PC05/2007 – POST RELEASE ENFORCEMENT – INTER-AGENCY WORKING, UNLAWFULLY AT LARGE OFFENDERS, AND EXTRADITION

IMPLEMENTATION DATE: 2 April 2007  
EXPIRY DATE: 31 March 2010

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards
CC: Board Treasurers, Regional Managers

AUTHORISED BY: John Scott, Head of Public Protection and Licensed Release Unit
ATTACHED:  Annex A – The Joint National Protocol for Supervision, Revocation and Recall Offenders Released on Licence
Annex B – Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

CONTACT FOR ENQUIRIES
Kerry.adams15@homeoffice.gsi.gov.uk or 020 7035 3700 Joint National Protocol/Inter Agency Working
Akile.osman@homeoffice.gsi.gov.uk or 020 7035 1712 Extradition
Jo.thompson8@homeoffice.gsi.gov.uk or 020 7035 3891 Extradition/Joint National Protocol
Lucy.derilo2@homeoffice.gsi.gov.uk or 020 7035 3710 Unlawfully at Large/Whole System Target

PURPOSE
This circular re-launches the Joint National Protocol for the Supervision, Revocation and Recall for Offenders Released on Licence, introduces a new whole system recall target, introduces the Performance Team and informs you of new arrangements for the monitoring of unlawfully at large offenders, and outlines procedures for the extradition of offenders who are unlawfully at large and who have gone abroad.

ACTION
Chief Officers should bring this Circular to the attention of those staff who have responsibility for the supervision of offenders on licence in the community; Chief Officers should also ensure that relevant staff have access to the Prison Service Order 6000 (Parole and Recall Manual). Also available on http://pso.hmprisonservice.gov.uk/PSO_6000_contents_parole_manual_executive_summary_and_introduction.doc

SUMMARY
This circular re-launches the Joint National Protocol, the inter agency working document on the supervision, release and recall of offenders, and in conjunction with that document introduces a new whole system target for offenders being recalled to custody. It also gives details of the processes being put in place for offenders who are unlawfully at large and who have moved abroad after their licence has been revoked. It has not in the past been possible to extradite offenders on the basis of a breached licence condition, without obtaining a domestic court warrant, but this circular gives details of new procedures for the extradition of such offenders.
INTER AGENCY WORKING THROUGH THE JOINT NATIONAL PROTOCOL; SUPERVISION, REVOCATION AND RECALL FOR OFFENDERS RELEASED ON LICENCE.

1. The Joint National Protocol (JNP) was first introduced in January 2005 in PC03/2005. A benchmarking exercise carried out early in 2006 established that while in some areas the guidance in the protocol had been implemented quite successfully, in others there was still some work to do. In recognition of the information we were given in the benchmarking exercise, and incorporating some of the best practice from areas, the JNP has been updated, streamlined, and is reissued with this circular, attached at Annex A.

2. The JNP introduces the requirement for the police to identify Recall Liaison Officers in each force, giving them parity with the probation areas. The role of the police RLO will be to liaise closely with probation colleagues, particularly in respect of checking those offenders identified by the Post Release Section as being unlawfully at large after the revocation of licence. They will also have a role in the dissemination of policy and practice, to their police colleagues, in respect of revocation of licence and recall to custody.

3. The protocol also introduces a new multi-agency whole system target for recall of offenders to custody.

WHOLE SYSTEM TARGET

4. Since the implementation of the Criminal Justice Act 2003 recall provisions on 4th April 2005, there has been a steady increase in the number of recalls being requested. Public Protection requires that the recall process be swift and effective.

5. It has been agreed that the recall procedures will in future be subject to monitoring, and a whole system recall target will be introduced from 1st April 2007. The table below shows the targets for each agency involved in the process and what the total target will be. The data for the target will be collated and issued on a monthly basis by the Post Release Section (formerly Release and Recall Section) to Probation Areas, Police Forces, and Local Criminal Justice Boards (LCJB). The LCJB in each area will have overall responsibility for monitoring levels of compliance by both police and probation within their area.

The overall targets are:

- **Emergency Recall**
  From decision to recall to arrest - 74 hours

- **Standard Recall**
  From decision to recall to arrest - 144 hours
Component table

<table>
<thead>
<tr>
<th>Component</th>
<th>Owner</th>
<th>Emergency</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision to notify Post-Release Section, to sending of request for recall</td>
<td>Probation Service</td>
<td>24 hours</td>
<td>24 hours</td>
</tr>
<tr>
<td>to Post-Release Section</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipt of request to issue of Order</td>
<td>Post-Release Section</td>
<td>2 hours</td>
<td>24 hours</td>
</tr>
<tr>
<td>Receipt of Order to arrest</td>
<td>Police</td>
<td>48 hours</td>
<td>96 hours</td>
</tr>
<tr>
<td>Total end to end</td>
<td>LCJB</td>
<td>74 hours</td>
<td>144 hours</td>
</tr>
</tbody>
</table>

6. This is the first time a target has been introduced for the police recall performance. This is a move that has been welcomed by the police, and these targets have been incorporated into the re-launched Joint National Protocol, attached at Appendix A. It has also been agreed by the Association of Chief Police Officers (ACPO) that each police force will have a nominated Recall Liaison Officer (RLO), who will have direct responsibility for recall performance within each force. Probation Areas have had RLOs in place for 2 years, and their responsibilities include implementation within the local area of any new policy or practice in respect of revocation of licence and recall of offenders to custody. It is envisaged that the probation and police RLOs will liaise closely, and work together to ensure targets for returning offenders to custody are met.

7. NOMS National Standards for the Management of Offenders will reflect the target by clarifying that breach action will be considered to have been taken at the point that the decision is made to request recall. The probation service target is 24 hours from the point at which the decision is made to request the recall of an offender, to the time the request for recall form is sent to the Post-Release Section. It is important that the time the decision to request recall is made, and the time that the form is sent off are both entered on to the new template: ‘Request for Revocation of Licence’. The form and guidance on how to complete it will be issued under a gateway notice to Chief Officers, and it will also be attached to a Probation Circular, Post Release Enforcement – Revocation of Licence and Recall to Custody, which is to be issued in April. Probation Areas are not required to record this new information, which will be recorded and monitored by the Post Release Section of NOMS.

Performance Team

8. In order to monitor the whole system recall target, issue monthly reports and answer enquiries from probation areas, police and LCJBs, the Post-Release Section are setting up a Performance Team.

9. All information relating to the policy and practice in respect of revocation of licence and recall to custody will be disseminated by the team through the RLOs, as well as monthly performance against recall targets. **It is expected that probation and police RLOs will work closely to ensure appropriate checks are carried out on last known addresses, and where possible arrests are made and offenders returned to custody.**
Extradition of Offenders Abroad who are subject to Licence Revocation

10. The National Probation Service has responsibility for ensuring that offenders on parole/released on licence comply with the terms of their licence. If an offender on licence under NPS supervision has been out of contact with their offender manager and it is believed that he has left the country without the permission of an officer of the relevant probation area responsible for his supervision, the offender manager should, in appropriate cases, take steps to initiate extradition proceedings.

Policy

11. Initially, the policy will be seek the return only of those on licence for life or where there is perceived to be a real risk to the community if the person remains unsupervised. This policy may be extended to other cases in the future.

Types of Extradition Arrangement

12. For extradition to be possible at all there must usually be extradition arrangements between the UK and the country where the offender is believed to be. For present purposes, these essentially fall into 2 categories:

- Extradition under the European Arrest Warrant (EAW) scheme (this now applies to all existing EU Member States);
- Extradition under any other bi-/multi-lateral extradition arrangement between the UK and the country concerned

13. Extradition if available at all will only lie in respect of the original offence which led to the conviction, not the breach of licence.

14. The original offence must constitute what is known as an “extradition offence” or “extradition crime”. The precise definition will depend upon which extradition scheme is being used.

15. For extradition under the EAW scheme:

- The original offence must either have occurred in the UK or been an “extra-territorial” offence – that is an offence where the conduct occurs abroad but the UK criminal courts nonetheless have jurisdiction to deal with it, and
- A minimum sentence of at least 4 months’ imprisonment has been imposed for it.

16. For extradition pursuant to other schemes (i.e. from non-EU countries), broadly speaking, the offence must be punishable by a minimum of 12 months’ imprisonment and the offender must in fact have received a minimum sentence of 4 months’ imprisonment.

Material Needed to Prepare EAW/Extradition Request

17. Responsibility for the preparation of outgoing extradition requests in respect of defendants to criminal proceedings in England or Wales lies with the CPS.

The following steps should be taken:

18. The offender manager should immediately notify the Home Office of the offender’s breach of licence.

19. The Home Office should revoke the offender’s licence as soon as possible. Once revoked, the offender becomes a person unlawfully at large after conviction and can be arrested without a warrant. This is important for extradition purposes because showing that a person is unlawfully at large is a precondition to obtaining a European Arrest Warrant.
20. The offender manager should obtain intelligence as to the location/likely location of the offender. This is critical because location will determine whether extradition is available at all and, if so, the applicable procedures. It will also be important to know whether the offender is a flight risk i.e. likely to stay where he is or move on. This will enable a decision to be made as to whether to invoke emergency extradition procedures to secure the offender’s urgent arrest (known as “provisional arrest”).

21. The offender manager should make contact in the first instance with whichever CPS office was responsible for the original prosecution which resulted in the conviction and sentence from which the offender was released on licence. At this stage, the offender manager will need to provide details of:

- The offender (name, aliases, date of birth, nationality);
- The offence (including date and place of commission);
- The sentence (including date, court and sentence imposed)

22. The CPS office responsible for the original prosecution will then contact Special Crime Division (SCD) at CPS HQ to ascertain whether

- Extradition from the country where offender is believed to be is possible;
- Whether the original offence is an extradition offence/crime and
- The material which will be required in order to prepare the extradition request/European Arrest Warrant (see below).

23. Assuming extradition is possible, the CPS office will need to forward the following material to SCD so that the EAW/extradition request can be prepared:

- Information regarding the identity of the offender, including as appropriate:
  - Full name;
  - Maiden Name;
  - Aliases;
  - Nationality;
  - Date of birth;
  - Place of birth;
  - Address;
  - Appearance;
  - Distinctive marks;
  - Photographs;
  - Fingerprints;
  - Language(s) which the offender understands.

- A description of the circumstances in which the original offence was committed, including:
  - Time;
  - Place;
  - The role played by the offender.

- A chronology of the case.
• The original Memorandum of Conviction or a copy thereof certified by an official from the convicting court to be a copy of the original.

• Details of the sentence imposed

• A summary of the law relating to release on licence in the UK.

• A copy of the licence conditions;

• Details of the breach of licence conditions.

• A copy of the notice revoking the licence.

• Details of the remaining sentence to be served.

• Details of any other offences committed since the original imposition of the prison sentence. It is important that CPS is told about these. They may need to be included in the extradition request. If they are not, it may prove difficult or even impossible to prosecute those offences after the individual has been returned to the UK.

• Contact details of the offender manager and of police officer in the case in respect of the original prosecution, or the officer now responsible for locating and arresting the offender.

• Information relevant to bail, including a list of any previous convictions.

• An indication of any factors pointing to urgency or safety/risk.

Once all the necessary material has been provided, a lawyer from SCD will prepare the EAW/extradition request.

24. In the case of EAWs, the SCD lawyer will then send the draft EAW to a court and arrange to make an application to the court to formally issue it. Once issued the EAW will then be transmitted to the country where the offender is believed to be by the Fugitives Unit at SOCA.

25. Extradition requests to non-EU countries may or may not have to be formalised by a court depending on the scheme concerned. The papers are then sent to the Judicial Co-Operation Unit of the Home Office which is responsible for making a diplomatic request for extradition to the country concerned. This request will be supported by the documentation prepared by SCD.

Next Steps

26. Once the EAW/extradition request has been transmitted to the country concerned, it is largely a question of allowing the extradition processes there to take their course. However, the police officer in the case will have an important role to play in helping his foreign counterparts locate the offender and monitoring developments. It is important that any requests for further information are dealt with as soon as possible and notified to SCD at the earliest opportunity. Responsibility for collecting the offender lies with the officer in the case. It is important to note that once extradition has been granted there will usually be a deadline for collecting the offender, which, if not met/extended, will result in the offender’s release.

27. More detailed information on extradition law and procedures can be found on the Home Office and CPS websites:

http://police.homeoffice.gov.uk/operational-policing/extradition-intro/

http://www.cps.gov.uk/legal/section2/chapter_c.html
JOINT NATIONAL PROTOCOL

SUPERVISION, REVOCATION AND RECALL FOR OFFENDERS RELEASED ON LICENCE
# CONTENTS

## PROLOGUE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Geographical Scope</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Commencement, Interpretation and Amendment</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Local Systems</td>
<td>1-2</td>
</tr>
<tr>
<td>5</td>
<td>Local Monitoring</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Revision</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>Signatories</td>
<td>3</td>
</tr>
</tbody>
</table>

## SCHEDULE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aim</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Objectives</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Probation Service Role &amp; Responsibilities</td>
<td>4 - 5</td>
</tr>
<tr>
<td>4</td>
<td>Police Service Role &amp; Responsibilities</td>
<td>5 - 6</td>
</tr>
<tr>
<td>5</td>
<td>HM Prison Service Role &amp; Responsibilities</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>Pre-release communication to inform licence conditions</td>
<td>6 - 10</td>
</tr>
<tr>
<td>7</td>
<td>Notification of Licence Conditions, Monitoring and Supervision</td>
<td>11 - 14</td>
</tr>
<tr>
<td>8</td>
<td>Licence Revocation</td>
<td>14 -17</td>
</tr>
<tr>
<td>9</td>
<td>Arrest and Detention Procedures</td>
<td>18 - 19</td>
</tr>
<tr>
<td>10</td>
<td>Appeals Process</td>
<td>20 - 21</td>
</tr>
<tr>
<td>11</td>
<td>Performance measures</td>
<td>21 - 25</td>
</tr>
</tbody>
</table>

## APPENDICES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Standard Licence Conditions Determinate sentence offenders</td>
<td>26 - 27</td>
</tr>
<tr>
<td>B</td>
<td>Standard Licence Conditions for Indeterminate (Life/IPP) sentence offenders</td>
<td>28</td>
</tr>
<tr>
<td>C</td>
<td>Letter template for Licence Revocation and Recall to Custody</td>
<td>29</td>
</tr>
</tbody>
</table>

## GLOSSARY

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>30</td>
</tr>
</tbody>
</table>
PROLOGUE

1. INTRODUCTION

1.1 This protocol is intended to provide a framework for partner agencies to work together to supervise offenders, enforce their licences and to effect an efficient recall to custody of those who breach their licence conditions, in order to protect the public and prevent further crime.

1.2 This protocol also introduces, for the first time, a “whole system” multi-agency target for the revocation of licence and return to custody of recalled offenders.

2. GEOGRAPHICAL SCOPE

2.1 This protocol concerning the supervision, revocation and recall of prisoners released on licence is to be adopted across both Police and Probation Services in England and Wales.

3. COMMENCEMENT, INTERPRETATION AND AMENDMENT

3.1 This protocol was initially implemented on 1st February 2005 and will be revised on an annual basis. Any provision contained in this national protocol may be amended at any time with the consent of the agencies concerned.

4. LOCAL SYSTEMS

4.1 The protocol is intended as a national minimum standard. All local systems should accord with the minimum standard.

4.2 Responsibility for liaison on the local working practice of the protocol rests with the:

- Police: ACPO Chief Officer with the lead responsibility for Criminal Justice;
- Probation: Chief Officer grade or equivalent responsible for
recall.

4.3 Where differences of interpretation arise locally they will also be responsible for defining the areas of disagreement, and agreeing measures for their resolution.

5. **LOCAL MONITORING**

5.1 The post-holders referred to in paragraph 4.2 above, will be responsible for monitoring the joint arrangements under the protocol at regular meetings held at local level. The police and probation services will continue to monitor their own arrangements in respect of their discreet areas of work.

5.2 The Local Criminal Justice Board (LCJB) should ensure that appropriate monitoring (and reporting) arrangements are in place in the area in accordance with national standards. It will also be responsible for monitoring the “whole system” recall target using data supplied by the NOMS Post Release Section.

6. **REVISION**

6.1 A complete revision of this whole protocol beyond any amendments described at 3 above will be conducted by, and with the consent of, all parties concerned.

6.2 Date last revised – **March 2007**
7. Signatories

7.1 The signatories agree to implement the provisions of the National Protocol and the local arrangements set out in the attached documents.

For the Police
Name: R Taylor
Position: ACPO Lead
Date: 9th March 2007

For the National Probation Service
Name: Roger Hill
Position: Director
Date: 9th March 2007

For the Home Office (Post Release Section)
Name: Russell A’Court
Position: Head of Post Release Section
Date: 9th March 2007

For the Home Office (Pre Release Section)
Name: Alistair McMurdo
Position: Head of Pre Release Section
Date: 9th March 2007

For the Prison Service
Name: Michael Spurr
Position: Director of Operations
Date: 9th March 2007

SCHEDULE
1. AIM

1.1 This protocol is intended to provide a framework for partner agencies to work together to supervise offenders, enforce their licences and to effect an efficient recall to custody of those who breach their licence conditions, in order to protect the public and prevent further crime.

2. OBJECTIVES

2.1 The objectives are as follows:

2.1.1 To ensure that effective and timely lines of communication exist between the Police Forces and Probation Areas and all other signatory agencies

2.1.2 To ensure the early identification of prisoners whose licences the Secretary of State has revoked, in order to make an expeditious arrest and return to prison

3. PROBATION SERVICE ROLE AND RESPONSIBILITIES

3.1 The Probation Service has the statutory duty to supervise offenders released from prison on licence and, when appropriate, to initiate the process of recall in order to protect the public and/or prevent any further offending.

3.2 Each Probation Area will identify a Recall Liaison Officer (RLO) who will be an Assistant Chief Officer Grade or equivalent, responsible for the operation of the recall processes.

3.3 The Serious Organised Crime Agency (SOCA) officers, where appropriate, will initiate direct contact with the nominated probation senior manager.
4. POLICE SERVICE ROLE AND RESPONSIBILITIES

4.1 The aims of the Police within this process are:

4.1.1 To expeditiously arrest offenders on a revocation licence and who are unlawfully at large.

4.1.2 To identify a Recall Liaison Officer (RLO) for each force who will be responsible for the management and operation of the recall processes.

4.1.3 To provide intelligence and/or information to the Probation Service on:
- MAPPA Level 2 & 3 cases in the community and/or any offenders who present a high or very high risk of serious harm;
- Serious Organised Criminals including, notification to SOCA where appropriate;
- Prolific and other Priority Offenders (PPOs);
- National Intelligence Model (NIM) Targets, agreed locally to allow suitable licence conditions to be imposed.

4.1.4 To provide intelligence and/or information to the Probation Service in respect of all offenders under supervision on licence where recall is being considered.

4.1.5 To complement and, where appropriate, assist the Probation Service in the monitoring and supervision of those released on licence.

4.1.6 To nominate a single central point of contact (SPOC) available 24 hours a day 7 days a week such as the Force Communications Centre (FCC), Force Intelligence Bureau (FIB) or Criminal Intelligence Bureau (CIB).
4.1.7 The (SPOC) will act as a reception point to receive and disseminate information on:

- Licence conditions
- Pre-release notification
- Revocation notices

4.1.8 NIS will be responsible for inputting licence conditions, revocation orders and cancellations onto the PNC.

5 HM PRISON SERVICE ROLE AND RESPONSIBILITIES

5.1 The aims of HM Prison Service within the recall process are:

5.1.1 To identify and inform the Post Release Section of all offenders returned to custody and to work with key partners to progress individual recalls.

5.1.2 To provide key partners with information and intelligence, where available, on prisoners who are due to be released imminently or whose risk levels have changed post recall.

5.2 Prison Intelligence Officer role and responsibilities are to:

- Facilitate effective intelligence exchange between the relevant agencies;
- To prevent, detect and prosecute crime
- To prevent escapes
- To reduce re-offending.

6. PRE-RELEASE COMMUNICATION TO INFORM LICENCE CONDITIONS

6.1 This process should take place no later than 28 days prior to releases for:
- Offenders assessed as high or very high risk of harm on OASys
- MAPPA Level 2 & 3 cases;
- Serious Organised Criminals (including SOCA offenders where appropriate);
- PPOs;
- NIM Targets, as locally defined.

6.2 All licences contain standard conditions prescribed by statutory instrument. There may also be circumstances where it is felt appropriate, and is necessary and proportionate in order to manage risk of serious harm and re-offending, for additional conditions to be added to the licence to facilitate the supervision process.

6.3 The pre-release process, with those who pose the highest risk of serious harm or re-offending, will promote:

- The setting of conditions that will reduce the need for prolonged periods of covert surveillance;

- A reduction in the number of Sex Offender or Anti-Social Behaviour Order applications after release. Suitable conditions can be issued pre-release;

- Reduced opportunities for criminal association. This may prevent the offender from resuming associations that led to previous offending behaviour;

- The setting of conditions that will prevent the licensee from visiting geographical areas for the period of supervision. This may involve restriction around schools, addresses of previous victims or locations where the individual is at risk of drug and/or alcohol misuse;

- Early notification of release and input into licence conditions to
assist areas in the management of prolific and priority offenders;

- Early notification to local Intelligence Officers of the release of an offender and the dissemination of information using the (NIM) processes.

**PRE-RELEASE COMMUNICATION**

<table>
<thead>
<tr>
<th>PROBATION SERVICE (Offender Manager)</th>
<th>PRISON SERVICE</th>
<th>POLICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prison Liaison Officer</td>
<td>SPOC (&amp; Local PPO/MAPPA Initiative)</td>
</tr>
</tbody>
</table>

1. Request information/intelligence from Police on: OASys high very high risk offenders; MAPPA Level 2 & 3; PPOs; NIM Targets

5. Interrogate local intelligence systems

4. Request information from Prison Service

6. Receive information

2. Receive request for information

3. Disseminate request for information form

7. Interrogate local intelligence systems

8. Collate all information

9. Consider all information received

10. Make recommendations to inform Secretary of State/Parole Board

**Key Stages 1 - 9:**
6.4 The Probation Service will make a formal request to the Police for any information or intelligence that may impact upon the decision to release and/or what conditions should be placed on a licence. This is irrespective of whether evidence is available of an offence but may impact on an assessment of risk of serious harm and/or re-offending. The Police and SOCA, where appropriate, will then have the opportunity to make recommendations to the Probation Service Offender Manager, based on previous offending behaviour, criminal associations, victim considerations and any other community risk factor.

**Determinate sentence Offenders**

6.5 A list of licence conditions for determinate offenders including additional requirements is contained at Appendix A and may be of assistance to the Police when responding to the information request from the Probation Service, pre-release.

6.6 The Probation Service will then consider these issues in advance of release. Currently in the case of offenders serving a sentence of less than four years imposed under the Criminal Justice Act 1991, any additional licence conditions have to be approved by the Prison Governor. The Parole Board must approve licence conditions for offenders serving sentences of four years and over and who were sentenced under the Criminal Justice Act 1991, and for those given an Extended Sentence for Public Protection under the Criminal Justice Act 2003. Offenders whose index offences were committed before 4 April 2005 are sentenced under the provisions of the Criminal Justice Act 1991, whereas those whose offences were committed on or after this date are sentenced under the provisions of the Criminal Justice Act 2003.

6.7 Standard determinate sentences are those of 12 months or over imposed by the court under the Criminal Justice Act (CJA) 2003. Additional licence conditions for these cases have to be approved by
6.8 Following recall, the majority of offenders are re-released under the provisions of the CJA 2003. In these cases any additional licence conditions for these cases have to be approved by the Prison Governor.

6.9 The exception to this is where recalled offenders were sentenced to sentences of 4 yrs or more for offences committed prior to 30\textsuperscript{th} September 1998. On subsequent release all licence conditions for these offenders must be approved by the Parole Board.

\textit{Indeterminate Sentenced Offenders}

6.10 Indeterminate sentenced offenders (Lifers and those subject to Indeterminate Sentence for Public Protection (IPP)) are released by the Secretary of State on the direction of the Parole Board. The Probation Service prepares a report for the Parole Board into which any information or intelligence that may impact upon the decision to release must be fed. The Board is responsible for setting additional licence conditions in these cases. The licence conditions and additional requirements are contained in \textbf{Appendix B}.

\textbf{Key Stage 10:}

6.11 The Secretary of State, or the Parole Board where appropriate, will approve all additional licence conditions and the Governor will ensure their insertion in the licence (the Secretary of State delegates authority to the Governor, or the Post Release Section/Pre Release Section in certain circumstances).
7. NOTIFICATION OF LICENCE CONDITIONS, MONITORING & SUPERVISION OF OFFENDERS

<table>
<thead>
<tr>
<th>PROBATION SERVICE</th>
<th>POLICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Offender Manager)</td>
<td>(SPOC - Single Point of contact)</td>
</tr>
</tbody>
</table>

1. Send proposed licence details and release details. Confirm as soon as possible and send copy of licence

2. Receive information and disseminate to relevant Force/BCU

3. Ensure information is placed on local intelligence systems

4. Monitoring. Take positive action as appropriate

5. Cancellation or variation to licence condition with reference to the Parole Board where appropriate

6. Monitoring and supervision

KEY STAGES 1-3: NOTIFICATION OF LICENCE CONDITIONS

7.1 **Ideally in all cases and especially cases at 4.1.3** as soon as the licence conditions are agreed the Probation Service will immediately notify the relevant Police SPOC of:

- Time and date of release
- Releasing establishment
- Approved licence conditions
- Proposed release address (to cater for last minute changes prior to the imminent issue of the licence).

7.2 On the day of release a copy of the licence will be supplied to the relevant SPOC (and where appropriate SOCA officer via the
Offender Manager), who in turn will notify the appropriate force/BCU confirming the release and details of the licence. It will be for each Force to decide the best method of communicating this information. This information should however be made available Force-wide and entered on the local intelligence system where appropriate.

**KEY STAGES 4-6: MONITORING AND LICENCE SUPERVISION**

7.3 The Probation Service has the statutory role in the management of licences and the recall process. They retain **primacy of supervision and responsibility for any recommendations** for the revocation of licences.

7.4 Placing the licence details onto the appropriate intelligence system will ensure that any future contact with the police can be monitored (e.g. victim of crime, witness, suspect, charged offender, subject of intelligence or cause for concern).

7.5 Dependent upon the circumstances (and having regard to the initial notification, the terms of the licence and any other subjective factors), any contact by the Police with an offender should be notified to the relevant Offender Managers.

7.6 Information and intelligence which has a direct impact on the offender’s risk of serious personal harm to the public, and/or of re-offending should be communicated where possible between police and probation. Disclosure of such information should be in accordance with guidelines set out in the: Data Protection Act 1998, Human Rights Act 1998 and the rules of evidence.

7.7 In the event of any variation or cancellation of conditions to an offender’s licence, whether it is whilst they are in the community or on re-release post recall, the Offender Manager will inform the SPOC, who will in turn notify the BCU, of changes to conditions whilst on licence.
Where an offender is transferred to a new probation area, responsibility for informing the SPOC rests with the receiving probation area.

**Indeterminate sentences**

7.9 The procedures above apply. Lifers are subject to regular monitoring on supervision. This enables appropriate action to be taken if any concerns are raised in respect of risk to the public.

7.10 A life licence remains in force for the rest of the offender’s life, but the supervision requirement by the Probation Service may be lifted at an appropriate stage where recommended by the Parole Board and agreed by the Post Release Section. On release, and in contrast to life licencees, IPP licences may be terminated on application by the licencee after 10 years.

7.11 Life licencees are normally required to spend a minimum period of four trouble-free years in the community before the supervision requirement is lifted and for sex offenders this period is ten years.

7.12 Life licencees remain subject to recall to prison even if licence conditions have been removed and/or supervision is suspended. If an IPP licence is terminated the offender would no longer be liable to recall to prison.

7.13 If a life/IPP licensee’s supervision conditions are varied or removed, the Post Release Section will inform the NIS. In lifer cases the Probation Service will inform the SPOC that the life licensee is no longer under the supervision of the Probation Service but that the life licence remains in force.

7.14 If a lifer/IPP licensee who is not subject to supervision conditions comes to adverse notice, the police must contact The Post Release...
Section on 020 7035 3603 or OOH 020 7035 4848. The Post Release Section will then contact the relevant local probation area to request that a full risk assessment is prepared including views on recall.

8. LICENCE REVOCATION

<table>
<thead>
<tr>
<th>PROBATION SERVICE</th>
<th>POLICE (Single Point of Contact)</th>
<th>SECRETARY OF STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Monitor licensee in the community</td>
<td>2. Monitor licensee</td>
<td></td>
</tr>
<tr>
<td>4. Breaches licence conditions</td>
<td>3. Commit(s) offences or behaviour causes concern</td>
<td></td>
</tr>
<tr>
<td>5. Obtain relevant information from Police &amp; Prison</td>
<td>6. Obtain relevant information from Probation &amp; Prison and share information with Probation</td>
<td></td>
</tr>
<tr>
<td>7. Request application for revocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Risk assessment and decision to request recall as per policy and standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Recall information sent to SPOC (NSY)</td>
<td>9. Make decision to revoke</td>
<td></td>
</tr>
<tr>
<td>11. Confirmation of recall sent to Offender</td>
<td>12. Take action as appropriate to arrest offender &amp; provide recall information letter</td>
<td></td>
</tr>
</tbody>
</table>

Key Stages 1-8:
8.1 During the supervision period, where an offender breaches a licence condition, re-offends or their behaviour otherwise causes concern or brings the licence supervision process into disrepute, the supervising Probation Area may enforce the licence by requesting revocation.

8.2 In addition, where the offender comes to the attention of the police, either through the commission of further offences, or other information/intelligence, the police may request revocation of the licence through the probation service. Any such request should be endorsed by an officer not below the rank of Inspector.

8.3 It is ultimately the responsibility of the Assistant Chief Officer of the Probation Service (ACO), or equivalent, to decide whether they wish to pursue the revocation of licence. For example, despite a breach of licence condition and taking into account the overall response of the offender to the supervision process, the supervising Probation Area may decide that the risk that the offender presents may be managed in the community by way of a Final Warning letter.

8.4. The decision to recall determinate sentenced offenders is taken executively by the Post Release Section on behalf of the Secretary of State.

8.5 The Post Release Section, on behalf of the Secretary of State may also revoke a life licence and recall the life/IPP licensee to prison on the recommendation of the Parole Board or without such a recommendation where the Post Release Section consider there is an immediate and unacceptable risk to public safety. Recommendations for the consideration of recall of life/IPP licensees are submitted by the Probation Service to the Post Release Section and must be endorsed by an officer at Assistant Chief Officer grade (or equivalent). The Post Release Section can be contacted during office hours where there are any concerns relating to the risk that the life licensee poses in the community.
8.6 **Emergency recalls** can be undertaken when there appears to be a very high risk of serious harm to the public. This decision is taken by a senior manager in the Post Release Section. If the emergency occurs out of hours the senior manager can be contacted via the Home Office **out of hours duty officer on 020 7035 4848**.

*Further Charges*

8.7 A decision to charge an offender with any criminal offence will be made in accordance with the DPP’s Guidance on Statutory Charging and the Code for Crown Prosecutors. It is essential that a prosecution is not discontinued solely on the basis that the offender has been recalled to custody. Indeed, the commission of a separate offence whilst subject to a release licence is a significant public interest factor in support of a charge. Similarly, if recall is appropriate, it will be pursued by the Probation Service regardless of any remand in custody application. The Probation Service must be mindful of a remand prisoner’s right to appeal against remand, and if revocation is not pursued it could lead to inappropriate release.

8.8 If the Probation Service has reasons for initiating recall procedures, they will continue regardless of any remand or discontinued charges. An MG5 (Case Summary) may be supplied to the Probation Service where available in support of the recall.

8.9 A recommendation to recall an offender is based on an assessment of their behaviour and circumstances (including a breach of the licence or a criminal charge), and a judgement that the risks they pose have increased to the point where recall to custody is necessary in order to protect the public and prevent further offending. The decision to recall and the subsequent consideration by the Parole Board when reviewing this decision and any appeal by
the offender, is based on the **balance of probabilities**.

8.10 In the event that only Police Intelligence is available and this intelligence is of such a nature that it may lead to consideration of licence revocation, the Police should sanitise the intelligence and, where appropriate, prepare a report for the Probation Service. This decision should be taken in consultation with the BCU Intelligence Manager who will be responsible for conducting a risk assessment on whether or not to disclose. As with evidence-based disclosure, any request for revocation should be authorised by an officer of the rank of Inspector or above.

8.11 The process for sanitising police intelligence must ensure complete editing of documents to ensure no reference can be made to the source, methodology or any other sensitive part of that intelligence gathering process. Any release of sanitised police intelligence must be properly authorised, and such authorisation must include a potential for appeal to the Parole Board and, therefore, potentially for release within the public domain.

8.12 For further guidance on sanitisation refer to the ACPO and HMCE ‘National Standards in Covert Investigations Manual of Standards’ for the recording and disseminating of intelligence materials.

8.13 The current Probation Circular on sharing information clarifies the procedures for probation staff in sharing information with the Secretary of State, the Parole Board and the Prison Service to inform decisions on the release and recall of offenders, without disclosing sensitive information.

8.14 The recall liaison between police and probation services for life licensees should follow the same processes as determinate sentence prisoners. Requests for recall should include the views of the police where appropriate.
9. ARREST & DETENTION PROCEDURES

Key Stages 9-12:

9.1 If it is agreed that a licence should be revoked, the Post Release Section will be responsible for informing the NIS, who then update PNC and notify the SPOC.

9.2 In the case of a life/IPP licence the SPOC must confirm receipt by telephoning the Post Release Section on the number provided by the sender.

9.3 When a revocation order is issued the Police will then take steps to ensure the speedy arrest of the individual as under the standards set out in section 11.

9.4 The Powers available to the Police to arrest a person unlawfully at large are as follows:

- Section 49 of the Prisons Act 1952 provides the power to arrest without warrant anyone unlawfully at large. (The arresting officer does not have to be in possession of the revocation notice)

- A power to enter and search premises without a search warrant exists in section 17 of the Police and Criminal Evidence Act 1984.

9.5 Once the arresting officers have been advised that a revocation order has been issued they are able to act under these powers. They do not need to wait for a wanted marker on PNC and indeed to do so may delay the arrest and put the public at risk.

9.6 Where available, on arrest the offender should be provided with a copy of the Post Release Section letter giving reasons for recall –
see Appendix C. The offender must be returned to the nearest local prison to continue to serve their sentence. The police should give prior notice to the reception officer at the prison that a recalled offender is to be returned to prison under escort.

9.7 In the event a licensee is arrested in a Force area other than the area in which either they resided or originally committed the offence, the arresting Force should inform the SPOC in the Home Force. The ‘Home’ SPOC should inform the relevant Probation contact in their area.

9.8 It is the responsibility of the Police to notify NIS of an offender’s arrest in order to update the PNC. The Post Release Section must inform NIS of an offender’s return to custody if it is not as a result of police arrest and request that the marker is removed from the PNC.

10. APPEALS PROCESS

| SECRETARY OF STATE | PRISON SERVICE | PROBATION SERVICE | POLICE |
10.1 All prisoners subject to recall are notified of the reason for their recall to prison and their right to appeal to the Parole Board.

10.2 The Prison Service notifies the Post Release Section of the offender’s return to custody. The Post Release Section will notify the Probation Service of the return to custody and request a risk management plan. The Probation Service should liaise as appropriate with the local police to inform the drafting of this plan.
Oral hearings

10.3 All recalled offenders have the right to have their representations against recall referred to the Parole Board. In certain circumstances the Parole Board may decide that it is necessary to convene an oral hearing to consider the recall and the offender’s representations. In addition, where the offender is contesting the recall decision they are also entitled to request an oral hearing to consider their case.

10.4 A representative from the supervising probation area will be required to attend recall hearings to give evidence about the case. Depending on the circumstances of the recall, a police officer or member of police staff may also be required and directed by the Parole Board to attend such hearings. In addition either agency may be required to provide an updated report to the oral hearing.

10.5 After considering any case, the direction of the Board is final and binding on the Secretary of State and therefore must be acted upon.

11. PERFORMANCE MEASURES

11.1 HM Prison Service

Notification of release of an offender:
Performance Standards for Discharge and Public Protection are:

- Police Base Command Units (BCU) are notified of PPO release dates and addresses 28 days prior to release, and the discharge is confirmed on the day of release.

- Governors must ensure that the relevant police and probation contacts having joint responsibility under MAPPA for the prisoner are:
reminded of or updated on the release dates of those to be managed at MAPPA Level 3 at least three months before that release

reminded of or updated on the release dates of those managed at Level 2 at least six weeks before that release. (There is no requirement under MAPPA to provide early notification for Level 1 offenders)

informed and aware of the arrangements for the day of the prisoner’s release, and that no changes to these are made without consulting the Police and Probation Service

- Where an offender is subject to MAPPA and is being managed at either Level 2 or Level 3, any changes to the release arrangements should be avoided and not made without prior consultation with police and probation colleagues responsible for managing the risk.

- Notification to the police and other agencies as appropriate, of the release of sex offenders subject to registration, will occur at least 6 weeks prior to release.

Post-release
Establishments receiving offenders into custody, must check in accordance with Prison Service Order 6000 every case whether the individual is a licence revokee on the Inmate Information System (IIS), and inform the Post Release Section within 24 hours whenever such an offender is received.

11.2 Probation Service

Pre-release:
Provide Parole Assessment Report to the Prison Service no later than 17 weeks prior to the Parole Eligibility Date.
Post-release:
The offender manager shall:

- Commence breach action no later than the third unacceptable failure and/or if changed circumstances suggest an enhanced risk of serious harm to the public and the offender is subject to licence, inform the Post Release Section immediately.

- The Breach Notification and Request for Recall Form must be submitted to the Post Release Section within 24 working hours of the decision being taken by the Offender Manager to recommend revocation of licence.

- Provide an up to date risk management plan to the Post Release Section in the case of determinate sentenced offenders within 14 working days of being notified of an offender’s return to custody following revocation of licence.

11.3 Post Release Section

- **Emergency Recalls**
  Revocation order to be issued to police within two hours of receipt of paperwork from the Probation Service. Used for those cases where the offender presents a high risk or very high risk of serious harm to the public or of imminent re-offending.

- **Standard Recalls**
  Revocation order to be issued to police within 24 hours of receipt of paperwork from the Probation Service. Requested for all other cases where there is a breach of licence conditions.

11.4 National Identification Service (NIS)
Inputting of Revocation Orders onto PNC:

- **Emergency Revocation Order**
  Input immediately on receipt from the Post Release Section.

- **Standard Revocation Order**
  Input within 24 hours of receipt from the Post Release Section.

- **Cancellation** (following arrest of offender)
  Input immediately upon receipt of Detained Report from police.
  Continue with practice of checking cancellations from weekly list supplied by the Post Release Section /the Pre Release Section in order to reconcile entries.

11.5 **Police**

- **Emergency Revocation Order - (all indeterminate sentenced offenders and those emergency cases for determinate sentenced offenders)**
  Police should execute these Revocation Orders on receipt of the order to a standard of 75% within 48 hours of the monthly total number. They apply to convicted offenders who present an unacceptable and immediate risk of serious personal harm to the public and therefore need to be returned to custody without delay.

- **Standard Revocation Order - (determinate sentenced offenders standard cases)**
  Police should execute these Revocation Orders on receipt to a standard of 80% within 96 hours of the monthly total number. They apply to convicted offenders who present an unacceptable and immediate risk of re-offending other than serious personal harm.

11.7 **Whole System Target for Offender Recall**
From 1 April 2007 a new “whole system” recall target comes into effect. It is designed to measure the performance of the three main agencies involved in the initial recall process, namely the Probation Service, Post-Release Section (NOMS) and the Police. This will be the first time there has been a target (standard) in place to monitor the performance of the police. The component parts of the target are set out in the table below. The Post Release Section is responsible for collating the data and performance will be monitored by Local Criminal Justice Boards.

- **Emergency Recall**
  From decision to recall to arrest - 74 hours

- **Standard Recall**
  From decision to recall to arrest - 144 hours

### 11.8 Component table

<table>
<thead>
<tr>
<th>Component</th>
<th>Owner</th>
<th>Emergency</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision to notify the Post Release Section</td>
<td>Probation Service</td>
<td>24 hours</td>
<td>24 hours</td>
</tr>
<tr>
<td>Receipt of request to issue of Order</td>
<td>The Post Release Section</td>
<td>2 hours</td>
<td>24 hours</td>
</tr>
<tr>
<td>Receipt of Order to arrest</td>
<td>Police</td>
<td>48 hours</td>
<td>96 hours</td>
</tr>
<tr>
<td>Whole system standard standard</td>
<td>LCJB</td>
<td>74 hours</td>
<td>144 hours</td>
</tr>
</tbody>
</table>

Appendix A

STANDARD CONDITIONS FOR **DETERMINATE** SENTENCE OFFENDERS
Under the new sentencing provisions of the CJA 2003 prisoners serving a sentence of 12 months and over will be on licence and subject to probation supervision throughout the whole of the second half of their sentence. They will continue to be subject to the six standard conditions, namely:

i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;

iii. If required, receive visits from your supervising officer at your home/place of residence (e.g. approved premises);

iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.

ADDITIONAL CONDITIONS
In addition to these conditions, it will also be possible for offender managers to recommend additional licence conditions, and these **must** be taken from a menu of specified conditions. **Exceptionally,** offender managers may seek to include a condition not included in the specified list. **Any such condition can only be included with the approval of the Post Release Section.**

**Additional, Specified Conditions will address factors relating to risk of serious harm or re-offending in respect of:**

- Residency/Prohibited Residency
- Contact/Prohibited Contact
- Prohibited activities
- Treatment programmes
- Drug testing
- Exclusion from places/areas
- Curfew/electronic monitoring.
- General Supervision

A table of approved licence conditions in respect of these requirements is set out at Appendix C of Probation Circular 16/2005.
STANDARD CONDITIONS FOR **INDETERMINATE** SENTENCE OFFENDERS

i) He/she shall place himself/herself under the supervision of whichever supervising officer is nominated for the purpose from time to time.

ii) He/she shall on release report to the supervising officer so nominated, and shall keep in touch with that officer in accordance with that officer’s instructions.

iii) He/she shall, if his/her supervising officer so requires, receive visits from that officer where the licence holder is living.

iv) He/she shall reside only where approved by his/her supervising officer.

v) He/she shall work only where approved by his/her supervising officer and shall inform that officer of any change in or loss of such employment.

vi) He/she shall not travel outside Great Britain without the prior permission of his/her supervising officer.

vii) He/she shall be well behaved and not do anything which could undermine the purposes of supervision on licence which are to protect the public, by ensuring that their safety would not be placed at risk, and to secure his/her successful reintegration into the community.

ADDITIONAL CONDITIONS

Additional conditions can be requested for indeterminate licences, and would largely follow those for requested for determinate sentenced offenders, but the specified list does not apply to lifers. Any additional conditions must be necessary and proportionate to the risk the offender presents.
To Mr «Surname»
«Prison_No»

Licence Revocation and Recall To Custody

Your licence has been revoked from Date and you are recalled to custody for the following reasons;

[Insert reasons]

You may receive more detailed reasons once you have been returned to custody.

The police will return you to the nearest prison. When you reach the prison, you must show this letter to the reception officer, and tell the officer your prison number. It is in your own interests that the prison is made aware that you are a recalled prisoner as quickly as possible.

You should also ask an officer on the wing/cell block, to make sure that prison staff have contacted the Post Release Section in the Home Office, to let them know you are back in custody.

The Post Release Section will send you the following information:

- Confirmation of the reasons why you have been recalled to prison;
- How you can make representations (appeal) to the Parole Board against the decision to recall you;
- The information on which the decision to recall you was taken.

If you have not received the above information within 5 days of being back in prison, you must ask prison staff to contact the Post Release Section to check that it has been sent.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACO</td>
<td>Assistant Chief Officer, Probation Service</td>
</tr>
<tr>
<td>ACPO</td>
<td>Association of Chief Police Officers</td>
</tr>
<tr>
<td>BCU</td>
<td>Base Command Unit</td>
</tr>
<tr>
<td>CIB</td>
<td>Criminal Intelligence Bureau</td>
</tr>
<tr>
<td>CJA</td>
<td>Criminal Justice Act</td>
</tr>
<tr>
<td>CPS</td>
<td>Crown Prosecution Service</td>
</tr>
<tr>
<td>FCC</td>
<td>Force Communications Centre</td>
</tr>
<tr>
<td>FIB</td>
<td>Force Intelligence Bureau</td>
</tr>
<tr>
<td>HMCE</td>
<td>Her Majesty’s Customs &amp; Excise</td>
</tr>
<tr>
<td>IPP</td>
<td>Indeterminate Sentence for Public Protection</td>
</tr>
<tr>
<td>LCJB</td>
<td>Local Criminal Justice Board</td>
</tr>
<tr>
<td>LED</td>
<td>Licence Expiry Date</td>
</tr>
<tr>
<td>MAPPA</td>
<td>Multi-Agency Public Protection Arrangements</td>
</tr>
<tr>
<td>NIM</td>
<td>National Intelligence Model</td>
</tr>
<tr>
<td>NIS</td>
<td>National Identification Service</td>
</tr>
<tr>
<td>PNC</td>
<td>Police National Computer</td>
</tr>
<tr>
<td>PPO</td>
<td>Prolific and other Priority Offender</td>
</tr>
<tr>
<td>RLO</td>
<td>Recall Liaison Officer</td>
</tr>
<tr>
<td>SED</td>
<td>Sentence Expiry Date</td>
</tr>
<tr>
<td>SOCA</td>
<td>Serious Organised Crime Agency</td>
</tr>
<tr>
<td>SPOC</td>
<td>Single Point of Contact</td>
</tr>
</tbody>
</table>
A. INITIAL SCREENING

1. Title of function, policy or practice (including common practice)
   Is this a new policy under development or an existing one?
   Policy and practice in respect of Post Release Enforcement in the form of licence
   revocation and the recall of offenders to custody is work that NPS is already familiar
   with. This Probation Circular (PC) adds a new policy area to that work, and gives
   information about monitoring of systems and targets.

2. Aims, purpose and outcomes of function, policy or practice
   What is the function, policy or practice addressing? What operational work or
   employment/HR activities are covered? What outcomes are expected?
   It gives information about a Whole System Target for the revocation and recall
   process, the monitoring of offenders who are unlawfully at large after recall, and
   advice and guidance on the extradition of some recalled offenders who have moved
   abroad.
   It is expected that there will be a very small number of offenders for whom extradition
   is an option as a result of the guidance given in the PC. However this process is in
   respect of offenders who have already been subject to a request for revocation of
   licence by NPS and should therefore be in custody.

3. Target groups
   Who is the policy aimed at? Which specific groups are likely to be affected by its
   implementation? This could be staff, service users, partners, contractors.
   This circular is aimed at probation staff. NOMS and the Police Forces throughout
   England and Wales are also being informed of the new policy. The main group
   affected by the extradition policy will be offenders, though only small numbers will be
   affected, and the policy seeks only to enforce the revocation order which has already
   been issued.
   For each equality target group, think about possible positive or negative impact,
   benefits or disadvantages, and if negative impact is this at a high medium or low
   level. Give reasons for your assessment. This could be existing knowledge or
   monitoring, national research, through talking to the groups concerned, etc. If there
   is possible negative impact a full impact assessment is needed. The high, medium or
Low impact will indicate level of priority to give the full assessment. Please use the table below to do this.

<table>
<thead>
<tr>
<th>Equality target group</th>
<th>Positive impact – could benefit</th>
<th>Negative impact - could disadvantage</th>
<th>Reason for assessment and explanation of possible impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>Nil</td>
<td>Nil</td>
<td>The PC contains information and guidance for probation staff of all groups.</td>
</tr>
<tr>
<td>Men</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Asian/Asian British people</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Black/Black British people</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Chinese people or other groups</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>People of mixed race</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>White people (including Irish people)</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Travellers or Gypsies</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Disabled people</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Lesbians, gay men and bisexual people</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Transgender people</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Older people over 60</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
<tr>
<td>Young people (17-25) and children</td>
<td>Nil</td>
<td>Nil</td>
<td>As above</td>
</tr>
</tbody>
</table>
NPS Race Equality Impact Assessment template

| Faith groups | Nil | Nil | As above |

4. Further research/questions to answer

As a result of the above, indicate what questions might need to be answered in the full impact assessment and what additional research or evidence might be needed to do this.

The preliminary screening has indicated that there are no further questions or areas of research that would necessitate a full impact assessment.

This policy was screened for impact on equalities on 21 March 2007. No full equality impact assessment is required

Initial screening done by: John RM Scott
Name/position John Scott, Head of Public Protection and Licensed Release Unit
Date 15/03/07

B. PLANNING A FULL IMPACT ASSESSMENT

1. Title of function, policy or practice (including common practice)
Is this a new policy under development or an existing one?

2. Aims, purpose and outcomes of function, policy or practice
What is the function, policy or practice addressing? What operational work or employment/HR activities are covered? What outcomes are expected?

3. Target groups
Who is the policy aimed at? Which specific groups are likely to be affected by its implementation? Use the initial screening to summarise potential adverse impact on
each group as identified above and the reasons given. What knowledge and information do you already have, what further research or evidence should be collected in the full impact assessment?

- Gender
- Race
- Disability
- Sexual orientation/transgender
- Age
- Faith

4. Impact assessment process

Which staff will conduct the IA? (eg Board members, senior managers, policy leads, or a team of staff.)

Will you include external advice from community groups or individuals? (cross reference to question 5 below)

How will the IA be approved and integrated into senior management processes?

What is the role of the diversity manager?
5. Consultation
Give details of any planned internal staff and external community consultation and engagement.

Who will be consulted, how will it be done, when, what are the aims of the consultation, what will be done with the results?

Are a diverse range of staff, service users and stakeholders consulted?

How will the impact assessment process be publicised to give as many people as possible an opportunity to take part?

C. CONDUCTING THE IMPACT ASSESSMENT

6. Q & A: Effect of function, policy or practice
(use the questions as prompts, not as a list which must be answered in every case)

What questions were identified in the initial screening above?

What other aspects of the way this policy is, or might be, implemented, should be explored?

Are there any points within the policy as it stands where the potential exists for negative impact on staff or service users or stakeholders across all groups?

Is there any existing evidence to show that adverse impact on any disadvantaged group has occurred previously in this area, if so what?
If not what evidence will you need to collect to assess the impact? (This might be monitoring, evidence from staff networks, evidence from service users, surveys, interviews, focus groups, wider consultation, research at national or area level on impact of similar policies or functions, etc.)

How can you be sure you have fully understood potential for adverse impact? Have relevant community members been engaged at all stages in identifying questions to ask, areas of concern?

What level of community consultation and engagement has taken place during the impact assessment? What were the results?

Overall, how does the policy promote equality, eliminate discrimination and promote good relations?

7. **Assessment of evidence and action on results**

What conclusions can be drawn from the consultation and the evidence collection?

Support the conclusions by reference to the outcomes of consultation and evidence collection.

Is there a need to change, amend or withdraw the policy or practice?

In what ways will the policy promote good relations, promote equality and eliminate discrimination? Does it need amending to reflect this?

If so, what action is needed, by when and who is responsible?
D. FOLLOW UP TO IMPACT ASSESSMENT

8. Monitoring and management
How will the policy be monitored to measure the impact of it on the target groups?

Are monitoring arrangements adequate to measure the impact of the policy in relation to on all groups?

Race
Gender
Disability
Sexual orientation/transgender
Faith
Age

What management structures are in place to ensure effective implementation of the equality aspects of this function, policy or practice?

9. Publishing the results
How will you publish the results of the IA and any subsequent monitoring to measure progress?

In what formats, aimed at which audiences? If the information accessible to those who need it?

How will feedback be given to those involved in consultation?
10. Approval and review
Who will give final approval of the impact assessment of the policy or function?

How often will it be reviewed in future – by when and by whom?

Final approval by ___John Scott__________ (name)

Date of completed IA and approval _15/03/07________________________
RACE EQUALITY IMPACT ASSESSMENT
Ten key points to ensure a good impact assessment

The ten steps below are practical suggestions about how to approach the impact assessment process in general to ensure that it is thorough and fully evidenced.

These notes supplement the more detailed guidance in the Home Office Impact Assessment template, to which probation areas should refer for more information if required, as well as the CRE guidance on impact assessment.

1. **Establish the local baseline in your area – this will help with all impact assessments**

   Who are your service users? Who are your staff? Who are your partner organisations and those to whom you contract services? What do you know about these groups in relation to racial and cultural background, age, faith, gender, etc? Do you have enough knowledge and information about these diverse groups to be able to assess the impact of your policies and practices on each of them? What sort of information might you need to show that you can give detailed consideration to the possible impact?

   If you don’t have it, how can you get it? What do you know about your local community and sources of advice and expertise that you could tap into? How can you find out? What could be available in your area or at national level, to strengthen local community sources and their capacity to help with the impact assessment process?

   Area there any race equality issues in your area which should be taken into account? For example have there been any employment tribunal cases alleging racial discrimination, or complaints from service users or community groups? What well known community concerns are there beyond the probation service – for example any known concerns about policing, or poor community relations – these external factors can affect how the Probation Service delivers its services.

2. **Clarify who is responsible for conducting impact assessments**

   Will all impact assessments be done by one person, for example, the diversity manager? Or will relevant policy and operational managers carry them out
with advice from the diversity manager? How will the assessment be communicated and actioned by senior management? How will the outcome form part of regular performance and management review processes? Are responsibility and deadlines clearly assigned and are there enough resources available for those responsible to do them properly?

Will impact assessment training be provided for all those responsible for impact assessments?

3. **Set up a process for internal consultation – and use it before you start**

Given the composition of your staff, who needs to be consulted internally about the impact of policy and practice? Is there already a system in place for consultation? If so how effective is it? And if not can something be put in place before the impact assessment process begins? Can staff associations and support groups help?

Use the internal consultation process to help identify potential problems, adverse impact or areas which the impact assessment might need to probe. This framework can be used for all policies and functions.

4. **Set up a process for external consultation – and use it before you start**

What is the best way for you to involve local communities, faith groups etc? What sort of support from you might they need in order to take this on effectively (resources, access, methods of communicating, frequency of consultation and so on)? Are any existing consultation methods working well and do they include the right people? If not, set up a strong and effective system of regular consultation with local communities.

Some organisations have set up an independent advisory group specifically to assist with impact assessment, by reviewing priorities for assessment, conduct of the assessment, conclusions, and bringing a challenging and fresh perspective which can be very helpful.

Once a good process is in place, consult before you begin the impact assessment to help to identify potential problems, adverse impact or areas which you need to explore.
5. **Decide what questions need to be asked about the policy, function or practice.**

Remember that policies can be unwritten – custom and practice – as well as formal written policies.

What and who does the policy or function affect? How much do you already know about the way it works: has there been any ethnic monitoring in the past, any staff or service users surveys, audit reports or other information? Are there any identified concerns?

Use this and the consultation process above to think through any potential adverse impact of each area: what are the danger points where unfair treatment might occur? How much discretion is involved, and how is this discretion supervised and by whom? How is use of discretion recorded? What management oversight and supervision is in place for the policy or function?

What are the gaps in your knowledge of the impact of this policy or practice and how can you fill them?

6. **Collect the evidence**

Evidence can be from a variety of sources: ethnic monitoring where it is in place, of staff and service users, is one source. You can also carry out surveys or interviews and focus groups specifically to gather evidence for the impact assessment, and collect further evidence from the consultation methods set up earlier in the process. There might have been inspectorate reports, or pieces of local research on a topic. Staff associations and networks may have evidence as may partners and service users.

In the impact assessment you need to describe what the various sources of evidence were; how it was obtained, from whom and what were the key issues (concerns or successes) which the evidence suggests. It is not enough to state that no adverse impact has been identified: the assessment must make clear the basis for that statement: the how, who, what and when of arriving at that assessment.

7. **Act on the results**
According to what the impact assessment concludes, ensure action is taken to amend the policy or function or even produce a new policy or procedure, and that responsibility and a timetable for action is clearly assigned and implementation is monitored.

8. **Set up and use an effective ethnic monitoring system.**

If the policy or function concerned has not been subject to ethnic monitoring in the past, and has a potential for adverse impact, you need to ensure ethnic monitoring systems are in place. All new policies and functions will also require an ethnic monitoring process to demonstrate year on year that there is no discrimination and that the policy promotes good race relations.

Make sure your local ethnic monitoring system can provide the answers to your own local questions (not just provide data for NPD statistics!) and reflects what you know about your service users and your staff. Make sure that everyone involved knows why they are monitoring and how to do it.

As well as outcomes in terms of statistics ensure you cover the use of discretion at key decision making points: how is it used, who by, who oversees the outcomes. Can you be sure discretion is always been exercised fairly and can you prove that? Provide training for the staff that will collect and analyse the ethnic monitoring information.

9. **Publish the results**

All race equality impact assessments should be made available to service users and staff, perhaps using the Area web site. Feedback and results should also be given to everyone, internally and externally, who was consulted. Publication promotes openness and accountability and encourages further dialogue and debate. Make sure the published results are in a range of accessible formats to meet the diverse range of access requirements.

10. **Keep asking the questions!**

If the ethnic monitoring and consultation is effective, the review process should become part of the routine performance and management processes.
so that the impact of policy and practice can be continuously reviewed.

Think about additional ways to check for impact and gather evidence as time goes by: annual service users and staff surveys, for example. Use local independent external contacts (for example local universities) to conduct small scale research projects to validate the ethnic monitoring results.

Impact assessment is an evolving and continuous process. Policy and practice changes and so do people and knowledge and understanding of race and diversity. Setting up a strong system as suggested above will mean the impact assessment process becomes mainstreamed, and can be used as a basis for impact assessment of other diversity strands such as gender, disability, sexual orientation, faith and belief, and age.