



**Policy name:** Early and Late Release for Detention and Training Orders Policy Framework

**Reference:** N/A

**Re-Issue Date:** 23 August 2022

**Implementation Date:** 9 May 2022

**Replaces the following documents which are hereby cancelled:**

- Early, Midpoint and Late Release for DTOs issued in 2009
- Home Office / LCD/YJB Guidance on DTOs, 9 February 2000
- Joint Home Office / YJB note of 23 May 2002
- Joint Home Office / YJB note dated 6 May 2002.

**Action required by:**

<input checked="" type="checkbox"/>	HMPPS, Youth Custody Service	<input checked="" type="checkbox"/>	Youth Offending Service
<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Young Adult YOIs – 18-21 yr YOIs
<input checked="" type="checkbox"/>	Children and Young People Secure Estate, NHSE&I and NHSE&I providers	<input checked="" type="checkbox"/>	Dual Designated HMP&YOIs
<input checked="" type="checkbox"/>	Public Sector Prisons	<input checked="" type="checkbox"/>	The Probation Service
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	Other Providers of Probation and Community Services
<input checked="" type="checkbox"/>	Heads of Groups		

**Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.**

**For Information:** By the implementation date Governors<sup>1</sup> of all under 18 Public Sector Young Offender Institutions, Dual Designated HMP & YOIs, Directors of Secure Training Centres and Managers of Secure Children’s Homes must ensure that their local procedures are compliant with requirements set out in this Framework. The requirements set out in this Framework must also apply to Secure Schools when they become functional.

Governors, Directors and Managers must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Section 6 of the Policy Framework contains guidance to implement the mandatory requirements set out in section four of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

**How will this Policy Framework be audited or monitored:** The Youth Custody Service will monitor compliance with the requirements set out in this Framework through its assurance, performance and contract management processes, as appropriate to each sector within the Children and Young Peoples Secure Estate. Systems will be built to capture information around

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

the Framework and details on updating these data systems will be shared through operational and delivery guidance.

**Resource Impact:** There are no additional resource implications associated with the implementation of this policy. The requirements and mandatory actions set out in this Framework is already operational within Children and Young People Secure Settings. Amendments made to existing requirements will be implemented using existing resources as there is no change to the staff benchmark.

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**Deputy/Group Director sign-off:**

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**Approved by OPS for publication:** Sarah Coccia (Executive Director Prisons) and Greg Tillet (Deputy Director, Probation Workforce Programme), February 2022.

**Revisions**

Date	Changes
23 August 2022	<ul style="list-style-type: none"><li>• Page 7 Paragraph 4.2 amended to reflect the removal of the fixed term lengths for Detention and Training Orders due to the introduction of changes within the Police, Crime and Sentencing Courts Act 2022.</li><li>• Page 11 paragraph 4.5, list of offences for which a child is presumed unsuitable for early release amended - subsection H has been deleted.</li><li>• Page 19 paragraph 6.7, amended to enable curfew conditions to be varied in exceptional circumstances.</li></ul>

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## **1. Purpose**

- 1.1 Section 241(4) of the Sentencing Act 2020 provides for early release by the Secretary of State from the detention and training period of a Detention and Training Order (DTO) for orders of 8 months or more. Section 241(5) of the same Act provides for late release from the detention and training period of DTOs of 8 months or longer upon application to the youth court by the Secretary of State.
- 1.2 The Crime and Disorder Act 1998 describes the principal aim of the youth justice system as preventing offending by children and young persons. The Youth Custody Service (YCS) will pay due regard to the welfare of children in its care and work with its partners to achieve this aim. The rehabilitation of the child will always be the key driver for the application of the early and late release provisions.
- 1.3 The overall aim of the early and late release provision is to encourage and motivate children from the point of entry into custody and throughout their custodial journey to proactively engage with their resettlement plans and address their offending behaviours, shifting their identity from pro-offending to pro social. It also supports effective resettlement planning involving accommodation, education, training, employment, leisure, health and wellbeing, supervision, and support arrangements upon release.
- 1.4 This policy framework supersedes the following documents: Early, Midpoint and Late Release for DTOs issued in 2009, Home Office / LCD/YJB Guidance on DTOs, 9 February 2000, Joint Home Office / YJB note of 23 May 2002 and Joint Home Office / YJB note dated 6 May 2002.
- 1.5 This policy does not exclude anyone who is eligible and should be made available to children who meet the qualifying criteria for the scheme regardless of their circumstances.

### **Young Adult Offenders**

- 1.6 This policy also applies to any young adult serving a DTO of 8 months or more within the Young Adult Estate and Dual Designated HMP & YOIs as well as children serving DTOs who transition to the Young Adult Estate and Dual Designated HMP & YOIs from the Children and Young People Secure Estate (CYPSE)
- 1.7 Governors within the Young Adult YOIs and Dual Designated HMP & YOIs must follow this policy as regards the administration of the scheme for any young adult or child accommodated in their establishments who is serving a DTO and meets the eligibility criteria.
- 1.8 Further information about transitions protocols and principles between the youth and adult estate in England can be found here [Joint national protocol for transitions in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282247/joint-national-protocol-for-transitions-in-england.pdf) .Guidance for Wales are outlined in [Youth to adult transition principles and guidance for Wales - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282247/youth-to-adult-transition-principles-and-guidance-for-wales.pdf)
- 1.9 Transition of Young People from the Children and Young People Secure Estate to Adult Custody Policy Framework (see section 5) outlines additional information regarding the early release application process for DTO's transitioning to the Young Adult Estate.

### **Behaviour Management and Building Positive Relationships**

- 1.10 The YCS's Behaviour Management Strategy accommodates a spectrum of behaviour from an expectation of good behaviour, recognising and rewarding positive behaviour, to the effective management of challenging, complex and serious violence with appropriate interventions to address the associated risks and needs.

- 1.11 The availability of early release acts as an incentive for emphasising and rewarding good behaviour and positive engagement during the custodial part of the DTO. The child should be reminded of these provisions often and during their scheduled reviews to make sure that the scheme has the maximum impact on incentivising good behaviour and encouraging positive engagement with resettlement plans.
- 1.12 The Framework for Integrated Care (SECURE STAIRS) is the overarching framework for developing relationships between staff and children within the CYPSE. Within this, Building Bridges has a key outcome of which is promoting, recognising and rewarding positive behaviour amongst children and managing challenging behaviour safely through approaches which minimise its reoccurrence and ensures safety, confidence and the welfare of all children and staff.
- 1.13 Building positive relationships within the secure setting requires that staff model positive and respectful behaviour, understand the child's history and needs (their 'story'/formulation, including taking account of their life story, health, neuro disabilities, culture and religion etc) not just their criminogenic history to ensure the child's needs are appropriately met. There also needs to be a common understanding of the requirement for all staff to promote the concept of 'every interaction matters' as a whole system approach to care and pro-social modelling.
- 1.14 In secure settings where the Custody Support Plan (CuSP) model is in operation, each child will be allocated a residential CuSP officer who promotes positive relationships and interactions and motivates the child to set and achieve goals across all areas of need.
- 1.15 Throughout this Framework, we adopt a "Child First"<sup>2</sup> approach to improve outcomes for all children. Children will be treated as children, treated fairly and assisted to build on their strengths so that they can make a constructive contribution to society. Child First recognises children according to their age, development, maturity and their potential as they grow into adulthood and is based on the following principles:
- Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
  - Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
  - Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
  - Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

## **2. Evidence**

- 2.1 This revised policy introduces changes to the assessment criteria for release where a child is presumed suitable for early release and provides detailed guidance for administering the

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<sup>2</sup> YJB Strategic Plan 2021-2024

early and late release process. Early Release will no longer be solely reliant on custodial behaviour but also take account of the child's overall individual positive progress towards their resettlement plan and journey towards desistance which contributes to the protection of the public from serious harm.

- 2.2 These changes will ensure that the process of considering early and late release is based on behaviour and engagement; positive individual progress; and a robust resettlement plan to support the child's successful return to the community and ensure victims and members of the public are protected.
- 2.3 Another key change is that this policy considers the key principles of procedural justice and constructive resettlement to ensure that the process is procedurally fair, transparent and consistent in regard to the application process so that all children can benefit from the intended outcomes of the scheme and have the best opportunities at becoming productive members of their communities.
- 2.4 **Procedural Justice** – This is the extent to which individuals perceive people in authority to apply processes or make decisions about them in a fair and just way. Procedural Justice is a concept that when embraced and applied correctly to policies and procedures, will lend itself to influencing positive behaviour and achieving compliance within custodial settings and foster better relationships and outcomes beyond custody.
- 2.5 Research<sup>3</sup> both domestic and international shows that people are much more likely to respect and comply with rules and authority willingly when they believe the way the rules are applied is fair and just. This is true even if the outcomes of decisions are not in their favour or are inconvenient for them.
- 2.6 When children perceive authority is being used in a more procedurally just way, evidence suggests that significantly less misconduct and violence, better psychological health, and lower rates of reoffending after release will result.
- 2.7 The four key principles of procedural justice are deeply embedded in the administration of the early and late release scheme: **Voice** (the child is invited to participate and contribute their views in matters that affect their care whilst in custody); **Neutrality** (decisions are made based on consistent and transparent application of rules set out in this framework rather than on personal opinion or prejudice); **Respect** (children are treated with respect and dignity, their rights are acknowledged and respected); and **Trust** (conveying trust worthy motives will positively influence behaviours if children feel that the authorities are acting out of a sincere desire to do what is right).
- 2.8 **Constructive Resettlement** -The Youth Justice Board's "How to Make Resettlement Constructive" document defines constructive resettlement as collaborative work with the child in custody and following release, that builds upon their strengths and goals to help them shift their identity from pro-offending to pro-social.
- 2.9 Research studies on constructive resettlement<sup>4</sup> have shown that for resettlement outcomes to be successful, preparation for release needs to start early on in the sentence, the focus on resettlement needs to be continuous throughout the child's custodial journey, multi-agency partnerships should be holistically co-ordinated and there must be effective communication between the secure establishment and community agencies.

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<sup>3</sup> Mike Hough, Jonathan Jackson, Ben Bradford, Andy Myhill and Paul Quinton (2010) Procedural justice, trust and institutional legitimacy

<sup>4</sup> Hazel Neal and Mark Liddle (2012) Resettlement in England and Wales: Key Policy Messages from Research

- 2.10 Resettlement planning should commence as soon as the child is received into custody to give the child the best possible chance of desistance and encourage them to lead crime free lives upon their return to the community and this planning should be integral to the case formulations.
- 2.11 Case formulations are a psychologically informed collaborative approach that promotes meaningful interactions and ensures each child is involved in the planning process. Developed in collaboration with the child, the Case Formulation should identify the underlying needs which are driving behaviour and then used to inform the treatment and resettlement / sentence planning process and incorporates all areas of need from primary health through to enrichment and quality of life activities, thereby supporting the child to develop towards the best adult they can be.

### **3. Outcomes**

- Aid good behaviour management amongst children within the CYPSE from an expectation of good behaviour and the rewarding of such to the effective management of challenging and complex behaviour.
- A fair consistent and transparent approach to assessing release applications embedding the concepts of procedural justice throughout the process.
- Release process is clear, efficient and easy to administer.
- Decisions underpinned by the principles of protecting the public.
- Aid successful resettlement back in the community and prevent re-offending.

### **4. Requirements**

#### **Early Release**

- 4.1 Early release is available to children serving a DTO of between 8 and 24 months in length, under section 241 of the Sentencing Act 2020. Early Release is not available to children serving DTOs for less than 8 months. This policy applies to children in England and Wales and provides clarification on the use of early and late release in order to ensure its effective application and introduces a consistent approach promoting fairness to the way that early and late release procedures are employed in practice. It's mechanism of operation and application will be ingrained in the key principles of procedural justice to build confidence in the scheme.
- 4.2 The term of a DTO must be at least 4 months but cannot exceed 24 months as amended by Section 158 of the Police, Crime, Sentencing and Courts Act 2022. In some cases, a child could receive a combination of concurrent and consecutive terms.
- 4.3 Section 241(4) of the Sentencing Act 2020 empowers the Secretary of State to release a young person in the case of an order for a term of 8 months or more, but less than 18 months, at any time during the period of 1 month ending with the half-way point of the term of the order, and in the case of an order for a term of 18 months or more, at any time during the period of 2 months ending with that point. This provision means that children who have been awarded early release will be released on their Early Release Date (ERD) or as soon as practically possible before their Midpoint date (MPD) if for any reason release cannot be achieved on the child's ERD.

- 4.4 A child is referred to in this document as those under the age of 18 and those who have reached 18 but continue to be accommodated within the CYPSE. The requirements set out in this policy must also be applied to any young adults located within the Young Adult YOIs or dual designated HMP YOIs who are serving a DTO of 8 months or more. Governors within adult prisons accommodating young adults on a DTO sentence are expected to facilitate the administration of the scheme to all eligible young adults in their establishments and follow the exact processes that are set out in this document.
- 4.5 This policy is intended to be inclusive and provide equitable access to the early release scheme for all children within the CYPSE once identified as eligible regardless of their circumstances. Furthermore, there are no exclusions within the category of eligible children so that every child has the opportunity to apply and be assessed for release before their midpoint date.
- 4.6 Governors and Directors in Young Offender Institutions (YOIs) and Directors / Managers within Secure Training Centres (STCs) and Secure Children's Homes (SCHs), are required to put systems in place to monitor the uptake of the scheme within the eligible cohort (including children who are successful in achieving early release) periodically throughout the year to ensure that all children and young adults are presented with the same opportunities to be considered for early or late release. This policy also applies to Secure Schools, this Framework will be updated as soon as Secure Schools become functional to reflect this in greater detail.
- 4.7 During induction, every eligible child must be made aware of the early and late release scheme and the process explained to them including their right to opt out and opt back in as well as the appeals process if the child believes that the decision made was not justified.

### **Administering the Early Release Scheme**

#### **Stage 1 Determine eligibility and suitability**

- 4.8 Every child must be made aware of their early release date, mid-point date, and late release date as soon as possible. These dates must be explained and provided to the child in writing in a format that they can easily understand taking account for example of any learning needs or visual impairments. It is good practise to check the child's own understanding of the information provided. It is also important that the child understands that these are the possible release dates, and that their overall individual progress with their resettlement plan and journey towards desistance which contributes to the protection of the public from serious harm will affect which of these dates they will be released. These dates are uploaded on the Youth Justice Assessment Framework (YJAF) where the Youth Offending Teams (YOTs) can view then, it is the responsibility of the YOTs to cascade this information to parents / carers.
- 4.9 It must be explained once the relevant dates have been established, whether the offence for which the child received a conviction means that there will be a presumption in favour of or against their early release. Their level of engagement and progress required to achieve early release depends on the type of offence for which they were convicted.
- 4.10 All children sentenced to a DTO of 8 months or more are eligible to apply for early release.
- 4.11 For DTOs of 8 months or more but less than 18 months, the child will be entitled to apply for 1-month early release and consequently where appropriate, an application may be made to the youth courts for an award of 1-month late release.
- 4.12 For DTOs of 18 months or more, the child will be entitled to apply for 2 months early release and consequently where appropriate, an application may be made to the youth



court for an award of 1 or 2 months late release.

- 4.13 Children presumed suitable – there is a presumption that early release will be granted to all eligible children unless one or more of the exceptions listed under paragraph 4.25 applies.
- 4.14 Children presumed unsuitable – for children serving DTOs for certain types of serious offences (see exception list in paragraph 4.25), there is a presumption against early release.

### **Preparation of applications**

#### **Stage 2 Opt out applications**

- 4.15 All eligible children must be made aware of their entitlement to apply for early release from custody. There may be occasions when a child would not want to apply for early release.
- 4.16 If a child wants to opt out of being considered for early release, a letter must be sent by the Resettlement Practitioner to the authorising body **eight weeks** prior to the child's early release date with an explanation of why the child does not want to take part in the scheme and the secure setting's recommendation. This letter must be signed by the child and an appropriate secure setting representative.
- 4.17 The secure setting must discuss the reasons given by the child for opting out of the scheme with their parents/carers and the YOT to explore the reasons further and ensure the child is fully aware of what they are giving up. The secure setting will then collate all the relevant facts and reach an initial recommendation; the final decision will then be made by the authorising body after weighing up all the relevant factors. Each case must be considered on its individual merits, but the authorising body must be satisfied that the child's consent has been sought and where appropriate further consultation with the child's parents/ guardians or legal representatives has or will be sought.
- 4.18 Once a decision has been made, a letter must be sent to the child stating the decision reached and where appropriate directing release at their mid-point date.
- 4.19 Despite the decision referred to in 4.17 above, children must be given the opportunity to opt back into the scheme if they so wish or if the reasons / circumstances they cited initially has been explored and resolved or can be better managed in a way that will facilitate and support the child's early release. In these circumstances, the application must be started as soon as the child confirms their intention in writing to opt back into the scheme.
- 4.20 The opportunity to opt back into the scheme after initially opting out must be emphasised in the initial decision letter as this is a new requirement for the early release scheme, it is also important that this is explained to the child during induction.
- 4.21 In YOIs (including Young Adult and Dual Designated sites) the governor will make the final decision on recommendations for children opting out of the early release scheme, in privately run YOIs, the final decision is taken by the Controller. In a privately managed STC and SCH, the letter must be sent to the YCS Release and Resettlement Team who will make the final decision.

#### **Stage 3 Early Release applications**

- 4.22 All applications for early release (irrespective of whether there is a presumption in favour or against release) must be submitted for consideration at least **six weeks** in advance of the child's early release date. A list of accompanying documents is recorded in paragraph 6.2 further below.

## Decision Making – Children presumed suitable for early release

- 4.23 There is a presumption in favour of granting early release to all eligible children however release may be refused if they:
- a. exhibit violent or dangerous behaviour towards other children and or staff within the secure setting;
  - b. display destructive behaviour that has led to serious damage to the physical structure and property of the secure setting or the property of others;
  - c. made exceptionally poor progress against their training / resettlement plan as a result of consistent failure to cooperate or to take responsibility for their behaviour or;
  - d. present an unacceptable level of risk that cannot be safely managed upon release.
- 4.24 When assessing applications for early release in partnership with the YOTs, the following need to be considered:
- A review of custodial behaviour (a) Violent or dangerous behaviour towards another child or member of staff (b) Destructive behaviour causing serious damage to the fabric of the secure setting or property of others. In regards to (a) and (b) timing of incidents , frequency of occurrence and (how many times it happened) , circumstances why it happened and any impacts on their victims), and resolution ( any action taken to resolve the situation for instance , successfully completing any interventions or making attempts to repair the harm caused) will be particularly important and taken into account during this process. **It is imperative that all the relevant circumstances are considered carefully, and that the child is supported in the right way to ensure they are provided with the opportunity to make amends and reverse loss of privileges and re-establish trust wherever possible.**
  - Review overall progress made in custody – outline general or exceptional progress made against training / resettlement plans. Identify clearly, the points in the child’s custodial journey when their behaviour settled / changed following any incidents occurring. If there is a case formulation in place, the information it contains should inform the overall assessment. Also consider any period of temporary release granted to the child.
  - Incentive and Earned Privilege (IEP) level/ Rewards and Sanctions Scheme - how has the child progressed throughout their custodial journey.
  - Education and Health needs – does the child have Special Education Needs and or an Education Health and Care Plan, how does their identified needs impact on their engagement with the regimes or susceptibility to be influenced by others on the unit
  - Outstanding charges / ongoing live court cases for offences committed whilst in custody (see 4.50)
  - Risks to others or from others that cannot be safely managed during the early release period – what does the pre -release assessment indicate.
  - Check for any known and or ongoing concerns in regard to Terrorism Acts (TACT) intelligence or risks to national security

## Decision Making – children ‘presumed unsuitable’ for early release

- 4.25 For children serving DTOs for certain serious offence-types, there is a presumption against early release. The offences are listed below:
- a. All sex offences as defined under any provision of Part 2, Schedule 15 of the Criminal Justice Act 2003.
  - b. Homicide.
  - c. Arson with intent to endanger life (s1(2) and (3) of the Criminal Damage Act 1971);
  - d. Wounding or causing grievous bodily harm with intent (s18 of the Offences Against the Person Act 1861).
  - e. possessing a firearm while committing an offence specified in Schedule 1 to the Firearms Act 1968 (s17(2) of the Firearms Act 1968).
  - f. Kidnapping and / or false imprisonment (common law offences).
  - g. All terrorism related offences.
- 4.26 In order for children who fall under this category (4.25) to gain early release, **they must make exceptionally good progress against their resettlement / training plan objectives.**
- 4.27 The starting point for assessing these types of applications would be to establish if the child would have been successful in gaining early release had their offence not fallen under the exemptions list.
- 4.28 Exceptional progress will be determined on a case by case basis in order to reflect the child's individual circumstances. Each child should be benchmarked against themselves using their information on AssetPlus at the time of arrival into custody and their Pre-Sentence Report. This information is used to determine how far the child has come and if their progress and overall engagement during their time in custody can be described as exceptional.
- 4.29 Due regards will be given to the available opportunities offered to the child whilst in custody and if they have taken advantage of them. It should be recognised that these opportunities will vary between secure settings.
- 4.30 If early release is granted, the child should normally be released for the full period for which they are eligible, on account of their having demonstrated exceptionally good engagement and/or progress.
- 4.31 If a child narrowly falls short of making exceptional progress or it is decided that they would benefit from detention for part of the early release period but with the incentive of early release, then early release for part of the early release period should be considered instead of the full period. This will normally apply to DTO lengths of 18 months or more.

### **Risk Assessment**

- 4.32 The AssetPlus framework is used jointly by community and custodial youth justice services to support assessment and the delivery of targeted interventions to children and young people. Following each planning and review meeting, the secure setting will update AssetPlus with information on the child's progress against their goals and objectives and notify the YOT that a new review stage is available. Upon notification, the YOT will review the stage in YJAF, create a review stage and update AssetPlus with any updates that may be required such as the overall risk judgements likelihood of reoffending, risk of serious harm or safety and well-being) sections. The YOT's updates are sent to the secure setting (via a transfer of the latest AssetPlus stage).

- 4.33 Children being considered for early release must undergo a pre- release assessment to assess and address any public protection concerns, the YOT must be satisfied that any risks posed by the child can be safely managed during the early release period and where necessary put additional measures in place to mitigate and manage risks. This will be reflected in the child’s proposed requirements for their Notice of Supervision and a robust resettlement plan to support and constructively engage the child during the early release period and beyond to the end of their sentence.
- 4.34 The risk status of the child upon entry into custody should not be the sole determinant for making a judgement on whether the child still poses an unacceptable risk. The risk assessment should be based on the information contained in their latest AssetPlus stage and considered alongside their progress and achievements during the custodial period.
- 4.35 As part of the final risk assessment, a Home Circumstances Report (HCR) must be completed by the YOT to make sure that the child can safely be managed at the proposed release address. The YOT will rely on their professional judgement and available information to determine whether a visit to the proposed address is required to inform the child’s risk management plan.
- 4.36 Where there are delays in sourcing suitable accommodation (defined in “*The Children Act 1989 Guidance and Regulations*”<sup>5</sup>) as may be the case with a Looked After Child, the YOT will still prepare the HCR but base the report on the type of accommodation that will be required and deemed suitable for the child’s particular circumstances. This is to avoid delays in the decision-making process. A decision in principle on the child’s application can then be made and any decision to release is subject to the confirmation of suitable accommodation. Once the release address is confirmed, the HCR should be updated with respect to the home address.
- 4.37 It is important that the child’s support team or care teams work with the child’s early release date rather than their midpoint date when planning for and working on accommodation upon release. Confirmation of a suitable and sustainable release address should occur no later than 4 weeks before the child’s early release date.
- 4.38 As a guide, the HCR should cover the following:
- a) Details of the home address, including who lives there, relationship to the child and conditions of the home.
  - b) Overall view of the suitability of the address.
  - c) Parent/carer’s attitude towards the child and his/her home coming.
  - d) Is this address permanent or temporary, if temporary, how long for?
  - e) Any known risks associated with the address and reference to police checks on the address if required.
  - f) Attitude/concerns of the victim(s) and the local community towards the child.
  - g) The child’s attitude towards the victim(s) and any concerns relating to the victim.
  - h) The whereabouts and influence of any co-accused or associates.
  - i) The need for any specialist provision when supervising the child following release.
  - j) YOTs view of the likelihood of compliance with curfew and any additional measures to support compliance and reintegration back into the community.

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<sup>5</sup> DfE (publishing.service.gov.uk)

- k) Recommendations for additional licence conditions.
- l) Collection arrangements for the child on the day of release.

#### **Stage 4 Recommendation and approval**

- 4.39 The recommendation for or against early release must be arrived at jointly by the care team, involving both the secure setting and the YOT. Where a joint view cannot be reached, the matter will be raised at management level. All the relevant information supporting both parties' recommendations must be passed on to management who ultimately determines whether to release a child from custody having considered all the available information and circumstances detailed within the application.
- 4.40 The decision to recommend early release must be made on an assessment of the child's custodial behaviour, overall progress and journey towards desistance as listed in 4.24. It should take account of the resettlement plans already in place or in train to support the child's transition back into the community. Decisions about whether to consider and/or recommend early release should not depend on the lack of a suitable address having been confirmed at the time the decision needs to be made.
- 4.41 A child's history of non-compliance with curfew or post release supervision requirements should be considered alongside changes in the child's circumstances, improvements in maturity level and risk management plans. These considerations should be factored in when setting requirements for their Notice of Supervision.
- 4.42 For children who are eligible to apply for one-month early release (those serving 8, 10 or 12-months DTOs) a decision will be made to either award or refuse early release in full. For children who are eligible to apply for two months early release (those serving a DTO of 18 or 24 months), early release will either be awarded in full, for one month only or refused.
- 4.43 For children held in YOIs, it is the responsibility of the Governor of that secure setting to authorise an application for early release. Where there is a 'presumption against' early release, if the Governor is minded to approve release, the application must be forwarded to the YCS Release and Resettlement Team for a decision. This is to ensure consistency across the estate with regards to the definition of exceptional progress.
- 4.44 In privately run YOIs, the Controller will authorise applications for children presumed suitable for release but must submit all applications for children presumed unsuitable to the YCS Release and Resettlement Team if they are minded to recommend release.
- 4.45 The power to grant early release to children subject to DTOs, who are accommodated within privately managed STCs or SCHs, is delegated by the Secretary of State to the YCS.

<b>Case type</b>	<b>Sector</b>	<b>Authorising body</b>
<b>Presumption in favour</b>	YOI	Governor / Controller
<b>Presumption against (only if the Governor / Controller is minded to grant release)</b>	YOI	YCS Release and Resettlement Team
<b>Presumption in favour</b>	STC/SCH	YCS Release and Resettlement Team
<b>Presumption against</b>	STC/SCH	YCS Release and Resettlement Team

### **Stage 5 Notification of decisions**

- 4.46 Applications for early release should be determined and outcomes communicated to the secure setting and / or the child in writing no later than **30 days or 4 weeks** prior to the child's ERD.
- 4.47 If the outcome of the application is favourable, a letter notifying the secure setting and/ or the child of the outcome of the application must be sent to the secure setting and or child clearly stating the date of release and specifying that release is subject to the following conditions:
- (i) That the child continues to be of good behaviour until their release date.
  - (ii) That the child will be electronically monitored from the point of release to the midpoint of the DTO.
  - (iii) Early release may be withdrawn if any of the conditions above are not fulfilled.
- 4.48 This must be explained to the child in very clear, child friendly language by their Resettlement Practitioner / Case Worker to ensure they fully understand the conditions under which their release has been approved.
- 4.49 If early release is denied, the child and / or the secure setting must be notified in writing and the reasons for denial stated in the decision letter. The letter notifying them of their decision must include information on the child's right to appeal. The child may wish to be supported in doing this by their Resettlement Practitioner / Case Worker, CuSP Officer, YOT worker, solicitor / legal advisor, social worker, a member of the advocacy service or independent Monitoring Board.
- 4.50 In certain circumstances, the decision to grant early release may be delayed if the child has committed or is alleged to have committed an additional offence in custody whilst on their current DTO and the matter has been referred out to the police and remains outstanding. A final decision on whether to grant early release can only be made when matters are fully resolved.

### **Stage 6 The Appeals process**

- 4.51 Children are entitled to appeal decisions to deny them early release if they so wish and must be notified of their right to do so. They may do so themselves or can request assistance from their Resettlement Practitioner / Case Worker, CuSP Officer, YOT worker, solicitor / legal advisor, social worker, a member of the advocacy service or Independent Monitoring Board in making their appeal.
- 4.52 The appeals process is designed to deal with decisions to deny a child early release. These applications can be initiated by the child who may choose to be supported by any of the personnel listed in 4.51 above. In some cases, the YOT may initiate an appeal as the agency responsible for the child's overall case management. The YCS will determine all appeals from all the four sectors of the CYPSE within **five working days** upon receipt of complete documentation / information required for the appeals process.
- 4.53 All appeal applications will be determined by a Band 8 (or above) Manager within the YCS Release and Resettlement Team who was not involved in making the original decision (for all applications where the YCS took the initial decision to deny early release). If the Manager decides to overturn the decision, this must be signed off by the YCS Head of Casework, Placements and Resettlement (or other equivalent senior manager within the YCS).

- 4.54 Appeal applications must include a letter from the child, or a letter signed by the child which states clearly the grounds for appeal. This may include:
- a. significant recent progress against their resettlement plan or
  - b. new evidence not previously included in the application for early release or misinterpreted in the application for early release etc.
- 4.55 In YOIs and STCs, If a child has a complaint about the process through which their early release decision was made they can bring their case to the Prisons and Probation Ombudsman (PPO). The PPO can consider the merits of a decision regarding early release and provide an opinion as to whether that decision was reached correctly. If, in their view, it was reached wrongly they will indicate it needs to be reconsidered by the decision maker. The PPO, however, does not have the necessary Secretary of State authority to actually grant early release nor can the PPO require the Secretary of State to retake the decision.
- 4.56 Beyond the PPO, a child can also take their complaint to the Parliamentary and Health Services Ombudsman. If the PHSO finds that the department got things wrong, for instance if there were flaws in the way the process was administered, they may make a recommendation to the department to rectify the situation.
- 4.57 In SCHs children can make a complaint via their Local Authority complaints process if they are dissatisfied with the process under which their early release decision was made. If they are still not satisfied with the outcome of their complaints, they can take their complaint to the Local Government and Social Care Ombudsman.

#### **Stage 7 Final Preparation for Release**

- 4.58 Detention and Training Orders are split between custody and supervision in the community but should be viewed as a single sentence for the successful resettlement of children after their time in custody. The work carried out with the child in custody should not just be about behaviour management in custody but also geared towards the future and continued in the community. Preparation for the transition and the community element of the order should commence at the start of the sentence so that the different elements are in place from day one of release and the child knows about them well in advance.
- 4.59 The availability of a suitable accommodation and constructive activities (education, training, employment, leisure activities) are vital for enabling the child to build on their strengths and goals and enable their shift in identity. Children who are engaged in constructive activities have less time to offend and can begin to see themselves differently – as positive members of their communities.
- 4.60 The child's support team or care team must ensure that resettlement needs identified earlier at the start of the child's sentence including accommodation, education, training, employment, leisure activities and any continuing or newly identified health needs are confirmed and finalised prior to release. Electronic Monitoring arrangements must be put in place and final Notice of Supervision requirements finalised prior to release.

#### **Late Release (only in an exceptional circumstances)**

- 4.61 Late Release is available to children serving a DTO, of between 8 and 24 months in length, under section 241 (5) of the Sentencing Act 2020. An application to extend the custodial portion of the DTO by one month can be made for children serving 8 months or more but less than 18 months. For children serving DTOs of 18 months or more, an application to delay release by 1 or 2 months will apply.

- 4.62 The use of late release should always be consistent with the primary purpose of the DTO namely the rehabilitation of the child and the management of their risk of reoffending. Late Release should only be used as a public protection measure and if it is proportionate and necessary to prevent reoffending. It should be reserved for children for whom an extension of the custodial portion of the sentence is likely to have a critical effect on their reintegration or rehabilitation.
- 4.63 When considering whether late release is appropriate, it must be borne in mind that this should be regarded as a rare and exceptional step to take. Late Release is not appropriate if the child has merely failed to perform satisfactorily against their training plan or has been involved in disruptive behaviour. These concerns should be reflected by the child being denied early release and as a result being released at the mid-point of their sentence.
- 4.64 Late Release for a child does not extend the total length of the DTO. Late Release extends the period of the order spent in custody, whilst simultaneously reducing the period spent under the supervision of the YOT or Probation in the community.
- 4.65 Consideration should be given to the length of the DTO prior to making the decision to apply for late release. In particular, for shorter DTOs, consideration should be given to the difficulties that a child faces in adjusting to the custodial setting.
- 4.66 For a DTO of 8 months, an application for late release would have to be prepared after two and a half months, which provides little time for the child to become accustomed to the new regime and demonstrate progress. There should be serious consideration as to whether an extension of one month, for DTOs between 8-12 months can reasonably provide a benefit of further rehabilitation and public protection.
- 4.67 Consideration of late release should be informed by all other relevant agencies, for example Youth Offending Teams (YOTs), mental health workers and education providers.

#### **Late Release Application Process**

- 4.68 The initial recommendation to advance a late release application for a child within a publicly managed YOI is approved by the Governor of the secure setting and for a privately run YOI, the approval will lie with the Controller. The recommendation to advance a late release application for a child within a privately managed STC or SCH is made by YCS Head of Casework, Placements and Resettlement.
- 4.69 The power to order late release from the custody portion of a DTO lies with the youth court on application from the Secretary of State. The application is made to the youth court for the area in which the child ordinarily resides.
- 4.70 A proforma ( see annex H) detailing the summary of the case clearly outlining the specific reasons why the establishment considers that late release will be appropriate and necessary should be completed by the secure setting and submitted to the YCS Release and Resettlement Team for initial consideration at **least six weeks before the child's mid-point date.**
- 4.71 The YCS will review the information and reasons provided in conjunction with MOJ legal advisors to determine if the case is suitable for late release application to the youth court. Late release is an exceptional step to take and must be used only in exceptional circumstances. It is imperative that all cases for late release are reviewed centrally to ensure that a legal view can be obtained as to whether the case is appropriate to progress and its likelihood of being successful.
- 4.72 Upon reviewing the information sent, the YCS will communicate with the Secure Setting within 5 working days and advise as to whether to proceed with a full application.



- 4.73 A letter and supporting witness statement should be prepared by the secure setting and forwarded for review and sign off by the relevant decision maker.
- 4.74 The application should include information relating to the following wherever applicable; background to the case, reason for the application and why late release is necessary as a public protection measure, prior conviction, an overview of the child's behaviour whilst in custody, progress in relation to their resettlement plan and the secure setting's plan for working with the child during the proposed extra time in custody.
- 4.75 In addition, the application letter should be informed, where relevant, by the following documents:
- a. incident report records
  - b. adjudication records
  - c. sanction history
  - d. daily unit write ups on the child
  - e. Home Circumstances Report (if applicable)
  - f. the child's Cusp (if applicable)
  - g. the child's Comprehensive Health Assessment Tool (CHAT) care plan
  - h. updated AssetPlus
  - i. any other relevant documents
- 4.76 The witness statement should describe the reason that has led to the decision to apply for late release; and the secure setting's plan for working with the child during the proposed extra time in custody.
- 4.77 YCS /Governor may instruct the Government Legal Department to make the application on their behalf. Applications for late release on DTOs imposed by the Crown Court are also made through the youth court.
- 4.78 A copy of the application pack must be provided to the child, their solicitors if relevant, and the YOT worker.
- 4.79 YCS / Governor or, if instructed, the Government Legal Department should contact the court to set a hearing date. The child and their representatives should be allowed to make representations on the application after being served the papers.
- 4.80 The court hearing should be attended by an informed member of the secure setting's staff, or by instructed counsel. The court will hear representations from the child and/or their representatives before making a decision on the application for late release.
- 4.81 The Resettlement Practitioner / Caseworker should inform all relevant stakeholders involved in the care of the child of the outcome of all applications as soon as possible.

## **5. Constraints**

- 5.1 Early release and late release is only applicable to children serving DTOs of 8 months or more and must not be applied to children serving other types of sentences.
- 5.2 A child must not be released without suitable accommodation being in place.

5.3 Appeals against the denial of early release must not be determined by the same manager who considered the initial application, to ensure a fair and independent outcome and maintain the integrity of the entire process.

## **6. Guidance**

6.1 Full Instructions on the administration of the scheme is set out in the requirement section which is aimed at assisting all staff within the CYPSE and relevant partners who are involved in administering the Early and Late Release process.

6.2 The application for early release should include but not be limited to the following documents:

- a) early release application forms;
- b) pre-sentence report;
- c) court warrant;
- d) Home Circumstances Report;
- e) sentence calculation notifications;
- f) resettlement / sentence plan reviews;
- g) incident reports where relevant;
- h) adjudication reports where relevant;
- i) proposed community training plan;
- j) permission of the responsible adult
- k) notification to monitoring contractors; and
- l) breach reports if applicable.
- m) updated AssetPlus

### **Notice of Supervision and Electronic Monitoring**

6.3 A Notice of Supervision (NoS) that stipulates release requirements is issued to each child upon release. The requirements stated on the NoS applies throughout the entirety of the early release period and the community portion of the DTO. Some requirements may apply only during the early release period and these will be clearly stated on the NoS with the relevant timelines.

6.4 Failure to abide with any of the NoS requirements may result in breach proceedings being initiated and the child being returned to court. If for instance, a child misses an appointment with their YOT officer without an acceptable reason, a formal written warning will be issued. If they receive more than two warnings and compliance procedures have been utilised including attendance at a YOT breach panel, breach action will be initiated.

6.5 Section 62 of the Criminal Justice and Court Services Act 2000 provides powers for the electronic monitoring of those released from custody on licence. By virtue of section

62(5)(a), this includes children during their early release period and the community element of their DTO.

6.6 In March 2020, Location Monitoring was made available for children under the age of 18 across England and Wales. Location monitoring can be used alongside the monitoring of a curfew requirement to monitor the compliance of an exclusion zone or a child's attendance at a particular activity (inclusion zone) and a child's whereabouts (trail monitoring).

6.7 It is a mandatory requirement for all children granted early release to be subject to an electronically monitored curfew for the period when they would otherwise have been in custody until the midpoint of the sentence. Applications to vary curfew conditions can be considered but will only be granted in exceptional circumstances by the authority issuing the NoS. A requirement for location monitoring may also be attached during the early release period if there is evidence that the requirement is necessary and proportionate. This will be on a discretionary basis.

6.8 In all cases it will be necessary to ensure that it is practical to install the monitoring equipment at the Child's release address and that the responsible adult (in the case of a child aged under 16) / householder gives their consent. This is the responsibility of the YOT.

Responsible adult refers to:

- a) parent or guardian;
- b) any adult with parental responsibility (section 3 Children Act 1989);
- c) person with whom the child is living (schedule 3, paragraph 1 Children Act 1989);
- d) any adult who has care of the child (section 3(5) Children Act 1989), delegated from the person with parental responsibility;
- e) a relative (section 105(1) Children Act 1998), which includes a grandparent, sister or brother, aunt or uncle and step-parent; or
- f) a member of the teaching staff, where the child is curfewed to a school.

6.9 Where the child is to be placed in a Local Authority residential accommodation, the consent of the relevant Children's Services department must be sought for the installation of electronic monitoring equipment on their property.

6.10 Responsibility for notifying the electronic monitoring contractor of an impending release lies with the authority issuing the Notice of Supervision.

### **Curfew Violations**

6.11 The Electronic Monitoring contractor must report any violations to the Responsible Officer by 5pm on the day of the breach if the event is confirmed before 3pm or by 10am the following day if confirmed after 3pm.

6.12 The contractor will report to the Responsible Officer, all incidences of:

- a) serious damage to the monitoring equipment which requires repair or replacement where this appears to be intentional
- b) absence for a total of 2 hours or more of the curfew during any period of 24 hours
- c) physical assault on any of the contractor's staff

- d) threat of violence to any of the contractor's staff
- e) tampering with the monitoring equipment which requires replacement where this appears to be intentional
- f) minor damage to the monitoring equipment where this appears to be intentional and
- g) tampering with the monitoring equipment which does not require replacement but where this appears intentional.

6.13 It will normally be expected that an incidence of a,c,d or e should trigger immediate breach action by the YOT. Breach action should be taken in accordance with National Standards taking into account the child's overall response to supervision. All reported incidences should be investigated by the Responsible Officer and recorded on file.

#### 6.14 Early and late Release Process - Summary of Activity Timelines for Practitioners

##### **Early Release**

<b>Timeline</b>	<b>Activity</b>
8 weeks before ERD	Resettlement Practitioner / Caseworker to submit Opt Out application if applicable.
7 weeks before ERD	YOTs and other relevant agencies / staff (education, health care etc) submit their updates for the child's ER application pack and send back to the Resettlement Practitioner or Caseworker.
6 Weeks before ERD	Resettlement Practitioner / Caseworker to collate reports and make their recommendations, submit Early Release application to YCS R&RT or Governor.
4 weeks before ERD	YOT to confirm release address.
4 weeks before ERD	Authorising body to send decision notice back to the child and or establishment.
5 working days upon receipt of appeal application	YCS R&R Team to send appeal decision notice back to the establishment.

##### **Late Release**

At least 8 weeks before MPD	Resettlement Practitioner / Caseworker to request for information and collate papers for late release application.
At least 6 weeks before MPD	Resettlement Practitioner / Caseworker to submit late release

	proforma to YCS R&R Team for review.
At least 5 Weeks before MPD	Resettlement Practitioner / caseworker to notify child if late release is authorised and prepare full application where appropriate
At least 4 Weeks before MPD	GLD/ Secure Setting/ YCS to file application in the youth court , papers to be disclosed to the child , the YOT and their legal representative.

**The legislative framework – Detention and Training Order**

**Sentencing Act 2000**

**Section 236 – Term of detention and training order**

(1) The term of a detention and training order made in respect of an offence (whether by a magistrates' court or otherwise) must be 4, 6, 8, 10, 12, 18 or 24 months.

**Section 241 - The period of detention and training**

(1) An offender must serve the period of detention and training under a detention and training order in such youth detention accommodation as may be determined by the Secretary of State.

*Release at half-way point*

(2) Subject to subsections (3) to (5), the period of detention and training under a detention and training order is half of the term of the order.

*Early release on compassionate grounds*

(3) The Secretary of State may release the offender at any time if satisfied that exceptional circumstances exist which justify the offender's release on compassionate grounds.

*Release before half-way point*

(4) The Secretary of State may release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

- at any time during the period of 1 month ending with the half-way point of the term of the order, and

(b) in the case of an order for a term of 18 months or more, at any time during the period of 2 months ending with that point.

*Release after half-way point*

(5) If a youth court so orders on an application made by the Secretary of State for the purpose, the Secretary of State must release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

- 1 month after the half-way point of the term of the order, and
- (b) in the case of an order for a term of 18 months or more, 1 month or 2 months after that point

**Annex B**

**The legislative framework: electronic monitoring**

**Criminal Justice and Court Services Act 2000**

Section 62 – Release on licence etc.: conditions as to monitoring.

- 1) This section applies where a sentence of imprisonment has been imposed on a person and, by virtue of any enactment—
  - a) the Secretary of State is required to, or may, release the person from prison, and
  - b) the release is required to be, or may be, subject to conditions (whether conditions of a licence or any other conditions, however expressed).
- 2) The conditions may include—
  - a) conditions for securing the electronic monitoring of his compliance with any other conditions of his release,
  - b) conditions for securing the electronic monitoring of his whereabouts (otherwise than for the purpose of securing his compliance with other conditions of his release).
- 5) In this section, “sentence of imprisonment” includes—
  - a) a detention and training order.

**Decision-making authority for DTO Early and Late Release**

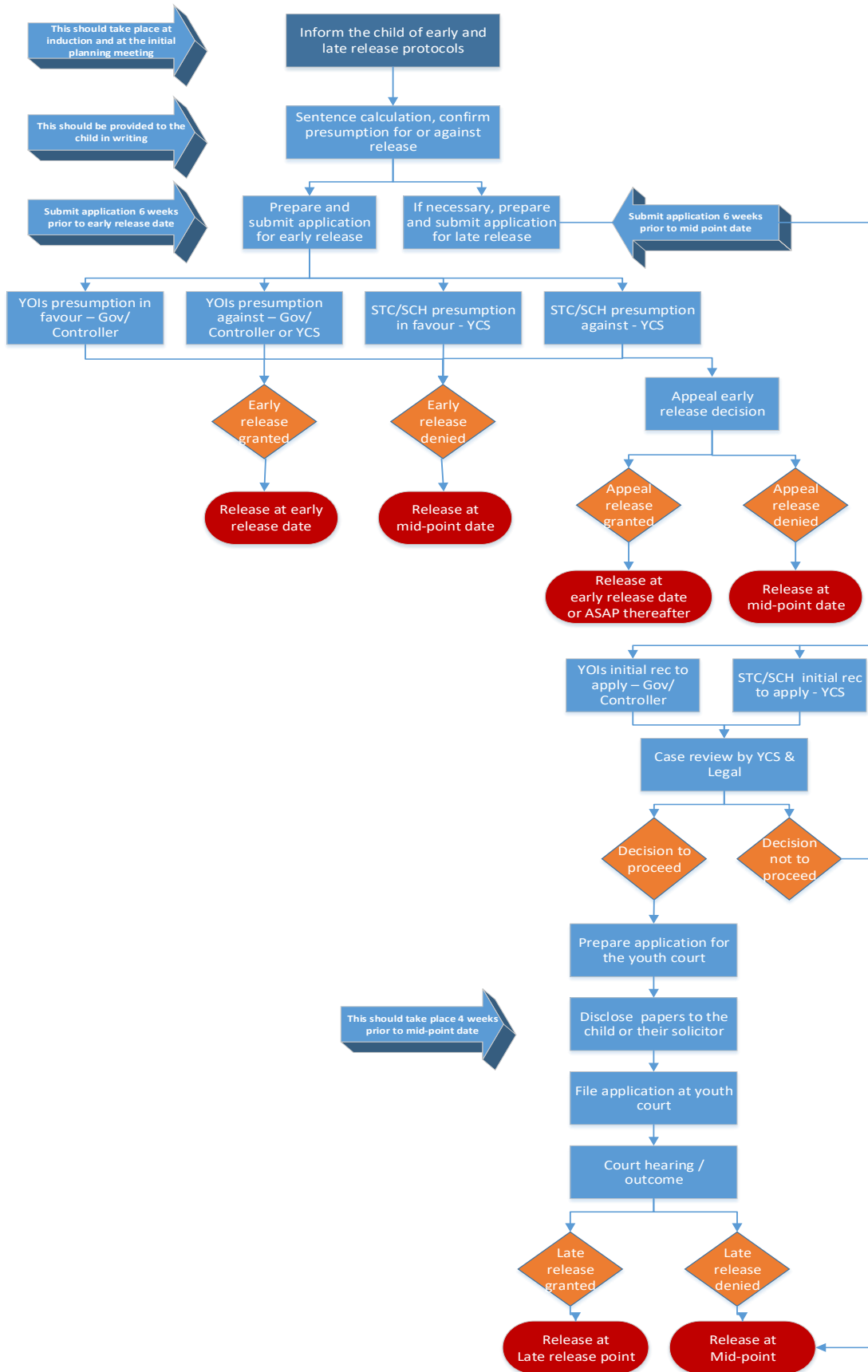
		Early release				Late release	
		YOIs presumption in favour	YOIs presumption against	Private STC/SCH presumption in favour	Private STC/SCH presumption against	YOIs	Private STC/SCH
Early release	Initial recommendation	Governor/Controller	Governor/Controller	STC/SCH	STC/SCH		
	Decision	Governor/Controller	Gov/Controller or YCS R&R Team	YCS R&R Team	YCS R&R Team		
	Appeal	YCS R&R Team	YCS R&R Team	YCS R&R Team	YCS R&R Team		
Late release	Initial recommendation to apply					Governor/Controller	YCS
	Decision to apply					YCS R&R Team	YCS R&R Team
	Determination					Youth Court	Youth Court



**Indicative list of offences for which there will be a presumption against early release**

- a) All sex offences as defined under any provision of Part 2, Schedule 15 of the Criminal Justice Act 2003.
- b) homicide;
- c) arson with intent to endanger life (s1(2) and (3) of the Criminal Damage Act 1971);
- d) wounding or causing grievous bodily harm with intent (s18 of the Offences Against the Person Act 1861);
- e) possessing a firearm while committing an offence specified in Schedule 1 to the Firearms Act 1968 (s17(2) of the Firearms Act 1968); or
- f) kidnapping and / or false imprisonment (common law offences).
- g) All terrorism related offences
- h) Convictions of attempt, conspiracy, aiding or abetting, and encouraging or assisting an offender in the commission of any of the above offences.

**Flow chart demonstrating the Early and Late Release process**



**Early and Late Release Process - Date Calculator**

DTO Length	Opt out app	Request for updates	Submit ER app	Final Decision	ERD	MPD	Submit LR app	LRD
	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>	<b>By the:</b>
8 months	End of week 4	End of week 5	End of week 6	End of week 8	End of week 12	End of week 16	End of week 10	End of week 20
10 months	End of week 8	End of week 9	End of week 10	End of week 12	End of week 16	End of week 20	End of week 14	End of week 24
12 months	End of week 12	End of week 13	End of week 14	End of week 16	End of week 20	End of week 24	End of week 18	End of week 28
18 months	End of week 20	End of week 21	End of week 22	End of week 24	End of week 28	End of week 36	End of week 30	End of week 44
24 months	End of week 32	End of week 33	End of week 34	End of week 36	End of week 40	End of week 48	End of week 42	End of week 56

Early Release Application Form

## DTO Early Release Application Form



Secure Setting		Child's name	
Early Release Date		Mid-point Date	
<u>D.O.B</u>		Age	
DTO Length		Offence (s)	

**1 Is the offence for which the child was convicted mean that there is a presumption in favour or against early release?** In Favour  Against

*Give reasons for the presumption for or against (e.g. nature of the offence)*

**2. Has the child exhibited violent or dangerous behaviour towards other children and or staff within the secure setting?** YES  NO

*If 'yes', give details re date of incidents, frequency of occurrence and circumstances. Highlight the impact on those affected, actions taken to resolve the situation for instance, successfully completing any interventions or attempts to repair the harm caused*

**3. Has the child displayed destructive behaviour that has led to serious damage to the physical structure and property of the secure setting or the property of others?** YES  NO

*If 'yes', give details re timing of incidents, frequency of occurrence and circumstances. Highlight the impact on those affected, actions taken to resolve the situation for instance, successfully completing any interventions or attempts to repair the harm caused*

**4. Has the child made exceptionally poor progress against their training / resettlement plan as a result of consistent failure to cooperate or to take responsibility for their behaviour?** YES  NO

*If 'yes', give details. If there is a case formulation in place, the information it contains should inform the overall assessment. Provide details of the attempts made to support the child to engage in their plans and their response. Explain why their progress is well below ordinary expectations for the child and highlight any relevant issues (such as known learning or behavioural difficulties) which may have contributed to their exceptionally poor progress*

## DTO Early Release Application Form



### 5. Review overall progress made against the child's resettlement / training plan objectives

Please outline general and or exceptional progress made against training / resettlement plans. If there is a case formulation in place, the information it contains should inform the overall assessment. Where appropriate, clearly identify how the child's progress has exceeded ordinary expectations of them, points in the child's custodial journey when their behaviour settled / changed following any incidents occurring and provide details of their IEP / Rewards and Sanctions levels. Also consider any period of temporary release granted to the child

### 6. Does the child have any outstanding charges or ongoing court cases for offences committed whilst in custody?

YES  NO

If yes, please provide details and latest update. Early release decision will be postponed until matters are concluded

### 7. Does the child present an unacceptable level of risk to others, of re-offending or non-compliance which cannot be safely managed during the early release period?

YES  NO

If yes, please provide details. Describe what additional measures / conditions have been considered and why these are / are not sufficient to manage the identified risks. Consider victim safety, any previous history of non-compliance with curfew and or post release supervision requirements, offending on licence and the likelihood of compliance on this occasion

### 8. Are there any known or ongoing concerns regarding Terrorism Acts (TACT) intelligence or risks to national security

YES  NO

If yes, please provide further details

### 9. Does the YOT recommend early release?

YES  NO

Please give reasons

### 10. Does the establishment recommend early release?

YES  NO

Please give reasons

## DTO Early Release Application Form



<b>11. Proposed conditions of early release</b>
STANDARD conditions:
ADDITIONAL / BESPOKE conditions:

<b>12 Confirmation of release address</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>
Yes: Date of confirmation:	No: probable date of confirmation:

<b>13. Early release accommodation arrangements</b>	
Accommodation address	Name of occupier
Suitability of accommodation for conditions on release (e.g. electronic monitoring)	Occupier's relationship to child:

<b>14. Supporting documentation</b>					
<i>Where relevant, please attach the following documents to accompany the Early Release Application</i>					
Updated AssetPlus	YES <input type="checkbox"/> NO <input type="checkbox"/>	CHAT Care Plan	YES <input type="checkbox"/> NO <input type="checkbox"/>	Pre-Sentence Report (PSR)	YES <input type="checkbox"/> NO <input type="checkbox"/>
Custody Support Plan (CuSP)	YES <input type="checkbox"/> NO <input type="checkbox"/>	Incident reports / adjudication records	YES <input type="checkbox"/> NO <input type="checkbox"/>	Written representation from child	YES <input type="checkbox"/> NO <input type="checkbox"/>
YOT Case Manager's Report	YES <input type="checkbox"/> NO <input type="checkbox"/>	YOT Home Circumstances Report	YES <input type="checkbox"/> NO <input type="checkbox"/>	Others (please specify):	YES <input type="checkbox"/> NO <input type="checkbox"/>

## DTO Early Release Application Form



Completed by	
Name:	Job Title:
Email:	Telephone no:
Signed:	Date:

Reviewed by	
Name:	Job Title:
Email:	Telephone no:
Signed:	Date:

Authorisation of Early Release	
I agree with the recommendations	YES <input type="checkbox"/> NO <input type="checkbox"/>
Please give the reasons for your decision	
I authorise early release <input type="checkbox"/>	
I do not authorise early release <input type="checkbox"/>	
Name:	Job Title:
Signed:	Date:

**Late Release Proforma**

*(Secure establishment to complete 1.1 and 1.2 and submit to YCS, YCS to review and make a recommendation in 1.3 and send back the form within 5 working days)*

Secure Setting		Child's name	
D.O.B and Age		Prison / admission no	
Mid-Point Date		Late Release Date	
Offence(s)		DTO length	

**1.1 Give reasons why early release or mid-point release is not appropriate**

**1.2 Give the reason / s for applying for late release**

*Please provide a detailed summary of the reasons you believe this child/young person is suitable for late release and how it will help with the rehabilitation of the child/young person and / or prevent re-offending. Give reasons for refusing early release if applicable, why midpoint release is not appropriate. Explain what interventions will be delivered during the late release period and the expected impact on the child/young person*

**Secure Setting Contact Details**

**Name:**

**Position:**

**Email and Telephone no:**

**Date of Submission:**



**1.3 YCS review and comments (YCS use only)**

*Provide an overall view of the case citing reasons for or against proceeding with the application*

Large empty rectangular box for providing an overall view of the case.

**YCS Contact Details:**

<b>Name:</b>	<b>Position:</b>
<b>Email and Telephone no:</b>	<b>Date:</b>

**Secure Settings to submit this proforma to:** [YCSPT-Release@justice.gov.uk](mailto:YCSPT-Release@justice.gov.uk)