



Ministry
of Justice

The Police, Crime, Sentencing and Courts (PCSC) Act changes

Youth Justice

June 2022

PCSC Act changes

The PCSC Act makes a number of amendments to the youth sentencing and remand framework, with the aim of strengthening alternatives to custody which promote rehabilitation, while at the same time ensuring that children who pose a risk to the public receive sentences that reflect the seriousness of their offending.

- **Detention at Her Majesty's Pleasure (DHMP):** The Act introduces a sliding scale of starting points for minimum terms for DHMP and enshrines the minimum term review process into legislation. It also removes eligibility for continuing reviews past the age of 18.
- **Detention and Training Orders (DTOs):** The Act removes fixed lengths so that children can be sentenced to a DTO of any length between 4 and 24 months. It also means that more accurate reductions can be made for time spent on remand or qualifying bail and guilty pleas.
- **Section 250 of the Sentencing Code:** The Act moves the automatic release point to two-thirds (from half-way) for children who receive a section 250 sentence of 7 years or more for the most serious violent and sexual offences.
- **Discretionary life sentences:** The Act amends the calculation of minimum terms for discretionary life sentences so that they are calculated as two-thirds of an equivalent determinate sentence.
- **Custodial remand:** The Act introduces a statutory duty for courts to consider the welfare and best interests of the child when making remand decisions, amends the tests courts must apply to remand a child into custody and makes it a statutory requirement for courts to record the reasons for their decision, and reinforces the presumption that children should be remanded in the community unless there is no other suitable alternative.
- **Reparation Orders:** The Act abolishes Reparation Orders.
- **Youth Rehabilitation Orders (YROs):** The Act amends the YRO education requirement to specify that it can be imposed on children beyond compulsory school age, provided they are still of the age where they must participate in compulsory education or training (applies to England only). It also increases the maximum length of the extended activity requirement of a YRO with ISS from 180 days to 365 days, and makes a number of changes to electronic monitoring on YROs

PCSC Act changes

For custodial sentencing measures, the changes come into effect on 28/06/22 and apply to children who have been sentenced of an offence on or after that date, with the exception of DHMP starting points which are coming to effect for children convicted on or after the 28/06/22.

For Community sentencing measures, the changes come into effect on the 28/06/22 for children convicted on or after the that date, with the exception of the change to the extended activity period for YRO ISS. Together with the new whereabouts monitoring requirement, before courts can make use of this change, the provision must be commenced through secondary legislation. Details on the timing will be shared at a later date.

PCSC Act – Electronic Monitoring changes

The PCSC Act also introduces changes which will impact Electronic Monitoring in the following areas:

1. Increase maximum daily curfew from 16 hrs to 20 hrs (weekly max remains 112 hours) for Youth Rehabilitation Orders (YROs)

➤ *The purpose is to strengthen community sentences and make curfew options more flexible. The changes also apply to non electronically-monitored curfews.*

2. Making YOTs the Responsible Officer for all Youth Rehabilitation Orders (inc. those that are currently placed with EMS)

➤ *YOTs are aware of the child's individual circumstances and can make informed decisions in the event of a breach.*

3. Adding trail monitoring for Youth Rehabilitation Orders (mandatory for those with Intensive Supervision and Surveillance (ISS))

➤ *This will provide a high-intensity alternative to custody and aims to give courts more confidence that children can be supervised in the community and use ISS in place of short custodial sentences.*

- **These changes will come into effect on 28/06/2022**, with the exception of YRO trail monitoring requirements. Before courts can impose the latter, the provision must be commenced through secondary legislation. Details on the timing will be shared at a later date.
- All changes apply to those **convicted on or after the commencement date of the relevant section of the Act (28 June 2022)**, with the exception of making YOTs the Responsible Officers for YROs which will apply to all live cases (retrospective change).

Any questions?

If you have any additional questions concerning PCSC Act - Electronic Monitoring changes, please email Tanya.Fletcher@justice.gov.uk and the EM Change Functional Inbox (EMChange@justice.gov.uk).

For changes concerning Custodial sentences, Youth Rehabilitation Orders, and Reparation Orders, please email Georgia.Prutton@justice.gov.uk and Ellen.Reaich@justice.gov.uk

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