

## **Youth Offending Team and Social Inclusion Team Protocol to Support Young People on DTO**

### **Introduction**

This document relates to the following group: Young people of statutory school age that require access to full-time educational provision on release from a Detention and Training Order (DTO). Secure Training Centre (STC). Secure Children's Home (STH) or other custodial disposal.

The challenges involved in working with this client group are likely to be complex and, as such, the YOT and Social Inclusion Team will ensure that provision of education is tailored to the individual needs of the young person involved.

Prior to all custody disposals the YOT will complete an ASSET assessment and other supporting assessments as required to inform sentencer's, ensuring that the most appropriate sentence is made.

These assessments will view a young persons ETE needs, taking into account the multiple needs associated with ethnicity, disability and any SEN. The YOT EWO will primarily act as a broker to support and ensure the young person has access to the appropriate services at the appropriate times. The following will be taken into consideration:

- E.H.C.P./ Statement of Special Educational Need (until April 2018)
- Individual learning plan (IEP)
- Individual careers plan
- Looked after status and Personal education plan (PEP)
- Exclusion- Reintegration plan
- YOT intervention plan

It is possible that upon release from the secure element of a Detention and Training Order, that a young person may be placed on an Intensive Supervision and Surveillance requirement as a condition of community supervision in the second half of the order. ISS offers high levels of supervision and support that can significantly contribute to the success of engaging in education in the community.

### **Detention and Training Order (DTO)**

A custodial sentence, of between 2 months and 2 years, imposed on any young person under the age of 18 is termed a Detention and Training Order (DTO). Crown Courts are able to impose longer sentences of over 2 years for grave crimes. Half of any DTO sentence will be spent in a Secure Unit for those young people aged 10-16 or in a Young Offenders Institute (YOI) for those young people aged 16-18. The second half of the DTO will be spent on licence where the young person is returned to the community to be supervised by the local Youth Offending Team.

### **Transition**

On transition into custody the YOT supervising officer / YOT EWO will provide the above information to the secure establishment prior to the young person arrival into the receiving establishment.

## **National Standards**

Within 10 working days of sentence it is expected that the young person, YOT EWO, their YOT supervising officer and a prison officer will meet to plan the entire DTO period and the post-release licence period. The young person's educational, training and employment needs are agreed and set at this meeting and a sentence plan is drawn up to deal with literacy, numeracy, training and employability needs. The YOI will utilise its resources to continue any education or training already in place for that young person before the custodial sentence was imposed.

Sentence planning requires that plans are in place to ensure that this process continues, without disruption, upon release and throughout the period of licence. It is the responsibility of both the supervising YOT officer the YOT EWO and the YOI staff to ensure that this transition period runs as smoothly as possible.

## **Planning**

It has been agreed with the Local Authority, in line with regulations issued by the DFE that a young person will not be taken off a school roll when entering a period of custody. Schools should be reminded of their responsibility in each individual case.

There is a large window of opportunity to plan for a young persons release from custody (minimum of 2 months) and this will allow for thorough planning and preparation on the part of the YOT and the Local Authority.

If the young person is in transition between education provision at the time of sentencing the arrangements for provision following release will be overseen by the Supervising Officer and EWO at the YOT.

## **Young people entering a custodial establishment with an E.H.C.P.**

For a child or young person with an EHCP, the 'home LA' is the LA which maintains the child or young person's E.H.C.P. when they are in the community. In order for home Local Authorities to meet these duties and fulfil the 'musts' set out they will need to work very closely with youth offending teams, youth accommodation providers, social care, education and health providers in custody.

The YOT EWO will ensure that the custodial establishment will receive a copy of the young person's E.H.C.P. without delay. Home Local Authorities must not cease an E.H.C.P. when a child or young person enters custody, as under the SEND Reforms (2014) this now continues through the period of custody. The E.H.C.P. will only cease if the young person reaches the age of 18 whilst in custody.

Whilst the young person is in custody the local authority MUST NOT amend, reassess or cease to maintain the EHCP.

The young person's place at their named setting in Section I MUST be maintained through their period in custody, and they should return to this placement upon release. During their period in custody, any additional payment of their SEN top-up or Element 3 funding would be suspended.

If the EHCP specifies health care provision, appropriate services MUST be arranged for the young person by NHS England.

An Annual Review of the E.H.C.P. will take place commencing the young person's release from custody. The timeline for this Annual Review is as follows:

- **Four weeks prior to release:** the Senior SEN Officer notifies the setting of the date of release. The setting should create a plan for the young person's education upon release, including production of a timetable which must be shared with the YOT EWO.
- **Two weeks prior to release:** the setting should set the date of the Annual Review to be held no later than four weeks following release. Reports should be requested from the appropriate professionals by the setting, including from the institution that the young person was in custody to. Any relevant assessments, for example SALT, should be scheduled at this time.
- **Two weeks following release:** the Annual Review paperwork and professional reports should be circulated to all parties.
- **Four weeks following release:** the Annual Review to be held.

### **Children and young people without Education, Health and Care plans**

Each young person entering custody will undergo an educational assessment, including numeracy and literacy and if felt necessary a screening to identify if further assessments to identify SEN are needed. If the designated person in the custodial unit feels it necessary, they have the right to bring those needs to the attention of the local authority, the local authority MUST determine whether an assessment of their education needs is necessary. Equally, any person having responsibility for the young person's education whilst in custody has the right, and should consider, bringing the young person to the attention of the local authority. This should be done with the knowledge and agreement of the young person and parent or carer.

The 20 week assessment period will apply in custody as it does in the community.

### **Finance**

There is no additional budget or resourcing available to support young people in the above circumstances. If the young person is on the roll of a Swindon School then they will command an Age Weighted Pupil Unit and if they are dual registered at the PRU then the school will be charged for provision in line with agreed Local Authority procedures.

## Detention and Training Order, Community Supervision

This period is generally equivalent to half the period of the total sentence i.e. a sentence of four months will result in a licence period lasting two months. Although longer sentences may attract early release.

ACTION	OUTCOME	BY WHEN
YOT Supervising Officer to liaise with YOT Education Worker in planning for release date.	YOT Education Worker to plan for full-time educational provision for young person on release.	Minimum of two months prior to release.
<p>YOT Education Worker to inform school, or (if pupil was not accessing school provision, not on roll or recently moved into the area) Stratton Education Centre (PRU) that the young person is to be released.</p> <p>If the young person has a Statement or Statement of SEN then the Senior SEN Officer should be notified at least four weeks prior to release, and should in turn notify the setting.</p>	<p>School / Stratton Education Centre nominate a staff member to oversee the reintegration of the young person and advise other staff on a confidential basis as necessary. Social Inclusion Manager to inform Exclusion and Reintegration Officer and Director of Services to Children and Young People.</p> <p>The setting to schedule an Annual Review to be held no later than four weeks following release.</p>	<p>YOT Education Worker to make contact with the school/PRU within five school days of notice from the YOT Supervising Officer.</p> <p>Key School/PRU staff member to be established within five school days of YOT contact.</p> <p>Social Inclusion Manager to alert colleagues within five days of YOT contact.</p> <p>Two weeks prior to release.</p>
<p>YOT Supervising Officer arranges for young person to attend pre-release meeting in order to plan for continuing education.</p> <p>This meeting to include YOT Supervising Officer, parent/carer, YOT Education Worker, with school or PRU representative as necessary or report on progress to be submitted.</p>	<p>This meeting will establish:</p> <p>Responsibilities of all parties and outline the terms of the licence period.</p> <p>Agree the content of educational provision including any phased reintegration.</p> <p>Agree the method of reporting and level of contact between the YOT Supervising Officer and nominated school or PRU representative.</p> <p>Arrangements to involve other relevant agencies or Service Areas that may be supporting the young person e.g. Youth Engagement worker, Children and Families, Educational Psychology, etc.</p> <p>Referrals should be done at this time to relevant agencies in preparation for the Annual Review.</p>	<p>At an appropriate time (dependant on release of young person for a day) giving enough time to set up the reintegration plan.</p>
YOT Supervising Officer to monitor progress throughout the period of the licence. Any additional meetings to discuss changes in circumstance etc to be called as necessary.	YOT Supervising Officer to maintain records as necessary.	Throughout the licence period.
Programme ends.	Exit plan to be identified in conjunction with YOT Supervising Officer, and YOT Education Worker. If concerns are ongoing then YOT to call a multi-agency meeting to create an action plan to take the case forward and allocate a lead professional.	4 weeks in advance of programme end.



The above protocol is intended as a guide to best practice with the core intention of ensuring that any young person subject to these circumstances is provided with appropriate educational provision (this can include work experience), training or employment.

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