

# On Youth Probation



**What to expect if your son/daughter with a learning disability is on youth probation**

Serena Brady & Glynis Murphy

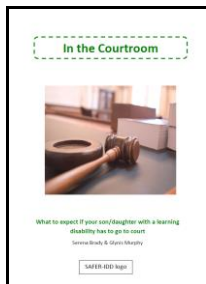
## SAFER-IDD INFO

### Other booklets in the series:



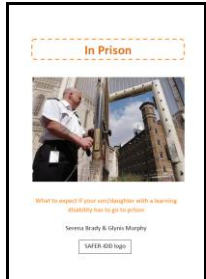
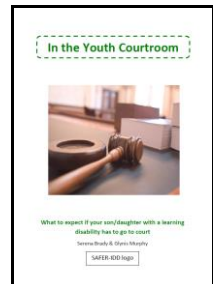
### ***"At the Police Station"***

Information on what happens during a police arrest and at the police station.



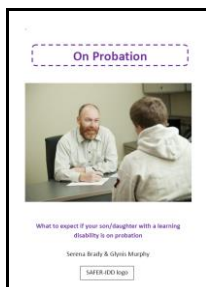
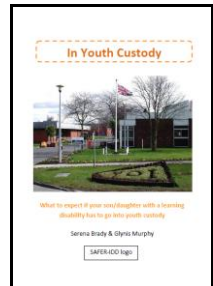
### ***"In the Courtroom" & "In the Youth Courtroom"***

Information on what happens during court / youth court and the possible outcomes.



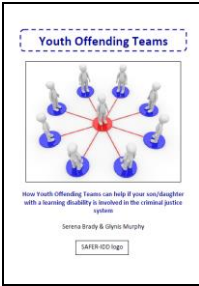
### ***"In prison" & "In Youth Custody"***

Information on what happens in prison / youth custody.



### ***"On Probation"***

Information on what happens during probation for adults.



## **“Youth Offending Teams”**

Information on what Youth Offending Teams are and what they do.



## **“Liaison & Diversion Services”**

Information on what Liaison & Diversion Services are and what they do

## **Acknowledgements**

We would like to thank a number of people who provided comments and suggestions during the development of this booklet. These include Tania Tancred, Ann Stirling, Rowena Rossiter, Aida Malovic, Clare Melvin, Neil Sinclair, Rachael Massey, & Peter Langdon.

## Contents

How to use this booklet .....	4
What is probation? .....	6
Sentenced to probation .....	8
After leaving youth custody .....	14
Being on licence .....	18
Post sentence supervision .....	23
Breaching probation conditions .....	25
Meetings with the offender manager .....	27
Multi-Agency Public Protection Arrangements .....	30
Recall to custody .....	33
Transfer to adult probation services .....	35
Youth offending teams .....	35
Help for people with learning disabilities .....	35
How you can help .....	35
Useful terms .....	35
Useful resources .....	35
Index .....	35

## How to use this booklet

This booklet is for anyone who has a son/daughter with a **learning / developmental disability** (aged under 18) who has been **convicted** in court and **sentenced to supervision**, or **released from youth custody and is under supervision** by a member of the **youth offending team**. It will give you information about how long they will be supervised for after they are released from custody and what this supervision might involve. There is a separate booklet about **adult probation** if your son/daughter is over 18.

This booklet does not give you information on what happens during a police **arrest**, and does not give detailed information on the **court** process or prison/youth custody. Other booklets in the series provide more information on these aspects of the **criminal justice system** (see page 1). There are also booklets on **Liaison & Diversion Services** and **Youth Offending Teams**.

## How to use this booklet

You can use the sections in this booklet when you need to, it might be helpful to read specific sections when they are most relevant. There is a list of useful terms and an index at the back which will help you to find information. Any words

that are **red** are explained at the back in the ‘useful terms’ and are also in the index. There is also a list of useful websites.

## What is probation?

Probation is when a young person is **convicted in court of an offence and sentenced to probation**, or is **released from youth custody and is placed under supervision in the community** for a period of time. They will usually be on probation until the end of their sentence, but might also be supervised for some time after their sentence has ended (see below). Probation is to help make sure that the young person is able to settle back into the community and to help prevent them from committing another **crime**.

Probation usually involves rules that the young person must follow and things that they must do (see pages 18 and 23). If they break the rules or don't do what they are told to they can be sent back to court or **recalled to youth custody** if they are on probation after leaving youth custody (see page 33). It is **VERY** important that your son/daughter understands the rules they are given and what they have to do while they are on probation.

### What probation involves

If your son/daughter has been **sentenced to probation** this may involve a combination of the following things:

- Regular meetings with someone from the youth

offending team (called an offender manager or probation officer)

- Attendance at treatment / other activities (e.g. unpaid work) as part of a community sentence
- Following rules given to them

If your son/daughter has been **released from youth custody** before the end of their sentence they may have a combination of different types of supervision in the community. This may involve:

- A period of being '**on licence**' (see page 18) or a short period of supervision from the youth offending team
- A period of '**post sentence supervision**' (see page 23) if they were given a determinate sentence, were aged 18 when they were released from youth custody, and committed the crime on or after the 1<sup>st</sup> of February 2015 (see flowchart on page 15)
- A period where they are not actively supervised in the community but can still be recalled to custody.



## Sentenced to probation

Some young people, when convicted in court of a crime, are **sentenced to a period of probation instead of custody**. This is only possible for some crimes and usually involves being given a **referral order** or **youth rehabilitation order**. These orders involve different rules and conditions and your son/daughter will be supervised for the full length of the order that the court imposed.

### Referral orders

If your son/daughter was given a referral order, they will be required to meet with a **youth offending panel** (made up of members of the public and staff from the youth offending team) to agree a contract of supervision and work in the community, as an alternative to youth custody. This might involve making up for the crime (called reparation) by apologising to the victim or paying for/repairing damage caused, or may involve work to tackle factors linked to the original crime (e.g. drug or alcohol problems, anger management etc.). Your son/daughter might also have to abide by certain conditions if they are given a referral order, such as a curfew or meeting with someone from the youth offending team regularly to check their progress.

The order will last between three and twelve months, and your son/daughter will be supervised for the full length of the order.

## Youth rehabilitation orders

A youth rehabilitation order can be given for crimes committed on or after the 30<sup>th</sup> of November 2009 and is more intensive than a referral order. The order can last up to three years and will include a number of conditions that your son/daughter must abide by. These conditions may have different end dates to the main order, but all of the conditions must be met by the end of the order. Conditions that might be imposed with the order **could include a combination of these:**

- **Activity requirement** (your son/daughter will have to do certain things for a specified number of hours/days, e.g. attend education)
- **Supervision requirement** (your son/daughter will have to meet with an offender manager regularly)
- **Unpaid work requirement** (if your son/daughter is aged 16 or 17, they will have to do between 40 and 240 hours of unpaid work)
- **Programme requirement** (your son/daughter will have to take part in a programme to tackle factors related to their offending, e.g. an anger management

programme)

- **Attendance centre requirement** (your son/daughter will have to go to an **attendance centre** for between 12 and 36 hours)
- **Prohibited activity requirement** (your son/daughter will not be allowed to do certain things)
- **Curfew requirement** (your son/daughter will have to abide by a curfew, this may include electronic monitoring with a **tag**)
- **Exclusion requirement** (your son/daughter will not be allowed to go to certain places)
- **Residence requirement** (your son/daughter will have to live with a specific person or at a particular place, this could include living in local authority accommodation, e.g. a children's home, for up to 6 months)
- **Mental health treatment requirement** (your son/daughter will have to undergo treatment related to their mental health condition, this could include treatment as an inpatient in hospital. They will be asked to consent to this)
- **Drug/intoxicating substance treatment requirement** (your son/daughter will have to undergo treatment to help them stop using drugs/intoxicating substances. They will be asked to consent to this)

- **Drug testing requirement** (your son/daughter will have to have tests which can tell whether they have taken drugs. They will be asked to consent to this)
- **Education requirement** (your son/daughter will have to take part in education)
- **Intensive supervision and surveillance** (if your son/daughter is placed on an intensive youth rehabilitation order, they will have an extended activity requirement which lasts longer than a normal activity requirement. They will also have a curfew with a tag, and a supervision requirement)
- **Intensive fostering** (used instead of intensive supervision and surveillance if your son/daughter is placed on an intensive youth rehabilitation order. They will have to live in foster care for up to 12 months and will also be given a supervision requirement)

## Type of supervision

For both referral and youth rehabilitation orders, your son/daughter will have to meet regularly with a worker from the youth offending team (i.e. an offender manager) during the order. How often they must do this will depend on risk assessments which identify how likely they are to commit another crime, and how likely they are to cause serious harm. There are three levels based on risk which can be seen

in the table below and each level has a specific number of contacts (i.e. meetings with the offender manager) that must take place each month throughout the order.

Level	Minimum number of contacts per month in first 12 weeks	Minimum number of contacts per month after 12 weeks
Standard	2	1
Enhanced	4	2
Intensive	8	4

There are different rules if your son/daughter has been given intensive supervision and surveillance (ISS) as part of their youth rehabilitation order (see table below). They will be required to do specific activities (e.g. educational / training classes, offender behaviour management programmes, voluntary work etc.) in line with their activity requirement for a certain number of hours each week. They will also have to meet with their offender manager or another person who has been authorised to supervise them.

Type/length of ISS	Hours of contact per week throughout order		
Extended (180 days)	1-4 months	5-6 months	7-12 months
	25*	15*	5

Band 2 (91 days)	1-2 months	3rd month	4-6 months
	20*	10*	5
Band 1 (91 days)	1-3 months	4-6 months	
	25*	5	

\* = at least 2 contacts per day, seven days per week, with support during evenings and weekends.

## After leaving youth custody

If your son/daughter is on probation after being released from youth custody, how long they are supervised for depends on the type of sentence they were given and when they committed the crime. It can be quite complicated, so your son/daughter should ask their **offender supervisor** (in youth custody) or **offender manager** (in the community) for help to understand what supervision they will have and what they have to do during it.

### Type of supervision

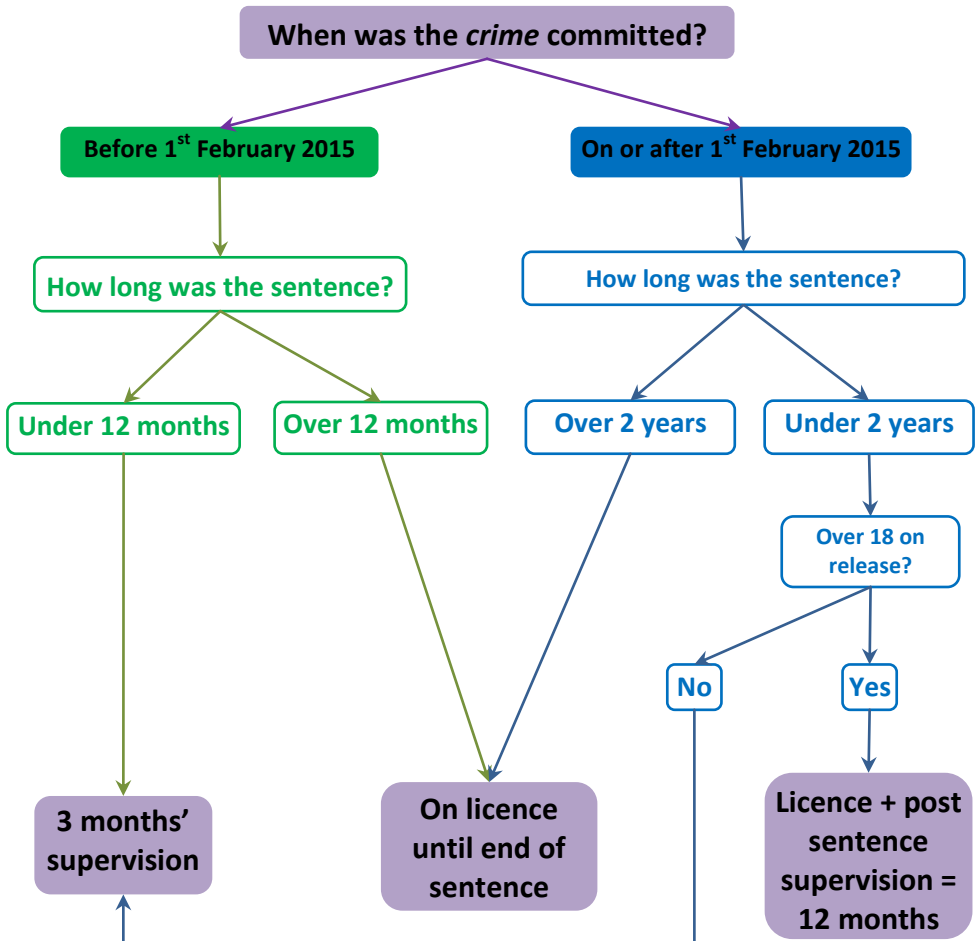
#### DTO

If your son/daughter was given a **detention and training order (DTO)** they will spend half of the order in custody and half under supervision in the community. The supervision in the community will be the same as for referral or youth rehabilitation orders (see above) and might be combined with a youth rehabilitation order and intensive supervision and surveillance.

#### Determinate

**Determinate sentences (under section 91 of the Powers of Criminal Evidence Act, 2000)** involve a period in custody (half of the sentence) and a period under supervision in the community. The type and length of the supervision will vary depending on the young person's age, the length of their sentence and when the crime was committed. The flowchart opposite will help you to identify what type and length of supervision your son/daughter might have.

## Type of supervision for determinate sentences



This diagram will not apply if the crime was committed before the 4<sup>th</sup> of April 2005. If you think your son/daughter's crime might fall into this category, you should talk to their offender manager who can clarify the type of supervision they will have.



# Extended

**Extended sentences** are made up of time in custody, and time on licence (see page 18), however the time on licence will be longer than it would be if your son/daughter had been given a determinate sentence. When they will be released and what length of supervision they will have will depend on what their sentence was and when they were given it. The table below gives information about this, but if your son/daughter committed their crime before the 4<sup>th</sup> of April 2005 they should ask their offender manager about their release and supervision, as the rules will be different.

Sentence date	Release & supervision
Before 14/07/08	<ul style="list-style-type: none"> <li>• Eligible for release half way through custodial part of sentence (subject to <b>Parole Board</b> review)</li> <li>• Automatic release at end of custodial part of sentence</li> <li>• On licence to end of sentence</li> </ul>
On or after 14/07/08	<ul style="list-style-type: none"> <li>• Automatic release half way through custodial part of sentence</li> <li>• On licence to end of sentence</li> </ul>
On or after 3/12/12	<ul style="list-style-type: none"> <li>• Eligible for release after two thirds of custodial part of sentence (subject to Parole Board review)</li> <li>• Automatic release at end of custodial part of sentence</li> <li>• On licence to end of sentence</li> </ul>

An **indeterminate sentence** means that there is no fixed date when the young person can be released from custody. Instead, they must spend a minimum amount of time in custody (called a **tariff**) before a Parole Board will consider whether they should be released based on whether they are still a risk to the public. After they are released, they will be on licence for at least 10 years or for their whole life if they received a **life sentence** (i.e. a discretionary life sentence, or **detention during her majesty's pleasure**).

## Multi-Agency Public Protection Arrangements (MAPPA)

Your son/daughter may also be placed under the supervision of **Multi-Agency Public Protection Arrangements (MAPPA)** once they are released from youth custody if they are deemed to be a high risk to the public. They may not have to do anything different whilst on probation if they are supervised by MAPPA, however it is important that your son/daughter knows whether they are under MAPPA supervision. There is more information about MAPPA on page 30.

## Being on licence

Young people who are given a determinate, extended, or indeterminate sentence will be placed on licence when they leave custody. If they will only be given 3 months' supervision (following a determinate sentence of less than 12 months) this will be called a supervision notice. This means that they will be closely supervised by an offender manager from the youth offending team in the community, will have rules to follow, and may have to do certain things to support their reintegration into the community.

When released on licence, your son/daughter will be given information about their **licence conditions** which are the rules that they have to follow for the period of their licence. These conditions are to make sure that your son/daughter does not present a risk to the public, and to help them to settle back into the community. They will be asked to sign a notice to say that they will follow these rules.



It is **VERY** important that your son/daughter understands their licence conditions and is able to follow them so that they don't get sent back to court or recalled to youth

custody. They should ask their offender manager / supervisor to help them if they don't understand any of their conditions.

## Standard conditions

There are six standard conditions that **all** young people must follow when they are released on licence. These are:

1. **Live** and stay only **where it has been agreed** (by their offender manager) that they will live
2. **Work** only **where it has been agreed** that they will work
3. **Keep in touch** with their offender manager which usually means meeting regularly with them
4. Receive **visits from their offender manager** at home
5. **Stay in the UK** and do not travel abroad
6. **Behave well** (which means avoiding alcohol or drugs, not committing more crimes etc.)

## Additional conditions

There may also be other conditions added to the licence depending on the type of crime that your son/daughter committed. The most common of these conditions are detailed below, however it is important to note that unique conditions can also be added if an offender manager thinks that none of the most common conditions are enough to

protect the public.

Your son/daughter should ask their offender manager to explain all of their conditions to them to make sure that they are able to follow them while on licence. They could be given a combination of the following conditions:

- **Contact requirement:** the young person may have to see medical professionals to help with medical or mental health problems, and allow a mental health worker to visit them at home.
- **Prohibited activity requirement:** Things that the young person may not be allowed to do. May include:
  - Working with children
  - Using the internet or letting anyone use the internet for them
  - Deleting the internet history on their computer (they might also have to allow their computer to be monitored)
  - Owning more than one mobile phone
  - Taking photographs or owning a device that is able to take photographs
- **Residency requirement:** The young person may have to live and stay (for every night) only at an agreed address (this is stricter than the standard condition).
- **Prohibited residency requirement:** The young person

may not be allowed to live or stay in the same house as a child.

- **Prohibited contact requirement:** People the young person may not be allowed to have **any** contact with. May include:
  - Witnesses or victims of the crime
  - Children
- **Programme requirement:** The young person may have to attend **offender management programmes** to tackle problems related to their offending, e.g. drug/alcohol, anger management, sex offender treatment etc. May also be required to join a specific project to help them stay out of trouble.
- **Curfew requirement:** The young person may have to abide by a **curfew** (this will involve wearing an electronic tag).
- **Exclusion requirement:** The young person may not be allowed to go into certain areas (a map will be provided to make it clear where they are not allowed to go), specific buildings, or near specific places (e.g. play areas, schools, swimming pools).
- **Supervision requirement:** Additional ways the young person may be supervised. May include:
  - Reporting to staff every day
  - Providing details of any car that they use

- Providing details about any new intimate relationships and telling their offender manager if they are close to someone who has children
- Providing details of their passport
- ***Non-association requirement:*** People the young person may not be allowed to associate with. May include:
  - Convicted criminals
  - Sex offenders
  - People in the criminal justice system
  - People from certain groups (e.g. gangs)

The licence conditions may be relaxed throughout the sentence if your son/daughter is doing well and is not a risk to the public. They may also be allowed exceptions to their licence conditions (e.g. if they need to go through an exclusion area to get to work or the doctors), however any exceptions **must** be approved by the offender manager and might be hard to get as they are usually only approved in very special circumstances.

## Post sentence supervision

Post sentence supervision is like being on licence and is to help your son/daughter to settle back into the community **after their sentence has ended**. Not everyone will have post sentence supervision – only people who were given certain determinate sentences and were over 18 when they were released from custody will have it. The flowchart on page 15 will help you to work out if your son/daughter will have post sentence supervision and how long this might be for.

### Supervision conditions

Just like when your son/daughter was on licence, there are rules that they have to follow when on post sentence supervision. These are:



1. **Live** and stay only **where it has been agreed** that they will live
2. **Work** only **where it has been agreed** that they will work
3. **Keep in touch** with their offender manager which usually means meeting regularly with them
4. Receive **visits from their offender manager** at home
5. **Stay in the UK** and do not travel abroad
6. **Behave well**
7. Don't commit more **crimes**



8. Take part in **activities** (such as attending groups) that their offender manager thinks are needed to help prevent them committing more crimes and to settle into their community

Unlike when they were on licence, there aren't any other rules that can be given to them, and they might not have all the rules listed above. It might also be easier to get exceptions to the rules (e.g. to be allowed to leave the UK temporarily), but any exceptions **must** be approved by the offender manager.

## Breaching probation conditions

**Breach** means that your son/daughter has broken the conditions of their supervision. Depending on the type of supervision they have been given, there might be different consequences if your son/daughter has breached their conditions.

It is **very** important that your son/daughter understands the conditions of their supervision and is able to follow them to avoid breaching the conditions. They should ask their offender manager to explain all of the conditions to them to make sure that they understand.

### Breaching licence conditions

If your son/daughter breaches their licence conditions (see page 18) during a determinate, extended, or indeterminate sentence they will normally be given a warning in the first instance. If they continue to breach the conditions, they may be sent back to court or they may be recalled to custody (see page 33). If they commit a serious breach (like committing another crime) or it is thought they are a risk to the public they can be automatically recalled to custody without having to be taken to court first.



## Breaching other conditions

If your son/daughter is on post sentence supervision, the community part of a detention and training order, or a period of 3 months' supervision (following a determinate custodial sentence of less than 12 months), they will still have conditions to follow. If these conditions are broken they will be taken to court and the magistrates will decide what consequences to impose. This could be:

- A fine



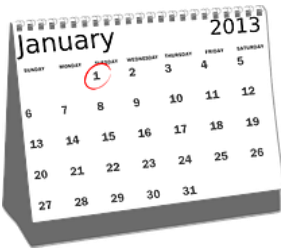
- Up to 30 days in custody



## Meetings with the offender manager

During probation, your son/daughter will have to meet regularly with their offender manager from the youth offending team. This might mean meeting with them:

- Daily
- Weekly
- Every 2 weeks
- Monthly



It is **very** important that your son/daughter attends all of the appointments with their offender manager as this will be a condition of their probation, licence or post sentence supervision. If they think they might miss an appointment or be late

they should contact their offender manager straight away. The appointments might be at the offender manager's office, or at your son/daughter's home.

### At the appointment

At the appointment the offender manager will work with your son/daughter on their **sentence/training plan**. This means checking how they are coping in the community,

identifying whether they need to do anything else to support their resettlement and prevent reoffending (e.g. attend a new programme), and identifying any things that might make settling back into the community more difficult or make reoffending more likely.

This might mean helping your son/daughter with issues such as housing, employment, social relationships, drug/alcohol problems etc. It is important to note, however, that offender managers cannot *provide* housing or employment, and that they can only offer advice or suggest where your son/daughter could go for help with these things.

### Important things to know about the meetings

Your son/daughter **must not** go to any meetings with their offender manager when they are drunk or under the influence of drugs, and they must not act in a threatening or aggressive way. These things will mean that they breach the condition of behaving well and they might be sent back to court or, in serious cases, back to custody.



They should also turn their mobile phone off during the meetings.





They can't have pets or children with them at the meetings, and family carers might not be able to attend the meetings. You will need to talk to your son/daughter and their offender manager about whether you can attend the meetings, as both your son/daughter and their offender manager will have to consent to this.



## Multi-Agency Public Protection Arrangements

Multi-Agency Public Protection Arrangements (MAPPA) are a way to provide extra supervision and to manage young offenders in the community who are thought to be a high risk to the public. MAPPA enables different agencies to work together to manage a young person. Your son/daughter should be told whether they are subject to MAPPA supervision, and they should ask their offender manager if they are unsure.



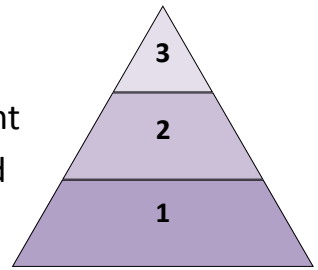
### MAPPA Categories

There are three categories of offenders who will be managed by MAPPA:

- 1 Registered sex offenders** who will be managed by MAPPA until they no longer have to be 'registered'
- 2 Violent and other sexual offenders** who will be managed by MAPPA until the end of their licence period
- 3 Other dangerous offenders** who will be managed by MAPPA until they no longer pose a risk to the public

## Levels of MAPPA involvement

There are three levels of MAPPA involvement with increasing time and resources allocated at each level:



- 1. Level 1: Normal agency involvement**, where the young person will be managed as normal by the police and youth offending teams, but agencies may share information about the young person to help manage the young person's risk to the public
- 2. Level 2: Multi-agency involvement**, where more than one agency (e.g. police, youth offending teams, youth custody, social services etc.) meet at **Multi-Agency Public Protection (MAPP) meetings** to manage the risk posed by a young person. Young people do not attend MAPP meetings, but will be told about the outcomes to enable them to work together with the agencies supporting them to reduce their risk to the public.
- 3. Level 3:** Similar to level two, however **senior staff from each agency will be involved in MAPP meetings** to ensure that additional resources can be allocated to managing the young person if necessary, for example, surveillance resources.



## **Will I be told if my son/daughter is managed by MAPPA?**

Your son/daughter will be told if they are managed by MAPPA, however family members are not automatically informed and it is usually up to the young person to decide whether they want to tell their family. In some cases, family members may be informed if the police or probation/youth offending teams think that they need to know to reduce any risk to them.

## **Will my son/daughter have to do anything differently if MAPPA are involved?**

Your son/daughter will not have to do anything differently (i.e. they should still comply with their licence/supervision requirements) whilst they are managed by MAPPA, however they should co-operate with all the agencies involved to reduce their risk to the public. If they are a category 3 MAPPA offender this is particularly important as they will be managed by MAPPA indefinitely until their risk to the public has reduced enough.

## Recall to custody

If your son/daughter was given a determinate, extended, or indeterminate sentence they can be recalled to custody at any time until the end of their sentence, but cannot be automatically recalled after their sentence ends (although a Magistrate's Court may impose an additional period in custody if your son/daughter breaks their post-sentence supervision or detention and training order conditions – see page 23). They might be recalled if they break their licence conditions or commit more crimes.

### Types of recall

There are two types of recall to custody which relate to how long your son/daughter will be in custody for if they are recalled. The type of recall they are subject to will depend on how long their original sentence was for and when they committed the crime.

**Fixed term recall:** If your son/daughter was given a **determinate sentence** they may be eligible for **fixed term recall**. This means that they can be recalled for 14 days (if their sentence was for less than 12 months and they committed the crime on or after the 1<sup>st</sup> of February 2015) or 28 days (if they committed the

crime after the 1<sup>st</sup> of February 2015 and their sentence was for more than 12 months, or they committed their crime before the 1<sup>st</sup> of February 2015). They will be re-released after the fixed term, or at the end of their sentence (whichever is earlier). They will only be eligible for fixed term recall if it is thought that they do not present a risk to the public.

**Standard recall:** If your son/daughter is not eligible for fixed term recall they can be subject to **standard recall**. This means that they can be recalled to custody until the end of their sentence if they were given a determinate sentence. If your son/daughter was given an indeterminate or life sentence (i.e. a discretionary life sentence, or detention during her majesty's pleasure) they will only be re-released when a Parole Board thinks that they no longer pose a threat to the public.

If your son/daughter was given a determinate sentence, they may be released from custody early (e.g. before the end of their sentence or recall period) after being recalled, however this will depend on the risk they pose to the public.

If your son/daughter is recalled to custody they may want to

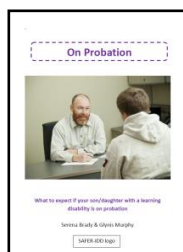
seek advice from their **legal advisor** who can clarify when they will be re-released, and how to appeal.

## Transfer to adult probation services

If your son/daughter turns 18 while they are supervised by the youth offending team, they may be transferred to adult probation services. This means that they will be supervised by an offender manager from adult probation, rather than from the youth offending team, and will have access to adult offender management programmes and supports.

Transferring to adult probation **will not** alter the type or length of supervision that your son/daughter has. It will only change who they are supervised by and the type of support they receive.

Your son/daughter might not be transferred if it is thought that they are vulnerable, or if they only have a short amount of supervision left. It is up to their offender manager to decide whether they should be transferred or not, and they should discuss this with your son/daughter early on (i.e. 3-6 months before they might be transferred).



If your son/daughter will be transferred to adult probation services, you might find it useful to read through the adult probation booklet in this series (see page 1).

## Youth offending teams

Youth offending teams work with people under the age of 18 who have committed a crime, or are at risk of committing a crime, and their families. They are made up of lots of different types of professionals which could include:

- The police
- Social workers
- Probation officers / offender managers
- Education staff
- Housing officers
- Psychologists
- Family workers

The main aim of the youth offending team is to prevent offending by children and young people. Because of this, they work with young people at a number of stages of involvement with the criminal justice system.

The youth offending team might help young people before they commit a crime if they are identified as being at risk of committing a crime. This could include providing them with a crime prevention programme or offering other forms of support (e.g. addressing problems relating to housing or their family situation) to prevent them committing a crime.

They also help young people who have committed a crime,

and this may involve providing them with information and support throughout their involvement in the criminal justice system, supervising them if they have been given a community sentence or have been released from custody, and helping to prevent them from reoffending.

### **Contacting your local YOT**

Every area in England has a youth offending team. You can find your local team by visiting:

<https://www.gov.uk/government/collections/youth-offending-team-contact-details>

## Help for people with learning disabilities and / or Autism

While your son/daughter is on probation there may be things that offender managers or others can do to help them understand and stick to their licence conditions and to follow their sentence/training plan.

The only statutory (i.e. required by law) obligation is that services make **reasonable adjustments** to support people with disabilities (see below), however there may also be other forms of support available or specific services to help.

### Reasonable adjustments

The law says that all services must make reasonable adjustments to support people with disabilities. This includes probation services and means that the youth offending team must do everything they can to help people with learning disabilities to access the service.

This might mean providing information in an accessible format (e.g. by making it easier to read, providing information on a CD etc.) and making any adaptations necessary to appointments (such as scheduling the appointment at the best time for the person, altering the length of the appointment if necessary, allowing frequent



breaks, meeting the person at their home if required etc.). It might also mean making adaptations to the physical environment of the service to make it easier for a person to access if they also have physical difficulties.

Any offender management or behaviour programmes that your son/daughter is required to attend should also make reasonable adjustments to support your son/daughter, and ideally should be adapted specifically for people with learning disabilities and / or Autism. It is important to note that there are not many programmes that have been adapted for people with learning disabilities or Autism at the moment, therefore your son/daughter might attend one that is not adapted and have reasonable adjustments to help them, or they might be offered one to one support from professionals instead.

If your son/daughter doesn't think that probation services are making reasonable adjustments for them they should seek advice from their legal advisor.

## **Other forms of support**

Individual offender managers may also offer other forms of support to help people with learning disabilities. This could include things like texting them to remind them of

appointments, providing them with a weekly planner to mark appointment times on etc.

This additional support will be dependent on each offender manager and what they are able to offer. However, if your son/daughter thinks that there is something which would help them to stick to their licence conditions or supervision requirements they should talk to their offender manager who may be able to help.

### **Specific services**

There are also a number of services that are able to support young people who have been released from custody. These often involve mentoring the young person and helping them with practical things in preparation for being released and after they are released. For example, mentors might help young people to find housing, access education or get a job, or manage their finances.

If your son/daughter is interested in this kind of support they should talk to their offender supervisor in custody, or their offender manager once they are released who should be able to tell them what is available in their area.

## How you can help

If your son/daughter has been sentenced to probation or released from youth custody on probation it can be difficult to know what is required of them and how best to help them. There are, however, a number of things listed below that you can do to help.

- **Use this booklet** and the **‘useful resources’ websites** to find out about probation so that you’re well prepared and can help your son/daughter to prepare
- Make sure that your son/daughter knows how important it is to **tell their offender manager that they have a learning disability or autism**
- **Call your son/daughter’s social worker, community nurse, psychologist, or psychiatrist** if they have one. They will be able to talk to the youth offending team to make sure your son/daughter is getting the support they need
- If possible, help your son/daughter to **understand their licence conditions/supervision requirements** and help them to stick to these

## Legal advice for yourself

You could also get advice from a solicitor for yourself which

might help you to understand what is happening and how you can best help your son/daughter. You can obtain legal advice by contacting any solicitor (e.g. by searching for one in your area online, going into a solicitor's office, or finding one in the phone book). It is important to note that they will charge for their services, so **it will not be free**.

## Useful terms

**Arrest:** when the police think someone has committed a crime and take them to the police station to find out more.

**Attendance centre:** the place where your son/daughter may have to go during the day to do offending behaviour programmes, educational activities, or activities that will support them to avoid reoffending in the future.

**Breach:** the term used when someone has broken the conditions of their probation supervision. See page 25.

**Convicted:** when someone pleads guilty or is found guilty of a crime.

**Court:** the place where people say what they know about the crime to help a judge or jury decide if the person committed the crime. If it is decided that the person did commit the crime, the court also decides what consequences the person should have for committing the crime.

**Crime:** any action that breaks the law. This may also be called an offence.

**Criminal justice system:** the system in England that deals with people who are suspected of or have committed a crime.

**Curfew:** when a young person has to be at home between a

certain time, e.g. between 11pm and 6am. May involve wearing an electronic tag.

**Detention and training order:** a type of custodial sentence for young offenders.

**Detention during her majesty's pleasure:** a type of indeterminate life sentence for young people who have committed very serious crimes, like murder.

**Determinate sentence:** a type of custodial sentence with a fixed date for when the young person will be released from custody.

**Developmental disability:** a type of disability usually present from birth which may also co-occur with a learning disability. Examples include Autism, Fragile X Syndrome, Down syndrome etc. A developmental disability may be identified by psychological or medical tests.

**Extended sentence:** a type of custodial sentence where there will be a fixed date for when the young person can be released, but the period spent 'on licence will be longer than for a determinate sentence.

**Fixed term recall:** a type of recall to custody where an eligible young person may be recalled for 14 or 28 days, depending on when they committed the crime and the length of their sentence. See page 33.

**Indeterminate sentence:** a type of custodial sentence where the court will say the minimum amount of time a young person must stay in custody for (called their tariff) before they can be considered for release, and they will only be released if the Parole Board is satisfied that they no longer present a high risk to the public.

**Learning disability:** a type of disability which is usually present from birth and results in the person having difficulty with certain things such as communication, independent living, or social skills. A learning disability includes the person having an IQ below 70 and this is usually identified using specific types of psychological tests.

**Legal advisor:** someone who can give advice about the law, for example, a solicitor.

**Liaison & diversion service:** services that support people in the criminal justice system who may have a learning or developmental disability, or mental health condition.

**Licence conditions:** rules that a young person has to follow when they are on licence. See page 19.

**Life sentence:** a type of indeterminate custodial sentence where the young person will have to stay in custody for at least 12 years and will be 'on licence' for the rest of their life once they are released.

**Multi-agency public protection arrangements:** a type of additional supervision for young people who are thought to be high risk to the public. See page 30.

**Multi-agency public protection meetings:** meetings held by MAPPA for offenders managed at level 2 or 3. See page 31.

**Offender management programme:** a type of educational or therapeutic programme which aims to help young people tackle factors that were related to them committing the crime (e.g. anger, drug/alcohol problems etc.).

**Offender manager:** someone who works in community-based probation/youth offending teams and will work with young people while they are in custody (to develop their sentence/training plan) and when they are released (to supervise them). May also be called a probation officer.

**Offender supervisor:** someone who works with young people while they are in custody to develop their sentence/training plan and help them follow it.

**On licence:** when a young person has been released from custody, has been given a specific type of sentence, and must be monitored by an offender manager and follow certain rules for a period of time. See page 18.

**Parole board:** the group of people who decide whether a young person who is on an extended or indeterminate



sentence is no longer a risk to the public and can be released from custody.

**Post sentence supervision:** a period of supervision after the end of a young person's sentence if they were given a certain determinate sentence. See page 23.

**Probation:** when a young person has been charged and found guilty of a crime but the court does not think they should go to youth custody, or if the young person has just been released from youth custody, they are said to be on "probation". If they have just been released from youth custody, this might also be called "on licence" or on "parole". Probation means the person is still serving their sentence for the crime, but is allowed to do this in the community.

**Reasonable adjustments:** things that all organisations (including probation services) have to do to help people with disabilities to access the service.

**Recalled to custody:** when a young person has broken the conditions of their licence and has to go back to youth custody for a certain period of time. See page 33.

**Referral order:** a type of sentence given to a youth offender which will involve meeting with a youth offending panel and deciding a programme of work to make up for the crime and prevent reoffending. See page 8.

**Sentence:** the name given to the consequences given by a court when someone has been convicted of a crime.

**Sentence plan:** the plan developed by an offender manager in conjunction with the young person (and the offender supervisor or personal officer, if the young person is in custody) which has a list of things that the young person, custody setting, or youth offending team can do to help make sure the young person does not reoffend once they are released from custody. May be called a training plan if the young person was given a detention and training order.

**Standard recall:** a type of recall to custody where the young person will be in custody until the end of their sentence. See page 34.

**Tag:** the electronic monitor that a young person must wear on their ankle if they have been given a curfew as part of their licence conditions.

**Tariff:** the minimum length of time that a young person must be in custody for if they are given an indeterminate or life sentence.

**Youth custody:** the name given to the different types of prison placements for offenders who are under 18.

**Youth offending panel:** a team of people (made up of someone from the youth offending team and members of

the public) who work with young offenders who have been given a referral order to decide a programme of work. See page 8.

**Youth offending team:** a team of professionals who support young people who are at risk of committing crimes or who have committed a crime. The youth offending team aims to prevent offending/reoffending by children and young people.

**Youth rehabilitation order:** a type of community sentence given to a youth offender which will involve a number of requirements. See page 9.

## Useful resources

This is a list of the places where information for this booklet was found and other resources that you might find useful. Some of these resources are not specifically for young people but may still be relevant if your son/daughter is under 18.

### **Action for prisoners' and offenders' families**

<http://www.prisonersfamilies.org.uk/>

### **A joint inspectorate of the treatment of offenders with learning disabilities within the criminal justice system**

Phase one *from arrest to sentence*

<https://www.justiceinspectorates.gov.uk/cji/inspections/joint-inspection-of-the-treatment-of-offenders-with-learning-disabilities-within-the-criminal-justice-system-phase-1-from-arrest-to-sentence/#.Vge8VflVikp>

Phase two *in custody and the community*

<https://www.justiceinspectorates.gov.uk/cji/inspections/learningdisabilitiesphase2/#.Vge8cPlViko>

**The Bradley Report** about how people with mental health problems or learning disabilities are treated in the criminal justice system.

<https://www.rcpsych.ac.uk/pdf/Bradleyreport.pdf>

### **Citizens Advice information pages**

General information on legal system:

<https://www.citizensadvice.org.uk/law-and-rights/legal-system/>

### **Criminal Justice Inspection ‘Transitions: An inspection of the transitions arrangements from youth to adult services in the criminal justice system’ Report**

<http://www.justiceinspectorates.gov.uk/hmiprobation/inspections/transitions-an-inspection-of-the-transitions-arrangements-from-youth-to-adult-services-in-the-criminal-justice-system-october-2012/>

### **Department of Health ‘Positive Practice Positive Outcomes’ Report**

<https://www.gov.uk/government/publications/positive-practice-positive-outcomes-a-handbook-for-professionals-in-the-criminal-justice-system-working-with-offenders-with-a-learning-disability>

## **Gov.uk information pages**

General information on legal system:

<https://www.gov.uk/browse/justice>

MAPPA guidance

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

Probation pages

<https://www.gov.uk/guide-to-probation>

Youth offending teams

<https://www.gov.uk/youth-offending-team>

## **Howard league for penal reform**

<http://www.howardleague.org/>

*Resettlement report*

<http://www.howardleague.org/publications-youngpeople/>

## **KeyRing criminal justice system resources:**

<https://www.keyring.org/cjs>

## **MENCAP resources on the criminal justice system**

<https://www.mencap.org.uk/raising-your-game/resources>

## **Multi-Agency Public Protection Arrangements Guidance**

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

## **NACRO**

<https://www.nacro.org.uk/about-us/>

*Resettling prisoners with mental health needs or a learning disability* report

<https://www.nacro.org.uk/data/files/resettling-prisoners-mh-needs-10-948.pdf>

## **Mental Health Act Code of Practice (see, in particular, chapter 22)**

<https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>

## **National Autistic Society: Criminal Justice information pages**

<http://www.autism.org.uk/working-with/criminal-justice.aspx>

## **Offenders' Families Helpline**

<http://www.offendersfamilieshelpline.org/>

## **Open Justice**

<http://open.justice.gov.uk/>

## **POPS – information for families**

<http://www.partnersofprisoners.co.uk/>

## **Prisoners' families and friends service**

<http://pffs.org.uk/>

## **Prison Reform Trust**

<http://www.prisonreformtrust.org.uk/>

*No One Knows* project:

<http://www.prisonreformtrust.org.uk/ProjectsResearch/Learningdisabilitiesanddifficulties>

*Fair Access to Justice* Report

<http://www.prisonreformtrust.org.uk/Publications/ItemId/156/vw/1>

*Prisoners information pages*

<http://www.prisonreformtrust.org.uk/Publications/PrisonersInformationBooks>

## **Prison Service Instructions**

<https://www.justice.gov.uk/offenders/psis>

## **Prison Service Orders**

<https://www.justice.gov.uk/offenders/psos>



## **Probation Instructions**

<https://www.justice.gov.uk/offenders/probation-instructions>

## **Rethink Mental Illness criminal justice system pages**

<http://www.rethink.org/living-with-mental-illness/police-courts-prison>

## **Sentencing Council (includes sentencing guidelines)**

<http://www.sentencingcouncil.org.uk/>

## **Youth justice board**

<https://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales>

*National minimum standards for youth justice services*

<https://www.gov.uk/government/publications/national-standards-for-youth-justice-services>

## Index

**Adult probation, 36**

**Arrest, 4, 44**

**Attendance centre, 10, 49**

**Autism, 42**

**Breach, 25–26, 28, 44**

**Convicted, 44**

**Court, 4, 6, 8, 18, 25, 26, 28, 33, 44**

**Crime, 6, 7, 8, 14, 19, 21, 25, 33, 34, 37, 44**

**Criminal justice system, 4, 44, 46**

**Curfew, 21**

Tag, 10, 11, 21, 44, 49

**Developmental disability, 4, 45**

**Foster care, 11**

**Learning disability, 4, 39, 42, 46**

**Legal advisor, 35, 40, 46**

Solicitor, 42

**Liaison & diversion services, 4, 46**

**Local authority accommodation, 10**

**Mentors, 41**

**Multi-agency public protection arrangements, 17, 30–32, 46**

MAPP meetings, 31, 47

**Offender management programmes, 9, 12, 21, 28, 36, 40, 47**

**Offender manager**, 7, 9, 11, 12, 14, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 36, 37, 39, 40, 41, 42, 47

**Offender supervisor**, 14, 19, 41, 47

**On licence**, 7, 16, 17, 18–22, 27, 33, 47  
Conditions, 19–22, 25, 39, 41, 42, 46

**Parole board**, 17, 34, 47

**Police**, 31, 32

**Post sentence supervision**, 7, 23–24, 26, 27, 33, 47  
Conditions, 23–24, 41, 42

**Prison**, 4

**Reasonable adjustments**, 39, 40, 48

**Recall to custody**, 6, 7, 19, 25, 33–35, 48  
Fixed term, 33, 34, 45  
Standard recall, 34, 49

**Sentence**, 4, 6, 7, 14, 22, 33, 48  
Detention and training order, 14, 26, 33, 44  
Detention during her majesty's pleasure, 17, 34, 45  
Determinate, 7, 14, 16, 18, 23, 25, 26, 33, 34, 45  
Extended, 16, 18, 25, 33, 45  
Indeterminate, 17, 18, 25, 33, 34, 45  
Life, 17, 34, 46  
Plan, 27, 39, 48  
Referral order, 8, 9, 11, 48  
Youth offending panel, 8, 49

Tariff, 17, 49

Youth rehabilitation order, 8, 9, 11, 12, 50

**Youth custody**, 4, 6, 7, 8, 14, 17, 26, 28, 31, 34, 49

**Youth offending team**, 4, 7, 8, 11, 18, 27, 31, 32, 36, 37–38,  
39, 42, 49, 50