

Intensive Supervision & Surveillance Programme

Referral & Case Management Procedures



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1 INTRODUCTION TO CASE MANAGEMENT PROCEDURES

This document sets out the Referral and Case Management Procedures for ISS cases in Islington . It defines the protocols, time scales and responsibilities required to ensure that all cases are handled swiftly and in line with the standards defined by the Youth Justice Board, and guidance relating to the sentencing frame work in the Criminal Justice and Immigration Act 2008, in particular the introduction of the Youth Rehabilitation Order, and the Scaled Approach.

1.1 REFERRAL

In order for a young person to obtain a place on the ISS the following will need to be considered:

- ◆ The eligibility of the young person for ISS
- ◆ The availability of places on the programme
- ◆ Their suitability for such an intensive programme.

SEE APPENDIX A FOR REFERRAL PROCESS FLOW CHART.

1.2 ELIGIBILITY

The Youth Justice Board has set the following criteria to be applied when determining whether a young person is eligible for ISS:-

A young person is considered eligible for ISS if they are appearing in court charged with or convicted of an offence, and have previously

- Been charged, warned or convicted of offences committed on four separate dates within the last 12 months and received at least one community or custodial sentence.

In addition, the young offender can also qualify for ISS if they are at risk of custody because:

- The current charge or sentence relates to an offence which has sufficiently serious that an adult could be sentenced to 14 years or more, or
- They have a history of repeat offending on bail and are at risk of a secure remand under sec 130 of the criminal justice and police Act 2001.
- They have previously had a Detention and Training Order and within a year of leaving custody they have committed an offence and are facing custody again.
- They were initially charged with Section 18 Assault and the charge was reduced to Section 20 Assault.
- They have been charged with Aggravated Taking without Consent.

SEE APPENDIX B FOR ELIGIBILITY GUIDANCE SHEET.

1.2.1 Availability of Charging Data

In order for YOT staff to identify which young people are eligible for the scheme, the issue of availability of charging data has been looked at. The YOT, on receipt of notification of charging in relation to serious offences, must notify the ISS workers of a potential referral.

Process

- ◆ At the earliest stage, when information relating to charge is forwarded by the Police detail of the offender and the offence should be checked on YOIS to assess whether the young person meets the ISS criteria.

NOTE: YOIS is now in a position to provide an identification of young people that have reached the criteria for ISS or are one episode away, where this has been identified the allocated case manager must ensure it is noted in the characteristics screen.

1.3 SUITABILITY

It is vital to know that not all young offenders meeting the criteria will be suitable for such an intensive programme. In particular, the young person must be charged with an offence that the Court have indicated is so serious that they are considering a custodial sentence.

This would mean that if a young person was at Court and the Magistrates had indicated they were considering a community penalty only, the young person would not be eligible for the ISS scheme, even if they met the initial eligibility criteria.

It is important that Court Duty Officers ensure that they ask Magistrates to give an indication of potential sentence in cases adjourned for a Pre-Sentence Report. If the scheme becomes over subscribed then extra suitability criteria may need to be applied. These will include:

- High risk of re-offending
- High risk of serious harm
- The seriousness of previous offending
- The seriousness of offence
- Membership of the Deter cohort
- The motivation of the individual under consideration
- In Detention and Training Order cases, the risk of re-offending on transferring to the community.

A suitability assessment will be undertaken prior to ISS being proposed. For any matter at the Crown Court when a Pre-Sentence Report is requested, if the ISS criteria is met, then an ISS must be considered because of the high expectation of custody. Suitability in relation to those in custody re-entering the community on an ISS must be assessed based on presenting risk.

1.4 AVAILABILITY

When it is established that a young person is eligible for ISS following consultation between the Case Manager and the ISS co-ordinator, or in their absence, the YOT senior practitioner or Team Manager, it will be necessary to agree that a place is available. The decision will be made based on current capacity.

1.5 CAPACITY

It is envisaged that at any one time, the scheme will be able to take 5-8 young people who are subject to the first 3 months of the ISS scheme and 7/8 young people who are subject to the second 3 months of an ISS scheme. This will of course vary depending on the banding levels that a young people are on during their ISS intervention.

1.6 CORE ELEMENTS

Intensive Supervision should always contain the following core elements:

- education, training or employment
- restorative justice
- offending behaviour
- family support
- interpersonal skills.

Supervision should be tailored to the individual so that any other needs the young person has such as accommodation, substance misuse or mental health are also addressed.

The supervision is coupled with an electronically monitored curfew. Wherever possible, ISS should run for six months, although a 12-month option is also available. Time spent on ISS should be split between a high intensity phase followed by a period of lower intensity as outlined in the contact levels demonstrated below:

Supervision in the high intensity period requires a minimum amount of hours – determined by the level of ISS agreed at court as set out in illustrations below:

Band 1 ISS – with 91 days activity	
Month 1:	25 hours p/w
Month 2	25 hours p/w
Month 3	25 hours p/w
Months 4-6	5 hours p/w

Band 2 ISS – with 91 days activity	
Month 1	20 hours p/w
Month 2	20 hours p/w
Month 3	10 hours p/w
Months 4-6	5 hours p/w

Extended (12 months) ISS with 180 days	
Months 1-4	25 hours p/w
Months 5-6	15 hours p/w
Months 7-12	5 hours p/w

Note: The supervision requirement of the YRO should run for longer than the extended activity requirement to allow for a continuing tapered level of support to the young person. For example with Band 1 ISS the supervision requirement should be for 12 months to allow for continued supervision when the low intensity phase ends. Where ISS is attached to a DTO Notice of Supervision high and low intensity provision should be determined on a case by case basis dependant on the length of licence. With the exception of short bail cases, the presumption should be that some time will always be spent on the low intensity phase of ISS.

The supervision should be made up of purposeful activity to be timetabled and attended every week. The length of the high intensity phase is also determined in the tables above and should always be accompanied by a curfew with electronic monitoring (unless the court feels that electronic monitoring is not appropriate). Each young person in the high intensity phase on any of the above programmes should also receive two contacts per day, seven days per week.

2 CASE MANAGEMENT

This section sets out the procedures for managing ISS cases under Bail, Community Sentence and DTOs.

2.1 ISSP BAIL

These procedures encompass legislation from:

- (i) The Police and Criminal Evidence Act 1984 in respect of young people refused bail by the police
- (ii) The Bail Act 1976 in respect of young people given conditional bail by local Youth Courts
- (iii) The Children and Young persons Act 1969 in respect of young people remanded to Local Authority Accommodation
- (iv) The Crime and Disorder Act 1998
- (v) The Powers of Court Sentencing Act 2000 in relation to the monitoring of bail conditions by voice verification.
- (vi) The Magistrates Court Act 1980, which confers powers on Magistrates to grant or refuse bail.

Where a young person has committed an offence serious enough to warrant a remand to custody, the court may consider giving a Bail Support package including ISS (Band 1). Before proposing a bail package with ISS, the YOT should complete an Asset – Bail and an ISS assessment. An electronically monitored curfew is an integral part of any ISS package, so any assessment should include the young person's suitability for tagging.

SEE APPENDIX A -1 FOR INFORMATION SUMMARY

- 1) At 9am the Duty Officer will phone police custody to establish whether a young person has been refused bail and will be attending Magistrates or Youth Court. On a Saturday or Bank Holiday the phone call to custody will be undertaken by the Court Duty Officer on. Any worker having knowledge of a young person who may be arrested and taken to the Saturday Court needs to inform the Saturday Duty Officer on the Friday afternoon.
- 2) The Court Duty Officer will also liaise with CPS / the Defence Solicitor on each planned appearance in Court where there is a possibility that bail may be refused.
- 3) Where there are concerns that a standard bail support package would not prevent a young person from being subject to a remand in custody, the YOT Duty Officer / YOT Court Officer should contact the ISS, providing the young person meets the eligibility criteria, to ascertain whether there is a place.
- 4) The ISS Officer will then advise on availability of a place. If bail is being refused on a Saturday or Bank Holiday court day, an intensive bail support programme should be offered, in consultation with the on-call duty Manager pending a full ISS assessment. The case will need to be adjourned until the next available Youth Court and an appointment made for the next working day at 9.30am with the ISS team. The bail support package should include a curfew, 7pm-7am, reporting to the police station and telephone tracking on a Sunday.
- 5) The YOT Duty Officer / YOT Court Officer will consult with the ISS, or in their absence, the senior Practitioner/Team Manager, if available, to confirm whether

the referral is appropriate. If a manager is not available and the YOT Duty Officer / YOT Court Officer feels that the ISS referral is appropriate then they should proceed as (6) below.

- 6) If there is a place available, the YOT Court Officer / ISS Officer will meet with the young person and their family at Court. They will look at what the programme can offer and whether the young person is suitable and motivated to undertake it. The YOT Court Officer / ISS Officer will explain the programme to the young person and their family, including the ISS information for parents leaflet.
- 7) During this period of consultation, the Bail ASSET will be completed by YOT Duty Officer / YOT Court Officer in conjunction with the ISS Officer where possible, in order to complete a suitability assessment and agree an outline bail supervision programme to present to the Court. If Bail ASSET points to a particular risk of harm to the public, then ASSET and Risk of Serious Harm assessments must be completed and Risk Management procedures must be followed. If consideration is being given to electronic monitoring during this bail process, the young person must be informed prior to agreeing to a Bail ISS.
- 8) Before the court appearance, the young person and family will be interviewed to explain how the Bail ISS will operate, giving an outline of the supervision and surveillance elements and explaining the obligations of the young person, including breach procedures and consequence of non-compliance. A standardised package will be made available, including a contract which the young person and family will be asked to sign prior to or during the Court appearance. A young person aged 17 without a parent or carer requiring an ISS Bail service can proceed without parental support, although if electronic monitoring is required, this will need to be agreed with a parent/carer or owner/occupier of the property in which they reside.
- 9) There would be an expectation that electronic monitoring would be part of the programme and this would be part of the identified plan. It will be the responsibility of the Court to contact G4S services immediately if electronic monitoring is appropriate.
- 10) The YOT Duty Officer / YOT Court Officer will explain to the Court the elements of the individual programme and will present the ISS bail package to the Court.
- 11) On acceptance of the recommendation for ISS it will be the responsibility of the court to send the Order notification to the electronic monitoring contractor and G4S, as the contractor, will complete their induction visit in the first curfew period.
- 12) If the ISS bail package is agreed, for all cases the young person must be seen after court (on the day of court). The young person will be provided with a copy of their bail package, which they will be required to sign. A copy will be passed to the ISS at the earliest opportunity. If the next day falls at a weekend / Bank Holiday then ISS staff will arrange that the young person reports daily to the police station until the Induction process can commence on the next full working day.
- 13) The case will be allocated at the earliest opportunity to the ISS officer,(24hrs maximum) by the Senior Practitioner/YOT Manager.

- 14) If not already completed, the following assessments must be carried out as part of the induction process with the young person within the first week of a new intervention:
- ◆ Full ASSET assessment (including Risk of Serious Harm and Vulnerability Management Plan where appropriate).
 - ◆ If Issues identified e.g. Drugs. Alcohol, Emotional/Mental Health, Living arrangement and /or Family Personal relationships have been identified, the young person **must** be booked into “assessment Wednesday”, for further screening.
 - ◆ Literacy and Numeracy assessment
 - ◆ Psychology Assessment (if applicable)
 - ◆ Learning style Assessment
 - ◆ Diversity Assessment
- 15) Planning of the core programme – This must be finalised, agreed and signed within 2 working days of a bail package being proposed.
- 16) Progress will be reviewed on a weekly basis with the ISS Officer and reviewed six-weekly for the period of the bail process. It is the responsibility of the ISS Officer to deliver and monitor compliance with the programme, supported by sessional worker. The sessional workers and ISS Officer will enter a daily written feedback onto YOIS on each element of contact.
- 17) Timetables for all ISS young people will also be generated through YOIS, allowing management oversight of young peoples attendance and compliance
- 18) On conviction, a Pre-Sentence Report will invariably be requested. Consideration should be given as to whether ISS will then be a suitable sentence for the young person. The ongoing assessment of the ISS bail element should assist in making a decision regarding this. Bail cases must always be referred to the Risk Management Panel as soon as possible. The PSR author should consult the ISS Officer in order to inform their decision.

Note: If insufficient information is available on a Saturday or Bank Holiday Court to make a realistic risk assessment then an intensive bail support package should be proposed to include a restrictive curfew or electronic monitoring, reporting to the local police station and Sunday phone tracking. An adjournment should be made until the next available Youth Court when an ISS Bail Package can then be considered. If electronic monitoring is arranged, the case manager will need to make contact with G4S on the next working day

2.2 YRO WITH ISS

These procedures encompass legislation from:

- (i) The Criminal Justice Act 1991, in relation to the request for Pre-Sentence Reports
- (ii) The Children and Young Persons Act 1969 and Powers Of Criminal Justice Courts (Sentencing Act) 2000 in relation to Supervision Orders
- (iii) The Powers of Criminal Court (Sentencing Act 2000) in relation to Community Rehabilitation Orders
- (iv) Powers Of Criminal Courts (Sentencing Act 2000) and the Justice and Court Services Act 2000, in relation to curfew and electronic monitoring.
- (v) The Crime and Disorder Act 1998.
- (vi) Schedule 1 of the Criminal Justice and Immigration Act 2008

A court can only sentence a child or young person to a YRO with ISS when:

- The court is dealing with a child or young person for an offence which is punishable with imprisonment
- The court is of the opinion that the offence, or combination of offences, was so serious that but for ISS (or IF), a custodial sentence would be appropriate
- If the child or young person was aged under 15 at the time of conviction, the court must be of the opinion that they are a persistent offender
- If the offence is non-imprisonable, but the young person is already in breach of a YRO, ISS is available only where the court considers there has been wilful and persistent non-compliance.

Once the court is satisfied that the criteria outlined above have been met, they may sentence a child or young person to a YRO with ISS. However, if the court chooses not to impose an alternative to custody they must, in line with paragraph 80 (3) schedule 4 of the Act, state that a YRO with Intensive Supervision and Surveillance is not appropriate and the reasons why.

A YRO with ISS comprises of a number of mandatory requirements, these are:

- An extended activity requirement of more than 90 days (i.e. 91 days) but no more than 180 days
- A supervision requirement (minimum of 12 months in length)
- A curfew requirement
- An electronic monitoring requirement (unless the court considers it inappropriate to do so).

Other requirements may be added to a YRO with ISS, however, a YRO with ISS may not also impose an Intensive Fostering requirement.

Where is it appropriate?

A YRO with ISS should be considered where the child or young person has met the custody threshold (offence punishable by imprisonment and for those under the age of 15, also persistent) and where a less intensive YRO would not be sufficient.

1. At Court, the Court Officer should have a list of ISS eligible candidates or have access to the YOIS database and be aware of the seriousness of any offence and the likelihood of custody. (See 1.3 re: suitability)
2. When a Young Person has appeared in Court and a Pre-Sentence Report has been ordered, if the Court is considering custody then an ISS Programme should be considered if the young person meets the criteria.
3. All reports should be completed taking full account of National Standards and Effective Practice guidance issued by the National Youth Justice Board. They should also follow the relevant Quality Assurance Procedures, Assessment Processes, Risk Management Procedure and Information Sharing Procedures of Islington Youth Offending Service.
4. This guidance outlines the process from the point that a Pre-Sentence Report (PSR) is ordered to the point that it is submitted to Court.

NOTE: If at any point during this process issues of Risk are identified, the Risk Management Procedure must be followed. There is an expectation that all Youth Offending Service staff coming into contact with a Young Person make themselves aware of current Risk Status, ASSET score and other relevant information by checking YOIS.

PSR – Request to Sentence

5. When a PSR is requested at Court, it will be allocated to the Report Author within one working day. If the young person is already on an existing order, or has completed an order within the past three months with Islington YOT, the Report Author will normally be the current/previous Case Manager, unless that person is carrying an exceptionally high case load at that time. This will be a decision taken by the Senior Practitioner/Team Manager, when it will be re-allocated.
6. Before the young person leaves the Court, the Court Officer will:
 - a) Explain the report writing process to the young person and provide them with a copy of the leaflet explaining this process and ensure the young person is able to understand this.
 - b) Ensure that the young person understands that they will be contacted by the allocated Report Author within two days in relation to making an appointment for the completion of the report.

If a Case Manager is aware that an allocated case is likely to require a report, then an appointment with the young person should be pre-arranged to avoid delay. Where this is not possible, the Case Manager should provide the Court Officers with suitable dates and times for an appointment to be arranged.

7. Following a request for a PSR, the Court Officer will:
 - a) Record the relevant details on the Court Tracker
 - b) Inform the Senior Practitioner/Team Manager, who will ensure that the Case Manager writing the report will have the appropriate time available to do so.
 - c) Immediately pass the CPS documentation over, along with a copy of the Court Tracker and any other relevant documentation, to form into a package, to pass onto the Report Author within one working day.

- d) Ensure that they have passed on relevant details to the Victim Worker immediately in relation to offences involving a victim, to enable the victim's views and wishes to be sought.
 - e) Ensure that they have passed on relevant details to the Education Welfare Officer if of school age for an education check to be undertaken.
 - f) Pass the Court Tracker to the Admin Officer to enable the report request to be recorded on YOIS (Proceedings, Report and Career Allocation Windows) to be entered immediately. Once inputted, the Court Tracker is returned to the Court File.
8. As the young person is being considered for an Intensive Supervision and Surveillance, and in the circumstances of the case a custodial sentence is a possible outcome, then the Report Author should make immediate contact with an ISS Officer to commence the joint assessment process¹.
9. As part of the initial appointment with the young person, the Report Author should:
- a) Collect information through interview for the completion of ASSET and the PSR².
 - b) In all cases the young person must be made subject to a Full Risk Assessment by the completion of the Risk section of ASSET. If Risk is identified refer to the Risk Management Policy and Procedures for further detailed guidance.

The level of Risk to others presented by a young person is a crucial factor in the decision process of whether ISS (or other community sentences) remains viable.

- c) Obtain details of the young person's availability and commitments, to enable completion of all of the relevant assessments on time. *[This information is essential in the development of a realistic plan that can take account of the various individuals and geographical locations involved.]*
- d) Complete the 'What do you think' ASSET Questionnaire.
- e) Complete the SQIFA Questionnaire if appropriate
- f) Complete an assessment of the young persons learning style & diversity screening
- g) Obtain all details required to assess suitability of address for curfew element

At The First Contact After Court: Ask the young person to sign two copies of the Information Sharing Form to give informed consent about the collection, storing and sharing of relevant information. The Report Author needs to be clear that the young person understands what they are signing³. One copy of the form should be placed on the paper case file and a copy given to the young person. They should also be provided with a leaflet and information about the Youth Offending Service Information Sharing Policy and how to gain access to their own record.

10. Following the initial appointment, the Report Author should:
- a) Complete the computerised Asset Assessment and Risk of Serious Harm.

¹ See "Intensive Supervision and Surveillance Referral and Case Management Procedures"

² See Quality Assurance Process for PSR/SSR, Assessment Policy, Risk Management Policy and Information Sharing Policy

³ Refusal by the young person to sign the form may limit the effectiveness of an assessment and this should be brought to the attention of a Manager and appropriate action agreed.

- b) Discuss the case with the ISS officer who will liaise with the Victim Worker in relation to the victim information and the Reparation Worker regarding appropriate reparation, highlighting that the proposal is for ISS, and that a placement needs to be available at the start of this order. It should be noted that reparation required would be a minimum of 5 hours a week, to commence immediately and be completed in the “high intensity” period of the order.
- c) Discuss the case with the ISS officer and with any specialist staff and outside agencies who will be involved in delivering the Intervention Plan (based on the criminogenic needs identified by Asset (E.g. Substance Misuse work).

11. The Victim Worker will:

liaise with the consenting victims to establish the possibility of any direct restorative process taking place and/or any views from the victim regarding reparation, including any request for a letter of apology. This should involve direct contact whenever possible.

12) The ISS Officer will:

liaise with the Reparation Worker about the appropriate reparation and together they will ensure that immediate reparation is available when sentenced and ensure that it is compatible with the rest of the ISS intervention Plan. Information outlining the proposed reparation will be passed on to the ISS Practitioner prior to the Court sentencing date.

Reparation Expectations of ISS

Reparation is an important component of the ISS programme and needs to be undertaken on a weekly basis during the intensive part of the order. The expectation is that those on a community penalty ISS will undertake 40 hours of reparation. Those on a DTO ISS will have a decision made by the case manager with an expectation of up to 30 hours for a 6 months order, and up to 20 hours for a 3 months order. Hours will be completed in the intensive part of any order or carried over to the less intensive if there are hours outstanding.

- 13) The Report Author must ensure access to available information for the ISS Officer including:
 - a) Core Asset
 - b) Risk of Serious Harm Asset
 - c) Details of previous convictions / Final Warning / Reprimand
 - d) ‘What do you think’ ASSET questionnaire
 - e) Youth Offending Service based interventions
 - f) Details of previous / current interventions that have proved effective / ineffective with opinion as to reasons for effectiveness / ineffectiveness.
 - g) The Report Author needs to consider appropriate interventions based upon the Youth Offending Service’s knowledge of the young person and the highest scoring

areas of Asset. This should include some idea as to which areas are likely to require priority focus.

- 14) The ISS Officer will draw together all of the relevant information in liaison with ISS and Youth Offending Service staff. The finalised plan for inclusion with the PSR will be completed and available for discussion with the young person and family / carers prior to Court.
- 15) The admin Officer will complete the "Reports" window in YOIS, including:-
 - a) Date Report completed and proposal(s) if not already entered
 - b) Copying in the final version of the PSR into the details section of the Reports window. The ISS report will be saved in the young person's file on the W drive.
- 16) The ISS Officer will become the Case Manager unless the Senior Practitioner/Team Manager has decided otherwise. The case will need to be reallocated once the ISS component is drawing to a close. As a part of the reallocation process the ISS Officer will ensure the Asset is reviewed, and the Intervention Plan is updated, indicating what aspects have been completed, and what remains outstanding.
- 17) Prior to the sentencing hearing, the Case Manager / ISS Practitioner will provide the Court Duty Officer with details of the first appointment for the young person. Usual practice is that they will be seen on the day of sentence, unless it is an out of area report. This means the young person will be expected to report to the YOT following court.

2.3 DETENTION AND TRAINING ORDER

These procedures encompass legislation from:

- (i) The Crime And Disorder Act 1998 in relation to the supervision element of a Detention and Training Order
- (ii) The Criminal Justice and Courts Act 2000 in relation to the electronic monitoring of the community element of a Detention and Training Order.

SEE APPENDIX A - II FOR INFORMATION SUMMARY

ISS is also available as an option to add to a DTO Notice of Supervision. However, this should only be used where risk assessment indicates serious risk of harm or high likelihood of reoffending. Necessity for ISS following a custodial element of a DTO would be indicated as follows:

- Young people eligible for MAPPA (categories 1, 2 and 3) and/or
- Young people with an Asset score of 33+ and/or
- A high or very high risk of serious harm.

Young people meeting the above requirement on sentence should be reassessed prior to release. YOT should use professional judgement to decide if ISS should be added on to their Notice of Supervision as not all young people meeting any one of the above categories will need ISS. However where it is appropriate, the young person should be directed to Band 1 ISS and should have a curfew with electronic monitoring. The supervision level, on release, for those who do not meet the above criteria should be based on the scaled approach model to determine the appropriate intervention level.

- 1) If a young person is sentenced to a Detention and Training Order or Section 91 Custodial Order and meets the criteria for an ISS, it is the responsibility of the Case Manager to assess whether, because of the possible risk posed upon return to the community, this young person needs to be considered for an ISS. All clients made subject to a custodial sentence the seriousness of risk must be considered with a view taken with regard to ISS on release. Where this has been identified the ISS Officer will conduct an ISS assessment while the young person is in custody to inform the intervention planning process prior to release
- 2) DTO ISS report needs to be sent to custody in time for the Governor to see the plan for pre-release when making a decision for early release.
- 3) The suitability for ISS must be kept under review as part of sentence planning reviews. The consideration of an ISS should be included on the T forms recording. The final decision will be taken by the YOT and the Secure Estate representative will be invited to this meeting (although the Secretary of State has the power to impose)
- 4) Once ISS has been identified as appropriate, the YOT Case Manager will confirm with the ISS officer about availability on the programme. This place will then be reserved prior to release. A meeting between the young person and the ISS Officer must take place to explain the expectations of the programme and the consequences in the case of failure to engage. If this decision changes, the ISS needs to be contacted immediately. There needs to be clear management of places at the ISS in relation to young people who are seen as suitable and require a service on release.
- 5) The YOT Case Manager will arrange the final review meeting up to a month prior to release and it is important that the family and the identified ISS Officer will attend this meeting. ASSET should be reviewed and updated and where appropriate, the Risk of Serious Harm ASSET should be completed and Risk Management Procedures followed. If at this late stage it is decided that further specialist assessments are required, ISS and YOT specialists will undertake these on release during the induction period.
- 6) At this final review meeting, the young person (and family member where appropriate) will sign the ISS Contract. From the point of release the ISS Officer will assume the role of Case Manager until the ISS component of the licence has been completed.
- 7) The YOT Case Manager will liaise with the ISS Officer and the core programme will be planned to reflect the target areas identified by ASSET. The ISS will take responsibility for contacting other YOT specialists to ensure that a clear initial timetable is available prior to release from custody.
- 8) The YOT Case Manager will contact the YOI to ensure that the Post Custody Supervision Notice contains details of the ISS programme.
- 9) On the day of release, the young person will report to the ISS Officer at the YOT.

- 10) The first week will involve a period of induction. Within ten days of release, a Planning Meeting will be held involving
 - ◆ The ISS Officer
 - ◆ YOT Case Manager (for custodial period).
 - ◆ The young person and a parent/carer
 - ◆ Case worker from the Secure Establishment
 - ◆ Specialist workers where appropriate

- 11) The purpose of the meeting is to reiterate the ISS Supervision and Surveillance element and ensure that the young person understands the requirements of the ISS and the community element of the DTO. The initial supervision plan and timetable will be discussed again. The meeting should also set Review dates in accordance with National Standards.

3 BREACH PROCEEDINGS

This section covers the procedures and protocols for breaching a young person on ISS.

In order for ISS to be perceived as a credible alternative to custody, Magistrates and the community need to see that breach action is swift and decisive.

The breach process can include a warning on the curfew monitoring alongside warnings for failures to comply with other parts of the programme.

SEE BREACH PROCEEDINGS

3.1 YRO'S (INCLUDING PREVIOUS COMMUNITY DISPOSALS).

- 1) Any unexplained the YOT ISS Officer with a telephone call or home visit must follow up missed appointments within one working day. A missed appointment letter must be sent immediately and documented on YOIS. (Unless there has been contact that has been recorded on YOIS).
- 2) If an appointment is missed, the ISS Officer will make a decision as to the acceptability of the explanation must be noted in the file. This needs to be agreed and signed by the Senior Practitioner/Team Manager. Copies of Formal Warnings must be entered on to the YOIS Case Record in the Key process stage.
- 3) There is an expectation that if a Formal Warning is to be issued, this is sent as soon as possible and is evidenced that it has been sent. The YOT ISS Officer, Senior Practitioner or Team Manager, must sign all letters sent.
- 4) A young person is allowed two formal warnings in line with National Standards and following another failure; breach action must be initiated within five working days of the most recent failure to comply. If the offender has previously received two Formal Warnings within the first twelve weeks of the Order (in terms of the Community Rehabilitation Order, this would be one Formal Warning), proceedings can only be stayed in exceptional circumstances. If the decision is not to breach this must authorised by Team Manager, after consultation with the ISS Officer.
- 5) It will be the aim of the Islington YOT to initiate Breach Action immediately rather than to wait five working days, as outlined in National Standards. The ISS Officer will endeavour to collate all information from Service Providers and Electronic Monitoring Companies and then be able to approach the local Court at the earliest opportunity, in order to establish a date for the hearing and prepare a summons.
- 6) It will be the responsibility of the ISS Officer, to instigate Breach Proceedings and the aim will be to have a young person in Court as quickly as possible. A summons needs seven days to be served legally. The YOT will contact the Listing Officer at the local court and obtain a court date, which must be for 7 working days after the summons has been served. Breach papers and a summons must be prepared by the ISS Officer and be taken to court and signed as quickly as possible.
- 7) The ISS Officer will ensure that the young person's Solicitor, and the Crown Prosecution Service are aware of the Breach Proceedings, so that there are no delays at Court.

3.2 BREACH OF A CURFEW

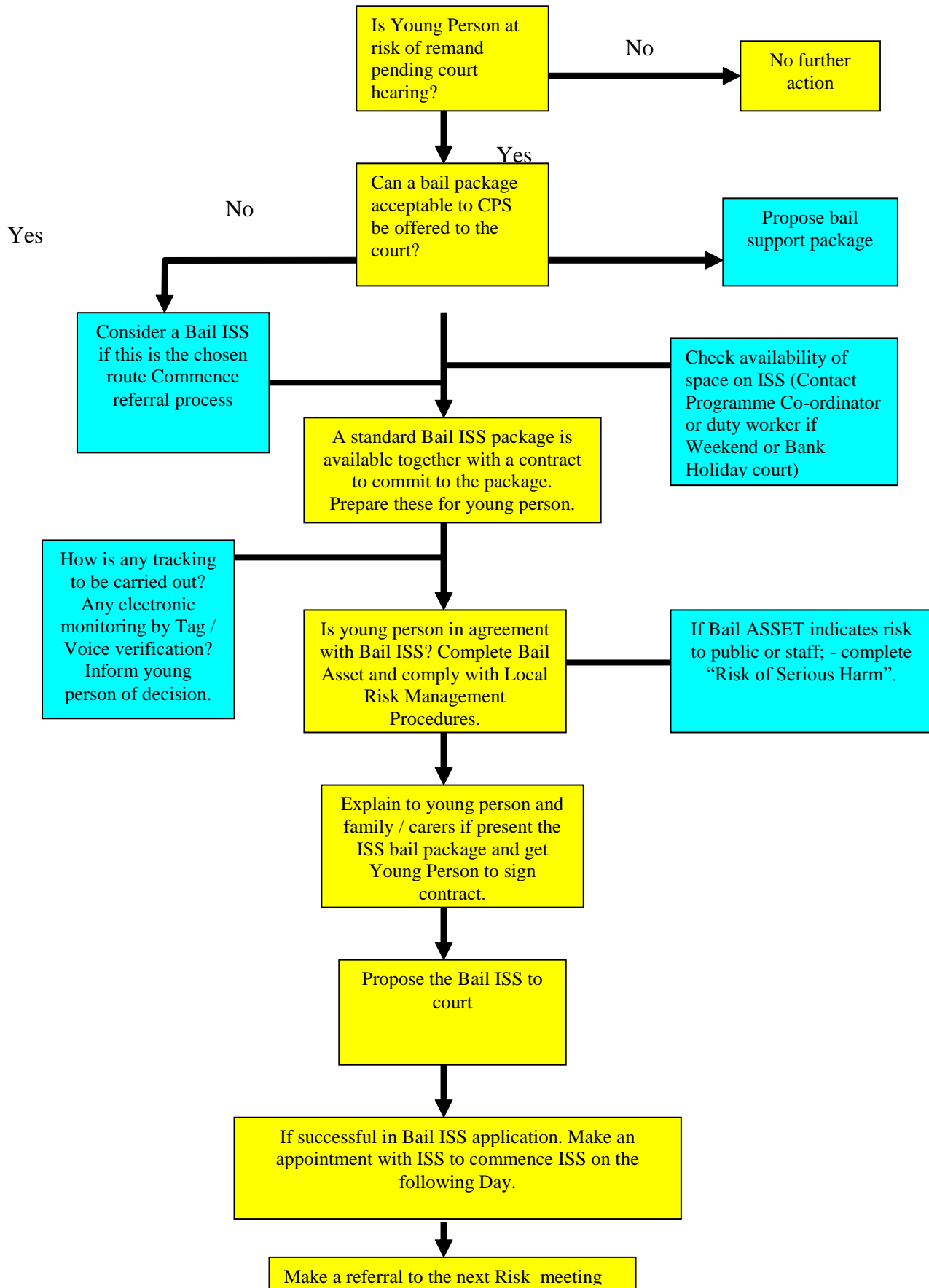
- 1) The ISS Officer will be responsible for initiating breach action for young offenders on DTO or YRO, while the ISS component is active. G4S must notify the relevant ISS Officer of any breach of curfew. Any failure of compliance should be forwarded formally in writing by G4S, showing the times of non-compliance, so that a formal warning can be given.
- 2) In circumstances where breach occurs due to non-compliance with electronic monitoring, it is essential that the YOT is in a position to provide the Court with up to date information about the level of compliance and progress the young person has made on the other aspects of the Intensive Supervision and Surveillance. The ISS Officer must then ensure that the YOT Court Officer is provided with the details of progress prior to the breach hearing.

3.4 BREACH OF ISS BAIL

- 1) The defending solicitor will be notified of any breach by telephone, fax or letter.
- 2) The YOT ISS Officer will follow up on the missed appointment on the same day by phone or a visit to the home address.
- 3) Following a failure to attend, the Police will be notified immediately (within 24 hours) by either the YOT ISS Officer, or the YOT duty officer where this is not achievable in the stated timescales.
- 4) The YOT will provide a copy of the bail notice and a written statement to the Police in relation to the circumstances of the breach.
- 5) The Police will be responsible for the arrest of the young people and his/her return to Court for breach.
- 6) The young person and their carer will be notified of the breach and the young person given the opportunity to surrender voluntarily to the Police Station.
- 7) The Police will notify the YOT of the arrest within 24 hours.
- 8) The Court Officer or a representative of the Youth Offending Service will attend Court and provide further information to assist the Court in decisions regarding Bail ISS. An ISS report will be available to comment on suitability, and viability of the order being allowed to continue or otherwise.

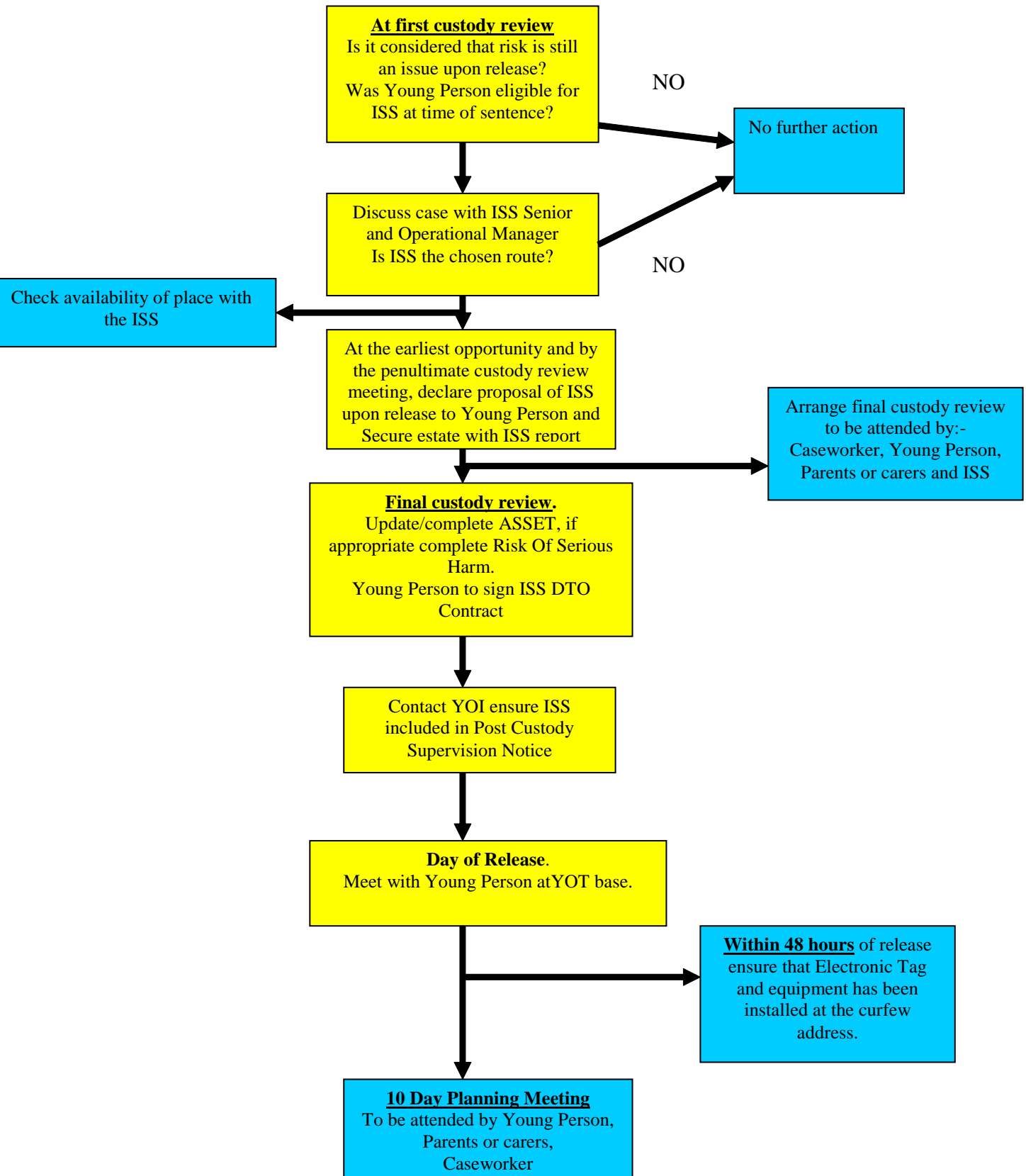
APPENDIX A: I BAIL REFERRAL PROCESS

ss referral to ISSP Bail Package.

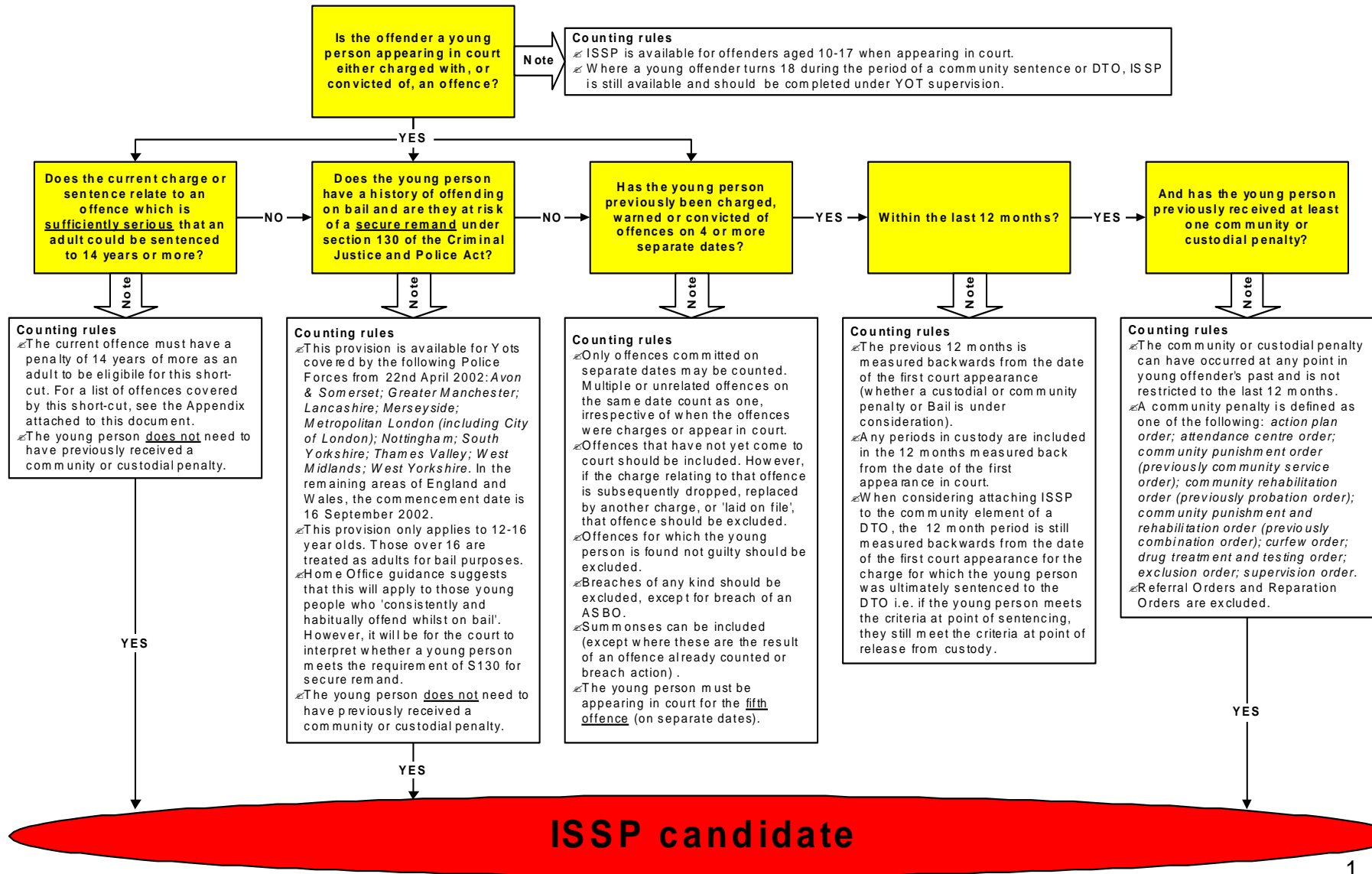


APPENDIX A: II DTO REFERRAL PROCESS

DTO



APPENDIX B: ELIGIBILITY CRITERIA – GUIDANCE SHEET



APPENDIX C: Offences Sufficiently Serious for 14 Years

OFFENCES COVERED BY THE "SERIOUS CRIME SHORTCUT" ONTO ISSP

The list below covers those offences that carry a maximum penalty of 14 years or more in prison in an adult court. Changes contained in both the Sexual Offences Act 2003 and the Criminal Justice Act 2003 have been taken account of when compiling this list.

Offences punishable with life imprisonment

Murder

Manslaughter

Soliciting murder

Wounding with intent to cause grievous bodily harm

Attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence

Using chloroform etc. to commit or assist in committing of any indictable offence

Causing bodily injury by explosives

Using explosives etc. with intent to do grievous bodily harm

Endangering the safety of railway passengers

Causing explosion likely to endanger life or property

Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property

Child destruction

Infanticide

Possession of firearm with intent to endanger life

Use of firearm to resist arrest

Possession of firearm at time of committing or being arrested for offence specified in Schedule 1 of Firearms Act 1968

Carrying a firearm with criminal intent

Robbery or assault with intent to rob

Aggravated burglary

An offence of arson under section 1 of the Criminal Damage Act 1971 (c.48)

An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson

Hostage taking

Hijacking

Offences punishable with life imprisonment (Cont)

Destroying, damaging or endangering safety of aircraft

Other acts endangering or likely to endanger safety of aircraft

Torture

Endangering safety at aerodromes

Hijacking of ships

Seizing or exercising control of fixed platforms

Destroying fixed platforms or endangering their safety

Other acts endangering or likely to endanger safe navigation

Offences involving threats

Offences relating to Channel Tunnel trains and the tunnel system

Genocide, crimes against humanity, war crimes and related offences, (other than one involving murder)

An attempt to commit murder or a conspiracy to commit murder

Attempted Murder

Rape

Assault by penetration

Rape of a child under 13

Sexual assault of a child under 13

Causing or inciting a child under 13 to engage in sexual activity

Committing an offence with intent to commit a sexual offence (where the offence is kidnapping or false imprisonment)

Inducement, threat or deception to procure sexual activity with a person with a mental disorder (with penetration)

Causing a person to engage in a sexual activity without their consent (with penetration)

Administering drugs or using instruments to procure abortion

Incest by a man with girl under 13

Buggery, and attempted buggery, with an animal or a person under 16

Sexual activity with a person with a mental disorder impeding choice (with penetration)

4 OFFENCES CARRYING A MAXIMUM PENALTY OF 14 YEARS IMPRISONMENT

Placing explosives with intent to do bodily injury

Burglary with intent to-

(a) inflict grievous bodily harm on a person, or

(b) do unlawful damage to a building or anything in it

Aggravated vehicle taking involving an accident which caused the death of any person

Causing death by dangerous driving

Causing death by careless driving when under the influence of drink or drugs

Female genital mutilation

Assisting a girl to mutilate her own genitalia

Assisting a non-UK person to mutilate overseas a girl's genitalia

Importation or exportation of Class B drug

Production or being concerned in the production of Class B Drug

Supplying or offering to supply Class B Drug

Having possession of Class B Drug with intent to supply

Production/supply/importation of class C drugs

Possession of a class C drug with intent to supply/deal

Handling stolen goods

Manufacturing or supplying a scheduled substance

Abduction of female by force

Sexual activity with a child family member (where the offender is over 18)

Inciting a child family member to engage in sexual activity (where the offender is over 18)

Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity (no penetration)

Making or possession of explosives under suspicious circumstances

Permitting the use of premises for use of class A or B drugs

Cultivation of cannabis

Assisting an offender to retain the benefits of his proceeds

Blackmail

Fraudulently printing, mutilating or re-issuing of stamps

Abduction of female having interest in property

An offence under section 9 of the Theft Act 1968 (c.60) of burglary with intent to commit rape

Arranging or facilitating commission of a child sex offence

Controlling a child prostitute or a child involved in pornography

Arranging or facilitation child prostitution or pornography

Trafficking within the UK for sexual exploitation

Trafficking out of the UK for sexual exploitation

APPENDIX D: Serco and Breach Proceedings

Guidance note on Breaches of Electronically Monitored Curfew Orders

Responsibility

The supervising officer in the YOT is responsible for breaching all curfew orders where they are made at the same time as a supervision order. This will include all supervision orders with ISS.

YOT are not responsible for breaching stand-alone curfews. If a curfew order is made on the same sentencing occasion as a supervision order then it is the responsibility of the YOT. If a curfew is made on a separate date when no supervision order is made then it is a stand-alone curfew.

It is the responsibility of the EM contractor to breach stand alone curfews.

If a curfew order is made as punishment for breach of a supervision order then it is the responsibility of the YOT.

For ISS and other curfew orders made at the same time as a supervision order refer to chart 1.

If there is any change in the young person's circumstances i.e. they turn 18 and move over to probation, transfer to another YOT or have a change in their home circumstances, if the young person is on a Supervision Order, the contact must be immediately made with the Court, who will contact G4S with any adjustment. If the young person is on a DTO ISS, then any alteration needs to be made with the final Secure Establishment, who would then inform the contractor.

If the YOT erroneously receive breach information they must immediately inform the electronic monitoring supplier to avoid cases where some YOT have not done this and young people have slipped through the net.

Flow chart explanation

1. Start = Order made, notification of contact details and named supervising officer communicated to contractor within 1 working day of order being made

2. Violation of curfew

There are two levels of violation

- Less serious, a less serious one, requiring a warning letter, will be where there have been one or more curfew violations whose total length amounts to a period of 2 hours, any equipment tamper apart from serious damage such as removal or damage causing malfunction.
- More serious A more serious one where the breach threshold has been reached will be where the young person has been absent for a whole curfew period, or where there are one or more curfew violations whose total length amounts to a period of 2 hours where the young person has already received a warning for another curfew violation,

and a second equipment tamper or removal of any of the equipment, (such as cutting off the tag), or damage causing non-functioning of any of the equipment and should be breached.

The electronic monitoring contractor will investigate the level of any breach and therefore there is no need for the YOT to carry out this task. If the absence was for a genuine reason, such as a hospital appointment for example and proof has been supplied, the contractor will not treat the absence as a breach. For more information on what the contractor classifies as a genuine reason please contact G4S. In relation to a Bail ISSP, G4S would need to inform the police, but would provide any information, so that the YOT can make an informed decision. G4S will only inform on one bail breach during a Bail ISSP episode.

3. The contractor identifies the level of curfew violation and sends notification to the YOT in standard format by secure e-mail.
4. The supervising officer will decide whether action is to be taken – if this is a first lesser violation, a warning letter should be sent to the young person.
5. At the time of deciding what action to take the supervising officer will determine whether there is any other outstanding curfew violation on file send a warning letter if appropriate – the YOT will inform the contractor of that action.
6. OR If the violation is a more serious one then breach action should be preceded with straight away. (It should be noted that breach of a curfew in ISS could count towards the breach of the ISS condition.)
7. When court action is decided upon the YOT will complete court information using violation dates provided by contractor and apply for summons or warrant. Date of the summons will be communicated to the contractor. Once the breach pack has been issued the onus is on the YOT worker to understand the content. If there are any areas that need further clarification it is up to the YOT to contact the EM provider for clarification.
8. Contractors will provide section 9 witness statements in time for the hearing.
9. If there is a guilty plea the outcome of the court hearing should be communicated immediately to the contractors. If young person goes to custody or has order revoked the contractor will remove the tag and equipment within 1 day if access can be gained.
10. If the violation is more serious or there are 2 less serious violations, the expectation is that immediate breach action is taken. There is some discretion on the part of the supervising officer about whether to breach or not – If the YOT supervising officer decides not to breach the contractor must be informed and a reason given.

Any decision not to breach must be defensible and should be taken only in exceptional circumstances. These exceptional circumstances should be recorded and the decision signed off by the YOT manager.