes in Prison Service headquarters over the last decade but also to reflect the following more recent developments:

- The introduction, on 25 August 2000, of Sections 90, 91 and 92 of the Powers of Criminal Courts (Sentencing) Act 2000 and the repeal, from that date, of Section 53 (and parts of Section 106) of the Children & Young Persons Act 1933. (The 2000 Act is a consolidating Act and Sections 90-92 do not change the effect of the corresponding Sections of the 1933 Act. References in the PSO to “Section 90/91 sentences” and “Section 92 detainees” should therefore be taken as applying also to Section 53 sentences/detainees until these disappear from the system.)

- The publication of PSO 4950, “Regimes for Under 18 Year Olds”, which principally defines the regimes for young offenders sentenced to the new Detention & Training
Order, while making it clear that the regimes will in many respects be suitable for Section 92 detainees also.

- The creation of the Prison Service Under 18 Estate to deliver the new regimes.
- The setting up within the Prison Service Under 18 Estate of three dedicated units for Section 92 boys at HMYOIs Castington, Hollesley Bay and Huntercombe.
- The promulgation of the Youth Justice Board’s “National Standards for Youth Justice” and the extension of the Board’s role to include the commissioning and purchasing of secure accommodation for young people under 18.

Output

2. The above developments have the following main implications for policy and practice in relation to offenders sentenced under Sections 90 or 91 (or the old Section 53):

- The Secretary of State continues to have statutory responsibility for their placement, but for those aged under 18 places must be booked by the headquarters Section 53/92 Unit through the Youth Justice Board.

- **Girls below the age of 18 and boys below the age of 15** will, as a general rule, continue to be placed outside the Prison Service Estate, either in local authority secure units or secure training centres.

- **Boys aged 15-17** will normally be placed within the Prison Service Under 18 Estate, and all 13 establishments in the Estate must be prepared to accept them irrespective of sentence length. The three dedicated Section 92 units will be particularly suitable for the 15 year olds or for the more vulnerable and challenging 16 and 17 year olds. The regime requirements of PSO 4950 will apply, subject to a number of minor modifications to reflect the distinct status of Section 92 detainees (eg. review papers need to be copied to the headquarters Section 53/92 Unit).

- **Those aged 18 and above** will be detained, as before, in Young Offender Institutions or in adult prisons. However, with the exception of certain cases determined by the headquarters Section 53/92 Unit and notified individually to holding establishments, Governors have now been given delegated responsibility to decide on the placement of those in that age group who are serving determinate sentences and to issue Removal Orders on behalf of the Secretary of State.

Impact and Resource Assessment

3. Given that this PSO puts Section 92 detainees aged 15-17 on much the same footing as their DTO counterparts, there will be no significant resource implications for establishments in the Prison Service Under 18 Estate. The same applies to other establishments and to the decision to give Governors delegated responsibilities in respect of most of those aged 18 and over. Governors and operational managers are already involved in the decision-making
process for this category of Section 92 detainee through their participation in sentence planning and the making of placement recommendations to headquarters.

Implementation

4. This PSO comes into effect on 9 May 2001.

Mandatory action

5. Staff must comply with the mandatory instructions in the PSO.

Contact Point

6. Any questions about this PSO should be addressed to Terry Harvey, Section 53/92 Unit, Room 314, Abell House (tel: 020 7217 5048).

Ken Sutton
Director of Resettlement

**NOTE FOR ESTABLISHMENT LIAISON OFFICERS**

ELOs must record the receipt of the Prison Service Order - Detention under section 92 of the Powers of Criminal Courts (Sentencing) Act 2000. (Formerly Section 53 of the Children & Young Persons Act 1933): Young People Serving Longer Sentences for Serious Offences. in their registers as issue 128 as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001.

<table>
<thead>
<tr>
<th>Issue no.</th>
<th>Date</th>
<th>Order no.</th>
<th>Title and / or description</th>
<th>Date entered in set</th>
<th>ELO signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td>09/05/01</td>
<td>4960</td>
<td>Detention under Section 92 of the Powers of Criminal Courts (Sentencing) Act 2000. (Formerly Section 53 of the Young Persons Act 1933): Young People Serving Longer Sentences for Serious Offences</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONTENTS

1. INTRODUCTION

2. THE LEGAL FRAMEWORK
   2.1 The Effect of Sections 90-92 of the Powers of Criminal Courts (Sentencing) Act 2000
   2.2 Detention in Local Authority Secure Units
   2.3 Statutory aim of preventing offending

3. PRE-SENTENCE WORK
   3.1 The Early Warning System
   3.2 Provisional Placement Decision

4. SENTENCE CALCULATION
   4.1 General
   4.2 Early Release
   4.3 Remand Time
   4.4 Additional Days
   4.5 Unlawfully at Large
   4.6 Detention during Her Majesty’s Pleasure or for Life

5. PLACEMENT
   5.1 Responsibility for placement decisions
   5.2 Booking of places
   5.3 Removal Orders
   5.4 Placement options and factors considered
      *Local Authority Secure Units
      *Prison Service Establishments
   5.5 Placement from Court
   5.6 Allocation Boards
   5.7 Transfers and progressive moves
   5.8 Escorts

6. REGIMES
   6.1 The applicability of Prison Service Order 4950
   6.2 Special characteristics of the Section 92 Population
   6.3 Mobility

7. EARLY RELEASE AND LICENCE
   7.1 Special parole and licence-issuing procedures for LASU detainees
   7.2 Home Detention Curfew

APPENDIX A Placement protocol
APPENDIX B Removal Order
APPENDIX C Guidance note on mobility
CHAPTER 1 - INTRODUCTION

1.1 Section 53 of the Children and Young Persons Act 1933 will be well known to those in the youth justice system. It was introduced to make special provision for the custody of young people under the age of 18 who are convicted on indictment by the Crown Court for murder and other grave (usually violent) crimes. Section 53 (as well as Section 106(1) relating to the signification of directions made under Section 53) were repealed on 25 August 2000 and their provisions were transferred to Sections 90, 91 and 92 of the Powers of Criminal Courts (Sentencing) Act 2000 (“the 2000 Act”). While the wording and arrangement of Sections 90-92 are different from the corresponding Sections of the 1933 Act, the effect is precisely the same. References in this Order to “Section 90/91 sentences” and “Section 92 detainees” should therefore be taken as applying also to “Section 53 sentences” and “Section 53 detainees” until these eventually disappear from the system.

1.2 Section 90 of the 2000 Act (formerly Section 53(1) of the 1933 Act) provides that a person aged under 18 (at the time of the offence) convicted of murder shall be sentenced to be detained during Her Majesty’s pleasure. Section 91 (formerly Sections 53(2) and 53(3) of the 1933 Act) provides that children and young people convicted of certain specified “serious” offences other than murder which in the case of an adult are punishable with imprisonment for 14 years or more, may, if no other methods of disposal are deemed suitable, be sentenced up to the adult maximum for the offence, which may be for life. Those sentenced under Section 90 or 91 are liable, under Section 92 (formerly part of Section 53(3) of the 1933 Act), to be “detained in such place and under such conditions as the Secretary of State may direct or arrange with any person.”

1.3 A Section 90/91 sentence is passed not only to meet the requirements of retribution and deterrence but also to reflect the fact that special attention needs to be given to the offender’s rehabilitation. Such sentences vary considerably in their length and consequently in terms of how and where the offenders spend their time in custody. At one end of the scale is the young person who is sentenced to no more than a few months’ detention and who, because of his/her age or vulnerability, will spend the whole of the custodial period in secure accommodation in a local authority secure unit (LASU). At the other end of the scale are those who are convicted of murder or some other grave crime and who, after spending periods first in a LASU or Secure Training Centre (STC) and then in a Prison Service under 18 establishment, will eventually move, via a Young Offender Institution (YOI), to the adult prison system to complete the custodial part of their sentence.

1.4 This PSO covers the rules and procedures which apply to all offenders detained under Section 92 regardless of age, gender and sentence length. But it is concerned mainly with the policy and criteria governing the placement of the 10-17 year olds from Court following sentence and with their subsequent placement and management as under 18 year olds. (The position with regard to the placement and management of those aged 18 and over is described in paragraphs 5.1.3, 5.3.2, 5.7.4 and 5.7.5). The PSO is directed not only at Governors and staff in establishments holding Section 92 detainees, but also at those in Prison Service headquarters, particularly the Section 53/92 Unit in the Juvenile Operational Management Group, who have responsibility for making placement decisions on behalf of the Secretary of State and for agreeing mobility proposals submitted by the LASUs.

1.5 Managers and staff in the LASUs (and STCs) are not, of course bound by this PSO or indeed by any other such Order, but it is being distributed to them in the hope that it will contain much that they will find of interest and provide a useful complement to the Section
92 casework guidance which has already been issued to those of their establishments where Section 92 young people are held. A knowledge of how this group of young people are managed within the Prison Service Under 18 Estate will help the LASUs to take a more informed look ahead when they prepare their sentence plans and to feel greater confidence that young people transferring to the Estate are moving to constructive regimes offering a whole range of new opportunities.

1.6 The issue of this PSO comes shortly after the introduction of the Detention and Training Order (DTO) and with the coming into being of the Prison Service Under 18 Estate to accommodate the boys who receive this new sentence as well as Section 92 boys aged 15-17. Whereas the DTO provides only for sentences of 4, 6, 8, 10, 12, 18 and 24 months, a sentence under Section 90/91 may, as explained above, be of any length and may even be indeterminate. Nevertheless, PSO 4950, which sets out aims, objectives and mandatory requirements for the DTO regimes, makes it clear in its introductory chapter that the regimes which it prescribes will be appropriate in many respects for Section 92 young people. At the same time it has to be recognised that the Section 92 population, although by no means homogeneous, is characterised by certain distinct features (eg. more serious offences, longer sentences, a greater prevalence of behavioural problems) which have implications for the placement, care and management of the individuals concerned. Regimes of an enhanced kind will be required in some cases and the Prison Service has recognised this in its decision to set up three Section 92 Enhanced Units within the Under 18 Estate. Chapter six of this PSO describes in detail what the distinct features of the Section 92 population are and how the basic DTO regimes will need to take account of this group of young people in their midst. In some instances the mandatory requirements relating to DTO regimes are modified accordingly.

1.7 Another major change reflected in this PSO concerns the role of the Youth Justice Board. From April 2000 the Board’s role was extended to include the commissioning and purchasing of secure accommodation for young people under 18 who are on remand or under sentence. The arrangement whereby the headquarters Section 53/92 Unit decides on and organises placements will continue to apply, but with the minor adjustments set out in paragraph 3.2.

1.8 This PSO takes account of the Youth Justice Board’s National Standards for Youth Justice in so far as they relate to the Prison Service’s management of Section 92 detainees under the age of 18.

1.9 This PSO replaces CIs 31/1987 and 29/1989.

---

1 It should be noted, however, that a young person who begins their sentence in the secure under 18 estate may be allowed to remain there on reaching their eighteenth birthday. In DTO cases this will be the normal expectation. For Section 92 detainees a longer stay may be authorised for special reasons (see paragraph 5.7.4).
CHAPTER 2 - THE LEGAL FRAMEWORK

2.1 The effect of Sections 90-92

Section 90

2.1.1 This provides that a person aged under 18 (at the time of the offence) convicted of murder shall be sentenced to be detained during Her Majesty’s pleasure.

Section 91

2.1.2 This applies to children and young people convicted of certain “serious” offences other than murder. Where no other disposal is considered suitable by the Court, the Court may sentence the offender to be detained up to the adult maximum for the offence. Where such a sentence - which may be for life - is passed, the period of detention must be specified in the sentence. The offences covered by Section 91 are:

(i) where a person of at least 10 but not more than 17 years is convicted on indictment of

any offence punishable in the case of an adult with imprisonment for fourteen years or more, not being an offence the sentence for which is fixed by law; or

an offence under section 14 of the Sexual Offences Act 1956 (indecent assault on a woman); or an offence under section 15 (indecent assault on a man) committed after 30 September 1997;

(ii) where a young person aged 14-17 is convicted of:

an offence under Section 1 of the Road Traffic Act 1988 (causing death by dangerous driving); or

an offence under Section 3A of the Road Traffic Act 1988 (causing death by careless driving while under influence of drink or drugs).

Section 92

2.1.3 Section 92(1) provides that a person sentenced to be detained under Section 90 or 91 shall be liable to be detained in such place and under such conditions as the Secretary of State may direct (Section 92(1)(a)) or may arrange with any person (Section 92(1)(b)). Section 92(2) provides that a person detained pursuant to such directions/arrangements shall be deemed to be in legal custody. Section 92(3) allows directions to be signified “under the hand of an authorised officer” but allows arrangements to be signified only under the hand of the Secretary of State personally or an “Under-Secretary of State or an Assistant Under-Secretary”.

2.2 Detention in local authority secure units

Provisions of the Children & Young Persons Act 1969
2.2.1 Section 30 of the 1969 Act provides that the Secretary of State’s power to give directions under Section 53 of the 1933 Act (now Section 92 of the 2000 Act):

“...shall include power to direct detention by the local authority specified in the directions in a home so specified which is a community home provided by the authority or a controlled community home for the management, equipment and maintenance of which the authority are responsible; but a person shall not be liable to be detained in the manner provided by this section after he attains the age of nineteen.”

2.3 **Statutory aim of preventing offending**

*Provisions of the Crime & Disorder Act 1998*

2.3.1 Section 37 of the 1998 Act establishes that the principal aim of the youth justice system is to “prevent offending by children and young people” and requires all those involved in the system “to have due regard to that aim in carrying out their responsibilities.”
CHAPTER 3 - PRE-SENTENCE WORK

3.1 The early warning system

3.1.1. Arrangements exist for the headquarters Section 53/92 Unit, Juvenile Operational Management Group, to be notified pre-trial of any under 18 year olds who, due to the offences with which they have been charged, are liable to receive a Section 90/91 sentence. The aim is to anticipate the most appropriate placement for the young offender and to make provisional arrangements for the placement before sentence is passed.

3.1.2. Under the early warning system the local Youth Offending Team (YOT) is required to alert the Section 53/92 Unit to the possibility of a Section 90/91 sentence as a result of a forthcoming Court appearance and to furnish the Unit with:

- a completed Secure Facilities Placement Booking Form;
- the Youth Justice Board assessment profile (ASSET), if already available;
- a Pre-Sentence Report (PSR) and
- any other relevant information (e.g. psychiatric reports)

as soon as possible after the date of committal to the Crown Court is known.

3.2 Provisional placement decision

3.2.1. The Youth Justice Board’s Call Centre will provide the Section 53/92 Unit with information about the availability of places across the local authority secure estate and Prison Service under 18 estate. On the basis of that information and the papers received from the YOT, the Section 53/92 Unit must make a provisional decision as to where the offender would be most appropriately placed if a Section 90/91 sentence were to be passed. The Unit must then ask the Call Centre to book the place and must notify the YOT accordingly. The placement options available and the considerations which should be taken into account in making the decision are set out in paragraphs 5.4 and 5.5 below. The Unit must notify the provisional decision promptly to the YOT.

3.2.2. As soon as the outcome of the Court appearance is known, the Section 53/92 Unit must inform the Call Centre.

3.2.3. On making a booking, the Call Centre will issue a Placement Authorisation Form to the YOT. This form will be taken by the escort service to the establishment where the young person is to be placed. For escort arrangements see paragraph 5.8.

3.2.4. A protocol on the placement of young offenders has been agreed with the Youth Justice Board and a copy of the part relating to those sentenced under Section 90/91 is at Appendix A.
CHAPTER 4 - SENTENCE CALCULATION

4.1 General

4.1.1 This chapter should be viewed only as a very brief general guide to sentence calculation for Section 92 detainees. There are, for example, different provisions for the very small number sentenced (to Section 53) before the implementation of the Criminal Justice Act 1991. More detailed instructions are available as follows:

CI 33/92 Revision of Standing Order 3C
IG 19/95 UAL time on current and overlapping sentences
IG 20/95 Police detention
IG 64/96 Remand time on consecutive sentences
PSI 43/97 Remand time on concurrent sentences
PSI 4/98 Shared remand time
PSI 51/98 Crime and Disorder Act 1998
PSI 17/00 Juvenile remand to local authority accommodation
PSO 6000 Parole, Release and Recall Manual

4.2 Early release

4.2.1. Where a Section 90/91 sentence has been passed, the YOT is required by the National Standards for Youth Justice to allocate a supervising officer within one working day of the sentence. Within fifteen working days of a determinate sentence being passed, the supervising officer is required to submit information to the Prison Service about the circumstances of the offender during the remand period for the purposes of sentence calculation. The calculation must then be done by the relevant Prison Service establishment or, where the young person is in a local authority secure unit (LASU) or Secure Training Centre (STC), by the headquarters Section 53/92 Unit. The Governor or Section 53/92 Unit must ensure that the relevant dates are calculated and notified to the young person within one working day of receipt of this information.

4.2.2 The relevant dates are as follows:

(i) Automatic Unconditional Release Date (ARD) for sentences of 12 months or less. The ARD is at the half-way point of sentence, when the detainee is released on a Notice of Supervision of three months’ duration.

(ii) Automatic Conditional Release Date (CRD) for sentences of more than 12 months but less than four years. The CRD is at the half-way point of sentence, when the detainee is released on licence.

(iii) Parole Eligibility Date (PED) for sentences of four years and over. The PED is at the half-way point of sentence, when the detainee may be released on licence if the Parole Board so recommends.

(iv) Non-Parole Date (NPD) for sentences of four years and over. The NPD is at the two-thirds point of sentence, when a detainee who has not been granted parole must be released on licence.
(v) **Licence Expiry Date (LED)** for sentences of more than 12 months. The LED is at the three-quarters point of sentence, when supervision will end (unless the offender, being the subject of an order made by the sentencing judge under Section 44 of the Criminal Justice Act 1991, is to be supervised until the expiry of the sentence).

(vi) **Sentence Expiry Date (SED)** for all sentence lengths.

4.2.3. Full details of the early release schemes covering the custodial and the post-release periods can be found in the Parole, Release and Recall Manual (PSO 6000). Apart from the additions and amendments described in Chapter 10 of the Manual, the provisions for early release set out in the other parts of the Manual which relate to adult offenders, apply equally to Section 90/91 offenders.

4.3 **Remand time**

4.3.1 *Time spent in custody on remand counts towards time served and must therefore be taken into account in calculating release dates.* In the context of Section 90/91 offenders “custody” means:

- in police custody after arrest;

- in prison;


4.3.2 *Time spent on remand with foster carers or on bail in a local authority children’s home must not be deducted from the sentence.*

4.4 **Additional Days**

4.4.1 Section 92 detainees who are serving a determinate sentence and are held in a Prison Service establishment are subject to the provisions of Section 42 of the Criminal Justice Act 1991 and may have time added to the custodial part of the sentence if they are found guilty of committing an offence against prison discipline. This sanction does not apply to those sentenced to a Detention and Training Order or to Section 92 detainees serving indeterminate sentences (“Lifers”). Adjudicators should therefore take great care where, for example, they are considering the appropriate penalty for two boys, one a Section 92 detainee serving a determinate sentence and the other a DTO trainee or a Lifer, who acted together in one and the same incident and who are judged to be equally culpable. It is unlikely to be seen as transparently fair if boy A is awarded additional days while boy B receives no more than a period of separation or segregation. The breach of discipline may, of course, be of such exceptional seriousness that the imposition of additional days is the only appropriate penalty for boy A, notwithstanding considerations of parity with boy B. Normally, however, the adjudicator should endeavour to deal with two or more perpetrators of the same misconduct in the same way.

4.4.2 The mandatory requirements relating to the management of bad behaviour by those serving a DTO (paragraph 7.5 of PSO 4950) also apply to Section 92 young people under 18.
4.4.3 A Section 92 detainee who has received additional days and who is to be transferred from a Prison Service establishment to a LASU or STC must be informed by the Governor that, following transfer, eligibility to apply for remission of the additional days will be preserved; and that any such application should be addressed to the Section 53/92 Unit, Juvenile Operational Management Group, Prison Service headquarters. Where an application is received in headquarters, a decision must be made by an operational manager of Prison Service Grade 3 or above who must follow the relevant instructions in the Prison Discipline Manual and request a report from the LASU/STC, specifying the information required to consider the application.

4.5 Unlawfully at large

4.5.1 Those Section 92 young people who escape/abscond during the period of their placement in a LASU or STC render themselves unlawfully at large (UAL) in the same way as if they had escaped/absconded while in the care of the Prison Service; and the effect, similarly, will usually be to delay their release by a period equivalent to the period UAL.

4.6 Detention during Her Majesty’s pleasure or for life

4.6.1 Section 92 detainees serving indeterminate or life sentences may be released only after they have served the minimum period necessary to meet the requirements of retribution and deterrence (the tariff) or relevant part of sentence. Once the minimum period has been served, the offender’s case will be considered at an oral hearing by a panel of the independent Parole Board. Any direction by the panel for release is binding on the Home Secretary. An offender will not be directed for release unless the risk is considered acceptably low.
CHAPTER 5 - PLACEMENT

5.1 Responsibility for placement decisions

5.1.1 The Secretary of State has statutory responsibility for deciding on the placement of Section 90/91 offenders. Therefore, apart from cases where the young person is sent to the nearest Prison Service establishment direct from the Court for preliminary assessment and allocation (see paragraph 5.6 below), all allocations and placements of such offenders made pursuant to “directions” by the Secretary of State (see paragraph 2.1.3) must be authorised by a designated officer on behalf of the Secretary of State. (Allocations or placements made pursuant to “arrangements with any person” would need to be authorised by the Secretary of State himself or one of his junior Ministers, but there are no recorded precedents for such “arrangements”).

5.1.2 For those who are under 18 and serving a determinate sentence, the designated officer will be the head of the headquarters Section 53/92 Unit in Juvenile Operational Management Group or, in his absence, another member of that Group in Prison Service Grade 3 (formerly HEO) or above.

5.1.3 For those Section 92 detainees aged 18 and over who are serving a determinate sentence and are being transferred from one YOI or prison to another the designated officer will normally be a Governor in the sending YOI/prison, acting under responsibility delegated by the head of Section 53/92 Unit (see para. 5.3.2).

5.1.4 The headquarters Lifer Unit are responsible for those detainees who were sentenced to detention during Her Majesty’s pleasure or for life and are held in a Prison Service establishment. The role of designated officer in such cases will therefore be carried out by an officer in the Lifer Unit except where a young person

a) needs to be placed from Court immediately following sentence and is not currently held in a Prison Service establishment on remand; or

b) is held in a LASU or STC.

Where (a) or (b) applies, the designated officer will be as in paragraph 5.1.2 above.

5.2 Booking of places

5.2.1 Where a young person is to be placed within a LASU or STC or within the Prison Service under 18 estate, Section 53/92 Unit must first book a place through the Youth Justice Board’s Call Centre, following the agreed protocol. The relevant part of the protocol is at Appendix A.

5.3 Removal Orders

5.3.1 Having agreed a placement (and, where the offender is under 18, booked a place through the Call Centre), the designated officer must sign a Removal Order as soon as possible and arrange for a copy to be sent immediately to the receiving establishment (and, in transfer
cases, to the sending establishment), the original being retained on file. Except where an offender is received direct from Court, Governors should not receive Section 90/91 offenders into their custody or subsequently transfer them without a Removal Order. In an emergency the designated officer may verbally sanction a move, although even then the Removal Order is usually already in preparation or will be faxed shortly.

5.3.2. In issuing a Removal Order for a Section 92 detainee who is serving a determinate sentence and who is being moved to a YOI on reaching the age of 18, the head of Section 53/92 Unit should consider whether there are any special reasons in that case for not delegating future placement decisions to Governors locally. Special factors might include, for example, the notoriety of the case; or a commitment by Ministers or Section 53/92 Unit that they will keep the detainee’s placement under review; or the need for close monitoring of the case because the detainee, although aged 18 or over, remains markedly immature and vulnerable. Where responsibility is not being delegated to Governors, the head of Section 53/92 Unit must make this clear in a footnote to the Removal Order. In those circumstances Governors must ensure that any future proposal to transfer the detainee elsewhere is referred to Section 53/92 Unit for approval and the issue of a further Removal Order.

5.3.3. A standard Removal Order for use by Governors in delegated cases is at Appendix B. Where the special circumstances of a particular case appear to make the standard wording inappropriate, Section 53/92 Unit will be ready to give advice as necessary.

5.3.4. Given that Removal Orders are issued to fulfil a statutory requirement, Section 92 detainees must be readily identifiable as such. Governors must therefore ensure that each detainee’s personal record is clearly marked or flagged “SECTION 92 CASE” and that there is an appropriate entry on IIS.

5.4 Placement options and factors considered

5.4.1. The Secretary of State has a wide discretion in deciding where Section 90/91 offenders should be placed, but the only practical options at present are secure accommodation in a LASU, STC or a Prison Service establishment, depending on age and the circumstances of the individual case. For those aged 15-17 “Prison Service establishment” will normally mean one of the 13 establishments in the Under 18 Estate, all of which must be prepared to accept Section 90/91 young people irrespective of sentence length. The Under 18 Estate includes three discrete Section 92 enhanced units at Castington, Hollesley Bay and Huntercombe. Those young people who remain in custody on reaching the age of 18 will move at an appropriate point to a YOI and then, if they are still in custody at the age of 21, into the adult prison system.

5.4.2. The designated officer’s decisions on the placement of Section 90/91 offenders under 18 must be made on the merits of each individual case and by reference to a number of factors, including the age of the young person, the nature of their offence, the length of their sentence, their relative vulnerability or maturity, their ability to cope in a structured environment, their previous behaviour in detention, any history of self-harm or evidence of a propensity for it, their educational needs, their health needs (both physiological and psychological), the proximity of their family or other support and ease of access for visiting. In addition to these factors the designated officer must also take into account the Youth Justice Board’s views on the best use of the accommodation available when competing demands are to be met.
The policy/practice set out in paragraphs 5.5, 5.6 and 5.7.1 - 5.7.3 below applies to males below the age of 18. Females in that age group will, in the normal course of events and subject to individual assessment, be placed in LASUs in line with the priorities of the Youth Justice Board. In the Prison Service women’s estate there are no discrete under 18 establishments.

5.5 Placement from Court

5.5.1 As a matter of policy Section 90/91 offenders under the age of 15 are not held in a Prison Service establishment and must therefore be placed initially in a LASU or STC. Those aged 15 or over will normally be placed initially in a Prison Service establishment unless, having regard to the factors in paragraph 5.4.2 above and any other relevant factors presented by the individual case, it is deemed that their needs can only adequately be met within the local authority secure estate. In these circumstances the young person will normally be placed initially in a LASU, provided that a place is available and he can be safely contained.

5.5.2 The Prison Service establishment selected for those serving determinate sentences will, save in exceptional circumstances, be within the Under 18 Estate. Exceptional circumstances will arise, for example, where the young person is likely to present significant security or control problems or where, while not presenting a risk to security or to the safety of others, he requires specific programmes or has medical or other special needs which are not available/cannot be met within the Estate. In these circumstances placement at a suitable YOI such as Aylesbury or Swinfen Hall should be considered.

5.5.3 A Section 92 Enhanced Unit will benefit from staffing levels higher than in the generality of other Prison Service under 18 regimes and will be able to give closer attention to individual needs. Such a unit will therefore be particularly appropriate for 15 year olds or for the more vulnerable and challenging 16 and 17 year olds who may need a regime which is more akin to that found in the LASUs.

5.5.4 The policy relating to the placement of those sentenced to be detained during Her Majesty’s pleasure or for life is set out in Chapter 10 of the Lifer Manual (PSO 4700).

5.6 Allocation Boards

5.6.1 Special procedures exist for those Section 90/91 offenders who start their determinate sentence in a Prison Service under 18 establishment (or, exceptionally, in a YOI within a women’s prison) and are taken direct from Court to the nearest such establishment for a preliminary assessment and allocation. The Governor, in partnership with the supervising officer, must arrange for an Allocation Board or meeting to be held within 20 working days of reception and must request reports from the personal officer, the wing officer and, where appropriate, the seconded probation officer as well as from the medical and education staff. The Governor must also ensure that the Board or meeting - which the supervising officer will be expected to attend and make a contribution to - considers all the aforementioned reports and any other information relevant to the young person’s placement and has regard to the policy set out in paragraph 5.4 above. The Governor must then immediately send the Board’s allocation recommendation, together with a copy of the reports, to the Section 53/92 Unit. See also paragraph 5.7.3.

5.6.2 The Allocation Board can recommend that a Section 90/91 offender:
remains in the establishment where they are currently detained;

- is transferred to another Prison Service under 18 establishment (or, exceptionally, to a YOI - see paragraph 5.5.2 above);

- is transferred to a Section 92 Enhanced Unit; or

- is transferred to a LASU;

5.6.3 The designated officer in the headquarters Section 53/92 Unit must then decide on the appropriate placement. Whilst the recommendation of the Allocation Board is always taken into account, the designated officer is not bound by it, particularly where there is substantial further background information from the supervising officer, or where there are conflicting opinions. The Section 53/92 Unit must communicate their decision to the Governor, the supervising officer and the Youth Justice Board’s Call Centre within ten working days of the Unit receiving the recommendation.

5.7 Transfers and progressive moves

Under 18s

5.7.1 Young people who serve the first part of their sentence in a LASU can normally expect to move to a Prison Service under 18 establishment at some stage. Section 53/92 Unit must keep the placements of these young people under continuous review, at least quarterly, and plans for a move must be made if it is judged that they have reached, or will reach, the stage where their needs can be met outside the local authority secure estate. For the more vulnerable of these young people and for those who, for one reason or another, will continue to need close management and support, transfer to a Section 92 Enhanced Unit may well be appropriate. Any transfer out of the local authority system will involve a very significant cultural change for the young people concerned and the move should therefore be carefully planned for and sensitively handled (see paragraph 6.2.7 below).

5.7.2 Similarly, placements of Section 92 young people in Prison Service under 18 establishments must also be kept under continuous review by the headquarters Section 53/92 Unit (or Lifer Review Unit, as appropriate) through the processes described in paragraph 6.1.1(vi) (or in the Lifer Manual) and, except where immediate transfers are required for compelling reasons (e.g. security considerations), moves must be anticipated and prepared for as part of the sentence planning process. Transfers between under 18 establishments must be kept to a minimum so that there is proper continuity of care and management. A move from a Section 92 Enhanced Unit to an ordinary regime for under 18s may be appropriate if the young person has matured and stabilised to the extent that he/she no longer needs the higher level of support and individual attention provided by an enhanced regime.

5.7.3 Where Governors make a recommendation to headquarters for a young person’s move from one Prison Service under 18 establishment to another, it should be accompanied wherever
possible by confirmation that the transfer has been agreed in principle with the proposed receiving establishment.

18 and over

5.7.4 On reaching the age of 18 a Section 92 young person in a Prison Service under 18 establishment will normally be moved to a YOI unless good reasons exist for continuing with the existing placement (eg. being in the middle of a course of study or similar activity or near the end of sentence). There is a legal requirement for young people to move from a LASU before they reach the age of 19 (see paragraph 2.2).

5.7.5. Once Section 92 young people leave the under 18 estate, the factors governing their future placement will be essentially the same as those for other young adults, and designated officers must apply the normal criteria relating to transfers between YOIs/prisons (e.g. proximity to home, the need to undertake particular courses or offending behaviour programmes). However, the offender’s Section 92 status must be kept in mind, through sentence planning mechanisms, by those responsible for their management and decisions on their placement. The fact that they were convicted as children or young persons and the likelihood of their having deep-seated behavioural or emotional problems originating in their childhood or early adolescence may well continue to have significant implications for their management, in particular for risk assessment and offending behaviour programmes and for pre-release preparation.

5.8. Escorts

5.8.1. The headquarters Section 53/92 Unit must arrange all escorts for those young people who (a) are newly sentenced under Section 90/91 and who are to be placed in LASUs or STCs, or (b) have already been sentenced under Section 90/91, are already held in LASUs or STCs and are required to make further Court appearances. It is the responsibility of supervising officers and LASU/STC managers to notify the Section 53/92 Unit as soon as possible so that the Unit can make appropriate escort arrangements. With regard to further Court appearances, the Unit must ensure that they are in possession of a production order before arranging an escort.
CHAPTER 6 - REGIMES

6.1 The Applicability of Prison Service Order 4950

6.1.1 PSO 4950 defines the regimes for young offenders who have been sentenced to a Detention and Training Order (DTO) under Section 73 of the Crime and Disorder Act 1998. The objectives and mandatory requirements set out in PSO 4950 must also be applied by Governors to Section 92 detainees in the Under 18 Estate with the following modifications:

(i) Statements of Purpose (Paragraph 4.1.2(i) / 3.1.1 of PSO 4950)

Separate statements of purpose must be prepared by Governors for the Section 92 Enhanced Units and must be agreed by the headquarters Section 53/92 Unit.

(ii) Sentence Calculation (Paragraph 6.1.2(ix) / 4.1.11 of PSO 4950)

The target of 48 hours for key sentence and release dates to be calculated and notified in writing applies to DTO young people only. The corresponding requirements for Section 90/91 offenders are set out in paragraph 4.2.1 above.

(iii) Assessment and Induction (Paragraph 6.2.2(iii) / 4.2.5 of PSO 4950)

Supervising officers have a duty to visit every Section 90/91 offender under 18 (and the parents or primary carer) within 5 working days of sentence. Within this period (or, for those serving indeterminate sentences, within 4 weeks of sentence) the supervising officer is required to prepare a full assessment using ASSET, if this was not done prior to sentence, and to ensure that the information from ASSET underpins the sentence planning process. Governors must ensure that the supervising officer is given a proper opportunity to fulfil these requirements.

(iv) Sentence Management (Paragraph 6.3 / 6.1 of PSO 4950)

The Lifer Manual (PSO 4700) sets out separate sentence management and review procedures for Section 92 detainees serving indeterminate sentences. Paragraph 6.3/6.1 of PSO 4950 and sub-paragraphs (v) and (vi) below do not therefore apply to that group.

(v) Sentence Plans (Paragraph 6.3.2(i) / 4.3.5 of PSO 4950)

The target of 10 working days (from reception date) for drawing up the sentence plan does not apply to Section 90/91 offenders. For this group Governors must ensure that the sentence plan is compiled within one month of reception. Where a Section 90/91 offender’s initial allocation

---

2 Two editions of PSO 4950 exist, one for males and the other for females. There are accordingly dual (male/female) cross-references to the relevant paragraphs in each case.
from Court was to the nearest Prison Service under 18 establishment for the temporary purpose of assessment by the Allocation Board (paragraph 5.6 refers) the sentence plan must be drawn up within ten working days of transfer to the substantive placement; or if the Board recommends that the substantive placement should be the existing establishment, within ten working days of the Section 53/92 Unit communicating its acceptance of the recommendation.

(vi) Reviews (Paragraph 6.3.2(v) / 6.1.4 of PSO 4950)

For Section 92 young people serving determinate sentences, a report on the first review, including the initial sentence plan, and on the subsequent reviews, must be sent to the headquarters Section 53/92 Unit within five working days of each review. The Unit must respond within ten working days of receiving the report. Where the Section 53/92 Unit expresses a view on the sentence plan or on any other aspect of the case, Governors must ensure that the Unit’s view is brought to the attention of those involved in the sentence management process so that it may be taken into account in the management of the young person and in the further development of the sentence plan.

(vii) Involvement of the supervising officer (Paragraph 6.6 / 6.3 of PSO 4950)

The supervising officer is required by National Standards to attend the first month’s review and subsequent reviews and fully participate in all sentence planning; to ensure that contact is maintained between the offender or his/her parents or primary carer, any agencies involved in working with the offender and staff in the establishment where the offender is held; to ensure that information is exchanged whenever necessary; and to visit the young person at least once every three months and at least monthly for the three months prior to planned release. Governors must ensure that the supervising officer is given every help and cooperation in carrying out these responsibilities.

(viii) Vocational Training and Education (Paras 8.2 & 8.3 / 7.2 & 7.3 of PSO 4950)

(a) For Section 92 young people paragraph 8.2 2(i)/7.2.2 of PSO 4950 is modified as follows:

“At least 70% of those young people who are serving determinate sentences and will spend 6 months or more in establishments within the Prison Service under 18 estate must achieve the education and training targets set for them including, where appropriate, the achievement of Key Skills at Level 1.......” etc.

(b) The requirements of paragraphs 8.2.2(iii)/7.2.3 and 8.3.2(vii)/7.3.5 of PSO 4950 do not apply to Section 92 young people.

6.2 Special characteristics of the Section 92 Population

6.2.1. While the regimes suitable for Section 92 young people will be fundamentally the same as for those sentenced to a DTO, the Section 92 population as a group has certain distinct
characteristics which need to be borne in mind when putting the requirements of PSO 4950 into practice. Those special characteristics are summarised in the following paragraphs.

Length of sentence

6.2.2. A few Section 92 young people will have received short sentences within the range applicable to the DTO sentence. But the majority will be serving sentences which are longer - sometimes considerably longer - than the 24 month maximum available under the DTO. This has the following effects:

- Where the young person is serving an indeterminate sentence, or one of four years or more with a consequent eligibility for parole, it is not possible to predict how long they will have to spend in custody and this will naturally introduce some uncertainty into the sentence planning process. But on the whole longer sentences should allow greater flexibility in sentence planning and offer wider opportunities in terms of education, vocational training and offending behaviour work.

- The longer the sentence the more difficult it may be for the young person to sustain key relationships in the community and to resettle successfully on eventual release. Pre-release preparation may therefore need to be more thorough and intensive.

- Movement between establishments is more likely to occur. The implications of this greater mobility are dealt with below.

Seriousness of the offence(s)

6.2.3. The more serious or persistent the young person’s pattern of offending is, then - all other things being equal - the greater the risk to the public is likely to be on the offender’s return to the community. The statutory aim of preventing re-offending therefore has a special importance for the Section 92 population and there may well need to be a greater emphasis on offending behaviour work. Greater caution will be needed in making risk assessments and in considering suitability for temporary release.

Nature of the offence(s)

6.2.4. Among Section 92 young people robbery, sexual offences and other violent offences account for a large proportion of all offence types. This means that offence-related work may have a rather different focus, with more emphasis being placed on, for example, anger management and/or sex offender programmes. Behaviour will generally need to be more closely monitored for any evidence of violence, aggression or inappropriate sexual or sexualised conduct/attitudes.

Background features

6.2.5. The gravity and/or persistency of many of the offences committed by Section 92 young people, together with the prevalence of violent or sexual offences, suggests that the Section 92 population may contain significantly more difficult, disturbed and dangerous young people than the young offender custodial population more generally. Research on the background characteristics of a sample of those sentenced under the former Section 53 showed that 72% had experienced emotional, sexual, physical or organised/ritual abuse or

combinations thereof and that 57% had experienced significant loss via bereavement or cessation of family contact and in some cases both. The research demonstrates important concerns for this group of young people in relation to emotional needs and potential mental health problems. These will often present as underlying issues in offending behaviour programmes.

Movement between establishments

6.2.6. Whereas young people sentenced to a DTO are almost certain to complete the custodial part of their sentence in the establishment where they were received from Court, a Section 92 young person may well need to transfer to another establishment, particularly if the initial allocation was to a LASU or STC. For those serving longer sentences the possibility of several moves cannot be ruled out. This greater mobility has a number of important implications:

- The sentence plan will need to map out as far as possible the young person’s progression through the system and the timing of any moves (e.g. LASU → Section 92 Enhanced Unit → other Prison Service under 18 establishment → YOI → adult prison).

- There will be a need for continuity so that the work and programmes undertaken in the new establishment flow naturally from, and complement, what has gone before.

- All relevant information must be passed promptly from sending to receiving establishment so as to ensure that the latter is in a proper position to fully identify the young person’s needs and areas of concern at the very outset, that there is no duplication of effort and that proper continuity is achieved. Pre-transfer visits/meetings between staff at the different establishments may well be beneficial in individual cases.

Previous placement in a LASU

6.2.7 Transfers from LASUs to Prison Service under 18 establishments may often represent a considerable cultural and environmental change for Section 92 young people, even if the move is to an Enhanced Unit. Staff ratios will be lower and, although the amount of staff time and attention given to each individual will be adequate or more than adequate (otherwise the placement would not have been agreed), the young person will immediately feel the difference and may need a lot of help and support in adjusting. It must be remembered that LASUs are very much more expensive than Prison Service placements, and a difference is bound to be evident. The young person will probably also find that there is less opportunity for temporary release or “mobility”, at least in the early stages of the new placement, and that more time is spent within the establishment. The impact of these changes can be lessened if the young people concerned perceive that they have moved to a more adult environment which offers greater opportunities and challenges. They will need to know that every effort will be made to enable them to continue the positive work they have done and to maintain and develop vital family and other relationships in the outside community. Staff in establishments receiving Section 92 young people from LASUs have a key role to play in ensuring that any problems associated with the transition are kept to a minimum and dealt with appropriately. The pre-transfer visits recommended above - in which it may sometimes be appropriate to include the young people themselves - should help to identify any areas where problems of re-adjustment might occur.

6.3 Mobility
6.3.1. Any time spent by a young person outside a LASU is called “mobility”. *All requests for mobility (except in medical emergencies) are dealt with by Section 53/92 Unit who must apply the criteria set out in Appendix C.* Risk assessment is crucial to all decisions on mobility.

6.3.2. For those Section 92 offenders held in Prison Service establishments the rules governing release on temporary licence are the same as for the general prison population.
CHAPTER 7 - EARLY RELEASE AND LICENCE

7.1 Special procedures for LASU detainees

7.1.1 The procedures relating to the (early) release from Prison Service establishments of Section 92 detainees and to revocation of licences (“recall”) are set out in the Parole and Lifer Manuals (PSOs 6000 and 4700 respectively) and are essentially the same as for adult prisoners. Where those serving determinate sentences are to be released from LASUs, the headquarters Section 53/92 Unit must carry out the following functions which would normally fall to Governors and parole clerks locally:

- for those young people sentenced to four years or more, ensure that the parole review begins at the prescribed time; request a Parole Board member’s interview with the detainee; compile the parole dossier and forward it to the Parole Board Secretariat; and, if the Board authorises parole, arrange a release date in consultation with the LASU and the supervising officer.

- issue the appropriate Notice of Supervision, or Automatic Conditional Release licence, or Parole / Non-Parole licence.

7.1.2 For those young people serving an indeterminate sentence the Section 53/92 Unit must act as the Lifer Unit’s link with the LASU, e.g. by obtaining for LU any reports that will be required by the Parole Board or the Secretary of State or forwarding to the LASU any life licences issued by LU.

7.2 Home Detention Curfew (HDC)

7.2.1 The effect of section 43(1) of the Criminal Justice Act 1991 is that section 92 detainees are included within the HDC provisions of the same Act. This means that in order to be eligible for HDC, section 92 detainees must, among other things, have been given a sentence of less than four years and must be over 18 after serving the “requisite period”. The rules relating to eligibility, exclusion and all other HDC-related matters are set out in Prison Service Order 6700.
PLACEMENTS MADE UNDER SECTION 92 OF THE POWERS OF CRIMINAL COURTS
(SENTENCING) ACT 2000 (FORMERLY SECTION 53 OF THE CHILDREN & YOUNG PERSONS
ACT 1933).

1 The Section 53/92 Unit in Prison Service headquarters makes decisions about the most suitable
placements for these young people under statutory powers delegated by the Home Secretary.

2 The Unit will consult with the Youth Justice Board Placement Team about placement availability.
The most suitable placement decision will be made in the light of resource constraints.

3 Young people who have reached their 18th birthday will generally be moved out of the Juvenile
Estate within one month. Where there are grounds for extending the period in individual cases, the
Section 53/92 Unit will consult with the Youth Justice Board.

4 When placements need to be made outside the Juvenile Prison Estate, the Section 53/92 Unit will
endeavour to use places in units that are contracted with the Youth Justice Board. Exceptions to
these arrangements will first be discussed and agreed with the Youth Justice Board. Where
agreement cannot be reached, the procedure set out in paragraph 8 shall apply.

5 For placements outside the Prison Service Estate, the Section 53/92 Unit will make escort
arrangements. Invoices for these journeys will be approved by the Section 53/92 Unit and passed to
the Youth Justice Board for payment.

6 There are within the Juvenile Prison Estate three YOIs with special units for Section 53/92 young
men who need a more intensive regime. These units may also be used for young men who are
sentenced to a DTO, and who are deemed particularly challenging. Decisions about placements
within these units will be made in consultation between the Section 53/92 Unit, and the Youth Justice
Board.

7 When placement of a juvenile needs to be made outside the Juvenile Estate, consultation will take
place between the Section 53/92 Unit and the Youth Justice Board.

8 Any disputes over any placements covered by this section of the document, should be resolved by
discussion between the head of the Section 53/92 Unit and the Youth Justice Board Director of
Placements. Disputes which cannot be resolved at this level should be referred to the Performance
Group if non-urgent, or to the Head of the Juvenile Operations Management Group of the Prison
Service and the Managing Director, Secure Facilities of the Youth Justice Board if urgent.
POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

C.6 Section 92(1)

WHEREAS ******* at ****** Crown Court on the ******** day of ****** was ordered to be detained for a period not exceeding ******** under section 91 (3) of the Powers of Criminal Courts (Sentencing) Act 2000:

AND WHEREAS the said ******* is detained in Her Majesty’s Young Offender Institution, *******:

NOW, by virtue of the powers conferred on him by sub-section (1) of section 92 of the Powers of Criminal Courts (Sentencing) Act 2000, the Secretary of State hereby directs that the said ******* be removed to Her Majesty’s Young Offender Institution, ******* and be there detained until further order is made or until the expiration of the period of detention ordered by the court.

Signature of Governor/operational manager:

Name (block capitals):

Date:
SECTION 53: MOBILITY

GENERAL PRINCIPLES

There are two main reasons why mobility is an important part of the programme for Section 92 detainees. Activities such as shopping, recreational and education outings help detainees to develop and exercise social skills and prepare for the responsibilities of living in the community on release. Secondly, a detainee’s response to mobility is a useful indication of their progress when parole is being considered.

Whilst the Prison Service will expect that a Section 92 detainee held in Local Authority Accommodation or a Secure Training Centre will commence a mobility programme at some stage it should be remembered that mobility is not a right. Mobility will not be given if the Prison Service considers that it would pose an unacceptable risk to the public or to the detainee him/herself. Similarly, once mobility has been approved it can be withdrawn at any time.

The implementation and maintenance of a successful mobility programme depends very much on close co-operation between the Section 53 / 92 Unit, who manage mobility on behalf of the Prison Service, and the establishment, and to a lesser extent with the detainee’s Supervising Officer. In order to approve mobility the Section 53 / 92 Unit will wish to have a full picture of the detainee’s progress and behaviour. It is therefore extremely important that the Training Plan documentation is completed as fully and as accurately as possible. Although a Home Circumstances Report will always be required before home mobility is agreed, in certain circumstances, e.g. where the victim is in or near the family home, the Section 53 / 92 Unit will request reports from both the establishment and the Supervising Officer before agreeing to home visits.

Additionally, it is important that the Section 53 / 92 Unit is kept up to date with any incidents occurring between reviews which could affect mobility. For example, returning late from a previous mobility, returning under the influence of drugs or alcohol, serious acts of aggression etc. If information is incomplete or unsatisfactory the Section 53 / 92 Unit will invariably err on the side of caution and stop mobility until satisfied that there is not an unacceptable risk.

When considering a mobility programme for a Section 92 detainee, it is important to bear the following points in mind:

1. **Mobility should always begin cautiously**

   However well a detainee is progressing, the fact of their Section 92 status means that caution must be exercised at all times.

2. **Mobility must be earned**

   Detainees will be expected to “earn” greater degrees of freedom by satisfactory performance at the previous level. Just because a detainee has spent three months on 1:1 mobility does not mean that he/she will automatically progress to 1:3 following the next review if their behaviour is giving cause for concern or if the risk is assessed as being too great.

3. **Mobility must be “Purposeful and Relevant”**
Mobility should form an integral part of the detainee’s sentence. Mobility will not be approved if it is not justifiable. What will be justifiable will depend on the individual case, but mobility to attend amusement arcades, theme parks, laser quest, pubs or similar will not be allowed.
APPLYING FOR MOBILITY

Mobility proposals should be submitted as part of the Training Plan documentation and sent to the Section 53 / 92 Unit within four working days of the review. **Interim mobility proposals will not be considered.**

There will be times when requests for mobility will need to be made other than following a review, e.g. attendance at Court, attendance at funerals etc. In such situations, approval can be given over the telephone though it must be applied for in writing (or by fax).

Mobility should be planned to commence approximately three weeks from the date the review papers are sent out.

**TYPES OF MOBILITY**

It is not possible to give a definitive list of mobility which would be considered suitable. As far as possible the Section 53 / 92 Unit will try to be flexible. Clearly a wide range of factors will have a bearing on what mobility might be considered suitable. These will include length of sentence, the possibility of a transfer, the offence, attitude to offence, behaviour in establishment, behaviour whilst on remand, location of victim as well as any history of absconding. Quite clearly, a detainee serving 12 months will need a very different mobility plan to someone serving 5 years.

Particular care will need to be exercised when considering mobility for detainees serving sentences of 4 years or more. Whilst it is necessary to prepare for possible early release on parole, the prospect of a further period in detention will also need to be addressed. It is important to assess the risk for the young person of not being granted Parole and the potential reaction to this disappointment.

The following should be taken as a general guide only of how mobility might progress.

1. **Escorted Campus Mobility**

This allows detainees to be escorted around but within the perimeter of the secure unit. Mobility should usually commence at this level, once or twice per week for approximately 30 - 60 minutes. Mobility should be 1:1 though in certain cases (i.e. where there has been a history of absconding or violent or aggressive behaviour) a 2:1 escort may be necessary. The Section 53 / 92 Unit will generally wish to see successful mobility completed at least twice before progressing to the next stage.

If this proves successful mobility can be considered for the detainee to be escorted around the wider campus. This will give the detainee the opportunity to make use of facilities on campus but which may involve leaving the secure perimeter, e.g. to make use of educational facilities on an adjacent open unit. Supervision should remain 1:1. Depending on sentence length this may well be the extent of mobility requested following the first review.

2. **Group Campus Mobility**
This means that one member of staff supervises a small group (maximum 3) of young people. This mobility may be more frequent and for a longer period. Again this can be for the purpose of making use of facilities on the wider site.

Some smaller establishments tend to skip the “group mobility” stage due to having only one Section 92 detainee at any time. Whilst it might not always be practical to provide a group situation, it is useful, wherever possible, to give detainees some experience of this lesser level of supervision in order to assist the progression to semi and unescorted mobility. How long this state should continue will clearly depend on the individual, but is likely to be at least a couple of weeks.
3. Escorted Local Mobility

This can be used to visit a variety of venues in the local area.

a) Educational

Visits to museums, colleges, factories, farms, art galleries etc. will generally be acceptable, particularly where the mobility requested ties in with the detainee’s education programme. There are clearly a wide variety of venues which could be utilised for educational purposes, depending on the particular interests of the detainee and, to an extent, the innovation of the establishment. It is worth bearing in mind that mobility is much more likely to be approved if it has education value than if it is merely recreational.

Some establishments have supplied the Section 53 / 92 Unit with a complete list of venues used for both educational and recreational mobility. In other cases it will be necessary to state briefly the venues to be visited. **Blanket mobility will not be approved.**

b) Life Skills

Mobility to attend career offices, banks and post offices together with practical skills such as shopping for food and clothes, signing on, using the launderette etc. will be considered favourably.

c) Recreational

When planning recreational mobility it is important to remember that this must be “purposeful and relevant”. Physically challenging and vigorous activity will generally be considered favourably. Outdoor pursuits such as those which are part of the Duke of Edinburgh Award, swimming, use of a gym, aerobics and similar activities will generally be permitted.

The Section 53 / 92 Unit appreciates that young people need to learn how to structure their leisure time and being allowed to participate in activities generally pursued by young people in the community can contribute to this process. However, any mobility which appears simply as a “trip” or a “treat” will not be approved. Examples of this would include trips to theme parks, Laser Quest, outings to McDonalds or trips to the seaside.

Additionally, due to the sensitivity surrounding serious young offenders, the Section 53 / 92 Unit will inevitably be cautious when considering mobility which could be seen as extravagant. Thus, whilst not ruled out, requests for such activities as skiing, horse riding, golf, ice skating or bowling etc. will need to be justified by the establishment.

Attendance at major football matches will not be approved largely due to the difficulties of supervising at such an event.

As many of these activities will involve close contact with members of the public, and often with other children, caution will need to be exercised when dealing with a detainee who has committed offences of violence particularly where these have been against children.
4. **Group Local Mobility**

This is similar to group campus mobility in that one member of staff supervises and escorts not more than three detainees.

5. **Semi-escorted Local Mobility**

This involves taking the detainee to a specific location, e.g. the local shops, then allowing him/her to return unescorted. Initially this would only be for a short period of time, e.g. one hour. Alternatively, the detainee could make his/her own way to the venue and be picked up at an agreed time. In these circumstances it is important to be very clear about the venue and the time by which the detainee must return. If there are any difficulties in returning by the agreed time, the detainee must telephone the establishment. If the detainee does not return within a short period of the agreed time, the police should be notified.

6. **Unescorted Mobility**

Unescorted mobility should be regarded as the culmination of a planned programme of mobility. The detainee is likely to be in open conditions, about to transfer to open conditions, to have served a substantial part of his or her sentence or be approaching parole.

In view of the level of trust necessary, only those who appear to present no risk to themselves or to others and who seem extremely unlikely to abscond would be allowed unescorted mobility. Again it is important that the establishment is clear about exactly where the detainee will be and at what time they are expected to return. In certain cases it may be appropriate to use spot-checks to ensure that the detainee is where they are supposed to be.

There will inevitably be cases where unescorted mobility is never appropriate. For example, where a detainee has many friends or contacts in the local area the risk of absconding may well be considered too great to allow unescorted local mobility.

Unescorted mobility later than 6 p.m. is unlikely to be approved. Mobility for a detainee to attend the cinema in the evening alone, will never be acceptable.

7. **College Attendance/Work Experience**

The need for detainees to further their education and receive training for work is never underestimated by the Section 53 / 92 Unit. Establishments will differ in the range of opportunities for training and work experience that they can offer young people on site, and detainees should not be disadvantaged simply due to the limitations of a small unit.

Nevertheless, the Section 53 / 92 Unit must always consider risk to the public as paramount and will not approve college attendance or work experience in the community until the detainee is well into their sentence and only then where progress has been extremely good.

Establishments should bear in mind the possible strain that spending prolonged periods of time in the community with other young people could have on detainees.
who, at the end of the day, have to return to secure conditions. For this reason, it is preferable to phase any such mobility very slowly, beginning with one day or even half a day a week and building up slowly. Ideally the detainee will already be in open conditions, or looking towards a likely move to open conditions.

When considering work experience/college attendance it is always important to look to the future and towards release. Will the detainee be able to continue with the course/work on release, or will they be leaving the area? Can the course be transferred to a college near to their release address? Will the experience provide a useful and realistic basis for future employment? Are there any factors which make the work unsuitable, e.g. contact with small children?

Initially, whatever the current level of supervision, mobility of this type must be escorted and supervised. Such mobility is potentially extremely stressful for a young person which has spent a substantial period of time in security and it is therefore important to have the supervision and support of a known staff member at the outset.

Dependant upon progress and length of sentence, supervision could be withdrawn after a short time provided that the college/employer has agreed to undertake this responsibility in full knowledge of the detainee’s legal status and offence.

Semi-escorted and ultimately unescorted can be considered in due course, but progress should be phased and gradual.
8. Home Visits

The Section 53 / 92 Unit accepts that it is important for Section 92 detainees to maintain contact with their “family”, whether this is parents, siblings, guardians or foster carers. Reintegration back into the local area is an important component of any pre-release plan as in most cases detainees will be returning home once they are released.

However, home visits will not be approved until a gradual programme of mobility has been successfully completed and will only be allowed as part of a pre-release plan.

The Section 53 / 92 Unit will always need to see a Home Circumstances Report before authorising a Home Leave for the first time.

Before requesting home leave, it is important to consider the following:

1. **Is the victim resident in the family home?**

   Where the offence has been committed against another family member, the need to protect the victim will mean that it will almost never be appropriate to permit home visits to the family home. This does not mean that the detainee should be deprived of parental contact but that a separate address would be necessary before visits could be considered.

2. **Was the offence committed in the local area, and if so is there local hostility to the detainee and his/her family?**

   The likelihood of local hostility which could either be a risk to the detainee or his/her family or which might result in a breach of the peace is an important factor when considering home leave. Again in such a case it may be appropriate to consider an alternative address outside of the local area.

3. **Are there any concerns in relation to any persons residing in the family home which would make it an unsuitable venue?**

   Where there are concerns about any occupants of the proposed address these should be checked out before proceeding with an application for home visits. For example where an occupant has been convicted of a Schedule 1 Offence, or where there is no certainty about who is in residence.

   National Standards require the Supervising Officer to provide an assessment of the offender’s home circumstances by visiting the offender’s family or prospective release address. Additionally, in cases involving serious sexual or violent offences, the Supervising Officer should arrange for the victim or victim’s family to be contacted within two months of sentence and offer them the opportunity of being kept informed of the sentence and to afford them the opportunity to express any concerns which they wish to have taken into account prior to the offender’s release.

   Whilst it is not the responsibility of the establishment to ensure that this has been done, it is certainly advisable to check this out simply to avoid later difficulties. Where there are any outstanding issues or concern over the suitability of home visits, the Section 53 / 92 Unit will always require a report from the Supervising Officer and in some cases an additional report from the establishment before giving its approval.
Home visits should generally begin once a month and will rarely progress more than fortnightly.

Level of supervision should progress as follows:

a) **Fully escorted and supervised day visit**

The detainee should be escorted to and from the family home and supervised throughout the visit. Visits will usually commence once a month for two hours and up to half a day and can then progress to a full day. How long the detainee remains at this level of supervision will depend on their sentence length and progress. As always risk to the public must be the paramount consideration.

b) **Fully escorted but unsupervised day visit**

The detainee is escorted to and from the family home but left unsupervised whilst there. Again these should begin at half a day a month or a full day a month depending on previous progress.

The establishment should make very clear to the family the level of supervision expected whilst a detainee is on unsupervised home visits. The detainee should on no account leave the family home alone or be left in the home alone. The consumption of alcohol is NEVER permitted. If the detainee absconds from the family home they should contact the establishment immediately. It is usually advisable to ask parents to contact the establishment if they are taking the detainee away from the home for any length of time. This means that the establishment can have a clear idea of where the detainee is at any time so that he/she can be eliminated from suspicion if further offences are committed in the area.

c) **Semi-escorted day visits**

The detainee is escorted one way, is unsupervised whilst at home and returns unaccompanied. It is useful for the detainee to gain experience of travelling alone each way in order to familiarise him/herself with train connections etc.

Bearing in mind that a Section 92 detainee can be as young as 10 years of age, there will inevitably be cases where any unescorted home leave is clearly inappropriate. Generally, any child under 15 years of age should not be expected to travel any distance alone and particularly not where the journey is long and/or complicated or will involve travelling after dark.

d) **Unescorted day visit**

The detainee travels both to and from home alone and is unsupervised whilst at home. The Section 53 / 92 Unit will want to be reassured that there is minimal risk of absconding before approving this level of mobility.

e) **Overnight stay**

Due to the greater possibility for absconding, overnight stays will only be approved where the Section 53 / 92 Unit is satisfied that there is no further
need for an escort or for supervision. Initially, visits will only be for one night and will generally not progress to double overnight stays until the final weeks of sentence. In exceptional cases three overnights may be considered. This is the maximum that will be allowed.

**Special occasions**

Home leave can be approved for special occasions, e.g. Christmas, or equivalent religious festivals. Wherever possible these visits should form part of a planned programme of home leave working towards release and should be at the level of escort and supervision currently agreed. Where a home leave programme has not yet commenced, home visits for such occasions can be exceptionally approved as a one off by the Section 53 / 92 Unit and may well require a 2:1 escort.

Attendance at funerals or to visit seriously ill close relatives may be agreed at short notice but approval from the Section 53 / 92 Unit must be sought prior to the mobility.

9. **Open Conditions**

Most Section 92 detainees will initially be held in secure conditions. A detainee may progress successfully through the various levels of mobility and be in a position to be considered for a move to open conditions at some stage prior to release. Generally a detainee will be expected to be in the final six months of sentence, though this will vary depending on sentence length.

**Transfer to open conditions must always be requested and formally approved by the Section 53 / 92 Unit before going ahead.**

Whilst there are clear benefits to a successful period in open conditions in preparation for release, risk to the public will always be the paramount consideration. The lower level of supervision and potential for absconding, as well as the opportunity for bringing illicit items such as drugs or alcohol on the unit, inevitably dictates extreme caution when considering such a request.

The Section 53 / 92 Unit will wish to see that a gradual series of preparation visits have been completed, starting with daytime visits and leading up to overnight stays.

Where a detainee is serving a sentence of four years or more, transfer to open conditions is unlikely to be approved prior to the parole hearing.