



Ministry  
of Justice

# Youth Rehabilitation with Intensive Supervision and Surveillance (YRO ISS) Pilot

Youth Justice

June 2023

Protecting and advancing the principles of justice

# Agenda

Policy Context and Pilot Overview


Evaluation Approach

Electronic Monitoring- Trail Monitoring Overview

Question and Answer Session

Resources available

# Policy Context




Ministry  
of Justice

## A Smarter Approach to Sentencing

September 2020  
CP 292



Statute: This is the original version as it was originally enacted.



## Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

An Act to make provision about the police and other emergency workers; to make provision about collaboration between authorities to prevent and reduce serious violence; to make provision about offensive weapons homicide reviews; to make provision for new offences and for the modification of existing offences; to make provision about the powers of the police and other authorities for the purposes of preventing, detecting, investigating or prosecuting crime or investigating other matters; to make provision about the maintenance of public order; to make provision about the removal, storage and disposal of vehicles; to make provision in connection with driving offences; to make provision about cautions; to make provision about bail and remand; to make provision about sentencing, detention, release, management and rehabilitation of offenders; to make provision about secure 16 to 19 Academies; to make provision for and in connection with procedures before courts and tribunals; and for connected purposes. [28th April 2022]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

# A recap on the PCSC Act changes

## Youth Community Sentences

### Youth Rehabilitation orders (YRO's)

Raised daily maximum curfew hours requirement  
*(came into effect 28/06/2022)*

YOTs – Responsible Officer  
*(came into effect 28/06/2022)*

Standalone trail monitoring capability –  
*(Not in scope for this pilot, to be rolled out at a later stage)*

Pilot changes to YRO ISS  
*( see next slide)*

### Reparation orders

Abolished  
*(came into effect 28/06/2022)*

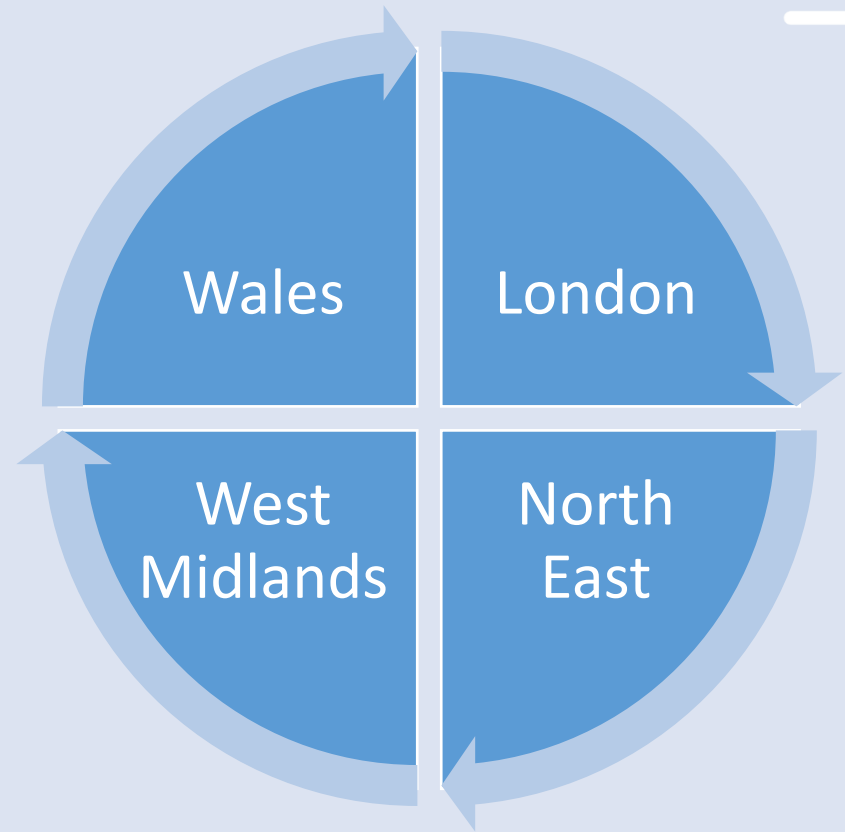
# YRO ISS Pilot Overview

Option to increase the maximum length of the extended activity requirement from 6 months up to 12 months

Mandatory use of the Electronic Whereabout Monitoring Requirement, often referred to as trail monitoring

# YRO ISS Pilot Overview

New Powers available in **all courts in England and Wales** if the child will be managed by a YOT within the 4 pilot areas



**Please note that the new YRO ISS powers are only available to children convicted on or after the 3<sup>rd</sup> July 2023**



Pre Sentence Report Recommendation

# YRO ISS Pilot

Share your initial thoughts on the new powers available via Google Jamboard – *Link posted in the Teams Chat*

*Some points to consider:*

- *The new powers as a viable alternative to short custodial sentences*
- *Potential challenges in delivering the new powers*

# Evaluation

## Evaluation aim:

- The aim of the evaluation is to measure outcomes of 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.
- Findings from 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 nationally.

## Research questions answered:

- How are the new powers in the YRO ISS are being used by sentencers?
- How do the new powers affect YJS recommendations for sentences?
- How do the new powers affect down/up-tariffing from YRO/custodial sentences?
- How do the new powers affect order compliance and breach rates?



# Evaluation Approach

1

Outcomes assessment - *analysis of quantitative data to measure the following:*

- Use of the new powers – volumes of orders across the pilot areas, use of the maximum 12-month activity requirement
- EWM Compliance – volume of EM violations recorded by EMS
- Breaches – volume of breaches resulting in a substantive outcome

2

Process evaluation – *combination of surveys, interviews and focus groups to understand the following:*

- How the new powers affect sentence recommendations and decision making
- Confidence in the new powers as a robust community sentencing option
- Experience of delivering the new powers – working with trail monitoring and extended activity requirements
- Perceptions and experience of children in receipt of the new powers

# Evaluation – YJS requirements and feedback

## Outcomes assessment – data recording

No additional data recording requirements

All data needed for the outcomes assessment is included in the current YJB data recording requirements

Recording of data relating to the new powers:

- *Program requirement*
- *Requirement start/end date*

Recording of PNC number- required for data linking to EWM data necessary for outcomes assessment

## Process evaluation – surveys & focus groups

15-minute online survey distributed to all YJS practitioners

- *The survey will be used to obtain initial feedback on perceptions and experiences of the new powers and their delivery.*

1 hour focus groups with a sample of YJS managers and caseworkers

- *YJS staff will be given the opportunity to opt-in to the groups at the end of the initial online survey. A sample of group participants will then be selected from the opt-ins*
- *Opportunity for YJS staff to feedback on experiences of the pilot in more detail and discuss points raised in the online survey.*
- *Opportunity to share any feedback YJS staff have on children's experiences of the orders*

# What is Trail Monitoring?

Trail monitoring, also known as Electronic Whereabouts Monitoring, is a functionality of location monitoring that enables Youth Offending Teams (YOT) to request **retrospective** information about a child's whereabouts at any time during lifetime of an order.

The period of the Electronic Monitoring requirement has to be specified in the order but otherwise it is for the court to decide the length – there is no minimum or maximum length.

It is not available for Court Bail, Remand to Local Authority Accommodation or Youth Rehabilitation Orders **without** ISS.

## What is trail monitoring?

A trail monitoring requirement gives the YOT the ability to request a child's location data from the EM Service Provider.

Example requests include:

- Checking where the child was at a specific time.
- Asking the EM Service Provider whether a child has been to a particular address or area within a set time period, e.g. the last five days.
- Asking the EM Service Provider for information about a child's 'breadcrumb trail' during a set time period, e.g. between 5pm and 5am on a Friday night.

Trail monitoring requests can provide useful insight for rehabilitative conversations, by either praising positive behaviour or challenging negative behaviour.



## How does the YOT request trail monitoring data

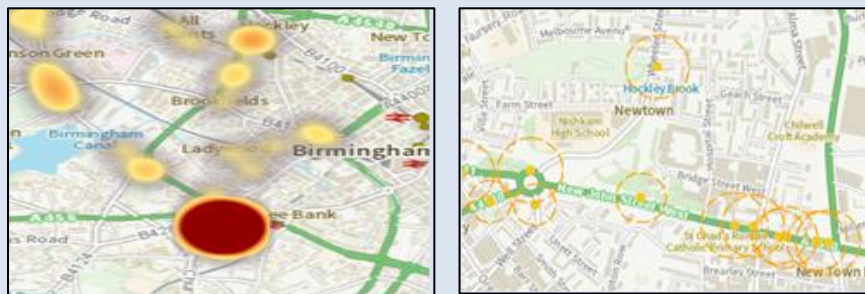
YOT is responsible for requesting the trail data, the EM Service Provider will not know what constitutes a risk.

YOT request the trail data via email or telephone the EM Service Provider. The average time for a response from the EM Service Provider is 24 hours, however this does depend on how much data is being requested.

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’. 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.

This tool is for YOTs to utilise, to inform better conversations with the child. Examples of this are set out in the FAQs.



## Charging the GPS tag

**The GPS tag needs charging every day for 1 hour in a 24 hours period.**

If the battery is not charged, when it drops to 10% the GPS tag will vibrate and illuminate every 5 minutes until the battery depletes or starts to be charged. The EM Service Provider will also attempt to contact the person to remind them to charge their device.

**If the tag runs out of battery this will constitute a breach.**

• **There are two ways to charge the GPS tag:**

- 1 – The EM Service Provider provide a standard mobile phone charger on a 2 metre lead which plugs one end into the GPS tag and the other end into a wall socket.
- 2 – The EM Service Provider provide a mobile charger, which is like a spare battery which can be charged at anytime, anywhere by clipping this device to the tag allowing the person to remain mobile.

- The GPS tag is fully waterproof (bathing and swimming).
- The GPS tag can't be used on a child of no fixed abode.



## What happens if there is non-compliance – EM Service Provider Responsibilities

For children subject to a Youth Rehabilitation Order with ISS, the below is a list of non compliance events which you will be notified of by the EM Service Provider. The YOT, as the decision maker, will decide on next steps:

- **Failure to keep battery charged**
- Intentional or reckless damage to equipment
- Remove or allow others to remove equipment
- Threat to use violence against EM Servicer Provider staff
- Refusal to allow install or complete induction (this would include parents, homeowner withdrawal of consent)
- Absence from place of curfew (where an EM curfew condition is also added)
- Breach of exclusion zone (where an EM exclusion zone condition has also been added)
- Failure to report at activity/school (where monitored attendance has also been added)
- Tag blocking (shielding the signal)

The EM Service Provider will report any non - compliance to the YOTs on the same day if confirmed by 3pm, or by 10am the following day if confirmed after 3pm.

**These response timescales are not designed to provide an immediate response. Timings are best endeavours, not SLAs.**

It is worth noting that in the first instance of non - compliance, the EM Service Provider will also attempt to contact the child via the HMU to investigate the violation and remind the child of their requirements.

## What happens if there is non-compliance – YOT Responsibilities

The YOT has the responsibility of looking into the background and detail of the breaches and providing support as the responsible officers, identifying any barriers and how these could be overcome. Every effort should be made to support the child to meet the requirement.

On receipt of information that court action is required, YOTs are responsible for presenting the case to court, appointing counsel where necessary and providing any subsequent advice to the court, and to the child and their family. YOTs may also withdraw cases at court where the interests of justice are served.

YOTs remain responsible for:

- Informing the EM Service Provider of adjournments
- Trial dates
- The eventual outcome of proceedings

Further information on trail monitoring, exclusion, monitored attendance and curfews can be found in the guidance.

# Preparing the child for the EM tag

Resources to help prepare the child for the location monitoring tag:



## Location Monitoring video:

An overview of location monitoring to provide clarity on what the tagging order entails. YOT can signpost/play this video for the child.



## Leaflet:

An Overview for the child of the first 24 hours with an EM tag.

This should be given to the child in court or at the first YOT visit.



## EM Service Provider Tagging Handbook:

An overview of the GPS tag requirements, providing information for the child to support them in adhering to the requirements of the tag. This will be given when the EM Service Provider fit the tag.



# Exemption criteria

## Factors which may exclude a child from an EM condition:

- The YOT will need to be satisfied that the child is **physically able to wear a tag**. For the monitoring to take place the tag must be fitted to an ankle.
- The YOT should also consider whether the child is **mentally capable of complying with the requirements** of the electronic monitoring; including the charging regime required for a GPS tag, including access to a power supply. The tagging should **not worsen any pre-existing mental health issues**.
- The vulnerability of the child, including learning needs and health should be taken into account when considering EM.
- GPS technology is not available for those without a fixed address or those of no fixed abode due to the need to install a home monitoring unit at the child's address. The landlord/owner or lead tenant of a property must allow permission for the equipment to be installed.
- Any address where a home monitoring unit is to be installed will need a **constant electricity supply** (this cost can be reimbursed).
- As well as the usual address checks and home visits to ascertain suitability, the YOT must have evidence of domestic abuse and safeguarding checks having been completed (information provided by the police and social care) before imposing an electronically monitored curfew condition.
- Where possible there should be police/social service checks on the home and the child in question as well as any other children in the home.

# Where can I find more information and support?

## EM Operational Framework

- Please [click here](#)

## Case Management Guidance

- Please [click here](#)

## Safeguarding Checks Guidance



Microsoft Word  
Document

## FAQs



Adobe Acrobat  
Document

<p><i>EM SERVICE PROVIDER</i></p>	<p>The EM Service Provider will be able to help with technical alert queries, such as:</p> <ul style="list-style-type: none"> <li>• Breach notifications</li> <li>• Low battery</li> <li>• Equipment checks</li> <li>• Scheduled maintenance</li> <li>• Installation of equipment</li> <li>• Removal of the equipment</li> </ul>	<p><b>Email:</b> <a href="mailto:GPSGeneralEnquiries@ems.co.uk.cjsm.net">GPSGeneralEnquiries@ems.co.uk.cjsm.net</a></p> <p><b>Telephone:</b> 0800 137 291</p>
<p><i>EM SERVICE PROVIDER</i></p>	<p>The EM Service Provider will also provide '<b>Trail Monitoring</b>' data as per requests</p>	<p><b>Email:</b> <a href="mailto:EMControlCentre@ems.co.uk.cjsm.net">EMControlCentre@ems.co.uk.cjsm.net</a> <b>And</b> <a href="mailto:GPSGeneralEnquiries@ems.co.uk.cjsm.net">GPSGeneralEnquiries@ems.co.uk.cjsm.net</a></p> <p><b>Telephone:</b> 0800 137 291</p>
<p><i>MOJ EM BUSINESS CHANGE TEAM</i></p>	<p>The EM Business Change Team will be able to help with any queries relating to:</p> <ul style="list-style-type: none"> <li>• Processes</li> <li>• Roles and Responsibilities</li> </ul>	<p><b>Email:</b> <a href="mailto:emchange@justice.gov.uk">emchange@justice.gov.uk</a></p>

# Resources available



Resources will be available to download via the YJB Resource hub shortly- a notification email will be sent via the YJB Regional Managers once the resources are available

## Contact Details

If you have any additional questions concerning the Pilot, please email the dedicated YRO ISS Pilot Inbox [YROISSPilot@justice.gov.uk](mailto:YROISSPilot@justice.gov.uk)