

Transitions Guidance - Secure Care to Young Offender Institutions

Where it has been decided that a child under the age of 18 requires to be deprived of their liberty and has been remanded or sentenced, the child can only be placed in secure care. There is no legal route for a child to be placed in a Young Offenders Institution (YOI) even if the child is imminently due to turn 18. The child would need to be placed in secure care and then transition to a YOI.

No child can remain in secure care beyond their 18th birthday. Sections 18 and 19 of the Children (Care and Justice) (Scotland) Act 2024 provide that Scottish Ministers may make regulations relating to children detained in secure accommodation through criminal justice routes, which may include providing that a child may remain in secure accommodation up to a maximum age of 19. However, these sections of the Act are not yet commenced.

For any child who has been sentenced to detention by a court under solemn proceedings ([S.208 Criminal Procedure \(S\) Act 1995](#)), Scottish Ministers are responsible for the child's placement and management, including any transition when the child turns 18 into Scottish Prison Service (SPS) care. There is an agreed process for children transitioning, which the Children and Young Person's Placement Manager will lead (see "Change of placement" in - [Custody of convicted children and young people: practice guidance -gov.scot](#)).

Building upon this agreed process, the following information outlines the process for children who have been remanded and will require to transition to a YOI. This has been agreed by Social Work Scotland, SPS and the four Secure Centres. It is recognised that this could be a more challenging process, given that the duration of the remand is less likely to be known; could be changed dependent on the child's legal route by the court following a bail review or the Chief Social Work Officer; and the child could enter secure care and then need to move to a YOI within a short time period. Moreover, where the child has not previously been known to services, there may be limits to the information that is available about the child's needs. Every effort should be made in these circumstances to ensure what information is known is shared.

[The Secure Pathways and Standards](#) sets out guidance for children and young people moving on from secure care which guides this process.

Information Sharing

A child's transition should be planned as far as possible. Although there are different remand routes, as soon as it is known or where it is likely that a child has been remanded and could require to transition to a YOI on their 18th birthday, the SPS should be notified ASAP to enable transition planning to commence. For context, for sentenced children this process starts 6 months ahead of the child's 18th birthday. In the first instance, notification should be shared via email by the local authority with:

HMP & YOI Polmont: PolmontCasework@prisons.gov.scot

HMP & YOI Stirling: StirlingWSA@prisons.gov.scot

To make direct contact with establishments in relation to transitions, please contact:

HMP & YOI Polmont	Hall Manager, Thomas McGregor, (Thomas.McGregor@prisons.gov.scot) and/or Casework Manager, Lesley Whyte (Lesley.Whyte@prisons.gov.scot)
HMP & YOI Stirling	Residential Unit Manager, Claire Cowie (Claire.Cowie@prisons.gov.scot) and/or Residential Manager, Rebecca McCallum (Rebecca.McCallum@prisons.gov.scot) or Residential Manager, Laura Gibb (Laura.Gibb@prisons.gov.scot)

Where developed, the local authority should share the most up to date assessment of the child, child's plan and any other relevant information with reference to the principle of proportionality, information sharing protocols, and statutory guidance. These documents, and any information being shared by secure care centres, should be submitted to:

HMP & YOI Polmont: PolmontCasework@prisons.gov.scot

HMP & YOI Stirling: StirlingWSA@prisons.gov.scot

This information will be disseminated as required within the establishment as appropriate.

Any immediate and/or imminent concerns about a young person identified by Local Authorities and secure care centres should be raised through the SPS's official concern line so that these concerns are dealt with promptly.

The contact details are available on the SPS website [here](#).

Planning meetings

Children will have different review requirements dependent upon the legal basis of their detention and as a looked after child – more information can be found in this [briefing paper](#). SPS staff should be invited to and attend the child's review meetings 6 months before their 18th birthday with a final transitions meeting taking place 4 weeks before their move. Where timeframes do not support this, transition period meetings must be arranged promptly to support and prepare the child. Attendees at these reviews should include, at a minimum, the child, their family (where appropriate), the SPS representative, secure care staff, and the child's social worker. Given responsibility for the child's placement, the local authority will be responsible for arranging and chairing these meetings and a minute should be taken and shared.

The SPS representative will share information with the child and their family (where in attendance) about where they are going, what will happen when they get there and what daily life is like, along with a chance to ask questions. Information should be shared by the local authority and secure care centre staff about the child's circumstances; their strengths, needs, risks and vulnerabilities; details of recent assessments, any services or supports they are engaging with; and any interventions or qualifications that are being completed.

Preparation for the transition to the YOI goes beyond these formal meetings which will be tailored to the child's learning style and/or needs. This could include additional visits from SPS staff with the child, including their family or support worker (if the child wishes), where information can be shared and adapted as required to ensure the child understands the next step of their journey from secure care. The child will also receive ongoing support from staff at the secure centre to prepare them for their move.

Relevant information should be disseminated within the SPS establishment, for example with NHS, education, and social work as necessary. This should include any information about known enemies or victims, particularly where these victims have been children or the young person has been convicted of a Schedule 1 offence.

Wherever possible and appropriate, a visit for the child and family members to the YOI could be facilitated before moving. The visit would likely take place within the visit area and will allow the child to meet with the Hall First Line Manager (FLM) and Personal officer (PO).

The local authority would be responsible for organising and funding the secure transport of the child from secure care to the YOI for any such visit and when the child permanently moves. This journey would not be part of the existing contract agreement the Scottish Government have with GEOAmey for sentenced children and would need to be arranged with a private secure transport provider, details can be found on the page linked [here](#). Ahead of the child's move the Crown Office and Procurator Fiscal Service (COPFS) will have applied to the court for a hearing to update the warrant for the child to enable the legal basis for their placement to change to YOI. The child will usually appear at court via a video link the morning of their move.

When a child has transferred, the child should be treated as a care leaver, eligible for aftercare and corporate parenting duties fulfilled. The initial custody reviews process under the Whole System Approach should commence as detailed [here](#). The local authority should remain involved in this role. Staff from the secure care centre should be invited to the initial custody review post-transition and any other meetings as appropriate. The child will also become subject to relevant case management processes within SPS.

Additional support and guidance for children and young people

The Children and Young People's Centre for Justice (CYCJ) offer facilitation of group and individual support and guidance for children preparing to transition to SPS establishments. This support and guidance will be available to children both sentenced and on remand and can be facilitated within secure care and YOI. Accessible guidance and resources are being developed with children, young people and families and will be made available via the CYCJ website. For further information or requests for support or guidance please contact Julia Swann, Participation, Engagement and Policy Advisor – julia.swann@strath.ac.uk.

For further info/support contact CYCJ on 0141 444 8622 or cycj@strath.ac.uk