



HM Prison &
Probation Service



Youth
Custody
Service

The Youth Custody Service Placement Team

Overview of operational procedures

September 2017



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Printed on paper containing 75% recycled fibre content minimum.

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

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Who is this guidance for

1. This document gives an overview to Youth Offending Team (YOT) workers, secure estate practitioners, parents, carers or any interested party about the key responsibilities and activities of the Youth Custody Service (YCS) Placements Service.
2. It provides information about what stakeholders need to do to request placements when children (aged 17 years or younger) are sentenced or remanded to youth detention accommodation by the courts in England and Wales. It also explains what to do if a placement review is required.

Remit of the YCS Placement Team

3. The YCS has a key statutory function to place children and young people under the age of 18 who have been remanded or sentenced by a court into youth detention accommodation¹ (YDA).
4. The YCS make placement decisions in respect of the following orders a court can give to under 18 year olds:
 - a. s102 of the LASPOA 2012 – Remand to Youth Detention Accommodation;
 - b. s100 of the PCC(S)A 2000 – Detention and Training Order;
 - c. s90 of the PCC(S)A 2000 – Detention at Her Majesty’s Pleasure;
 - d. s91 of the PCC(S)A 2000 – Determinate Sentence;
 - e. s226 of the Criminal Justice Act 2003 – Detention for life for serious offences;
 - f. s226B Criminal Justice Act 2003 – Extended Sentence for certain violent or sexual offences;

¹ S 107, Powers of Criminal Courts (Sentencing) Act 2000 defines “youth detention accommodation” as;

- a secure training centre (STC)
- a young offender institution (YOI)
- accommodation provided by on behalf of a local authority for the purpose of restricting the liberty of children and young people;
- accommodation provided for that purpose under subsection (5) of section 82 of the Children Act 1989 (financial support by the Secretary of State); or
- such other accommodation or descriptions of accommodation as the Secretary of State may by order specify.

Please also refer to section 102 of LASPOA 2012 regarding definition of ‘youth detention accommodation’ in respect to remands.

- g. Schedule 5 A to the Policing and Crime Act 2009– Detention order for breach of gang-related violence or drug dealing activity injunction;
5. Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014 – Detention order for breach of anti-social behaviour injunction.

Remanded children and young people

6. The Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) 2012 created the remand framework for 10 – 17 year olds who are charged with or convicted of a criminal offence and sets out the placement options available. The framework makes provision for all 10 – 17 year olds who have been refused bail to be remanded to local authority accommodation and imposes a more rigorous test before 12 - 17 year olds can be remanded to youth detention accommodation. 12 – 17 year olds who have been refused bail may only be remanded to youth detention accommodation if the relevant criteria set out in LASPOA is met.
7. All children and young people remanded to youth detention accommodation under the provisions of the LASPOA 2012 will be treated, by virtue of their remand, as looked after by the local authority which is designated for the purpose by the court [(s104 LASPOA 2012)]. The YCS Placement Team will make the placement allocation in consultation with the youth offending team at court (who must in turn liaise with YOT colleagues if the court designated local authority is not the same as that in the sentencing court) before making a placement decision.
8. Children and young people who are looked after by virtue of their remand under LASPOA or were a Looked After Child (LAC) before being remanded or sentenced, should be looked after in accordance with the Care Planning, Placement and Case Review (England) Regulations 2010 and Care Planning, Placement and Case Review (Wales) Regulations 2015.

Responsibilities of YOTs and under-18 secure estate providers

9. Responsibility for assessing needs and identifying children's individual risk factors lies with the youth offending team (YOT), this includes responsibilities in relation to those at risk of self-harm and suicide, and the provision of this information at the point when a placement may be required, and who have responsibility for case management for children. Guidance on the responsibilities of YOTs with regards to this and how this relates to the Placement Team are laid out in both the [National Standards for Youth Justice Services 2013](#), particularly National Standard 6: Work in Courts and the National Protocol for Case Responsibility 2014, and the YCS's Case Management Guidance, particularly [Custody and resettlement: Section 7 case management guidance](#).
10. The care of children within the secure estate is governed by the contractual arrangements in place with the different establishment types as well as the

applicable regulations². Secure Children's Homes (SCH) and Secure Training Centres (STC) will work towards the outcomes for young people which are laid out within their contractual, and other agreements with the YCS. Young Offender Institutions (YOIs) are governed by the relevant Prison Service Instructions (PSI), in particular, [PSI 08/2012 'Care and Management of Young People'](#).

² See, in particular, Secure Training Centre Rules 1998; Young Offender Institution Rules 2000; Children's Homes (England) Regulations 2015.

Responsibilities of the YCS Placement Team

11. It is the responsibility of the YCS Placement Team to ensure that children are placed into secure accommodation, following the approach set out below, which applies to: new placements, those returning to custody from court appearances, and to transfers within the under-18 secure estate:
 - a. A decision about the most appropriate placement will be made after consideration of each child's individual needs and their YOT's placement recommendation, against a view of the available accommodation.
 - b. Placements will be made with the aim of promoting children's safety and ensuring decisions are made with children's best interests as a primary consideration.
 - c. Placements will be made in a timely manner using information received from a wide range of sources, with the aim of minimising the likelihood of unnecessary future movements.
12. The YCS will facilitate the sharing of key, up-to-date information electronically, between YOTs and the Secure Estate at the point of placement.
13. In addition to making placement decisions, the YCS Placement Team produces Detention and Training Order (DTO) Supervision Notices (and any additional supervision conditions) upon the advice and guidance of the YOT, for young people held in SCHs and STCs. The YCS Placement Team also approves temporary release for young people in STCs.

The Placement Process

14. This section outlines how the Placement Team places young people into the secure estate and the role of youth justice practitioners in the process.

Making a Placement Decision

15. The areas which the YCS Placement Team considers in making effective placement decisions are as follows:

- Basic information (age, gender and legal status)
- Previous history within the secure estate
- At risk of harm (to self and from others)
- Risk to others
- Welfare
- Post court presentation
- Medical history/needs including mental health issues
- Special Educational Needs (SEN)
- Learning, emotional and social needs
- Looked After Child (LAC) status
- Parenthood
- Education and training
- Family and resettlement
- YOT placement recommendation
- Maturity
- Resilience

16. Whilst this list is not exhaustive, these key factors are considered together in order to identify the most appropriate placement type for the individual young person. The

Placement Team will also consider operational issues within the secure estate and available capacity when making any placement decision.

17. The YCS Placement Team does not 'assess' children, rather it makes assessments about the most appropriate placement for a child or young person using the information provided by these key stakeholders to place given their individual risks, need and the resources available.
18. Children will be placed into the most appropriate available establishment to meet their needs, which may not necessarily be the closest to their home area or court catchment however this will always be considered where availability allows.
19. The child's views are always taken into account throughout all aspects of the placement decision and review process.

How does the YCS Placement Team decide between establishment types?

20. Children can be placed into [three types of secure accommodation](#) with the exception that boys cannot be accommodated in YOIs unless they are aged 15 or more and that there is no YOI accommodation for girls. Beyond these two points there are no fixed criteria by which a child will be considered for a certain type of secure accommodation, and the YCS has a clear expectation that all custody providers should be able to keep any child placed with them safe. The combination of factors set out in Section 3 above will be considered and compared to the available accommodation. Some particular considerations may make a child more suited to a particular type of accommodation³.

For an SCH or STC placement these might be:

- Young age
- Low levels of maturity
- Inability to function in large groups
- Requirement for high levels of support

For a YOI placement these might be:

- Previous custodial experience where resilience has been demonstrated
- A sentence which will require transition to adult custody

³ These factors are by no means definitive and the YCS Placement Team always consider each young person's placement on an individual basis

- Need to access specific programmes (for example a Sex Offender's Treatment Programme (SOTP) or Life minus Violence) required for the parole process
 - Emotionally mature and resilient
21. Girls who are pregnant and due to give birth in custody will be considered for a placement on the Mother and Baby Unit at Rainsbrook STC. Similarly, girls who have a child in the community can be considered for a placement here if their child is coming into custody with them. For further information on these placements please refer to the ['Guidance for the placement of pregnant young women and those with babies'](#).
 22. There may be exceptional circumstance that we would place outside of placement principles by lodging a child in alternative provision which may not be in the sector that they have been assessed as suitable for.
 23. These children would automatically transfer without following the Placement Review process and as soon as an available suitable placement becomes available.
 24. All stakeholders will be informed about the placement plan for the child; including which establishment is lodging them and which will be the eventual, receiving establishment. Initial placement information will be shared by the Placement Team with all establishments involved; the lodging establishment must share any additional/ further key information around the young person's risk, safety and wellbeing with the receiving establishment prior to the transfer taking place.

Placements into SCH and STC youth detention accommodation

25. The placement will be confirmed following a referral process in which the information shared with the YCS is sent for establishment staff to review in order to determine suitability based on their current population.
26. The YCS expects establishments to have processes in place so that they are able to provide their views on a potential placement in a timely manner.
27. If the placement is deemed "unsuitable", establishments will need to provide the Placement Team with a written record of the reasons for this conclusion.
28. Whilst it is expected that an establishment will accept a placement, it is recognised that there may be some very exceptional circumstances when it would be unreasonable or unsafe to accommodate a particular young person in a particular SCH/ STC. In these circumstances, the YCS Placement Team may review their original decision and consider alternative accommodation.
29. The YCS Placement Team has the responsibility for the placement of young people into the secure estate and can direct placements into both SCHs and STCs even in cases where the establishment does not agree with the decision.
30. The YCS has a dedicated escort service for young people being escorted from or to an SCH or STC. A risk assessment is shared with them using information provided by stakeholders.

Placements into an under-18 YOI

31. Boys between the ages of 15-17 (inclusive) can be considered for a placement in an under-18 YOI.
32. Boys suitable for a YOI will normally be placed into the catchment establishment determined by the court they have appeared in. This decision is however risk based.
33. An alternative YOI placement will only be considered in exceptional circumstances when there is evidence to indicate that the boy or others would be at significant risk in the catchment establishment, or where places are not available at the catchment establishment. Catchments are regularly reviewed in line with commissioning decisions (made by the Ministry of Justice (MoJ)) and changes in custody demand from different areas.
34. Prisoner Escort Contract Services (PECS) are responsible for the escorting of those young people being placed into a YOI. This is a service commissioned by MoJ for both adults and children – with a specific MoJ Youth Secure Commissioning Team responsible for ensuring children’s services take account of their needs.
35. Young people presenting with complex needs who are likely to struggle in a main site YOI establishment can be considered for placement on the Keppel Unit at Wetherby YOI. This is a national resource and available to all boys in custody. For details on the suitability criteria and referral process for these placements, please review the [‘Guidance for the placement of young people with complex needs’](#).
36. Boys serving a long-term sentence may be eligible for a placement at Wetherby YOI where there are dedicated resources for young people serving long-term sentences. This is a national resource available to all boys in custody.

Welsh Children

37. Welsh children will typically be placed into an establishment in Wales or with a Welsh provision unless operational constraints restrict the Placement Team from doing so. Please refer to the [Welsh protocol](#) for further guidance on placing Welsh children in custody.

Children who turn 18 whilst in custody (Transition)

38. It is presumed that children who are sentenced to a DTO prior to their 18th birthday will remain in the youth custodial estate for the duration of their sentence. The only exception to this is those who turn 18 during their sentence and who are assessed as a risk to children or where it is deemed to be in their best interests, or the best

interests of children in the youth custodial estate⁴ for them to move to the over-18 estate.

39. All young people who turn 18 and are remanded or sentenced under legislation other than that which is a DTO, will normally transfer into the adult or young adult estate in a planned and agreed way. Case Managers (both within secure establishments and in YOTs) need to ensure that a young person's transition into the young adult, or adult estate is considered and built into all plans that they have for young people from initial placement into custody.
40. The Placement Team will support the transition of all young people who might need to transition into the adult estate from SCHs or STCs. Case Managers and establishments will be contacted by the Placement Team to commence transition planning for these individuals.
41. There must be a full transition plan developed and agreed between the secure establishments involved (this will be either a young adult YOI or a dual-designated prison and YOI able to hold young adults), and the relevant YOT and Probation Service. The transfer should take place at an appropriate point based on the best interests of the young person.
42. If a young person aged 18 appears at court from a YOI and a clear transition plan is not in place, the YCS will work with colleagues in HMPPS to make an appropriate placement decision.
43. Further information on the joint working between YOTs, probation services and custody providers regarding transitions in the community and in custody can be found within the [Joint National Protocol for Transitions in England](#).
44. A small number of young people may need to be considered for an early transition into a young adult YOI or a dual-designated prison and YOI able to hold young adults. This process will be managed as part of a multi-disciplinary approach to reach a decision based on the best interests of the young person, taking into account all relevant risk factors and information around their safety and wellbeing.
45. Additionally, where a young person's individual risk factors dictate that it is not in their best interests to transition into a young adult YOI (or a dual-designated prison and YOI able to hold young adults) around their 18th birthday, a multi-disciplinary planning meeting will take place to determine what is best to best meet the needs of the young person during the remaining time they have left in custody. A possible outcome could be that its deemed best that the young person serves the remainder of their sentence within the under-18 estate. This outcome will be carefully considered by the Head of Placements and Monitoring, taking into account the risk factors associated with detaining an adult within the young person's estate and available capacity.

⁴ For example, where population pressures mean that placement options for children aged under-18 will be limited without such moves

Transgender Children

46. Young people who identify as transgender will typically be placed into a mixed gender SCH or STC if considered suitable, alongside the risk they present to others and their age.

Mental Health Act transfers

47. The Placement Team provides support to stakeholders when a child is transferring from custody into a medium-secure placement under Section 47 or Section 48 of the Mental Health Act 1983 and when they are transferring back into youth custody from these placements. The Placement Team cannot directly place any child into a mental health unit or bed.
48. The return placement back into custody from a medium-secure unit will be determined at the Section 117 meeting⁵ attended by a member of staff from the Placement Team.
49. The Placement Team will work in line with the [‘Procedure for the Transfer from Custody of Children and Young People to and from Hospital under the Mental Health Act 1983 in England’ guidance](#) for these children.

Acute needs

50. The YCS are working with key stakeholder to identify children with acute needs throughout the secure estate.
51. Whilst case management responsibility remains with the YOT as per [National Standards for Youth Justice Services 2013](#), the YCS Placement Team may support or even chair a professionals meeting to ensure that all relevant assessments have been undertaken whilst the child is in custody and that there is a plan in place that clearly articulates the need and that current or proposed establishment is able to meet these needs.
52. This work will be completed collaboratively with the relevant stakeholders involved with the management and care of the child.

⁵ See section 117 of the Mental Health Act 1983.

Placement Review and Transfer Process

53. Concerns about initial placement decisions should be escalated to the Head of Placements (please contact the Placement Team for relevant contact details). Any complaints or concerns about other matters in relation to the Placement Team should be communicated through to the YCS complaints system and marked for the attention of The Head of Placements. Please submit all complaints to YCS_Matters_of_conc@justice.gsi.gov.uk.
54. If the placement becomes unsuitable for a young person due to their circumstances changing or if there is a risk or issue with the current placement, the YOT should follow the process as detailed in the [Placement Review and Transfer Guidance](#) in order for an alternative placement to be considered.
55. This process should be followed when an alternative placement is being requested, including transfers to a specialist unit i.e. Keppel unit, Long term unit, Mother and Baby unit.

Temporary placements to facilitate court appearances

56. A 'lodge' at an alternative establishment will be considered if the child has a court appearance or trial outside of their catchment area or they are placed outside of their catchment area due to risk or security concerns and is required to appear at court in another area. This 'lodge' will be a short stay at the establishment closest to the court in which they are appearing in.
57. In these instances the current establishment will identify any child who will be appearing in an out of area court and complete a risk assessment for them to lodge at a nearer establishment. This should be completed in a way to provide as much notice as possible to the receiving establishment and YCS Placement Team. The current establishment should then share risk information with the receiving establishment and once the lodge is agreed, inform the YCS Placement Team who will review the child's details and 'triage' the request, ensuring that a lodge is necessary and suitable based on a risk assessment. If a transfer to an establishment closer to the court is feasible the YCS Placement Team will notify all stakeholders and make relevant arrangements.
58. Following the final court appearance the child will return back to the receiving establishment who will make the necessary escort arrangements for them to return to their home establishment.

Urgent transfer requests

59. On rare occasions, there may be a request made by a secure establishment to transfer a child or children from their current placement to a new placement, urgently.

This may require a decision to be made by the YCS Placement Team prior to the planning and completion of a full MDM by the YOT Case Manager, as detailed within the [Placement Review and Transfer Protocol](#). An example of what may lead to this scenario arising is the loss of accommodation or control through the serious acts of indiscipline and/or disorder or some other unexpected event such as flooding or fire.

60. In such circumstances, the Placement Team will direct establishments about what is required to achieve such transfers. Part of this decision making process must involve on-site psychological services sharing a view on the possible impact that a move will have on the child or children involved.

Restricted Status

61. Restricted Status is an HMPPS framework applicable to those children placed or are due to be placed into YOI accommodation. Any child convicted or on remand, whose escape would present a serious risk to the public, is required to be held in designated secure accommodation. The Deputy Director of Custody High Security is responsible for the categorisation of Restricted Status prisoners; staff in YCS with delegated authority will determine where to place all young children

Glossary

DLA	Designated Local Authority
DTO	Detention and Training Order
LAC	Looked After Child
LASPOA	Legal Aid, Sentencing and Punishment of Offenders Act
HMPPS	Her Majesty's Prison and Probation Service
PECS	Prison Escort Contracted Service
MoJ	Ministry of Justice
PSI	Prison Service Instruction
SCH	Secure Children's Home
STC	Secure Training Centre
YDA	Youth Detention Accommodation
YCS	Youth Custody Service
YOI	Young Offender Institution
YOT	Youth Offending Team

