

# Re-integration Protocol for Young People aged 18 to under 21 years leaving HM YOI Polmont

May 2013

Lothian and Borders Community Justice Authority

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### Re-integration Protocol for Young People aged 18 to under 21 years leaving HM YOI Polmont

#### 1. Context

- 1.1 The development of a protocol to guide the re-integration process for young people aged 18 to under 21 leaving HM YOI Polmont is based on the assumption that young people are more likely to re-offend when their re-integration needs have not been adequately assessed, planned for and inadequate provision has been made for their release into the community. It also assumes that early engagement and relationship development with a key worker can provide continuity from 'inside to outside' and should provide on-going community based support. Promoting appropriate connections to family and communities is a central facet of reducing reoffending.<sup>1</sup>
- 1.2 The Whole System Approach<sup>2</sup> developing across Scotland is aimed at enhancing arrangements for 16/17 year olds. It involves putting in place streamlined and consistent planning, assessment and decision making processes for young people who offend, ensuring they receive the right help at the right time. The ethos of the Whole System Approach suggests that many young people could and should be diverted from statutory measures, prosecution and custody through early intervention and robust community alternatives.
- 1.3 Linked to the Whole System Approach but for all young people, the partnership document Preventing Offending by Young People: A Framework for Action establishes a shared approach for organisations working together to achieve more consistent approaches to prevent and reduce offending by children and young people. Along with the Reducing Reoffending Programme, both are intended to support and manage young people who offend through early and effective intervention and robust interventions for those who present the greatest risk to their communities.<sup>3</sup>
- 1.4 This agenda is also closely connected to Getting it Right for Every Child<sup>4</sup>, which is founded on the principles of appropriate, proportionate and timely, early intervention and provides a framework for action for all children and young people at the individual level.
- 1.5 In addition, guidance for local authorities, community safety partnerships and service providers, published by the Scottish Government in 2011, provides an overview of best practice relating to reintegration and transitions for young people under the age of 18 who offend.<sup>5</sup>
- 1.6 All of these frameworks provide guidance for working together to address the needs of young people up to the age of 18. The need to carefully manage the cross over from child to adult services is emphasised.
- 1.7 This protocol recognises the process that will be in place for young people aged 16/17 years of age under the Whole System Approach and sets out the process for supporting the re-integration needs of 18 to under 21 year olds leaving HM YOI Polmont.

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<sup>1</sup> Griffiths, Dandurand & Murdoch; 2007; *The Social Reintegration of Offenders and Crime Prevention*; International Centre for Criminal Law Reform and Criminal Justice Policy.

<sup>2</sup> Introduction to the whole systems approach (2012)

<http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending/wholesystemintroduction>

<sup>3</sup> Preventing Offending by Young People: A Framework for Action (2008)

<http://www.scotland.gov.uk/Resource/Doc/228013/0061713.pdf>

<sup>4</sup> Getting it Right for Every Child (2006)

<http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright>

<sup>5</sup> Reintegration and Transitions: Guidance for Local Authorities, Community Planning Partnerships and Service Providers: Young People Who Offend (Managing High Risk and Transitions) (2011)

<http://www.scotland.gov.uk/Resource/Doc/359104/0121332.pdf>

## 2. Purpose

- 2.1 The overarching aim is for every young offender leaving HM YOI Polmont to have the opportunity of a planned release arrangement, linked with appropriate resources, whether on licence or not, with the purpose of reducing the incidence of re-offending by young people following their release.

## 3. Rationale, including Costs and Reconviction Rates

- 3.1 Over a one year period it can cost local authorities approximately £260,000 for one young person to be placed in secure care. It costs £31,703 for one year in custody<sup>6</sup>. Prison cannot be said to be effective in reducing reoffending and reducing the harm caused to communities given that "87 % of the population of YOI Polmont have been there before"<sup>7</sup>. More broadly, prisoners tend to receive short term sentences where rehabilitative interventions have less chance of occurring or being effective; "83% of prison sentences in 2005/06 were for six months or less and 57% of all prison sentences were for 90 days or less"<sup>8</sup>. We also know that strengthening family and community ties can reduce the likelihood of reoffending by six times<sup>9</sup>. Effective reintegration is paramount to address need, reduce risk and to create safer communities.

## 4. Outcomes

- 4.1 The protocol will only be seen to be effective if reoffending by young people leaving custody is reduced, the number of young people returning to custody is reduced and engagement with voluntary throughcare to address their needs and risks within the community is increased. The broader outcome of reducing reoffending is more difficult to measure and would be a longer term aim.

- 4.2 The long term outcome is to:

- Reduce re-offending by young people leaving custody

The short to medium term outcomes are to:

- Improve release arrangements linked with appropriate community based services
- Increase uptake of voluntary throughcare
- Reduce re-entry into custody

## 5. Parameters, Definition & Good Practice Guidance

- 5.1 This protocol is aimed at reintegration for short term, non-statutory offenders (under 4 years) in custody who are convicted. This excludes young people on remand. The Protocol covers the reintegration needs of young people in Lothian and Borders. The use of the term 'young people' for the purpose of this Protocol refers to **18 to under 21 year olds at HM YOI Polmont**, recognising that enhanced arrangements for 16/17 year olds are developing across the country under the Whole System Approach (WSA). The process for 16/17 year olds under the Whole System Approach is outlined at Appendix 1. Like the WSA, this protocol aims to ensure that young people aged 18 to under 21 benefit from a streamlined and consistent approach to planning,

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<sup>6</sup> Guidance for Reintegration and Transitions (Scottish Government, 2011, p3)  
<http://www.scotland.gov.uk/Publications/2011/09/28085123/0> (sourced 04.10.11)

<sup>7</sup> Ibid

<sup>8</sup> Scotland's Choice, p13

<sup>9</sup> Social Exclusion Report (2002)

assessment and decision making for young people who offend, ensuring they receive the right help at the right time.

**5.2** "Throughcare" sometimes called 'transitional care' refers to a range of social work and other support services to prisoners from the point of sentence, during their period of imprisonment and subsequent release into the community. It consists of two elements: work with individuals in prison to help them address and change their criminal behaviour, and work in the community designed to reintegrate them back into mainstream society. Two consistent findings from the research literature on throughcare highlight:

- That the chance of treatment in prison being successful is improved by the nature, quality and length of support after release; and
- That it is essential to have coordination and integration between whatever programmes and services are offered in the prison and those offered by criminal justice social work services and other agencies in the community..." (Reintegration and Transitions Guidance, Scottish Government, July 2011, p9) (SG Guidance)

**5.3** Throughcare is also defined in the Social Work (Scotland) Act 1968. Principles of Good Practice are also relevant. These can be found at Appendix 2.

**5.4** The protocol is set out in relation to the stages of the process for the young person and details the agencies who should be involved and their responsibilities at each stage. The four stages are as follows:

- (i) Court
- (ii) Reception into custody & review
- (iii) Pre-release
- (iv) Community

## **6. Determining the Lead Officer**

Identifying the lead officer role and communicating this to relevant professionals is essential. For all young people the community based lead officer should liaise closely with the Case Work Team and Personal Officer in HM YOI Polmont. The lead officer would be responsible for ensuring that the protocol is followed as far as possible, for example, by arranging and chairing the initial review meeting at 6 days or as soon as all relevant parties can attend and arranging and chairing the pre-release review.

### **• Youth Justice**

Where the Local Authority has Youth Justice Services working with the age range up to 21, the Youth Justice Officer will be their lead officer.

### **• Criminal Justice**

Where Youth Justice Services do not cover this age range, for post 18s the Local Authority Voluntary Throughcare Worker or the worker from the commissioned agency providing voluntary throughcare will be the young person's lead officer.

Criminal Justice provide a voluntary throughcare service and although prioritisation of this is difficult and take up has generally been very low, Criminal Justice services in Lothian and Borders will aim to prioritise young offenders in relation to voluntary throughcare.

## 7. The Process

### (i) At Court

#### **Court Based Social Worker**

The Court based Social Worker will share the Criminal Justice Social Work Report with HM YOI Polmont within 24 hours of the Court sentencing diet. The Court report should be sent by email to: [CJSWR@sps.pnn.gov.uk](mailto:CJSWR@sps.pnn.gov.uk). While electronic transfer of reports from court to custody is still developing this should be sent by the report writer in the first instance rather than the Court based social worker but this may be managed on a case by case basis.

The court based social worker will also inform the CJSW team or YJ team as appropriate of the Court outcome. They will in turn inform the designated lead officer.

### (ii) Reception Into Custody and Review

#### **Initial Screening and Community Integration Plan**

The Criminal Justice Social Work Report will be used to inform the Core Screen of short-term prisoners' needs at the start of their sentence and to develop a Community Integration Plan that will be used to facilitate referrals to relevant service providers to meet them. The plan is designed to join up efforts between custody and community to improve coordination, continuity and consistency of services.

#### **Health Assessment**

At reception, all prisoners will undergo a health assessment by the nurse and then be seen by the GP within 24 hours. The health assessment will support the identification of any health issues that the young person wants to address whilst in the custodial setting. For prisoners due to serve more than 3 months, their community health record will be requested from their current GP.

#### **Timing of Review Meeting on Coming into Custody**

The lead officer will liaise with the prison to arrange a review meeting **within 6 working days** from the day the young person is sentenced or as soon as possible thereafter to ensure that all relevant parties can attend. The contact person will be Neil Fraser, HMYOI Polmont Case Work Team Leader. It is considered more important to ensure relevant people can attend the review meeting than to adhere strictly to the 6 day timeframe, although every effort should be made to hold the review meeting as soon as possible following the young person being sentenced to custody. The Lead Officer will also chair the meeting. Arrangements for minute taking will be agreed by the Lead Officer and HMYOI Polmont Case Work Team Leader, Neil Fraser. A meeting room will also be arranged through Neil Fraser. As implementation arrangements bed in meeting arrangements may be made by a member of the case work team.

## **Lead Officer (LO)**

The LO will initiate arrangements for and chair the review meeting and agree arrangements for minute taking with the Prison Based Case Worker or Personal Officer as appropriate.

At the review meeting the LO will seek informed consent from the young person to allow information to be shared as necessary with service providers to facilitate effective planning and delivery of throughcare.<sup>10</sup> The purpose of sharing information will be clearly explained to the young person. A pro forma for informed consent for the young person to sign, and the partnership information sharing schedule for the Protocol is provided at appendix 3 and 4. Information about the service offered is available as a separate leaflet.

The PO will ask the offender whether he/she has any outstanding fines and then contact the Lothian and Borders Fines Enforcement Team at Edinburgh Sheriff Court either to make an application for variation if there is an outstanding fine<sup>11</sup> or to ask if a search can be made to establish whether there is an outstanding fine on the system. The time to pay may be extended or the offender allowed to pay the penalty by instalments of such lesser amounts, or such longer intervals as those specified in the original order. In some cases, if someone is serving a sentence, an application can be made to the sheriff or Justice of the Peace to impose a custodial alternative.

Checks should also be made for outstanding warrants and outstanding reported cases for steps to be taken where possible for these to be dealt with while the young person is in custody (see pages 7/8).

## **Prison based Personal Officer (PO)**

Every young person is assigned a Personal Officer (PO) in prison. That PO may change during their stay. The PO has responsibility for ensuring all young people are aware of their rights and entitlements while in custody. The PO has an advocacy role as well as being the co-ordinator of their care.

In addition, HMYOI Polmont has a team of 3 case workers, led by Neil Fraser, who are responsible for working with young people in Polmont in partnership with external agencies to provide support during their sentence and with reintegration planning.

The lead officer should liaise with Neil Fraser to identify the assigned PO and case worker for individual young people

A Core Screen will be carried out with all convicted young people. Based on the Core Screen, referrals will be made to community based agencies and to services within prison. The PO will make every effort to attend the 6 day review operating for 18 to under 21s. All young people will be monitored throughout their sentence by the PO.

For non-statutory convicted young people, the Core Screen informs the Community Integration Plan (CIP) which is reviewed every 6 months while the young person is in custody and is reviewed 6 weeks prior to liberation. The CIP is the responsibility of a PO and is co-ordinated by the Link Centre Officer while the young person is in custody.

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<sup>10</sup> **Data Protection Act 1998** (the Act). See the Information Commissioner's website at [www.ico.gov.uk](http://www.ico.gov.uk)

<sup>11</sup> Section 226C(1) of the Criminal Proceedings etc (Reform) (Scotland) Act 2007

## **Drug and Alcohol Services**

As needed, referral will be made to appropriate prison based drug and alcohol services. Currently these services are provided by Phoenix Futures.

## **Family Contact Officers**

Family contact officers are available within the prison to promote family contact during the young person's time in custody. They will advise both young people and families on entitlements and provide a conduit should there be any concerns raised about families and relationships.

## **Department for Work and Pensions (DWP)**

Department for Work and Pensions (DWP) Employment and Benefit Advisers (EBA) are available within the prison to carry out proactive diagnostic interviews with new prisoners on their induction to custody.

EBA can offer assistance in preserving employment where appropriate and sign post customers to housing specialists. They also deal with Jobcentre Plus benefit queries and ensure that the offender is made aware of the Jobcentre Plus services available whilst in prison including Community Care Grant and sign posting to the most appropriate channel and free supported digital access.

EBA is also able to advise on the effect of the offender's entry into prison on the benefit entitlement of partners and other family members.

## **Skills Development Scotland**

Skills Development Scotland will work in partnership with DWP and other professionals to develop staff awareness and understanding of My World of Work and other SDS services.

## **Sacro**

Sacro throughcare services are paid for by the City of Edinburgh Council and operated by Sacro. The service is for prisoners returning to Edinburgh who have served, or are serving, sentences of less than four years, or people who have served the full term of a longer sentence and are not on supervision. Participation is entirely voluntary on the part of the service user. The service is for people who want help to deal with problems that might lead to further offending such as drug and alcohol problems, getting accommodation, benefits, accessing training for work or education courses, addressing family or relationship issues and offending behaviour such as violence or anger. Sacro support is available from the outset of a sentence, pre-release and back in the community.

## **Access to Industry – Passport**

Access to Industry endeavour to manage tailored throughcare for young people inside and out, with current close working with Skills Development Scotland and also through a partnership arrangement with Plan B.

## Caledonia Youth

Caledonia Youth provide 1-2-1 support and education covering relationships, sexual health, emotional wellbeing and parenting. Clients are assigned a worker who meets with them weekly or fortnightly to work through identified areas of need. Clients are offered 12 sessions, with an option to follow-up in the community (Lothian only) for 6 meetings. Areas covered include -

- Relationships - intimate, peers and family
- Self-esteem, Body Image and Confidence
- Managing feelings including anger
- Assertiveness and Communication skills
- Risk-Taking behaviours
- Parenting
- Sexual Health

Caledonia Youth are also a partner in the Youth Work Service with Barnardo's and have partnership agreements with Plan B which offers opportunities to link clients with a range of other supports and agencies within the establishment and community.

### (iii) Pre-Release & (iv) Community

Pre-release planning and through care support in the community will focus on a number of services including:

- Learning, skills and employability
- Family
- Accommodation
- Substance misuse
- Health and mental health
- Addressing peer groups and attitudes supportive of offending

### Lead Officer and the Prison Based Link Centre Officer

Planning for release should start on the young person receiving a custodial sentence. Their specific needs will inform a plan brought together by the lead officer with a range of agencies providing the services needed.

The Community Integration Plan (CIP) is informed by the Core Screen and other assessments. In custody the CIP is the responsibility of the Personal Officer and the Prison Based Link Centre Officer co-ordinates and administers it.

For non-statutory convicted young people the **CIP is reviewed 6 weeks prior to liberation** or as required in response to changing circumstances to ensure that the services and support needed by the young person have been identified and as far as possible arrangements have been or are put in place for these needs to be met.

For 18 to under 21 year olds, the young person's CIP will be used by the lead officer to arrange and coordinate services and support in the community in line with their identified needs. The CIP will also be used to measure progress made against each objective or a discussion will take place about what needs to change to meet this.

If a decision is taken to release the young person on a Home Detention Curfew (HDC) the Lead Officer should be informed so that plans can be put in place to work with the young person once released on HDC.

**A review of the plan will take place 4 weeks after release.** Evidence to indicate where objectives have been met will be recorded and triangulated where possible to demonstrate the effectiveness of the plan. The young person's view will be taken into account.

### **Department for Work and Pensions (DWP)**

Department for Work and Pensions (DWP) Employment and Benefit Advisers (EBA) are available within the prison to engage with prison resettlement processes and any other resettlement agencies operating within the prison to add value to any pre-release activity. Where appropriate the EBA will provide advice on services and support the work of the resettlement team with employment related activities.

DWP EBA services include;

- Carrying out work focused face-to-face interviews with offenders who are due to be released into the community.
- Supporting appropriate prison events including reception and pre-release.
- Supporting where appropriate employer engagement activities within prison e.g.: Employer Job Fairs, liaising where necessary with Jobcentre Plus National Employer Services Team, prospective employers and other agencies.
- Referring offenders to appropriate post release support and support offenders in taking JSA claims in advance of release through relevant interviews.
- Working with employment support providers to facilitate transfer of information to offenders prior to release.
- 2 weeks prior to release EBA will make referral to a work programme provider if appropriate.

### **Skills Development Scotland**

Skills Development Scotland will work in partnership with key partners (DWP) to enable released prisoners to access Career Information Advice and Guidance services and to access National Training Programmes where appropriate.

Potential options for accessing SDS services

- DWP EBA will provide information on SDS Services prior to release
- DWP EBA will introduce My World of Work to enable use of web tools as part of Career Management Skills development prior to release
- SDS on notification by DWP of prisoners release will contact and offered a service via phone or letter.
- DWP will offer released prisoners an appointment with an SDS Careers Adviser via the Integrated Employment Support service

### **Accommodation Protocol**

For the Lothian and Borders Accommodation Protocol aimed at preventing homelessness on release from custody for short term prisoners, please see the following web link:

[Lothian & Borders Community Justice Authority - Accommodation Protocol](#)

### **Drug and Alcohol Services**

As needed, referral will be made to appropriate community based drug and alcohol services.

## **Police**

On reception into custody a check must be made for all outstanding warrants and the relevant PF advised. An arranged attendance at court early in the young person's sentence can then be organised.

If an arrest warrant is issued whilst the young person is in custody, then the Criminal Justice Department within the police, or warrants officer, will on receipt of the warrant contact the relevant Procurator Fiscal (PF) within 3 days and make them aware. The PF will then make an arrangement with Polmont for the young person to appear in court before their time in custody expires.

The majority of arrest warrants are dealt with in this manner, should time permit for the courts to process them. If a warrant is still 'live' on a prisoner's release, then a gate arrest can be organised, in exceptional circumstances following liaison with the young person's lead worker. The PF may be consulted to ascertain if a voluntary attendance can be arranged and included in the CIP.

There are other instances where police officers require to interview suspects who are incarcerated. Police officers can arrange to visit the prison and interview the suspects there. If a suspect refuses to leave their cell or be interviewed by the police, then arrangements can be made to detain/arrest the suspects on their release from prison. If a suspect refuses to cooperate, then Investigating officers should firstly consider if there is a sufficiency without interview to allow the case to be reported to the PF whilst the young person is serving a sentence. Any reports should be highlighted if a short sentence as urgent through existing case management/PF liaison channels.

If the crime is of a serious nature, then police officers can submit a request to the Governor to take the prisoner to a police station for interview and/or DNA, fingerprints or photographs. Should the Governor refuse to allow the prisoner to leave the prison, then again police officers are left with the option of detaining/arresting on their release.

## **Procurator Fiscal**

When a person is placed on remand (110 day only) or sentenced to custody a check should be made for any outstanding reported cases by the Lead Officer through the relevant Criminal Justice Social Work department<sup>12</sup> and the relevant Procurator Fiscal advised so that cases can, where practicable, be dealt with while the person is in custody. A list of cases must be sent by email to the designated PF email address within 7 days of reception. On receipt of the information PF staff who are responsible for checking the mail box will ensure the relevant team(s) receive the case details. The relevant team will review the case and advise the lead officer by email of the position in respect of each case. If the period likely to be served in custody is less than 2 months, for example, of a 4 month sentence, there may be insufficient time for the Procurator Fiscal to take the necessary action.

Where outstanding reported cases are identified and notified to the PF on reception (in terms of paragraph 7(ii) above) the lead officer working on the re-integration plan should thereafter contact the Procurator Fiscal by email with details of the date of release and the proposed CIP. This should be submitted a minimum of 4 weeks before the earliest release date. The PF will review outstanding cases (pre conviction) with a view to discontinuing where possible minor offences. A decision on outstanding cases will be relayed to the lead officer within one week of release to allow any remaining cases to be built into the CIP.

If a person has been interviewed in custody by the police as described, the police should report this to the Procurator Fiscal before the earliest release date.

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<sup>12</sup> Each CJSW department has access to the Criminal History System for this check to be carried out.

## 8. Summary of Process<sup>13</sup>

- 8.1 Lead officer identified
- 8.2 **At Court:** CJSWR to HM YOI Polmont by email or a paper copy within 24 hours of sentencing and lead officer informed of custodial sentence.
- 8.3 **Reception into custody and review:** On reception/first 24 hours: health assessment carried out by nurse and seen by GP, PO appointed and Core Screen carried out; check for outstanding warrants and PF advised as necessary within 3 days if warrant issued.
- 8.4 Review takes place at 6 days with lead officer and PO or as soon as possible thereafter to ensure all relevant parties can attend.
- 8.5 Informed consent for information sharing sought from young person.
- 8.6 Outstanding fines checked: PO asks offender if he/she has any outstanding fines and contacts the Scottish Court Service Fines Enforcement Team on 0131 247 2590 to either vary the order or ask for a check to be carried out to ascertain whether there are any outstanding fines on the system.
- 8.7 Check made by Lead Officer via relevant CJSW department for outstanding reported cases and designated PF notified by email as necessary within 7 days of reception
- 8.8 CIP developed by Lead Officer in partnership with case work team and prison based personal officer.
- 8.9 **During custody:** needs identified in CIP being addressed and links developed to relevant community based services; if possible outstanding reported cases addressed and 'live' warrants dealt with; CIP reviewed every 6 months.
- 8.10 **Pre-release** review 6 weeks before liberation or as required, contact PF 4 weeks prior to liberation if outstanding reported cases identified.
- 8.11 **Post-release** review 4 weeks and 3 months following liberation.
- 8.12 Throughcare support may be provided for up to 12 months following liberation.

## 9. Performance Indicators

### 9.1 Contextual Information

Number of Young People aged 18-20 years in Custody in Lothian and Borders by Local Authority (Aug 2011-Feb 2012)<sup>14</sup>

No of 18-20 yr olds in custody per LA	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
<b>East Lothian</b>	7	8	7	2	2	1	2	
<b>Edinburgh, City of</b>	55	58	58	53	44	46	44	
<b>Midlothian</b>	6	6	6	6	5	6	3	
<b>Scottish Borders</b>	7	5	5	3	2	3	5	
<b>West Lothian</b>	13	10	12	15	11	12	12	

<sup>13</sup> Flow Chart provided at Appendix 5

<sup>14</sup> Figures provided by Lothian and Borders Community Justice Authority, 12 June 2012

## 9.2 Key Performance Indicators

- Increased take up of voluntary through care compared to baseline:
  - Increased proportion of young people who have a care plan in place by the initial/6 day review in custody and a lead officer identified compared to baseline.
  - Increased proportion of young people whose CIP is reviewed 6 weeks prior to liberation compared to baseline.
  - Increased proportion of young people whose care plan/needs reviewed within 4 weeks of leaving custody compared to baseline.
  - Increased proportion of young people engaged with throughcare 6 weeks post release on baseline, differentiated by agency.
- Young people feel satisfied with support and planning pre-release and on leaving custody based on feedback at 4 week review and at 3 month follow up.
- The number/proportion of young people who are charged within 6 months of liberation leading to a conviction compared to baseline.
- The number/proportion of young people charged within 6 months of liberation leading to a further custodial sentence compared to baseline.

## 10. Performance Reporting

- Strategic Planning Board for Polmont
- Community Justice Authority and Criminal Justice Board
- Local Authority offender management committees where appropriate

## 11. Review of the Protocol

The Protocol will monitored quarterly and reviewed annually.

## 12. Signatories

We, the undersigned, agree to adopt and adhere to this Re-integration protocol:

<b>Name</b>	<b>Title/Agency</b>	<b>Confirmed/ Signed</b>	<b>Date of Issue: April 2013</b>
Gordon Bruce	Scottish Prison Service, HMYOI Polmont	Yes	
Rob Strachan	Lothian and Borders Community Justice Authority	Yes	
Eibhlin McHugh	Director, Communities and Well-being, Midlothian Council	Yes	
Harry Robertson	Criminal Justice Social Work, City of Edinburgh Council	Yes	
Jason McDonald	Criminal Justice Social Work, Scottish Borders Council	Yes	
Tim Ward	Criminal Justice Social Work, West Lothian Council	Yes	
Fiona Duncan	Criminal Justice Social Work, East Lothian Council	Yes	
Adrian Cottam	Crown Office and Procurator Fiscal Service	Yes	
David Shand	Scottish Court Service	Yes	
Patricia Thomson	Skills Development Scotland	Yes	
Rosaleen Brown	Department for Work and Pensions (Job Centre Plus)	Yes	
Supt. Kevin Murray	Police Scotland	Yes	
Linda Irvine	NHS Lothian	Yes	
Julie Murray	NHS Borders	Yes	
Simon McLean	Sacro	Yes	
Martin Crewe	Barnardos	Yes	
Kate Polson	Rock Trust	Yes	
Cathy Lang	Access to Industry	Yes	
Hawys Kilday	Caledonia Youth	Yes	

## Appendix 1

### Whole System Approach Young People Who Offend (Managing High Risk and Transitions)

#### Reintegration and Transitions Protocol

Guidance on reintegration and transitions focuses on the role of local authorities, community planning partners, SPS, secure estate and partners. The guidance highlights the importance of supporting young people throughout their time in secure care or custody to ensure a successful reintegration back to communities. The transitions young people make and the support that is needed at each stage is within this guidance.

The guidance highlights the need for local authorities to support ALL young people under 18 in secure care and custody and to plan for their reintegration into the community or transitions within the estates. Guidance states:

- Social worker should contact the prison/secure estate/Scottish Government parole division (if under section 208) the day a young person is sentenced; or earlier if known
- A review should be arranged within 72 hours within the prison/secure estate
- The number of professionals attending any review should be limited
- Where appropriate, parents/carers should be supported to attend all reviews
- All reports should be sent to the establishment the day a young person is sentenced
- The young person's GIRFEC plan should be up-dated at the first and subsequent reviews and shared with the establishment
- Planning for a young persons' release should start the day they are sentenced
- Needs and risk should be identified and addressed and any explanation recorded on the young person's plan if these cannot be met.
- Plan B, Skills Development Scotland and youth workers are also working within the HMYOI Polmont and HMP YOI Cornton Vale to support the needs of young people within the establishment and upon their release
- A 72 hour review should also be arranged for LAC young people on remand and all reports shared with the establishment

When a young person is sentenced, please contact Plan B coordinators in the prison estate:

HMYOI Polmont  
Plan B Office  
01324 722624

[Antoinette.krex@sps.pnn.gov.uk](mailto:Antoinette.krex@sps.pnn.gov.uk)

HMP YOI Cornton Vale  
Plan B office  
01786 832591 ext. 5349

[Victoria.Strachan@sps.pnn.gov.uk](mailto:Victoria.Strachan@sps.pnn.gov.uk)

[Polly.rodger@sps.pnn.gov.uk](mailto:Polly.rodger@sps.pnn.gov.uk)

Please also forward ALL reports for young people in custody to the secure e-mail address: [SocialEnquiryReports@sps.pnn.gov.uk](mailto:SocialEnquiryReports@sps.pnn.gov.uk)

Any comments please contact Claire McDermott on 0131 244 7679,  
[Claire.McDermott@scotland.gsi.gov.uk](mailto:Claire.McDermott@scotland.gsi.gov.uk)

To view the reintegration and transitions guidance please follow this link:

[www.scotland.gov.uk/wsa](http://www.scotland.gov.uk/wsa)

## Appendix 2

**Section 27 of Social Work (Scotland) Act 1968** identifies two functions for prisoners released from custody for Criminal Justice Social Work services. This section refers to the:

'Supervision and care of persons put on probation or released from prisons etc' Section (1) says:

"It shall be a function of every local authority under this Part of the Act to provide a service for the following purposes, that is to say—

(b) the supervision of, and the provision of advice, guidance and assistance for—

(ii) persons in their area who, following on release from prison or any other form of detention, are required to be under supervision under any enactment or by the terms of an order or license of the Secretary of State or of a condition or requirement imposed in pursuance of any enactment"<sup>15</sup>

This is known as 'statutory through care' and applies to those with custodial sentences of 4 years or more or for those on an extended sentence or supervised release order.

Distinct from this is 'voluntary through care'. Section 27 (1) (c) outlines the function for voluntary through care:

"the provision of advice, guidance and assistance for persons in their area who, within 12 months of their release from prison or any other form of detention, request such advice, guidance or assistance".

This provision is distinct in so far as the young person engages on a voluntary basis and there is no compulsory element. It is also available within a specified period of 12 months of release.

Aftercare (Children Scotland Act 1995)

Those young people under the supervision of the local authority are also defined under 17(6) of the Children (Scotland) Act. The duties and powers of local authorities are important to outline as a significant proportion of the population of prisoners have been in local authority care. The responsibilities towards children who have been 'looked after' are defined in some depth in the Children Scotland Act 1995, Regulations as follows:

"Local authorities have major responsibilities towards children whom they look after under the Act in preparing them for when they are no longer looked after and for supporting them at that time. Every year 1,000 - 1,200 young people over the age of sixteen cease to be looked after by local authorities in Scotland. The responsibilities under the Act in respect of these young people are assigned to local authorities. These are corporate responsibilities and although in many instances social work will be the key department, other departments, particularly education and housing, will have considerable contributions to make.

*Throughcare* is the process by which the local authority plans and prepares the young person they are looking after for the time when he or she will cease to be looked after. *Aftercare* is the provision of advice, guidance and assistance when a young person ceases to be looked after.

### Statutory Provisions

The local authority has a duty to provide advice and assistance with a view to preparing a child for when he or she is no longer looked after by a local authority. (Section 17)

<sup>15</sup> <http://www.legislation.gov.uk/ukpga/1968/49> (Sourced 28.10.10, 11am)

Where it appears to a local authority that an appropriate person could be doing certain things to help in the exercise of any of their functions the local authority may specify their nature and request the help of that person. Appropriate persons are defined as other local authorities, Health Boards, NHS Trusts and any person authorised by the Secretary of State; and they are required to comply with such a request provided that it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions. (Section 21)

A local authority may provide accommodation for any person within their area who is at least eighteen years of age but not yet twenty-one if they consider that to do so would safeguard or promote his or her welfare. (Section 25 (3))<sup>16</sup>

Corporate responsibilities are identified and 'throughcare' in this instance refers to preparing the young person for a time when they cease to be 'looked after'. In terms of the provision of accommodation for 18 to under 21 year olds this is discretionary. This has implications for how a young person's needs may be met in terms of integration

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<sup>16</sup> The Children (Scotland) Act 1995 Regulations and Guidance, Volume 2, Children Looked After by Local Authorities, Chapter 7 <http://www.scotland.gov.uk/Publications/2004/10/20067/44731> (Sourced 28.10.10, 11am)

### **Appendix 3: Lothian and Borders Young People's Reintegration Protocol Information Sharing Schedule**

#### **YPRP Schedule for Information Sharing**

This schedule has been provided to detail information shared for the purposes of providing voluntary throughcare to young people resident in Lothian and Borders leaving custody at HM YOI Polmont. This schedule sets out the detail of specific information to be shared within the framework of the Pan Lothian and Borders Partnership General Protocol for Sharing Information<sup>17</sup>.

Date of Agreement: dd/mm/yy

#### **Partners (names to be provided in full)**

Police Scotland  
Each Local Authority CJSW or YJ Lead  
Prison Service  
COPFS  
Courts  
Health  
Local Education, Training and Employment Providers as appropriate  
DWP/Job Centre Plus  
Skills Development Scotland  
Sacro  
Barnardos  
Rock Trust  
Access to Industry  
Caledonia Youth

#### **Purpose**

This agreement is intended to facilitate the exchange of information between partners to support multi agency working to provide throughcare services to young people aged 18-20 years, resident in Lothian and Borders, leaving HM YOI Polmont. This includes:

- To collate and disseminate relevant information on all offenders as specified above for the purpose of improving the delivery of voluntary throughcare services as detailed in the Lothian and Borders Young People's Reintegration Protocol for HM YOI Polmont.
- To analyse information and assist with the assessment of an individual's offending behaviour and throughcare needs.
- To contribute to the prevention and management of offending behaviour.
- To enable individuals to obtain information about and make use of available services.

Agencies are entitled to request information from each other for crime prevention/detection purposes, for the administration of justice and/or for reasons of care co-ordination and assessment of risk.

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<sup>17</sup> <http://www.online-procedures.co.uk/scottishborders2012/files/2012/06/ELBEG-Data-Sharing-Protocol-2012.pdf>

### **Type and extent of information to be shared**

A request for consent to share information may be made directly to the client. However consent may not be necessary if the purpose is to lawfully share information covered by relevant exemptions in the Data Protection Act (1998). Any information shared must be justified on the merits of each case, considering necessity and proportionality. Information exchange is of personal/sensitive personal data and is likely to include:

- Individual's name, address, date of birth
- Children's/dependent's details
- Details of convictions, cautions, formal warnings, outstanding reported cases, warrants or fines
- Whether the offender is engaging in a community integration plan and the nature of the plan
- Information relating to attendance at appointments
- Information about the needs of the offender including housing, education, training and employment etc.
- Details of changes in domestic circumstances or crisis points

### **Use of information**

Personal information must only be disclosed to another partner agency where the reason for disclosure complies with the purposes outlined in the 'Purpose' section. Wherever possible, the partner agency should obtain the offenders consent to their information being disclosed to other agencies. Personal information that has been provided by one partner agency to another may only be transferred with the express agreement of the originating agency. This is irrespective of whether that material is in the format originally provided by the agency, or has been incorporated into a document created by one or more of the partner agencies.

### **Data retention, review and disposal**

Partners to this agreement undertake that personal data shared will only be used for the specific purpose for which it is requested. Information must be stored securely and deleted when it is no longer required for the purpose for which it is provided.

### **Access and security**

Information should only be shared and stored in line with the principles set out in the Pan Lothian and Borders General Protocol for Sharing Information. All documents should indicate the level of protective marking for ease of handling between agencies.

**Schedule Administrator:** indicate who is responsible for maintaining the schedule

**Date for review of schedule:** dd/mm/yy [normally annually]

# Informed Consent Form

## Agreement to share personal information

Name of client \_\_\_\_\_

This form is about how organisations that work with young people between 18 and 20 years old who are leaving HM YOI Polmont and living in Lothian and Borders can share information.

The person working with you should explain that there is information about you that is recorded. They will explain why it is recorded and why it might be shared with other organisations. They will also explain to you what the law says about how organisations can share your information and what your rights are.

Organisations we've discussed that might want to share my information	What information would be shared

Please tick one of the boxes on the next page and sign on the line so we know whether you agree or not that these organisations can share information about you.

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(Please tick ONE of the following)

**YES**

I **DO** agree that personal information about me can be shared with, or asked for from, the organisations listed above and the people who work for them. This would be so I can get easier access to the services I need after release.

**NO**

I **DO NOT** agree that personal information about me can be shared with the organisations listed above and the people who work for them.

I understand that this information is held about me. I have had the opportunity to discuss what sharing this information means for me.

**Signed**

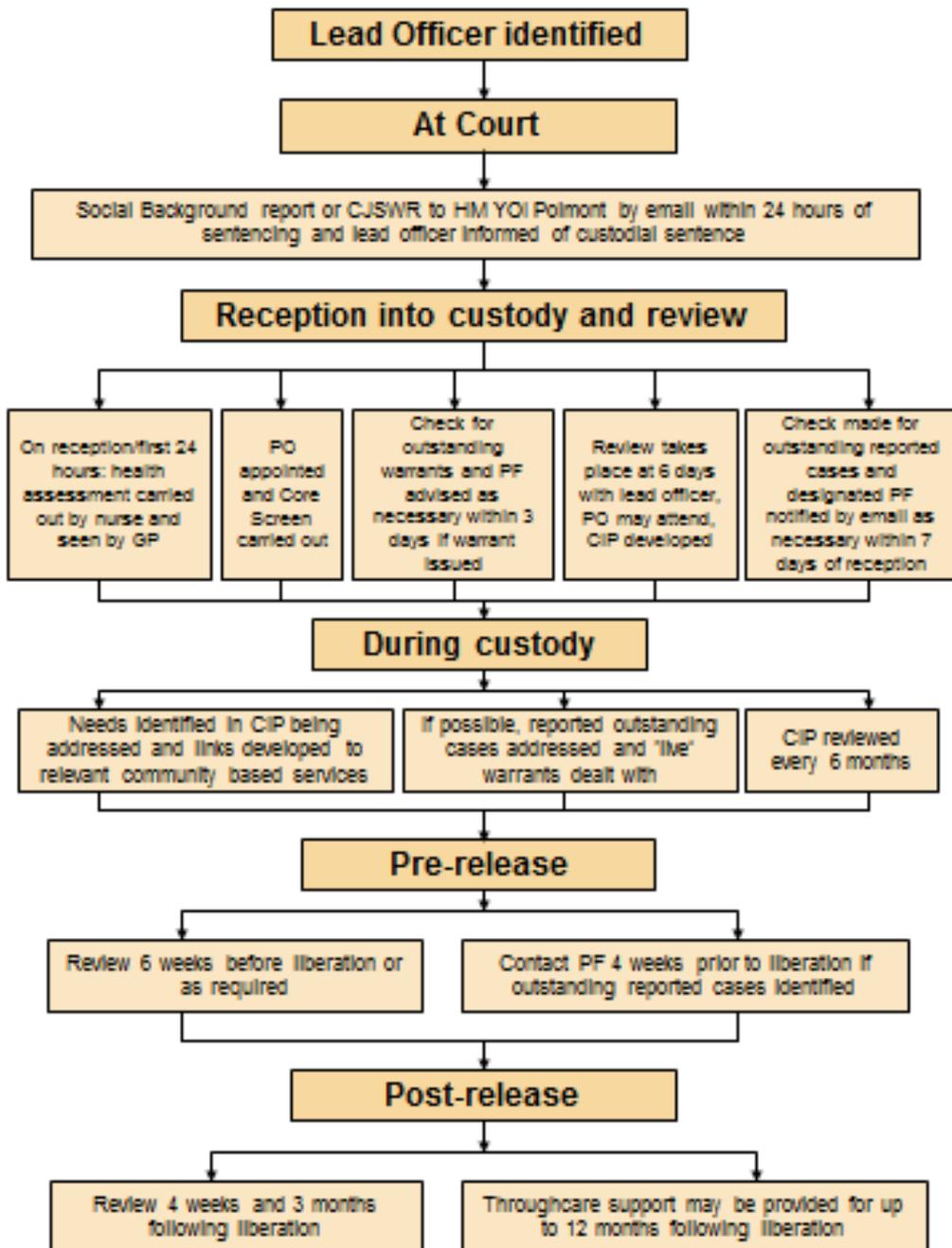
\_\_\_\_\_

**Date**

\_\_\_\_\_

**Appendix 4 – Process Flow Chart**

**Summary of Process for Young People**



A Partnership Between

