

12. Custody

12.1 Purpose

The purpose of the Custody module is to provide the information that the YJB Placement Service and secure establishments require from the YOT to facilitate a young person's safe transfer to and admission into custody. The module is completed by the YOT prior to the placement, used by the YJB Placement Service to inform the placement decision, and then reviewed and updated by secure establishment staff after the young person's admission.

It is essential that information regarding young people passed to the YJB Placement Service and the secure estate is up to date, and therefore the pre-populated content of the Custody module must be fully reviewed and updated before the information is sent to the YJB Placement Service. Where this module is used for young people with previous YOT involvement, existing information in last completed AssetPlus stage should be reviewed as there will be a mix of new and old information in the framework.

There are a number of mandatory fields within the Custody module which are listed in Appendix 6. Where information about the young person is unknown at the point of completion, 'Yet to clarify' answers are acceptable to ensure that the YJB Placement Service and secure establishments know not to assume there are no issues.

Practice Point

The YOT must adhere to YJB Case Management Guidance⁵² and YJB Placement Policy and Placement Protocol⁵³. In particular:

1. where possible send all the documents in advance,
2. every time the young person receives a custodial outcome the YOT **must** contact the YJB Placement Service via a phone call; and,
3. documents should not be faxed through to the Placement Service, but sent via the YJB's recommended secure method of transfer, Connectivity. Where Connectivity is not available, it is acceptable to send a XML/PDF/Word version of AssetPlus via secure email.

Practitioners completing this module should avoid the use of acronyms for local programmes or assessments, as these will not necessarily be known or understood by other services.

⁵² [Custody and resettlement - Publications - GOV.UK](#)

⁵³ [Placing young people in custody: guide for youth justice practitioners - Detailed guidance - GOV.UK](#)

12.2 Overview

As an overview the information in the module relates to the following three areas:

1. Placement information

This information is pre-populated where the young person is currently or previously known to the YOT and is reviewed by the YJB Placement Service in order to inform the placement of the young person in the secure estate. It contains the basic young person details, the offence or alleged offence⁵⁴ details and the YOT placement recommendation, as well as information on their health, personal circumstances, future behaviour and safety and well-being concerns.

Secure estate staff will review and update the Custody module, in particular the future behaviour and safety and well-being sections, based on any additional information they gather about the young person on arrival.

2. Post-court information

This information must be provided by the YOT following the young person's remand or sentence and is viewed by the YJB Placement Service and secure estate staff.

3. Arrival in custody

This section must be updated completed by staff at the secure establishment as part of completing their initial risk assessment of the young person on after their arrival in custody.

The Custody module has thirteen sub-sections, many of which are shared in other parts of the framework:

- **Young person details**
- **Parents or carers' details**
- **YOT details**
- **Contact with services**
- **Court and alleged offences details**
- **Secure estate history**
- **Placement recommendation**
- **Health**
 - Physical development
 - Physical health
 - Speech, language, communication and neuro-disability
 - Substance misuse
 - Emotional development and mental health
- **Personal circumstances**
 - Care history
 - Learning, education, training and employment

⁵⁴ 'Alleged offences' are distinguished from 'outstanding charges' as they relate to the offence linked via the hearing date; whereas others are 'outstanding offences'.

- Family and wider networks
- How young person relates to others
- Young person as a parent
- Young personal sexual behaviour
- **Safety and well-being**
 - Adverse outcome, impact and cause
 - Context, likelihood and imminence
 - Summary section
- **Future behaviour**
 - Indicators of risk of serious harm to others
 - Type of behaviour and impact on others
 - Context for behaviour, likelihood and imminence
 - Dangerousness
 - Summary section
 - MAPPA
- **Post court**

This is displayed in the Placement Notification, Bail Recommendation, Post Court Report, and PSR (all options) stages but completion is only compulsory in the Post Court Report stage. The sub-section is available to view in the Entering Custody stage for YJB Placement Service and secure estate.

- **Arrival in custody**

This is only displayed in the Entering into Custody stage and is only completed by secure establishment staff.

12.3 Section guidance

12.3.1 Young person's details

Young person's details are pre-populated from the Core Record where available.

12.3.2 Parent's or carer's details

Parent or carer details are pre-populated from the Core Record where available.

However there is one additional question asked at the Post-Court stage:

Q Are parents or carers aware that the young person is in custody?

You should not assume that parents or carers are aware; for a 'Yes' response to be appropriate you should have evidence that the parent or carer is aware.

12.3.3 YOT details

YOT details are pre-populated from the Bail and Remand module where available. However, there is one additional question that is asked that does not pre-populate from Bail and Remand:

Q. How long have you known the young person?

You should specify how long they have known the young person in hours, days, weeks, months or years. It is particularly important to note where the young person has been known for a long time, or for a very short time.

12.3.4 Contact with services

Contact with services details are pre-populated from the Core Record where available.

12.3.5 Court and (alleged) offences details

Court and (alleged) offence details are pre-populated from the Bail and Remand or PSR module, whichever is appropriate to the stage being completed. However, there is one additional question asked that does not pre-populate:

Q. If breach of order, original offence

You should record the offence category, offence type and the start and end dates of the offence for which the young person has been breached.

In cases when a young person is in breach of referral order, an answer is required to the question, 'If breach of order, record the original offence:' If the young person is however in breach of all offences within that order, the most serious offence should be added and if there are multiple of the same seriousness, then any can be entered.

In such instances of breach, it is most likely that a review a young person's case would be necessary and appropriate and as such, a new Review Stage should be used.

12.3.6 Secure estate history

This sub-section gathers information on any relevant custodial history the young person may have and any relevant comments from the young person and professionals involved from both the YOT and the secure estate.

Trigger question for further exploration

Q. First time in custody?

This question draws attention to whether this is the young person's first-time experience of custody, rather than the first night of a new or additional custodial episode. If it is **not** the young person's first time in custody you should complete the further exploration question.

Further exploration

The options here present as tick-boxes relating to the three secure accommodation sectors where the young person may previously have been placed: secure training centre (STC), secure children's home (SCH) and under-18 young offender institution (YOI).

Please provide as much detail as possible here including details about previous care placements (evidence box):

Specify the nature of the placements, such as dates, location and circumstances (e.g. criminal or welfare placement).

Q. Young person's thoughts about custody

You should record any additional recent evidence about the young person's thoughts about custody. This is particularly important where it is the young person's first time in custody as awareness of their state of mind before arriving in custody is important for secure estate staff.

12.3.7 Placement recommendation

This section is the YOT's recommendation for the placement of the young person.

Q. Initial placement recommendation

Q. Please specify reasons

The recommendation should be made in accordance with existing guidance about placement types⁵⁵.

Consideration should be given to any safety and well-being concerns and specific interventions that are required to address identified concerns and the impact these have on the placement of the young person, where known.

Q. Is there a specific establishment where the young person should not be placed?

Q. Please specify reasons

Where you have information that suggests a placement in a particular establishment would not be appropriate, the reasons should be provided here. This could be due to safety and well-being and/or security risks to the young person or others, any history or events of note should be recorded here to provide context.

Trigger question for further exploration

Q. Does the young person have any co-defendants?

If the answer is 'Yes', you should complete the further exploration question.

Further exploration

Please provide as much detail as possible here including details of who the co-defendants are, along with any directions from the Crown Prosecution Service that they should not be placed together.

⁵⁵ [Placing young people in custody: guide for youth justice practitioners - Detailed guidance - GOV.UK](#)

Q. Is there anything else Placements should know?

You should aim to record anything that may impact on the placement decision that is not covered elsewhere, e.g. issues of gender, any family members in custody or rivalry with other young people.

12.3.8 Health

This section should inform the YJB Placement Service and the secure establishment about the young person's health and any needs that should be addressed whilst the young person is in custody.

12.3.8.1 Physical development

Physical development details are pre-populated from the Core Record where available. However, there are three additional questions that are not pre-populated:

Q. What is the approximate height and weight of the young person?

If the exact detail is known, it must be entered, otherwise, an approximation of their height (in feet and inches, metres or centimetres) and weight (in kilograms or stones and pounds) is sufficient.

Q. Physical maturity

You should identify whether the young person is:

- Physically mature – the young person's height and weight is as would be expected for someone of their age.
- Physically immature – the young person's height or weight is below that which would be expected for someone of their age.
- Overly physically mature – the young person's height or weight is above that which would be expected for someone of their age.

Q. Give details of the young person's build and maturity

You should expand on the response given above, considering anything that the YJB Placement Service and secure establishment might need to know to prepare for the young person's arrival, such as making adjustments as a result of height or weight concerns.

Q. Allergies

Q. Dietary needs

If either allergies or dietary needs are identified you should use the further exploration question to record details.

12.3.8.2 Physical health

Trigger questions for further exploration

Physical health details are pre-populated from the Personal, Family and Social Factors section where available. Where the response to any of the questions in this sub-section is 'Yes', use the further exploration question to record details.

If the pre-populated question 'Currently taking prescribed medication for a physical illness?' has been answered 'Yes' then you are asked an additional question:

Q **If yes, do they have it with them?**

If the pre-populated question 'Has any current contact with GP or hospitals in relation to a major physical illness?' has been answered 'Yes', then you are asked an additional question:

Q **If yes, any outstanding medical appointments?**

Further exploration

Please provide as much detail as possible here:

Details should be provided of:

- any diagnosed health condition,
- any physical health symptoms that are currently being seen but that are not related to a diagnosed condition,
- any medication that is currently prescribed – including the name of the medication and how often it should be taken; and,
- any contact with a GP or hospital - including the name of the doctor and contact details where known, as well as the details of any outstanding medical appointments.

Q **Note any positives, and/or any other concerns that require further investigation, referral or action.**

You should record:

- registration with GP,
- lack of access to appropriate services; and,
- concerns expressed by the young person and parents/carers.

Q **Is the health condition likely to impact on the placement decision?**

Selection of 'Yes' indicates that the YJB Placement Service needs to give additional consideration to physical health as part of the placement process; this may be because the condition is acute and requires immediate action or treatment on arrival at the establishment.

Practice Point

It is important that the YOT highlights if the young person has suffered any limb breaks prior to coming into custody. There could be increased possibility of injury during restraint situations if young people have sustained a previous injury and staff are not alerted to this.

12.3.8.3 Speech, language, communication and neuro-disability

Speech, language, communication and neuro-disability details are pre-populated from the Personal, Family and Social Factors section where available.

There is one further question that is not pre-populated:

Q. Is speech, language, communication and neuro-disability likely to impact on the placement decision?

Selection of 'Yes' indicates that the YJB Placement Service needs to give additional consideration to speech, language, communication or neuro-disability as part of the placement process; this may be because the young person's needs require a particular level of support, specialism or approach.

12.3.8.4 Substance misuse

Substance misuse details are pre-populated from the Personal, Family and Social Factors section where available. However there are two additional questions that are not pre-populated:

Trigger question for further exploration

Q. Is detox for drug dependency required? (Heroin or alcohol only)

This will only be displayed if Opiates or Alcohol are selected in the substance misuse table above or in the sub-section of Personal, Family and Social Factors.

Further exploration

Please provide as much detail as possible here:

Where possible, you should consult with the young person's substance misuse worker and/or GP in order to provide as much detail as necessary.

If the young person is likely to require a medical detox for heroin and/or alcohol dependency, state the details of the substances they are using, their daily intake and any other relevant medical details should also be provided. Also state any current or previous engagement with formal detox programmes.

If the young person has been known to use substances either through addiction or as a method of self-harm, consider the impact of custody on their likely moods and behaviour. Consider the effect that removal of access to substances is likely to have on the risk of them committing further self-harm. Drug use as a form of self-harm might be manageable in the community, but where access to substances is withdrawn, the young person could react with either harmful behaviour or self-harm.

Q. Is substance misuse likely to impact on the placement decision?

Selection of 'Yes' indicates that the YJB Placement Service needs to give additional consideration to substance misuse as part of the placement process as it may be that the young person's Detox or rehabilitation can only be met by certain establishments.

12.3.8.5 Emotional development and mental health

Trigger questions for further exploration

Emotional development and mental health details are pre-populated from the Personal, Family and Social Factors section where available.

If the pre-populated question 'Any contact with mental health services?' has been answered 'Yes', then the following question is triggered:

Q If yes, any outstanding medical appointments?

Please provide as much detail as possible including:

- who with; and,
- timing, location.

If the pre-populated question 'Any prescribed medication for mental health problems? (current or previous)' has been answered 'Yes', then the following question is triggered:

Q If yes, do they have it with them?

Please provide as much detail as possible here including:

- the events/circumstances,
- nature of emotions arising; and,
- impact on young person's life.

Q Is emotional development and mental health likely to impact on the placement decision?

Selection of 'Yes' indicates that the YJB Placement Service needs to give additional consideration to emotional development and mental health as part of the placement process. This may be because the young person's safety and well-being requires an appropriate or targeted level of support or there is an acute condition to manage.

12.3.9 Personal Circumstances

This section should inform the reader about the young person's personal circumstances and any needs that should be addressed while in custody.

12.3.9.1 Care History

Care history details are pre-populated from the Personal, Family and Social Factors section or Core Record where available.

12.3.9.2 Learning, education, training and employment

Learning, education, training and employment details are pre-populated from the Personal, Family and Social Factors section where available.

12.3.9.3 Family and wider networks

Family and wider networks details are pre-populated from the Personal Family and Social Factors section where available. However, there are two additional questions that are not pre-populated:

Q. Are there parents or carers or significant others that are actively engaged with the young person?

This response should be based on the willingness of the parents, carers or significant others to visit and support the young person in custody as well as contribute to planning and resettlement.

Q. If yes, will distance from home significantly impact on resettlement or the ability to visit?

Consider whether the young person's distance from home whilst in custody will affect either the parents' or carers' ability to visit, or the plans for the young person's release and resettlement.

12.3.9.4 How young person relates to others

Details about the young person's family and wider networks are pre-populated from the Personal Family and Social Factors section, where available. However, there is one additional question that is not pre-populated:

Trigger questions for further exploration

Q. Is there any evidence of personal or emotional distress or fragility?

Definition – Personal or emotional distress and emotional fragility

Personal or emotional distress (e.g. bereavement)

In determining whether a young person is experiencing personal or emotional distress, you should consider:

- Is the young person showing signs or indicating that they are suffering from personal or emotional distress?
- Is this due to their current circumstances in view of a potential custodial outcome?
- Are there other events currently happening in their life that are significant to their psychological well-being?

Emotionally fragile

In determining if the young person is emotionally fragile, you should consider:

- Is the young person displaying a disposition that may make him or her more susceptible to distress in a custodial environment?
- Does the young person struggle to cope with stressful situations?
- How might this manifest itself within the secure estate?

Further exploration

Please give details of any sources of personal or emotional distress and emotional fragility

You should record any known triggers of distress or fragility and any/or protective factors relevant to these. For example, if bereavement is a significant issue in the young person's life, record who died; the relationship to the young person, and how and when they died. Anniversaries can present a period of increased risk or emotional distress; you should refer to the young person's significant life events for evidence or to highlight any of these possibilities.

12.3.9.5 Young person as a parent

Young person as a parent details are pre-populated from the Personal Family and Social Factors section where available.

12.3.9.6 Young person's sexual behaviour

Trigger questions for further exploration

Q. Is the young person on the sex offender register?

Sex offender register detail is pre-populated from the Core Record where available.

Q. Is there evidence that the young person is engaged in sexually harmful behaviour towards others?

Where the answer to either of these questions is 'Yes', you should use the further exploration question to provide details.

Further exploration

Please provide as much detail as possible here:

On the sex offender's register

Please give details of:

- offence type,
- victim of offence, e.g. stranger, peer, sibling,
- potential risk factors,
- date of registration and sentence; and,
- length of requirement to register.

Sexually harmful or inappropriate behaviour

Consider:

- Does the young person display sexually harmful or inappropriate sexual behaviour?
- What type of behaviour?
- Are there specific triggers to the behaviour?
- Has any intervention work been done with the young person around this?
- Are there any potential targets?

If there are any concerns about sexually harmful or inappropriate behaviour, these should also be covered – use this box to identify these.

12.3.10 Safety and well-being

Safety and well-being details are pre-populated from the Explanations and Conclusions section where available.

Practice Points for secure establishment staff

The Safety and Well-being sub-section must be completed by the YOT prior to the young person's admission to the secure establishment. All of the information provided by the YOT should be reviewed before completing this section, including the full AssetPlus where the young person is known to the YOT.

Consideration should be given to factors that could both increase or reduce any adverse outcomes identified for the young person.

When the young person first arrives in custody, the first interview with the young person upon arrival in custody should be used to update this section. This is the initial risk assessment and management process within the establishment.

In order to distinguish between the levels of risk that the young person presents to others whilst in the community and in custody, the two environments are separated.

Any issues within the establishment that could have an impact on the young person's overall level of safety and well-being should be taken into account when considering the type of impact they could have. Your plan for managing these issues should be included within the external controls and actions in Pathway and Planning.

Males aged 15-16 years – Court ordered secure remand

Under the Crime and Disorder Act 1998, a court can order that a 15 or 16 year old boy be remanded to local authority secure accommodation if it believes that it would be undesirable for him to be remanded to prison service accommodation by reason of physical or emotional immaturity or a propensity to self-harm. It is important to consider any significant problems the young person may have that are additional to what might be expected for anyone in this age group.

When completing this assessment, consider whether assessments of this type have been made previously and the conclusions of these. Record in the spaces provided details of any significant changes or events that have occurred since the previous assessments were completed.

Self-harm or suicide

The possibility of the young person committing self-harm or suicide should already have been considered in the 'Emotional development and mental health' section above. The focus here is on whether a custodial sentence would significantly alter this assessment, e.g. increase the likelihood that they will self-harm or attempt suicide or will lead to additional adverse outcomes.

Practitioners should consider the impact of custody on the mood and behaviour of young people who have been known to use substances either through addiction or as a method of self-harm, e.g. dangerous overdose, and the effect that removal of access to these substances is likely to have on their risks of self-harming. If possible, also give details of the types of behaviour that you are concerned about, any known or likely triggers and possible timing, e.g. within first few days of remand.

12.3.11 Future behaviour

Future behaviour details are pre-populated from the Explanations and Conclusions section where available.

Practice Points for secure establishment staff

The Future Behaviour sub-section must be completed by the YOT prior to the young person's admission to the secure establishment.

When the young person first arrives in custody, staff should update this section based on information gathered during the arrival in custody processes, including the interview with the young person. This is the initial risk assessment and management process within the establishment.

In order to distinguish between the levels of risk that the young person presents to others whilst in the community and in custody, the two environments are separated.

Where the young person has previously been in secure establishments and has a history of presenting a threat to others, details should be provided, including the nature of the threat or behaviour, and details of any potential victims including:

- adults,
- young people,
- staff,
- females,
- rival gang members; and
- BME groups.

Details should be provided regarding the circumstances of the behaviour and others involved. Where there is evidence, either from previous custodial placements or from the community, that certain protective factors or circumstances can reduce the risk to others, details of these should be provided.

Any issues within the establishment that could have an impact on the level of risk that the young person presents to others should be taken into account when considering the type of impact they could have.

In addition to the pre-populated questions from Explanations and Conclusions, two questions are pre-populated from the Core Record relating to MAPPA:

Q MAPPA Category and MAPPA Level

MAPPA details are pre-populated from the Core Record section where available.

12.3.12 Post-Court

This sub-section is only displayed in the Placement Notification, Bail Recommendation, Post Court Report and Entering Custody stages but completion is only mandatory in the Post Court Report stage.

The sub-section provides information about the remand/sentence outcome and the young person's demeanour and attitude following the court hearing. Any concerns that they express regarding the length of their detention or sentence, and any information that could be useful for the secure establishment in managing these concerns should be recorded.

Practice Point

It is good practice to review the any previous self-assessment feedback from the young person at this point. If any significant information comes out of the post-court interview that could affect the placement decision then you **must** inform the YJB Placement Service immediately and make sure it is clearly highlighted in the relevant sub-section of the module.

Q Young person's status

Q If sentenced, sentence type

Practice Point

Breach of gang injunction - the YJB Placement Service has produced a 'Protocol for the placement of children and young people aged 14-17 in breach of a Gang Injunction'⁵⁶ which should be read in conjunction with this guidance.

Q Remand or sentence length

For remand cases the length of remand should be recorded in days.

For sentenced cases the length of sentence should be recorded in months.

⁵⁶ [Placement protocol for young people breaching a Gang Injunction - Publications - GOV.UK](#)

Q. How is the young person currently presenting?

You should record details of the young person's presentation which may include physical, emotional and/or verbal observations. Consider whether the young person has expressed any concerns regarding their detention or length of remand or sentence.

Trigger question for further exploration

Q. Have you referred to the PER?

Definition – Person Escort Record (PER)

Detention Services Order 18/2012⁵⁷ explains that the PER should contain information about any risks or concerns related to the young person. It is essential when the young person is moved (from police station, court or prison to court, prison, hospital or other destination) that those responsible for the young person are made aware of the assessed risks or concerns. In particular it is essential that known risks of escape, assault, suicide or self-harm or harassment are communicated to others into whose custody the prisoner is passed; to protect young people, staff and the public. It is also essential that any new risks that develop during the period of escort are recorded and flagged up for others.

Suicide and self-harm concerns are flagged via the PER using a suicide and self-harm warning form. As a minimum you should view the PER to enable information contained in it to be factored into your own post court assessments. You should ask to see the PER whenever the young person has been escorted to court to ensure that you have a full picture of any additional risks or concerns that have arisen while they have been escorted.

Further exploration

If yes, please provide as much detail as possible here, for example, if any risks or issues were identified

Any relevant details on the PER should be recorded here. Where there are relevant details for other sections of the assessment such as future behaviours or safety and well-being these should also be noted in the relevant section.

Q. Is there anything else the secure establishment needs to know?

Record details of anything significant that is not covered already within the module or post-court report. This might include reasons why the PER has not been referred to.

Q. Court designated local authority

This detail is pre-populated from the YOT details sub-section at the start of the module.

Q. Is the court designated local authority aware that the young person is in custody?

This question will only display for sentenced young people. It is the responsibility of the sentencing court to designate the local authority.

⁵⁷ [Detention Services Order 18/2013 – UK Border Agency – GOV.UK](#)

12.3.13 Arrival in custody

This sub-section is only applicable when a young person has arrived in custody and must be completed by the establishment staff during risk assessment and management processes on the first day/night. Arrival in custody questions are mandatory only in Entering Custody stage.

Staff should complete the section having reviewed the Custody module and any of the other sections if necessary to guide interviews and other assessments of young people on arrival in custody.

If there are any immediate changes to the Custody module such as additions to the safety and well-being or future behaviour sub-sections, these should be added into the module and these will be populated back in the Personal, Family and Social Factors and Explanations and Conclusions sections. Any risk management actions that are identified as a result of completing interviews and assessments should be recorded in the External/Additional actions and controls sub-section of Pathways and Planning section.

Practice Point

The Custody module is only completed by secure estate practitioners on arrival after a new remand hearing or an additional statutory outcome.

Trigger question for further exploration

- Q. Has the young person expressed any immediate concerns to you about their detention or length of sentence?**

Where the answer is 'Yes', you should use the further exploration question to record the details.

Further exploration

Please provide as much detail as possible here

Where the young person has expressed concerns regarding their detention or length of sentence, during their initial interview after they have arrived in the establishment, the nature of these concerns should be fully documented.

This should be cross-referenced against the 'Young person's thoughts about custody' question earlier in the module – completed by the YOT – to note whether there has been a change in their thoughts.

Trigger question for further exploration

- Q. Are there any issues within the establishment that would increase any identified safety and well-being concerns?**

Where the answer is 'Yes', you should use the further exploration question to record the issues.

Further exploration

Please provide as much detail as possible here:

If there are any characteristics about the establishment, such as the physical layout, cohort of other young people, staffing, recent events or bed numbers that might possibly increase safety and well-being concerns that are specific to this young person, record them here.

Any specific issues should be followed up through Additional/External actions and controls to ensure that the young person is appropriately supported and safeguarded.

Trigger question for further exploration

- Q** Having interviewed the young person, are there any additions or amendments that need to be made to the assessment?

If the answer is 'Yes', you should use the further exploration question to provide details.

Further exploration

Please provide as much detail as possible here:

Based on the initial interview with the young person and the information provided by the YOT in both the Custody module and the assessment as a whole, you should consider whether their view of the young person is consistent with that provided by the YOT practitioner. Where there are any inconsistencies, outline what these are and the reasons for them, if known, and any action to be taken in respect of them.

- Q** Establishment

- Q** Admission number