

# Licence conditions and Notice of Supervision (NoS) requirements guidance

## Contents

1. The purpose of this guidance
2. What is a licence?
3. What is a NoS?
4. Standard conditions
5. How to submit a request for additional licence conditions
6. Intensive Supervision and Surveillance (ISS)
7. Electronic Monitoring
8. Post Sentence Supervision (PSS)

## 1. The purpose of this guidance

This guidance has been written for Youth Justice Services (YJS) workers with case management responsibility. It explains how to identify the need for additional conditions/requirements, how to assess whether they are necessary and proportionate and how to request them.

This guidance may also assist youth secure estate caseworkers/resettlement practitioners and those responsible for approving licences in the Children and Young People's Secure Estate (CYPSE).

This guidance aims to help YJS case managers to apply their professional judgement to assess and respond to the different needs and risks presented by children prior to their release from custody.

Most children who serve a sentence in custody will be subject to a period of supervision once released into the community. Children who have been subject to a DTO of 4-24 months or a section 250 of less than 12 months, will be supervised via a Notice of Supervision (NoS). Children serving any other sentence will be supervised under a licence on their release from custody.

## 2. What is a Licence?

Most children who receive a fixed term or extended custodial sentence will be subject to a licence on release. The licence stipulates the conditions attached to the child's release and is intended to secure the successful re-integration of the child into the community, thereby preventing further offending and protecting the public.

Children released from custody are given a copy of their licence which details what they must and must not do for a set period. The start and end dates on the licence are taken from the child's sentence calculation.

## 3. What is a NoS?

The NoS is like the licence in its operation and stipulates the conditions attached to the child's release, however it refers to these as 'requirements'. NoS' apply to children sentenced to Detention and Training Orders (DTOs) and those who receive sentences of less than 12 months under section 250 of the Sentencing Act 2020 (previously section 91 of the Powers of Criminal Courts (Sentencing) Act 2000)

# Licence conditions and Notice of Supervision (NoS) requirements guidance

Children released from custody are given a copy of their NoS which details what they must and must not do for a set period. The start and end dates on the NoS are taken from the child's sentence calculation.

## 4. Standard conditions

All children released on supervision are expected to comply with 9 standard conditions/requirements; these are the same whether released on a NoS or licence. The wording of the standard licence conditions is set out in section 3 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 and were updated by the [Criminal Justice \(Sentencing\) \(Licence Conditions\) \(Amendment No 2\) Order 2022](#). They are as follows:

- be of good behaviour and not behave in a way which undermines the purpose of the licence period.
- not commit any offence.
- keep in touch with the supervising officer in accordance with instructions given by the supervising officer.
- receive visits from the supervising officer in accordance with instructions given by the supervising officer.
- reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address.
- not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work.
- not travel outside the United Kingdom, the Channel Islands, or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.
- tell your supervising officer if you use a name which is different to the name or names which appear on your licence.
- tell your supervising officer if you change or add any contact details, including phone number or email.

## 5. How to request additional licence conditions/NoS requirements

The YJS case manager may consider the application of additional conditions/requirements if the standard ones are not sufficient to assist the child's successful re-integration into the community, to prevent further re-offending or ensure the protection of the public. Additional licence conditions/requirements must fall into one of the categories set out in the [Licence Conditions Policy Framework](#) as follows:

- residence at a specific place
- restriction of residency
- making or maintaining contact with a person
- participation in, or co-operation with, a programme or set of activities
- possession, ownership, control or inspection of specified items or documents
- disclosure of information

# Licence conditions and Notice of Supervision (NoS) requirements guidance

- a curfew arrangement
- freedom of movement
- supervision in the community by the supervising officer, or other responsible officer, or organisation
- restriction of specified conduct or specified acts
- extremism
- electronic monitoring conditions
- terrorist personal search

All requests for additional conditions/requirements must be supported with evidence that they are necessary and proportionate to assist the child's successful re-integration into the community, to prevent further re-offending or ensure the protection of the public.

Please note that polygraph condition and drug testing conditions cannot be applied to young people under 18.

The wording of additional licence conditions must be taken from the [Licence Conditions Policy Framework](#). Variations and bespoke licence conditions can only be applied with the authorisation from the Public Protection and Casework Section (PPCS). The form "NAT NPS Request for Determinate Sentence Pre-Release Bespoke Licence Conditions" should be completed and returned to [BespokeLicenceConditions@justice.gov.uk](mailto:BespokeLicenceConditions@justice.gov.uk). The form is available from nDelius, it is noted that not all YJS will have access to this system, and in these cases the form should be requested from [BespokeLicenceConditions@justice.gov.uk](mailto:BespokeLicenceConditions@justice.gov.uk).

Variations to the wording and bespoke NoS requirements can be authorised by the delegated decision maker.

All requests for additional conditions are approved by the Secretary of State for Justice. This responsibility has been delegated to Governors for children placed in Young Offenders Institutions (YOIs) and to the Youth Custody Service (YCS) Sentence and Release Team for children placed in Secure Training Centres (STCs) and Secure Children's Homes (SCHs).

The identification and assessment of the need for additional conditions or requirements is a collaborative process which is led by the YJS case manager. It can be broken down into 5 stages.

## Stage 1: Continuous Assessment

Child's progress against their sentence plan should be continually assessed by the YJS case manager and secure estate caseworker/resettlement practitioner, and the Asset Plus updated to reflect changes during their sentence. The assessment should be updated to reflect progress made in custody as well as changes to the child's personal circumstances and likelihood of re-offending or any public protection concerns.

## Stage 2: Release Preparation Meeting

It is recommended that the Release Preparation Meeting is held at least one month before the proposed release date to allow sufficient time for the resettlement plan and licence/NoS to be finalised. The meeting should be used to decide arrangements for the child's release, identify any outstanding actions and assign clear lines of accountability. Where possible attendees should include:

# Licence conditions and Notice of Supervision (NoS) requirements guidance

- The child
- Their parent or carer
- The secure estate caseworker/resettlement practitioner
- The YJS case manager
- Other relevant stakeholder(s) responsible for elements of the resettlement plan e.g., Social Worker, Probation Officer, Substance Misuse Worker, Education Worker or Special Educational Needs worker

Prior to the Release Preparation Meeting, the YJS case manager should consult with relevant stakeholders (such as the Victim Liaison Officer) to ascertain their views on the need for additional licence conditions/NoS requirements. The Release Preparation Meeting itself should include a discussion about the licence/NoS and any additional conditions/requirements that will be proposed so that the child and their parent or carer understands what will be expected of them, have time to reflect and share their views with the YJS case manager.

The YJS case manager should take all available information regarding a child's ability to comply into consideration when deciding which additional conditions to propose. Where concerns exist, reasonable steps to promote the child engagement and compliance should be agreed. The YJS case manager should also explain the consequences of breaching the conditions/requirements to the child and their parent or carer.

The secure estate caseworker/resettlement practitioner and YJS case manager should aim to reach consensus on which additional conditions/requirements will be proposed. Whilst a collaborative approach to the recommendation of additional conditions/requirements should be taken, it should be noted that the YJS has overall case management responsibility during the custodial period and on release.

Objections to the conditions/requirements proposed should be escalated via the YJS's internal complaints procedure for resolution before the licence or NoS comes into force.

## Stage 3: Decision making

Whilst the child's offence may inform the request for additional conditions/requirements, YJS case managers should also consider the child's progress in custody, factors affecting desistance, their needs, and any resultant risk in the community such as likelihood of re-offending or protection of the public. Case managers should evidence that each additional condition/requirement requested is necessary and proportionate to manage a specific risk.

The terms necessary and proportionate are defined in the Licence Conditions Policy Framework as follows and must be applied when considering additional conditions/requirements for both a NOS and a licence.

**Necessary;** Any licence condition requested must have been identified to manage a specific risk or issue posed by the individual, without limitation to the current index offence.

**Proportionate;** Any licence condition must be the least intrusive means of enabling that management.

When assessing whether a condition/requirement is necessary and proportionate the YJS case manager should consider the following:

# Licence conditions and Notice of Supervision (NoS) requirements guidance

1. Whether the condition/requirement is necessary to support the child's successful integration into the community, prevent further reoffending or ensure the protection of the public?
2. Whether the condition/requirement is proportionate to the level of risk that the child poses at the point of release?
3. Whether there is a reasonable expectation that compliance with the condition/requirement will mitigate a specific risk?
4. Changes in the child's circumstances, factors affecting desistance, their level of maturity and progress against their intervention plan.
5. Whether there is a less intrusive way of managing a child's behaviour other than via the use of an additional condition/requirement.
6. How the child can be supported to comply or overcome barriers to engagement.

## Stage 4: Paperwork

The YJS case manager should formally notify the secure estate caseworker of their intention to request additional conditions/requirements by completing the [Request for Additional Licence Conditions form](#) and return it to the site caseworker/resettlement practitioner no later than 15 working days prior to the child's proposed release date. Where possible, forms should be returned sooner to facilitate the timely assessment of requests.

Where an electronically monitored condition is requested the YJS case manager should ensure that the Annex C [Permission of Responsible Adult/Householder to access address for installation of Electronic Monitoring equipment form](#) has been completed by the householder.

[Mapmaker](#) should be used to prepare a clearly defined map to support requests for an electronically monitored exclusion zone or attendance conditions/requirements.

Requests for additional conditions/requirements for children placed in YOIs are assessed by the Governor. Requests for children placed in an STC or SCH will be forwarded to the YCS Sentence and Release Team for assessment and approval.

The delegated decision maker will consider all requests for additional conditions/requirements and apply the necessary and proportionate test. Requests that are not supported by sufficient evidence may be refused and/or further information requested.

The delegated decision maker should raise any questions they have over the suitability of an additional condition/requirement with the YJS worker prior to the decision being made. If the decision is that the condition/requirement is to be refused following these conversations, then the rationale for all decisions should be recorded by the delegated decision maker and reasons for refusal communicated to the YJS case manager by email no later than 5 working days prior to release.

The YJS case manager should update the relevant sections of Asset Plus with details of additional conditions that have been approved.

## Stage 5: Amendments, breach, and enforcement

Amendments to the licence/NoS should be directed to the Governor (via the secure estate resettlement team) if the child was released from a YOI or to the YCS Sentence and Release Team if the child was released from an STC or SCH. YJS case managers will be expected to

# Licence conditions and Notice of Supervision (NoS) requirements guidance

provide evidence that any new requests for additional conditions/requirements are necessary and proportionate.

Guidance on enforcement, breach, and recall can be found in the custody section of the Youth Justice Board (YJB) [Case Management Guidance](#).

Breaches for children subject to DTO's will be dealt with by the court if they are in breach of their NoS. This differs for children who are subject to a licence, in these cases the YJS case manager should follow the process set out in the [Recall, review and re-release of recalled prisoners - GOV.UK \(www.gov.uk\)](#) policy framework and contact the appropriate Public Protection Casework Section (PPCS) Recall Team:

**Team 1** – Responsible for London Division, South East & Eastern Division, South West Division and HMPPS Wales  
 Email: Recall1@justice.gov.uk  
 Phone: 07970 670915

**Team 2** – Responsible for North East Division, North West Division & Midlands Division  
 Email: Recall2@justice.gov.uk  
 Phone: 07773 183028

The PPCS will provide further advice on the recall process and provide the YJS case manager with the necessary forms where appropriate. The PPCS does not need to be notified of cases involving the revocation of a NoS.

## 6. Intensive Supervision and Surveillance (ISS)

The Youth Justice Board strongly recommends that YJS case managers do not add ISS as a licence condition or NoS requirement as the evidence shows that it is not effective in supporting children on release, and could encourage rather than reduce further offending. Case managers can use other licence conditions if they are concerned about the child and/or members of the public to address specific concerns directly.

## 7. Electronic monitoring

There may be circumstances where it is requested that a child is electronically monitored for some of their supervision period.

Standard radio frequency tags can be used to monitor a child's compliance with a curfew whilst GPS enabled tags can be requested to monitor their adherence with an exclusion zone, attendance at designated place or to track their whereabouts. This is sometimes referred to as location monitoring, further information can be found here [\(385\) Your location tag - YouTube](#)

The criteria for electronic monitoring to be applied to conditions on a licence is as follows:

Standard determinate sentence (s.91/s.250)	Criteria	Limits
Home Detention Curfew (HDC) period	<b>Curfew:</b> none – it is mandatory	9-16 hours per day

## Licence conditions and Notice of Supervision (NoS) requirements guidance

	<p><b>Attendance, Exclusion zone &amp; Trail monitoring:</b></p> <p>evidence that it is necessary &amp; proportionate</p>	Max 6m (up to CRD)
Conditional Release Date (CRD) onwards	<p><b>Curfew, Attendance, Exclusion zone &amp; Trail monitoring:</b></p> <p>Aged 18+ and in scope of electronic monitoring pilots e.g Domestic Abuse Perpetrators on Licence (DAPOL) or the Licence Variation (LV) project</p> <p>Or</p> <p>National Security Division (NSD) cases requiring a bespoke violation protocol</p>	<p>Curfew: 9-16 hours per day</p> <p>LV project: Must have at least 30 days left on the licence and be imposed for a minimum of 30 days</p> <p>End of licence but review every 3m</p>

The majority of children and young people will not be eligible for electronic monitoring beyond their CRD. Referrals to the NSD for a bespoke violation protocol are made via the Probation Service.

<b>Extended &amp; Life sentences (s.90, s.259, s.226, s.226b, s252a, s.254)</b>	Criteria	Limits
Parole Eligibility Date (PED) onwards	<p><b>Curfew, Attendance, Exclusion zone &amp; Trail monitoring:</b></p> <p>evidence that it is necessary &amp; proportionate; usually directed by the Parole Board</p>	9-16 hours per day
Or Conditional Release Date (CRD) onwards		End of licence but review every 3m

Further information on electronic monitoring can be requested from [YCSPT-Release@justice.gov.uk](mailto:YCSPT-Release@justice.gov.uk) or [emchange@justice.gov.uk](mailto:emchange@justice.gov.uk)

The criteria for electronic monitoring to be applied to requirements on the NoS is as follows:

<b>DTO Notice of Supervision</b>	Criteria	Limits
Early Release Period	<p><b>Curfew:</b> none – it is mandatory</p> <p><b>Attendance,</b></p>	<p>12 hours per day</p> <p>Max 2m (up to mid-point)</p>

## Licence conditions and Notice of Supervision (NoS) requirements guidance

	<b>Exclusion zone &amp; Trail monitoring:</b> evidence that it is necessary & proportionate	
Mid-point onwards	<b>Curfew, Attendance, Exclusion zone &amp; Trail monitoring:</b>  MAPPA level 2/3 or High/Very High ROSH and RoR	End of licence but review every 3m

A [Home Circumstances Report](#) must be completed when proposing an electronically monitored curfew as monitoring equipment will be installed at the address. Checks with the Police and children's services must be undertaken when assessing whether an address is suitable to have electronic monitoring equipment installed.

Evidence to support requests for electronic monitoring past the mid-point of a DTO Notice of Supervision should be recorded on the [Request for Additional Licence Conditions form](#) returned to the secure estate caseworker/resettlement practitioner no later than 15 working days prior to the proposed release date. These requests are authorised by the Governor/Director if the child is placed in a YOI, or the YCS Sentence and Release Team if the child is placed in a STC, SCH or a Secure School.

### 8. Post Sentence Supervision (PSS)

Post sentence supervision was introduced to ensure that every individual over the age of 18 when leaving custody is supervised for at least 12 months following release. In accordance with section [256AB of the Criminal Justice Act 2003 \(the 2003 Act\)](#), young people in custody will be subject to a PSS period on release where:

- Their offence took place on or after 1 February 2015.
- They received a standard determinate custodial sentence of more than 1 day but less than 2 years.
- They are 18 years or older at the halfway point of the sentence.

PSS is most commonly attached to DTOs.

The purpose of the PSS period is the enabling the young person's re-integration into the community and prevention of further offending. While PSS requirements look similar to licence conditions, and may share identical wording, they are referred to as requirements.

The default requirements which are included PSS licences are listed below:

- To be of good behaviour and not behave in a way that undermines the rehabilitative purpose of the supervision period:
- Not to commit any offence



## Licence conditions and Notice of Supervision (NoS) requirements guidance

- To keep in touch with your supervisor in accordance with instructions given by your supervisor
- To receive visits from your supervisor in accordance with instructions given by your supervisor
- To reside permanently at an address approved by your supervisor and obtain the prior permission of the supervisor for any stay of one or more nights at a different address
- Not to undertake work, or a particular type of work, unless it is approved by your supervisor and to notify your supervisor in advance of any proposal to undertake work or a particular type of work
- Not to travel outside the British Islands except with the prior permission of your supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands)
- To participate in activities in accordance with any instructions given by your supervisor.

There are two further supervision requirements under sections 256D and 256E of the 2003 Act which may be requested by the supervisor to manage the offender in the community. These are the drug testing requirement and the drug appointment requirements.

Further information on Post Sentence Supervision can be found in the [Policy Framework](#).