

**Children, Young People and Education**

Early Help and

Preventative Services

**Kent Youth Justice Transition to Probation Guidance**

**January 2020**

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| **Last Review** | **30.12.2020****Dan Bride**  |

**Introduction**

The purpose of this document is to summarise the Joint National Protocol for transitions in England (2018) and to provide guidance on to transitions from Kent Youth Justice (YJ) to the National Probation Service (NPS) and Community Rehabilitation Companies (CRC).

**PRINCIPLES OF GOOD TRANSITION**

1. Individual needs of young people will be recognised
2. Young people who are eligible for transfer will be identified at the earliest point
3. Every young person transferring to adult services will have a transition plan
4. Transition planning must focus on providing flexible and continuous services
5. Relevant information about young people must be shared between youth and adult services before transfer
6. Youth and adult justice services will work together to achieve effective transfer outcomes
7. Young people and their families will be involved in planning for their transition and will understand what it means
8. Each transition will be reviewed, and services will seek continuous improvement
9. The Lammy Review (2017) has highlighted the disparity in outcomes for black and minority ethnic (BAME) individuals, particularly for young black males. Transition planning needs to take account of protected characteristics such as ethnicity.

**Transitions to the National Probation Service (NPS) and Community Rehabilitation Companies (CRC)**

The Youth Justice allocated practitioner must ensure that there is a plan for young people transitioning from Youth Justice to adult justice (Probation/CRC) services. This plan and support should address the following:

* Educating the young person and their family on the adult justice system
* Seeking the views of the young person
* Listening to concerns the young person may have and alleviating their anxiety
* Building a relationship with the allocated NPS/CRC offender manager
* Recognising which youth services are not available in the adult system and seek to address, or prepare for any gaps
* ensure health needs (emotional, mental, and physical) are planned for and managed
* ensure learning and communication needs are planned for and managed

The Youth Justice service will:

* Ensure the young person transitioning to adult services has a transition plan, no later than when the young person reaches 17 years and 6 months, and this is shared with the young person and family/carer
* ensure all intervention providers (including health and education, training and employment providers) are informed of transfers to NPS/CRC and adult establishments in advance and are involved appropriately in transfer meetings to ensure continuity of delivery
* record decisions to transfer, or not to, on the case record
* consider the views of young people and what work needs to be undertaken to meet the aims of the sentence, to address likelihood of reoffending and risk of harm to others, and to manage vulnerability
* cooperate with the YJ seconded Probation Officer by providing assessments, reports and other information as required about the young person. This should happen no later than when the young person reaches 17 years 6 months to plan the transition, and allocation of the NPS/CRC offender manager should not be delayed until the young person is 18 years of age.
* Prior to transfer to adult justice services, the AssetPlus Transfer to Probation stage should be completed.

If the case is transferred to Probation services (NPS or CRC) the Youth Justice allocated practitioner must attend all transitions meetings and:

* Coordinate the initial pre-transfer meeting with the NPS/CRC – held at 17 years 6 months (or 6 months prior to transfer).
* Coordinate the multi-agency meeting – held at 17 years 9 months (or 3 months prior to transfer); inviting all intervention providers (including health and education, training and employment providers)
* Attend the final transfer meeting – held when the case is being transferred
* Attend the post transfer meeting – held once the case has been transferred to adult services, to review the transition (4 to 6 weeks post transfer).

**Referral Orders**

Kent Youth Justice retains the statutory duty to implement the Referral Order. This includes managing the young person’s compliance with the Referral Order contract. If appropriate, an eligible young person can receive supervision or intervention (such as one to one or group work) from NPS or CRC, acting on behalf of Kent Youth Justice, under their transition responsibilities. Kent Youth Justice retains responsibility to establish, staff, recruit and train volunteers to manage a Referral Order panel.

**Youth Rehabilitation Orders (YROs)**

Where the original YRO was imposed by the Crown Court, the appropriate court for enforcement or breach remains the Crown Court, unless the Crown has directed that any further proceedings related to the YRO are to be heard in the youth or magistrates court.

For YRO’s made in Youth Courts:

* where the young person is under 18 years of age, the appropriate court for enforcement remains the Youth Court
* where the young person is 18 years or older, enforcement is dealt with in the Magistrates’ Court.

**Intensive Supervision and Surveillance (ISS)**

If an Order/licence/Notice of Supervision contains a requirement for ISS there will need to be local negotiation about transfer if this element of the Order/licence has not been completed prior to transition. ISS is specific to youth legislation and the NPS/CRC are likely to have difficulty in providing supervision/activities to fulfil this requirement. If the Youth Justice service is writing a Pre-Sentence Report (PSR) and the case will be transferred following sentencing, the proposal needs to consider what the NPS/CRC are able to provide.

**Detention and Training Orders and custodial sentences**

These sentences can be transferred to CRC/NPS where relevant. When a young person serving a custodial sentence will turn 18 whilst serving either the custodial or community element, Youth Justice must consult with the secure establishment and the NPS or CRC. The purpose is to work together to assess the young person’s needs and to consider their transfer to the adult estate (young prisoner); agree a transition plan and ensure that the principles of transition are applied. The Youth Justice allocated practitioner and Transition Practitioner should ensure that the receiving NPS division or CRC can contribute to the resettlement plan. Where possible the identified NPS or CRC worker should meet the young person in custody prior to release.

**Transfer to NPS/CRC out of local area**

Sometimes a young person may need to transfer to an out of area NPS/CRC. It is the home YJ team’s responsibility to manage this with the out of area Probation service. It may not be possible to arrange professionals’ meetings face to face but these can be virtual if necessary and the principles of good transition still apply.

The seconded YJ Probation Officer should complete the Risk of Serious Recidivism (RSR) tool and the Case Allocation System (CAS) to inform the recommendation for transfer to NPS or CRC. In the absence of the YJ Probation Officer the expectation is that the CAS and RSR will be completed by the lead Probation Officer in the NPS in the transferring area to ensure there is no delay.

**Full Document**

Joint National Protocol for Transitions in England.



