



The Association of Youth Offending Team Managers (AYM) response to the Ministry of Justice Consultation on 'Early and Late Release for Detention and Training Orders' Policy Framework'

About the AYM

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda.

Our members run services providing community-based supervision for children and young people who offend. We also work with children in custody and work closely with staff in secure units and young offender institutions to ensure that young people receiving custody experience as smooth a transition as possible into custody and back in to the community.

The AYM welcomes the opportunity to provide a response to the policy framework and agree that motivating children from the point of entry into custody and throughout their custodial journey to proactively engage with their resettlement plans is essential if the causes of their offending are to be addressed and a positive shift in their identity is to be achieved.

The AYM also supports effective resettlement planning that actively engages children within the secure estate in education, training, and addresses improvements in their health and wellbeing.

We find the framework useful and the inclusion of flowcharts is helpful. We agree that 'procedural justice' is necessary and it is pleasing to see this identified within the framework. The AYM would like to know how the Ministry of Justice will assess whether children feel procedural justice is being applied. We are hopeful that the measure of this is not compliance and/or conformity: much research has shown such an outcome can result from less positive, and in some cases damaging, approaches.

The AYM would also appreciate clarification of how children's perceptions of procedural justice within the secure estate are to be captured.

The AYM is pleased to see the inclusion of 'constructive resettlement' within the framework and the requirement for this to begin at induction, with the inclusion of advice to the child of their early, mid-point and late release dates.

With regard to the procedures within the framework, the AYM has the following concerns:

3.1 Early release will no longer be solely reliant on custodial behaviour but also take account of the child's overall progress and journey towards desistance which contributes to the protection of the public from serious harm.

The AYM would like to understand who will assess this. As the YOT is responsible for the child's sentence plan we would wish the decision for early release to be based on a joint assessment between the secure estate and the YOT.

4.9 It must be explained once the relevant dates have been established, whether the offence for which the child received a conviction means that there will be a presumption in favour of or against their early release. Their level of engagement and progress required to achieve early release depends on the type of offence for which they were convicted.

We would suggest that this is split into two different paragraphs, the first requires the child to be informed of relevant dates.

The second sentence is about the child's behaviour/engagement and the AYM would like to see more detailed information regarding this. If procedural justice is to be assured levels of engagement and progress monitoring will need to be clearly defined so that a child fully appreciates what is required and the impact of their behaviours.

4.12 The application needs to be made to the Youth Court.

The AYM would like to know the form of applications for late release,. For example, will YOTs be required to provide supporting evidence?

*4.16 If a child wants to opt out of being considered for early release, a letter must be sent by the Resettlement Practitioner to the authorising body **eight weeks** prior to the child's early release date with an explanation of why the child does not want to take part in the scheme and the secure setting's recommendation. This letter must be signed by the child and an appropriate secure setting representative.*

The AYM would wish this to be amended to say that the child's parent/carers and the YOT should be informed immediately in order for the reasons for the child wishing to opt out are discussed with them, and to ensure that the child fully understands the implications of this. Once this has occurred, and if the child continues to wish to opt out, the resettlement practitioner should advise the authorising body.

4.24 When assessing applications for early release, the following need to be considered:

The AYM would wish to see such an assessment as a joint one between the secure estate and the YOT.

4.26 In order for children who fall under this category (4.25) to gain early release, they must make exceptionally good progress against their resettlement / training plan objectives.

The AYM appreciates that 4.27 and 4.28 consider 'the starting point' and the way in which 'exceptional progress' can be determined. However, we believe these are subjective considerations which the child may not understand, or agree with, and as a result may not be considered procedurally just.

Similarly, 4.29 requires 'due regard' to be given to the child's engagement with opportunities made available to them whilst detained. Whilst YOTs encourage children in secure accommodation to engage with activities, there could be a variety of reasons for them not wishing to do so, including peer pressure etc, which may not be obvious to supervising staff. The AYM would wish YOTs and the child to be included in the assessment for early release to ensure transparency of such important decision making.

We thank you for including the AYM in your list of stakeholders to this consultation.

If you require any clarification, or wish to discuss this response further, please contact me at Lesley.tregear@aym.org.uk

Kind regards

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On behalf of the Association of Youth Offending Team Managers Ltd. (AYM)