

OFFENDER MANAGEMENT ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Other Provisions about Offender Management

Section 34: Accommodation in which period of detention and training to be served

143. Detention and Training Orders are in two parts: the first spent in custody and the second under supervision in the community. At present, the young person (or “trainee”) must be placed, during the custodial part, in one of the types of “secure accommodation” listed in section 107 of the Powers of Criminal Courts (Sentencing) Act 2000.
144. The amendments made by the section provide that (unless he or she has attained the age of 18) the trainee must be placed in “youth detention accommodation”. This category is wider than the current “secure accommodation”. In future, it will be possible, for example, to place a young person in other forms of local authority accommodation as well as in a secure children’s home. Trainees who are sent back to custody because they have breached the terms of their notice of supervision or committed a further offence during the community part of the order must, unless they have reached 18, also be placed in “youth detention accommodation”.
145. *Subsection (6)* replaces the list of “secure accommodation” with a new list of “youth detention accommodation”. *Subsection (6)(b)* adds, as a type of “youth detention accommodation”, secure accommodation provided *on behalf of* a local authority to the list of allowable types of placement. (Secure accommodation provided *by* the local authority itself is already on the list.). *Subsection (6)(c)* removes the requirement that accommodation, directed by the Secretary of State to be “youth detention accommodation”, must have the purpose of restricting liberty as its purpose.