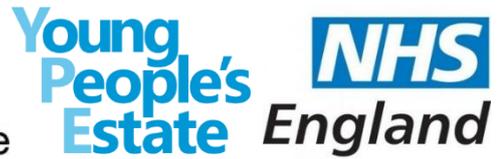




National Offender
Management Service



Protected Education – 60/40 Split

Definition and Guidance

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1 Purpose

This document sets out what weekday activities (Mon – Fri) fall within the 60% element of the 30 hours of education that is protected; and what falls within the 40% that is unprotected, as part of the new core day.

For avoidance of doubt, it is expected that all other young people's activities are to take place outside of education. There are exceptional circumstances where it has been agreed that certain activities can take place within an allocated time frame in the young person's core day.

2 Background

As part of the TYC programme, existing services in the secure estate have been reviewed in order to help make education the focus for young people whilst in a custodial setting.

In 2014 Ministers at the Ministry of Justice (MoJ) directed that elements of education should be protected to ensure that young people attend them whilst serving their custodial sentences (i.e. court attendance etc). The National Offender Management Service (NOMS) assessed delivery at each secure establishment to consider the level of appointments and meetings that could occur weekly, and during a young person's core day. This work identified activities that would need to take place during time spent on education. As a result, it was agreed that 60% of time spent on education would be 'protected', with no avoidable absences from education being permitted; and 40% of education time would be unprotected', during which approved "Permitted Absences" could take place.

The NOMS Young Person's Estate (YPE) arranged for consultations with stakeholder, including young people, to take place in each YOI to gain views on whether the 60/40 split would be achievable. Each establishment was then asked to review their existing core day, and work with stakeholders to amend current practices to accommodate the 60/40 split.

We recognise that a proportion of young people arrive in establishments with unmet health needs. As healthcare plays a vital role in assessment and treatment, clear care planning and immediate healthcare concerns need to be addressed in order for young people to effectively engage in education.

It is expected that all establishments will adhere to the 60/40 split, and secure young people's attendance in education.

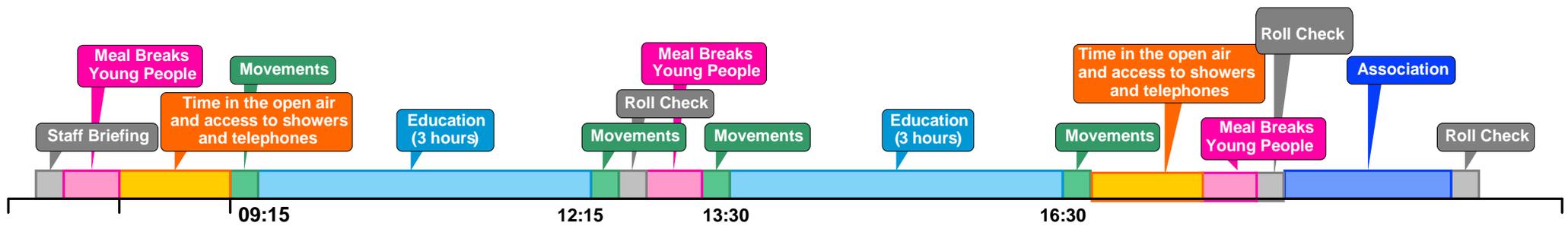
The YOI Reforms Programme takes into account the four publicly run YOIs. These are:

- HMP Feltham
- HMP Cookham Wood
- HMP Werrington
- HMP Wetherby

The TYC Programme has now closed, but responsibility for education in the YPE has transferred to the YJB and is being delivered through the YOI Reform Programme.

3 New Core Day

The below diagram outlines the agreed provision of education services in Young Offender Institutions.



4 Permitted Absences from Education

The below table outlines which activities have been approved as Permitted Absences and when each Permitted Absence can take place i.e. during protected or unprotected education time*

Where absences are permitted during the protected time, all stakeholders should endeavor to arrange the absence within the unprotected time at the first instance.

All absences within the table are as articulated within the YOI education specification and have been agreed with NOMS, apart from the interventions (outlined at the end of the table) which were added at a later date.

During a young person's induction (first 10 days within an establishment), they will not be required to attend the full 30 hours scheduled education so the 60/40 split will not apply to a young person during this period.

It is also acceptable for stakeholders to access young people during evenings and weekends to alleviate any concerns on time pressures during the unprotected time.

Permitted absence	Description	Delivery in protected/unprotected time
Sickness	Any young person absent due to being unwell. Their absence must be authorised by healthcare. An officer can make the judgement at the time of the illness (if a healthcare professional is not available) with a healthcare note obtained retrospectively.	Delivery can be both within protected and unprotected time **
Healthcare	Any young person absent due to a routine healthcare appointment (including interventions). The young person should only be absent for the duration of the appointment.	Delivery must take place in unprotected time
	Any young person absent due to an urgent healthcare appointment (including interventions). Any young person absent due to a specialist healthcare appointment (including interventions). This also takes account of the necessary CHAT timescales which take place within the first two weeks of a young person's sentence.	Delivery can be both within protected and unprotected time **
Courts	Any young person absent due to a scheduled court appearance either at court or via video link. If appearing via video link, the young person should only be absent for the duration of the appointment. YOIs will appropriately utilise all Prison Court Video Link (PCVL) slots.	Delivery can be both within protected and unprotected time **
Looked After Child Reviews (LACR)	Any young person (whether on Remand or Sentenced) absent due to a scheduled LACR taking place. The young person should only be absent for the duration of the appointment.	Delivery must take place in unprotected time
Legal and Official	Any Young Person absent due to a scheduled	Delivery must take

visits for Sentenced young people	<p>legal (Solicitor, etc) or official (YOT/Social Worker, appeals etc) visit taking place. The Young Person should only be absent for the duration of the appointment.</p> <p>An exception can be made for complex cases and based on an individual need.</p>	place in unprotected time
Legal and Official visits for Remanded young people	<p>Any young person absent due to a scheduled official (YOT/Social Worker, appeals etc) visit which is dictated by court timescales taking place. The Young Person should only be absent for the duration of the visit. Professionals are urged to, as far as possible, make appointments during unprotected periods.</p>	Delivery can be both within protected and unprotected time **
	<p>Any young person absent due to a scheduled legal (Solicitor) visit taking place. The Young Person should only be absent for the duration of the visit. Professionals are urged to, as far as possible, make appointments during unprotected periods.</p>	Delivery can be both within protected and unprotected time **
Police Production	<p>Any young person absent due to a Police Production meeting. The young person should only be absent for the duration of the appointment.</p>	Delivery must take place in unprotected time
Searches	<p>Planned searches - Any young person absent due to a search being undertaken in line with the published searching policy. The young person should only be absent for the duration of the search unless further action is required.</p>	Delivery must take place in unprotected time
	<p>Intelligence-led searches – Any young person absent due to an intelligence-led search taking place. The young person should only be absent during the search.</p>	Delivery can be both within protected and unprotected time **
Incident Response	<p>Any young person absent due to:</p> <ul style="list-style-type: none"> • attending adjudication. Where this is not possible, for instance, due to the availability of witnesses, young people can only be absent from education for the duration of the adjudication and must return to education as soon as possible; • removal from class by the YOI or Contractor; • presenting a threat to self or others; • fighting or being involved in an assault; or • YOI lockdown in response to an incident; • De-briefs following incidents and restraints. 	Delivery can be both within protected and unprotected time **
Discharge/Transfer	<p>Any young person who is to be discharged or transferred that day only.</p>	Delivery can be both within protected and unprotected time **

Case Management	Any young person absent due to a scheduled case management appointment taking place. The young person should only be absent for the duration of the appointment. An exception can be made where an urgent meeting is required on the request of the Caseworker/ YOT/ Parent/ Carer/Social Worker to broker welfare communications to meet the health and wellbeing of the young person.	Delivery must take place in unprotected time
Focus Groups	Any young people absent due to attendance at Focus Groups (i.e. HMIP, MQPL or Ofsted report)	Delivery must take place in unprotected time
Chapel Service	Any young person absent due to attendance at a religious course. The young person should only be absent for the duration of the service.	Delivery must take place in unprotected time
	Any young person absent due to a religious service in accordance with religious observance or services provided by the Chaplaincy staff which require an immediate response (e.g. bereavement counselling), also to attend religious services, in accordance with the relevant religious PSI or PSO. The young person should only be absent for the duration of the service.	Delivery can be both within protected and unprotected time **
Temporary Release	Any young person absent due to attendance at a Temporary Release placement. Only if the absence is for educational or resettlement purposes (i.e. attendance at college) can this be used within protected time.	Delivery can be both within protected and unprotected time **
Mandatory Drug Testing (or "MDT")	Any young person absent due to MDT being undertaken in line with the published MDT policy. The young person should only be absent for the duration of the test.	Delivery can be both within protected and unprotected time **
ACCT review	Any young person absent due to a scheduled ACCT review taking place. The young person should only be absent for the duration of the appointment.	Delivery must take place in unprotected time
	Any young person absent due to attendance at an ACCT review where deliverability within the unprotected time was not able to take place (e.g. urgent cases). The young person should only be absent for the duration of the appointment.	Delivery can be both within protected and unprotected time **
Family Days	Any young person absent due to Family Days. This must take place within unprotected time at the first instance; however joint agreement (between NOMS and education provider) can be made for this to take place within protected time where necessary as long as the education	Delivery must take place in unprotected time unless the education provider is involved, when this may take place in protected

	provider is involved.	time
Development of plan for re-engagement of a Young Person	For up to twenty-four (24) hours following: <ul style="list-style-type: none"> ▪ a young person refusing to attend planned education activities; ▪ a young person withheld from attending planned education activities by the Custodial Operator; and ▪ a young person withdrawn from a lesson. 	Delivery can be both within protected and unprotected time **

External appointments	Planned external appointments – Any young person absent due to attend an appointment outside of the establishment (e.g. medical in/out patient appointments) and in accordance with the relevant policy.	Delivery must take place in unprotected time *** <i>(where possible but if external appointments cannot be rescheduled to accommodate the 60/40 split a young persons health needs should not be compromised)</i>
	Unplanned external appointments – Any young people absent due to an unplanned escorted absence outside of the establishment (e.g. bed watches, visits to terminally ill or dying close relatives, funerals, medical in/out patient appointments etc) and in accordance with the relevant policy.	Delivery can be both within protected and unprotected time **
IEP (Incentive and Earned Privilege) Reviews	Any young person absent due to an IEP review. The young person should only be absent for the duration of the appointment.	Delivery must take place in unprotected time
	Any young person absent due to an IEP review which requires an immediate response. The young person should only be absent for the duration of the appointment.	Delivery can be both within protected and unprotected time **
NOMS Interventions	Any young person absent due to attendance at an accredited or approved one to one Intervention delivered by NOMS, with support from psychological services, to reduce reoffending and improve custodial behavior. In addition, NOMS will provide interventions which aim to increase motivation which should therefore enhance attendance, engagement or attainment in education. The young person should only be absent for the duration of the appointment.	Delivery must take place in unprotected time
	Any young person absent due to attendance at an accredited or approved Intervention delivered by NOMS in accordance with a PSO. The young	Delivery can be both within protected and unprotected time **

	person should only be absent for the duration of the appointment.	
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*An absence which is an acceptable absence for the education provider (late or non delivery of young people to education sessions) is not included within this document as this would be regarded as a service delivery failure on NOMS' part

** Where absences are permitted during the protected time, establishments should endeavor to arrange the absence within the unprotected time at the first instance.

*** Delivery must take place in unprotected time where possible but if external appointments cannot be rescheduled to accommodate the 60/40 split a young person's health needs should not be compromised.

5 Site Specific Timetables

The table below shows the indicative weekday timetable for YOIs. Absences from education are permitted during four three-hour periods each week. We have developed establishment specific timetables, as outlined in the table below.

YOI	Day				09:15-12:15				13:30-16:30			
Cookham Wood & Werrington	Mon	Breakfast	Time in open e.g. showers & telephones	Movements	<i>Protected Education</i>	Movements	Patrol	Movements	Permitted Absences	Movements	Time in open e.g. showers and telephones	Dinner, Roll Check and Association and Enrichment based on IEP Level
	Tue											
	Wed											
	Thu											
	Fri											
Feltham	Mon	Breakfast	Time in open e.g. showers & telephones	Movements	<i>Protected Education</i>	Movements	Patrol	Movements	<i>Protected Education</i>	Movements	Time in open e.g. showers and telephones	Dinner, Roll Check and Association and Enrichment based on IEP Level
	Tue				Permitted Absences				<i>Protected Education</i>			
	Wed				<i>Protected Education</i>				<i>Protected Education</i>			
	Thu				Permitted Absences				Permitted Absences			
	Fri				<i>Protected Education</i>				<i>Protected Education</i>			
Wetherby	Mon	Breakfast	Time in open e.g. showers & telephones	Movements	<i>Protected Education</i>	Movements	Patrol	Movements	Permitted Absences	Movements	Time in open e.g. showers and telephones	Dinner, Roll Check and Association and Enrichment based on IEP Level
	Tue				Permitted Absences				<i>Protected Education</i>			
	Wed				<i>Protected Education</i>				Permitted Absences			
	Thu				Permitted Absences				<i>Protected Education</i>			
	Fri				<i>Protected Education</i>				<i>Protected Education</i>			

6 Booking appointments in the 60/40 split

All stakeholders should review the 60/40 definitions to understand when different types of appointments can be booked. Establishments run the unprotected education sessions at times to suit local need. Below is a breakdown of the protected and unprotected sessions at each establishment.

YOI		Mon	Tue	Wed	Thur	Fri
Cookham Wood	AM	Protected	Protected	Protected	Protected	Protected
	PM	Unprotected	Unprotected	Unprotected	Unprotected	Protected
Feltham	AM	Protected	Unprotected	Protected	Unprotected	Protected
	PM	Protected	Unprotected	Protected	Unprotected	Protected
Werrington	AM	Protected	Protected	Protected	Protected	Protected
	PM	Unprotected	Unprotected	Unprotected	Unprotected	Protected
Wetherby	AM	Protected	Unprotected	Protected	Unprotected	Protected
	PM	Unprotected	Protected	Unprotected	Protected	Protected

Stakeholders working within establishments should contact their activity hubs to arrange an appointment with a young person and book a room (if necessary). Contact details for the activity hubs are provided below.

YOI	Email	Phone
Cookham Wood	ActivitiesHubCookham@hmps.gsi.gov.uk	
Feltham	Education.Feltham@hmps.gsi.gov.uk	
Werrington	Activities.Werrington@hmps.gsi.gov.uk	
Wetherby	educationwetherby@hmps.gsi.gov.uk	01937 544317 / 239 /255

Stakeholders working outside of the prison can contact the caseworker for the young person to arrange an appointment. Alternatively, the contact details below can be used to arrange an official visit.

YOI	Email	Phone
Cookham Wood	videolink.cookhamwood@hmps.gsi.gov.uk	01634 202649 01634 202653 01634 202656
Feltham	N/A	020 8844 5564
Werrington	visitsbooking.westmidlands@noms.gsi.gov.uk	0300 060 6508
Wetherby	Legalvisits.wetherby@hmps.gsi.gov.uk	01937 544 200

7 Booking Social or Professional visits

Some establishments are changing their visits times to fit in with the new core day and to better suit the need of families, carers and professional visitors. Details are provided below of visit timings at each establishment.

YOI	Social Visits	Professional Visits
Cookham Wood	Wednesday 13:45-16:15 Saturday-Sunday 09:30-11:30 and 14:30-16:30	Monday-Thursday 13:30-14:45 and 15:15-16:30
Feltham	Tuesday, Thursday, Saturday and alternate Sundays 13.30-15.00 & 15.00-16.30	Tuesday and Thursday 09.00-11.30 & 13.30-16.30
Werrington	Monday-Thursday 14:15-16:15 Saturday-Sunday 14:30-16:30	Monday-Thursday 13:30-14:30 & 15:00-16:00
Wetherby	Wednesday 18:15-19:45 Saturday-Sunday 09:30-11:30 and 14:30-16:30	Monday and Wednesday 13:45-16:15 Tuesday and Thursday 09:30-12:00

Families and carers can book a visit by visiting <https://www.gov.uk/prison-visits> or alternatively contact the prison directly using the details below.

YOI	Contact Details	Availability
Cookham Wood	Booking Line 01634 202557	09:00-15:00 hours Mon-Fri
Feltham	Booking Line 0208 844 5400 Enquiries Line 0208 844 5563.	08:15-20:00 Mon-Fri 08:15-11:45 Sat & Sun 08:30-12:00 & 13:00-16:30 Mon-Fri 08:15-11:45 Sat & Sun
Werrington	Booking line 0300 060 6508 visitsbooking.westmidlands@noms.gsi.gov.uk	09:00-18:00 Monday - Friday (excluding Bank Holidays)
Wetherby	Booking line 01937 544207	09:15 – 12:15 Mon–Thurs 09:15 – 12:00 Friday

For the latest information on booking professional visits at each establishment please visit <https://www.justice.gov.uk/contacts/prison-finder>.

8 Exceptions to 60/40 split application

The protected education periods apply to all young people with the following exceptions:

- Young people held on remand, where daily access to legal advice must be granted;
- Some complex cases where significant legal advice may be required at certain times. This can include trials where there are multiple defendants (such as gang related offences) and where trials have to be split. In some cases the Crown Prosecution Service supply evidence in a series of tranches and scientific evidence comes in late and also in a series of tranches. This will require multiple legal visits as more evidence becomes available;
- Where establishments have Enhanced Support Units (ESUs) (such as Keppel which forms part of HMYOI Wetherby), the 60/40 split will apply to the ESU in line with the main establishment. However, the overriding factor to care and support Young People during difficult times will take precedence.

9 Escalation of issues

The changes being introduced will require all partners to be flexible in their delivery and work together to ensure that the young person can access all the services required in the unprotected education periods. In the rare occasion where two appointments are required for the young person at exactly the same time and cannot be moved the establishment's appointed lead (Caseworker or Reducing Reoffending Lead) will be responsible for deciding which takes priority.

If a stakeholder does not agree with the establishment lead's decision, in the first instance this should be escalated to the Head of Casework. If further escalation is required this will be referred to the Duty Governor, whose decision will be final.

Persisting issues with delivering services to young people within guidelines set out in the 60/40 definition document should be escalated using existing governance processes in the first instance. We accept there will be *exceptional* circumstances necessitating the need to schedule appointments in the protected periods (60%). Where this occurs there should be a clear audit trail to demonstrate that all options were exhausted and appropriate escalation was followed. In addition, every such instance will need to be recorded for future analysis of the 60/40 split.

Overarching issues with operating within the 60/40 guidelines can be emailed to Protectededucation@yjb.gsi.gov.uk.

Alternatively the YJB Contract Managers can be contacted directly at:

carl.melia@yjb.gsi.gov.uk (Cookham Wood and Feltham)

lyn-marie.evans@yjb.gsi.gov.uk (Werrington and Wetherby)