

## Background to the YRO ISS Pilot

Several commitments relating to youth sentencing were made in the Sentencing White Paper; A Smarter Approach to Sentencing, published in September 2020. This included changes to the requirements of a Youth Rehabilitation Order with Intensive Supervision and Surveillance (YRO ISS). The Police, Crime, Sentencing and Courts (PCSSC) Act 2022 enable piloting of changes to Youth Rehabilitation Orders with Intensive Supervision and Surveillance (ISS).

The aim of the changes is to give both courts and the public confidence in the ability of these orders to act as a robust sentencing option, and to encourage their use as an alternative to custody.

MoJ made a parliamentary commitment to pilot and evaluate the effectiveness of these changes.

## YRO ISS Pilot Changes Overview

### **Mandatory use of Electronic Whereabouts Monitoring Requirements (EMWR) when the court imposes a YRO ISS**

- This involves the continuous monitoring of a child's whereabouts, often referred to as Trail Monitoring, using a GPS tag.
- It is currently available to children on early release from a Detention and Training Order and for children on early release on a Home Detention Curfew.
- Youth Offending Teams (YOTs) will be able to request retrospective information from Electronic Monitoring Service about the location of a child. Details on how to do this and the potential scenarios in which YOTs may make a map request will be set out in accompanying guidance.
- To be used as a robust alternative to custody and can provide additional protective, supportive and/or safeguarding factors such as helping to protect children from County Lines and exploitation.

### **An increase in the maximum length of Extended Activity Requirements from 6 months to 12 months**

- To offer courts greater flexibility to keep the child out of custody.
- It also allows the child the benefits of being in the community through access to education and training opportunities and engagement with family.
- Specific activities which may include reparation, the decision to increase this requirement should be tailored to the child's needs and circumstance.

### How will the YRO ISS Pilot run

- The Ministry of Justice are now making the legislative changes to launch the pilot on 3rd July 2023
- **Please note that the new YRO ISS powers are only available to children convicted on or after the 3<sup>rd</sup> July 2023**
- The new powers will be available for a minimum of 18 months
- The new powers will be available to **all courts across England and Wales** which impose a YRO ISS where the child is managed by a Youth Offending Team, as the responsible officer for the order, in one of the Local Authorities in the following 3 English regions and Wales
  - London
  - West Midlands
  - North East
  - Wales

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## YOUTH REHABILITATION ORDER WITH INTENSIVE SUPERVISION AND SURVEILLANCE PILOTS FAQ (YRO ISS PILOTS)

Pilot Overview

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Courts, Out of Area and 17/18 transition

Evaluation

## PILOT OVERVIEW

### What is a YRO ISS?

The YRO ISS is a high-intensity alternative to custody with mandatory extended activity, supervision and curfew requirements.

### Why are you piloting changes to the YRO ISS?

We believe doubling the maximum length of the extended activity requirement from 6 to 12 months and adding a mandatory location monitoring requirement will give the courts confidence and greater flexibility for supervising YOTs that those children can be supervised in the community and use YRO ISS in place of short custodial sentences.

Piloting will allow us to ensure that the process is effective before considering a national rollout and allow services to put the right measures in place to ensure such orders are not only effective as an alternative to custody, but also to rehabilitate children who have committed serious offences.

### Why have you selected to pilot these changes in London, Wales, West Midlands and the North- East?

- Selecting only four pilot areas enables evaluating analysts to have a control group, so that the data gathered in the pilot area can be compared with other non -pilot areas.
- The selection of the four pilot areas ensures that diversity and other local characteristics are considered when evaluating the pilot. For example, London is the most ethnically diverse region and children from particular ethnic backgrounds are over-represented throughout the Youth Justice System, including in custody.
- By selecting Wales, it ensures that the views and input of other administrations are considered.

## EXTENDED ACTIVITY REQUIREMENT

### What are the benefits of providing a longer Extended Activity Requirement?

The optionality provided by increasing the maximum length of the extended activity requirement is designed to give the court greater confidence to use YRO ISS in place of shorter custodial sentences, ensuring that the public is protected, while affording the child the benefits of being in the community through access to education and training opportunities and engagement with their family.

### Is it compulsory to use an Extended Activity Requirement longer than six months?

It will be for the court to decide whether to impose an extended activity requirement longer than six months. This will be informed by the professional judgment of the Youth Offending Team about whether such a requirement is suitable for the child and in the interest of public protection, as part of the pre-sentence report.

## ELECTRONIC WHEREABOUTS/TRAIL MONITORING REQUIREMENT

### Is location monitoring appropriate for children?

Yes, it is in some circumstances, but the YOT must be mindful of the principles that have been agreed with the YJB. The principles are:

- Location Monitoring to be used as a flexible resource which can be tailored according to 'Child First' principles to suit the requirements of the child, rather than as a punitive measure.
- YRO with ISS including mandatory trail monitoring should be considered as a viable alternative to custody, and
- As an additional protective/supportive/safeguarding factor for children.

The YJB Case Management Guidance has been updated to reflect these principles.

Location monitoring can already be used as a condition for Detention and Training Orders as an additional means of monitoring a child's movements, and we believe that this technology can be a valuable tool in protecting the public and children, where it may provide an additional protective factor.

### Won't electronic monitoring requirements increase the likelihood of breach and unnecessarily criminalise children?

The introduction of the mandatory location monitoring requirement as part of the YRO with ISS will be piloted, including consideration of breach rates, to ensure it is robust and effective before being rolled out nationally. Any increase in breach rates will be considered as part of this decision.

Trial monitoring is an additional tool to be used by the YOTs to manage children more effectively in the community. It is another tool which will provide better data that can be used by the Responsible Officer to help the child.

### What would the likely scenarios be when considering a trail map request?

If the child has recognised risky times and/or dates and/or places, these can be reviewed via trail monitoring. The YOT can request data from EM Service Provider to check if and when they have been at a certain location (i.e., ask EM Service Provider if they have been to an address at a certain point in the last week).

For example, a child may be involved in county lines activities, associated gangs, or knife crime. Trail monitoring can assist in supportive conversations between the YOT worker and the child to prove that the child was either present or not at certain locations on the dates/times requested. Trail monitoring can also evidence that the child has been attending scheduled appointments, school, and programmes.

Another example, children who are involved with county lines quite often have frequent missing episodes and during which nobody knows where they are. If the YOT is concerned about the child, trail monitoring data can tell the YOT where exactly the child was. The data request is to assist the YOT in better managing the risk surrounding and associated with the child that they are managing.

### Can I share the trail map data with another partner agency such as the School/ Social Care/ Police?

Youth Justice Services should not routinely share YRO ISS trail maps with other partner agencies (Police, Social Services, schools). If partner agencies require EM data, they can apply to EM Service Provider for disclosure via the External Agency Request (EAR) process.

However, YOTs can share the **outcome** of data sharing requests with partner agencies (*not the report or trail data*), to address any concerns regarding the child.



EAR Form 2023.docx

The EAR Form can be accessed here

### How do I make a trail map request?

1. Email [EMControlCentre@EM Service Provider.co.uk.cjism.net](mailto:EMControlCentre@EMServiceProvider.co.uk.cjism.net) and cc [GPSGeneralEnquiries@EM Service Provider.co.uk.cjism.net](mailto:GPSGeneralEnquiries@EMServiceProvider.co.uk.cjism.net).
2. Alternatively, phone 0800 137 291.
3. Verify that you are the Responsible Officer for the subject and provide details about the child.

**Describe the data you wish to receive – specify the exact date and time period, or the details of any address (note: shorter time periods will provide clearer data than longer time periods).**

### What are the differences between the different types of EM available?

Trail monitoring / Whereabouts monitoring - Trail monitoring using a GPS location monitoring device allows the YOT to have retrospective access to the children's trail data - their movements are recorded 24 hours a day provided the battery is charged and the device has signal. It is up to the YOT to be proactive in asking EM Service Provider to provide the data - a daily report will not be sent to them. It is important to note that a trail monitoring condition only generates alerts for battery and tamper events. It will not generate an alert for other conditions on the order. Therefore, if the YOT want to electronically monitor an exclusion, attendance, or curfew requirement it should be stipulated on the order.

When requesting data from EM Service Provider the more detailed and specific the request the easier it is for EM Service Provider to collate the data and for the YOT to interpret it. Therefore, direct questions, like "Where was X at Y time on Z date?" or "Has X visited Y address at Z time?" will be quicker than more complex requests

Exclusion zone - once the GPS equipment is installed, the YOT will be notified if the child enters the exclusion zone or if the child tampers with the equipment or lets the tag battery go flat. They will not be able to routinely see the child's whereabouts at times of compliance.

Curfew – once the equipment is installed, the YOT will be notified if the child accumulates a combined time violation total of 2hrs away from their place of curfew during the course of an order or if the child tampers with the tag. The YOT can contact EM Service Provider at any point to ask for compliance history. A Radio Frequency (RF) or GPS tag can be used

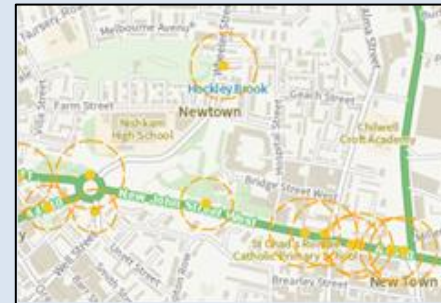
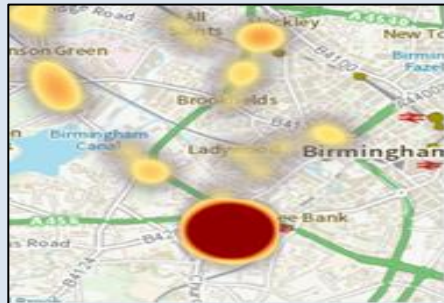
Monitoring attendance - once the equipment is installed, if the child does not record as present at the place/ within the boundary of where they have been directed to be (on the date required and for the duration directed), then the YOT will be notified, as long as EM Service Provider knows the date, time and place that the child is required to be then EM Service Provider will inform the responsible officer if they don't turn up.

**What information will I receive when I request trail monitoring information from EM SERVICE PROVIDER?**

Trail monitoring is a requirement which enables YOTs to request retrospective whereabouts data at any time during the licence condition by contacting the EM Service Provider directly by email or phone. The EM Service Provider does not know the context of the case; therefore, the onus is on the YOT to request the information when required.

When requesting trail data it is important to be as specific and detailed in the request as possible. Direct questions for example: “where was X at Y time on Z date” or “did X visit Y address at Z time”. Short periods of time are likely to provide more helpful/ detailed data (image bottom right) as longer periods may appear as heat maps of most frequented places (image bottom left).

Alternatively, the YOT can request a ‘breadcrumb trail’ for up to a 7 day period. We recommend requesting data for short periods of time e.g. between 5pm and 5am on a Friday night, as this would provide a more detailed breadcrumb trail (image bottom right). The EM Service Provider will then supply a map which displays the information requested. This can be enhanced, if requested, to include, GPS co-ordinates, information about the accuracy of the data, and speed of travel can also be requested.



**As a YOT, how many times, and for what duration, should I ask EM SERVICE PROVIDER to provide me data on the child’s whereabouts for trail monitoring?**



OFFICIAL

The frequency of reviewing data is up to the YOT's professional judgement. It can be used to help inform constructive conversations about behaviours, to corroborate other information or rule a person out of a particular enquiry.

This tool is for YOTs to use to inform better conversations with the child.

## COURTS, OUT OF AREA AND 17/18 TRANSITION

### Do all the Courts in England and Wales have the Power to use the new powers?

Yes, all courts in England and Wales will have the power to give the new YRO ISS order if the child they are sentencing will be managed by a youth offending team included in the list of Local Authorities in the 4 pilot areas (London, North-East, West Midlands and Wales).

### If a child moves from a pilot area to a non- pilot area does the YRO ISS sentence still apply and is there a need for variation of the order?

The original order still applies and the new YOT should continue to monitor the order. This should be made explicit in the handover to the receiving YOT. There is no need for a variation of the order, unless it is in the best interests of the child. The EM Service Provider must be notified of the change of address and the new Responsible Officer.

In the handover, the YOT must signpost the receiving YOT to the YJB Resource Hub to download the guidance documents and signpost them to the dedicated [YRO ISS Pilot Mailbox](#) for any further guidance.

### If a child moved from a non-pilot area to a pilot area, would they remain on their original YRO ISS sentence?

Yes. Their original sentence would still apply. Therefore, if a child receives a YRO ISS in a non- pilot region, they will not receive the mandatory trail monitoring requirement, regardless of if they subsequently move into a pilot region.

### What happens when a child moves to Probation?

The current arrangements for England remain unchanged and all parties involved in England need to follow the [YJB's Joint National Protocol of Transitions Guidance](#)

The guidance for Wales is similar to that of England and can be found [Youth to Adults Transition Guidance \(Wales\)](#)

The guidance stresses the importance of the youth justice national standard which requires that YOTs and their management boards have mechanisms in place which assure them that they have tailored plans for children that transition from the youth to the adult system.

The Probation Service (PS) and the YOT need to jointly assess the appropriateness of the child's transfer to the PS. This should be based on a range of factors including desistance, safety, well-being and risk, whilst being mindful of statutory responsibilities.

It is not possible for the PS to refuse an eligible and suitable young adult because of their ISS requirements and so there will need to be local negotiation around transfer. If the YOT is writing a PSR for Court and the case will be transferred after sentence, an appropriate proposal should be made to ensure the PS are able to supervise in line with sentence. However, if the Court imposes a sentence with an ISS requirement any decision to retain or transfer the case will require local negotiation and the principles of good transition should still apply.

In Wales, all YOT transfer cases where possible transition into Integrated Risk Offender Management (IOM) teams.

### How are the Courts and Judiciary being made aware of the pilot?

The courts and judiciary are being made aware through an internal communications package which includes an initial brief about the pilot which was sent a month prior to go live. A follow up brief with more detail and internal guidance, sent a week prior to go live. Followed up by a further brief which will be sent 2 weeks after go live.

## EVALUATION

### What is the purpose of the evaluation?

The purpose of the evaluation is to measure the outcomes of children receiving the new YRO ISS and associated powers in addition to understanding if the new powers are being implemented as intended. The evaluation will enable the identification of any negative unintended consequences of the new powers as well as understanding any operational challenges.

The evaluation will help inform decision making on whether the new powers introduced offer a viable alternative to short custodial sentences and if they should be rolled out at a national level.

All MoJ electronic monitoring expansion projects will be robustly evaluated to further develop our understanding of the effective use of the service.

### How will you carry out the Evaluation?

The evaluation will be carried out internally by MOJ analysts with the support of other relevant stakeholders from YJB as well as policy colleagues.

It will consist of two core strands, the first being quantitative outcomes analysis which will provide a measurement of the number of new sentences handed out and the subsequent effect on breach rates.

The second will be a process evaluation which will aim to understand how the new powers have affected recommendations for sentences and sentence decision making in the courts. In addition, this strand of the evaluation will also aim to gather an understanding of the delivery of the new powers and the management of children on the new YRO ISS sentence.

### Will there be any additional data recording requirements?

There will be no additional data recording requirements necessary to facilitate the evaluation as all required data is included under the existing data recording requirements. Given the new powers include a mandatory electronic whereabouts monitoring requirement and the option to include up to a 12-month activity requirement, data relating to these areas is key to the evaluation, therefore it is important that the following data is accurately recorded:

- PNC code
- Programme requirement
- Programme start/end date
- Requirement start/end date

### How can we feedback our views?

YOT practitioners will have the opportunity to feedback their views via an online survey which will be distributed to all YOT staff working in YOTs participating in the pilot. In addition, we will be we will be conducting a series of focus groups with practitioners in participating YOTs which will provide an opportunity to feedback on experiences of the pilot in more detail.

### When will you share the results of the Evaluation?

The results of the evaluation will be published after the completion of the pilot subject to the standard MoJ publication process and associated quality assurance.

## INTENSIVE SUPERVISION AND SURVEILLANCE

### Where can I find more information about Intensive Supervision and Surveillance more generally?

Guidance on ISS can be found in the YJB Case Management Guidance updated in October 2022. This can be found <https://www.gov.uk/guidance/case-management-guidance/how-to-use-reports>

The Youth Justice Board will upload to the YJB Resource Hub the October 2022 changes to Case Management Guidance and an ISS FAQ document .

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