Policy name: Manage the Custodial Sentence Policy Framework

Reference: N/A

Re-issue Date: 28 November 2018  Implementation Date: 06 September 2018

Replaces the following documents which are hereby cancelled:
None

Introduces amendments to the following documents:
This Policy Framework incorporates most of the Service Specification for Manage the Custodial and Post Release Periods, which will remain in place until otherwise notified.

Action required by:
☒ HMPPS HQ
☒ Public Sector Prisons
☒ Contracted Prisons*
☒ National Probation Service (NPS)
☒ Community Rehabilitation Companies (CRCs)
☐ HMPPS Immigration Removal Centre’s (IRCs)
☒ Other Providers of Probation and Community Services
☒ Governors
☒ Heads of Groups
☒ HMPPS Rehabilitation Contract Services Team
* In this document the term Governor also applies to Directors of Contracted Prisons

Mandatory Actions:
All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

This Policy Framework will only apply to prisons and probation when the Offender Management in Custody (OMiC) Model has been implemented.

For information:
The aim of this Policy Framework is to detail the minimum mandatory requirements which are needed to deliver the custodial sentence and case manage those in custody from reception to end of supervision post release. The core requirements of the Offender Management in Custody (OMiC) model and the policy for custodial sentence planning have been incorporated into the Policy Framework.

The OMiC model is being implemented in two parallel phases, one is the implementation of key work and the other is the new case management model. The key work aspects of this Policy Framework apply to all prisons once they have started delivering key work in line with
Governors must ensure that any new polices that they develop because of this Policy Framework are compliant with the relevant legislation including the Public Sector Equality Duty (Equality Act 2010).

**Associated documents:**
These are listed in Annex A with links to the documents.

**Audit/monitoring:**
Public Prisons – Prison Group Directors will monitor compliance of the requirements set out within the framework in their prisons.
Privately Managed Prisons - Monitoring of compliance will be through the standard contract management processes.
Providers of Probation Services – compliance is monitored by Deputy Directors Probation (DDPs) in their region and by senior contract managers.

Quality assurance is provided by the HMPPS Operational & System Assurance Group.

**Resource impact:**
The impact on resources from this Policy Framework are based on the changes to offender management as set out in this document. The OMIC programme has resourced prisons and NPS to implement and deliver this Policy Framework.

**Contact:** omic@hmpps.gsi.gov.uk

**Deputy/Group Director sign-off:** OMiC Project Board.

**Approved by OPS for publication:** Phil Copple/Sonia Crozier, Joint Chairs, Operational Policy Sub-board.
Revisions

<table>
<thead>
<tr>
<th>Date</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>29/11/2018</td>
<td>Change to contact details (page 2)</td>
</tr>
</tbody>
</table>
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Purpose</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Evidence</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Outcomes</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Requirements</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>• Journey through the custodial sentence</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>• Requirements that are application at key stages of the custodial sentence</td>
<td>9</td>
</tr>
<tr>
<td>Annex A</td>
<td>Associated documents</td>
<td>14</td>
</tr>
<tr>
<td>Annex B</td>
<td>Accepted Probation Officer qualifications</td>
<td>17</td>
</tr>
</tbody>
</table>
1. **Purpose**

1.1 Offender management lies at the heart of Her Majesty’s Prison and Probation Service (HMPPS); it is central to the aims of reducing reoffending, protecting the public and preventing victims by changing lives. It is a central pillar of our work to rehabilitate and give hope to those in prison; and it remains one of the key purposes of custodial sentencing.

1.2 The way prisoners are case managed through the custodial sentence has been revised within the Offender Management in Custody (OMiC) model. The purpose of the changes are to ensure that:

   Every prisoner should have the opportunity to transform their lives by using their time in custody constructively to reduce their risk of harm and reoffending; to plan their resettlement; and to improve their prospects of becoming a safe, law-abiding and valuable member of society.

1.3 The OMiC Model provides the framework to co-ordinate and sequence an individual’s journey through custody and post release. The OMiC model places prisoners and the development of rehabilitation cultures in prisons at the heart of offender management processes and supports the reduction of re-offending in custody and the community, the rehabilitation culture and re-integration into the community.

2. **Evidence**

2.1 The OMiC Model was designed to retain existing best practice developed within prisons since the first introduction of the original offender management model and incorporate evidence based practice into revised requirements. It aims to promote procedural justice in particular considering: voice; neutrality; respect and trustworthiness which a review of research suggests influence cooperation and compliance. A process that is perceived as being applied fairly is more likely to be seen as legitimate and the final decision complied with. This can support a prison which is safe and decent. The OMiC model provides a sound basis on which to build a rehabilitative culture and is designed to promote the positive staff prisoner relationships which support rehabilitative cultures.

3. **Outcomes**

3.1 There are 3 high level service outcomes:

- reoffending is reduced;
- the custodial sentence is managed; and
- risk of serious harm is reduced.
3.2 These are incorporated into the outcomes and requirements within this framework which are listed below.

- Public protection is prioritised
- Custodial sentences are co-ordinated, prisoners are helped to progress throughout the sentence.
- All prisoners in the male closed estate must be allocated to a key worker whose responsibility is to engage, motivate and support them throughout the custodial period.
- Prisoners are referred, as appropriate, to interventions and other services to reduce the risk of harm to other and the likelihood of reoffending in line with plans.
- Resources are effectively targeted to reduce reoffending and support rehabilitation.
- A screening for resettlement needs must be completed for all prisoners which identifies immediate resettlement needs and informs the resettlement plan created, and reviewed pre-release, by the relevant CRCs.
- All prisoners in scope for OASys sentence planning have a plan which is monitored, implemented, reviewed at points of significant change in circumstance from reception to the end of licence and post sentence supervision. The plan needs to be commensurate with risk, need and must involve the individual as an active participant.
- All offender management processes are adhered to and applied to relevant prisoners. These include: initial categorisation, sentence calculation, Home Detention Curfew (HDC), Release on Temporary Licence (ROTL), parole, re-categorisation and recall.
- All staff within prisons, NPS, CRCs and other service providers understand their responsibilities in delivering services using a collaborative approach between each other, prisoners and staff.
- All offender management processes are communicated to prisoners and the reasons for decisions explained in order to support compliance, engagement and prisoners’ understanding of what is required. Communication must be appropriate for the prisoner taking into account diversity issues.

4. Requirements

4.1 Prisons and providers of probation services are responsible for delivering the sentence of the court. A primary purpose of case management is to engage prisoners throughout the custodial sentence to motivate them and provide them with opportunities to change their lives and promote rehabilitation. This supports the purpose of HMPPS to prevent victims by changing lives.
4.2 Offender management is how we guide and case manage prisoners through the system and we have learnt from the implementation of the previous model that our processes need to be flexible to be able to respond to changes in legislation, population (in both prisons and on probation providers caseloads in the community), policy and feedback from front-line staff and managers. In order to deliver this flexibility all guidance, performance targets and timescales will be issued separately from this Policy Framework. This will enable an iterative approach to the delivery of offender management where we are able to learn and adjust the model in response to changes.

4.3 Prisons and probation providers must refer to the guidance which is available:

- On EQUIP which is a process mapping software, available to all staff in NPS and prison offender management units, and provides clarity about all offender management processes, access to up-to-date policy and national templates;
- All guidance is available to the HMPPS intranet;

Journey through the Custodial Sentence

Requirements applicable throughout the custodial sentence

Quality:

4.4 This Policy Framework aims to improve the quality of case management in custody. Prisons and probation providers must ensure there are processes in place to assure quality of offender management. Quality is of equal importance as achieving timeliness.

4.5 All prisons must have a manager, who has a probation qualification, to focus on the quality of offender management. Annex B lists the relevant qualifications. Prison offender managers must be provided with supervision including case discussions. This provides support for staff and opportunities for professional development. This additionally supports oversight of quality case management.

Risk:

4.6 In order to ensure risk is managed and to meet the aim to protect the public, fulfil the duty of care to staff and support safety and decency, all staff must be aware of and follow appropriate guidance and protocols when they observe or receive information that indicates that an individual may present or be at risk of an increased risk of serious harm. This includes risk to self, risk to an identified individual or group and risk to others.

4.7 The Governor and Heads of Service must ensure that if an increased risk of serious harm is identified the risk escalation process is followed. Please see Annex A for further information.

Engagement:
4.8 Governors must ensure there are policies and procedures in place to support prisoner engagement and understanding throughout the custodial sentence in order to support compliance with requirements in custody and post release. These must take into consideration diversity issues which may require additional or adapted information to be provided to ensure prisoner understanding.

4.9 Engagement with sentence planning and compliance must be supported at all stages of the sentence including through transition points particularly where a change of community offender manager or prison offender manager occurs, in order to maintain continuity of sentence and effective working relationships.

4.10 Prisoners must be encouraged to engage with activities that support their rehabilitation and resettlement into the community throughout their sentence. This includes post release on licence.

Multi-agency arrangements and supporting provision of services by other agencies:

4.11 Public protection is a core part of offender management. There is detailed guidance available in the public protection manual, further information is provided in Annex A.

4.12 Governors and Probation Deputy Directors must ensure that they discharge their duties as a Responsible Authority in MAPPA in line with statutory requirements. MAPPA eligible individuals must be identified and managed according to their risk level.

4.13 Governors and Heads of Service must ensure compliance with ViSOR protocols including updating records as required to support effective information sharing between prisons, police and probation. Please see Annex A for further information.

4.14 Governors and Heads of Service must ensure compliance with local and national multi-agency procedures and protocols in order to contribute to protection of the public. This includes child and adult safeguarding meetings and multi-agency risk assessment conference (MARAC), in order to ensure risk management plans are in place for release to effectively manage any risk posed. Information exchange between agencies is integral to an effective risk management process and should be supported by clear protocols including timeliness.

Recording:

4.15 The Governor and Heads of Service must ensure that staff initiate, complete and maintain accurate records on all individuals on authority approved case management systems. This includes all key contacts and significant events, positive and negative.

4.16 Observations and assessments including changes in behaviour, identified needs in relation to an individual’s risk of harm, risk to self, likelihood of reoffending, and resettlement needs must be recorded in order to support defensible decision making and accountability in addition to ensuring information is captured.

Transfers between Offender Managers:
4.17 In order to ensure that transfers between prisons and between prisons and the community are managed effectively, information must be exchanged to ensure continuity of the sentence, maintenance of effective working relationships and effective management of risk.

4.18 Data must be stored on authority approved systems in order to facilitate accurate and up-to-date information exchange between prisons, and between offender managers. Urgent information such as imminent risk must be communicated promptly to enable the receiving prison or offender manager to take appropriate actions to manage risk.

Requirements that are applicable at key stages of custodial sentence

Start of Sentence
Reception into custody:

4.19 In order to ensure the sentence of the Court is delivered, the Governor must ensure that each prisoner’s sentence length is calculated and all court orders are identified, logged and delivered.

4.20 An induction must be completed for all prisoners on reception to identify immediate needs and ensure prisoners are assisted to settle into prison.

4.21 The Basic Custody Screening Tool must inform the resettlement plan created by the relevant Community Rehabilitation Companies (CRCs).

4.22 For individuals in custody a prompt notification of reception into custody to agencies already working with that individual can support prompt engagement with required services on release where appropriate.

Core Service:

4.23 Key work is delivered within the male closed estate by staff who have completed the required training.

4.24 All prisoners within the male closed estate, including those remanded in custody and on a standard recall, must receive a core service and be allocated to a prison officer/prison custodial officer who will have a key worker role.

4.25 Foreign nationals who have completed their custodial sentence and move to detention under immigration within the prison system must continue to be allocated to a key worker until moved to an Immigration Removal Centre or released.

4.26 Governors in the male closed estate must ensure that time is made available for an average of 45 minutes per prisoner per week for delivery of the key worker role which includes individual time with each prisoner. Within this allocated time, key workers can vary individual sessions in order to provide a responsive service, reflecting individual need and stage in the sentence. A key worker session can consist of a structured interview or a range of activities such as attending an ACCT review, meeting family during a visit or engaging in conversation during an activity to build relationships.
4.27 Key workers must raise any concerns with the OMU who will communicate with CRC or NPS offender managers if required.

4.28 The Governor must ensure there are processes in place for those individuals who will receive the core service to ensure that the relevant offender management processes (such as HDC and ROTL) are delivered in sufficient time to enable the process to be completed by the eligibility date where relevant.

4.29 The principle of assigning the same prison offender manager for all processes must be applied, where possible, in order to retain continuity and enable an effective working relationship.

Specialised Service:

4.30 In addition to the core service, a specified cohort will receive a specialised service and be assigned to a prison offender manager who, in addition to completing offender management core tasks, must offer one to one supervision. The specialised service will be provided to:

- All NPS allocated prisoners who have over 10 months left to serve;
- All CRC allocated prisoners with over 48 months left to serve or medium risk with over 10 months left to serve;
- All CRC allocated prisoners whilst in the open estate;
- Care leavers aged 18 – 25. Governors must ensure there are processes and policies in place to encourage disclosure of care leaver status. For further information see Annex A.
- All standard recalled prisoners. They remain allocated to a community offender manager based within the NPS or CRC throughout the recall due to the potential to release determinate sentence prisoners at any stage under Secretary of State Executive Release.

Main Sentence:

4.31 Governors must ensure there is effective co-ordination of the sentence with service providers such as mental health and substance misuse services.

Sentence planning:

4.32 Whenever this Policy Framework refers to a ‘plan’ or a ‘review’ it is referring to the practice of engaging the individual and others in discussion and information gathering as well as the written plan or review that has resulted from the assessment process.

4.33 Governors must ensure that all prisoners in scope of OASys have a plan based upon an assessment of their criminogenic needs and associated risks within specified timelines. These are detailed within the supporting information section. The sentence plan must detail how the identified needs and risks are addressed and how the custodial sentence imposed by the court will be delivered.
4.34 Prison offender managers must complete sentence plans and reviews on all individuals receiving the specialised service of the OMiC model.

4.35 Although those on standard recall receive the specialised service, sentence plans must be completed by community offender managers as they remain the allocated offender manager.

4.36 For life sentence prisoners, Indeterminate Public Protection prisoners, Extended Public Protection and Extended Determinate Sentence cases, prison offender managers must produce the post sentence report, initial assessment and sentence plans.

4.37 The multi-agency (lifer) risk assessment panel meeting (MALRAP/MARAP) meeting must be convened by the prison offender manager.

4.38 All prisoners who are in scope of OASys must be provided the opportunity to participate in their sentence planning.

4.39 The sentence plan must contain their objectives for custody and, dependent upon length of sentence, to prepare for eventual release into the community. Objectives within plans must be realistic and achievable. Where completion is dependent upon other factors this must be noted. Individuals must not be disadvantaged for not achieving an objective outside of their control.

4.40 The sentence plan must reference any specialist assessments for complex needs completed in custody by other providers including education. Specialist assessments would include those completed on:

- Mental health
- Substance misuse
- Social care
- Learning difficulties
- Young offenders
- Care leavers
- Personality disorder
- Disabilities
- Age related issues

4.41 Plans completed on sentenced prisoners must take into account the needs and concerns of victims in liaison with victim liaison services in order to be compliant with the Victim Charter and with legislation. Please see Annex A for further information.
4.42 Plans must be implemented including referrals to interventions and services via Offender Management Units to ensure that all risk issues and potential mitigation are considered.

4.43 Plans must be reviewed when significant changes occur to recognise positive and negative changes and maintain an up to date risk assessment and sentence plan. The review can focus just on those elements of the plan that have changed.

4.44 A sentence plan review must be completed towards the end of the custodial sentence to record activity and achievements during the custodial period.

Pre-Release:

4.45 CRCs must review the resettlement plan by 12 weeks before date of earliest release.

4.46 Governors must ensure that there are processes in place to comply with the duty to refer under the Homelessness Reduction Act 2017 with effect from October 2018. This would usually be completed by 6 weeks before release. For short sentences the referral would need to be completed as soon as possible.

4.47 Community offender managers must liaise with the prison offender manager in order to obtain the history of the progress through prison. A pre-release meeting must be arranged for all allocated to the NPS within the specialised service with the prison offender manager, the community offender manager and the prisoner.

4.48 For prisoners allocated to the CRC within both core and specialised service, Governors and CRCs must ensure there are local procedures in place for effective handovers between prison and the community offender manager.

4.49 NPS community offender managers must review the sentence plan pre-release and for prisoners subject to parole this must be in line with the generic parole process timetable prior to release and reviews/reports post release completed by the community offender manager. Please see Annex A for further information.

4.50 Governors and providers of probation services must ensure that systems are in place to ensure the continuity of sentence management including prompt information exchange, and setting of appropriate licence conditions.

4.51 Governors must ensure they provide relevant agencies with timely notification of a prisoners release in order to enable relevant agencies to continue work with offenders and manage risk.

4.52 Governors must identify potential barriers to compliance with either plans or licence conditions and where appropriate, action taken to mitigate or remove them.

4.53 Offender Management Units must have processes in place to liaise with community offender managers to enable victims to contribute to offender management processes where release is being considered, via victim liaison officers.

Recalled prisoners:
4.54 Governors must ensure the prompt notification by the receiving prison of return to custody to Public protection casework section (PPCS) in HMPPS. This is required to ensure that recall dossiers can be sent to the prisons in sufficient time to share with prisoners.

4.55 If practical, the same prison offender manager must be assigned to the prisoner. For those who did not receive the specialised service before release, they must be assigned a prison offender manager. The community offender manager remains the allocated offender manager.

4.56 Governors must ensure that an assessment of needs for standard recalled prisoners is completed to identify factors to support release. The community offender manager must be informed of a prisoner’s return to custody and relevant information prepared in sufficient time for first parole board review.

4.57 Processes must be in place to ensure that individuals returned to custody on recall are informed of the reasons for recall and processes for appeal or release within 2 working days of return to custody. They must be supported and motivated to engage with the re-release plan which includes a meeting between the community offender manager, the prison offender manager and the individual on recall within 10 working days of return to custody.

Post-release:

4.58 A plan completed on authority approved systems, post-release, must be based on at least one interview with the individual on release or on information available if the individual fails to keep initial appointments. This should incorporate risk identification and resettlement activity completed in the final 12 weeks of custody.

4.59 Individuals at risk from harm from others or the local community, including vulnerable adults and those at risk of domestic abuse, must be assisted to prepare a safety plan and provided with support from other agencies where appropriate.

4.60 Heads of Service must ensure that relevant partner agencies are informed of release from custody to support provision of resettlement services.

4.61 All plans must be reviewed at the point where there is a significant change of circumstance. This could be either positive or negative or where information is received that indicates the current plan requires changing.

4.62 Objectives within plans must be realistic and achievable. Where completion is dependent upon other factors this must be noted. Individuals must not be disadvantaged for not achieving an objective outside of their control.

4.63 On completion of the licence and or post sentence supervision, a termination OASys must be completed and records on authority approved systems closed.
Annex A

Associated documents

All Staff in Offender Management Units in prisons and NPS must access Equip for the most up to date documents. All other service providers including CRCs should access HMPPS Intranet for up to date guidance. All up to date PSI/PSO/PIs are also available on justice.gov.uk

Links to the associated documents are provided below.

- OMiC Model for the male closed estate - [https://intranet.noms.gsi.gov.uk/__data/assets/pdf_file/0004/845059/OMiC-Model-Version-1-male-closed-model.pdf](https://intranet.noms.gsi.gov.uk/__data/assets/pdf_file/0004/845059/OMiC-Model-Version-1-male-closed-model.pdf) (this document is only available on the HMPPS intranet)

Legislation:

All legislation is published on GOV.UK

- Children Act 2004 which places a duty on, amongst others, providers of probation services and governors of prisons to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children. As a consequence, offender managers have a duty, working in partnership with other local agencies, to promote safeguarding.

- Criminal Justice Act 2003 s254 which sets out the provisions for recall of offenders on licence.

- The Offender Management Act 2007 provides a legal basis for data sharing

- Data Protection Act 2018 and the General Data Protection Regulation provides a legal framework for handling personal information

- Care Act 2014 and Social Services and Wellbeing (Wales) Act 2014, which set out the statutory framework for the provision of adult social care and safeguarding


Mandatory instructions:


• **PSI 19/2014, PI 13/2014** - Sentence planning

• **PSI 41/2014 PI 57/2014** – Process for CRCs and prisons to refer cases in custody or the community to NPS for risk review including escalation

• **PSI 3/2016 PI 6/2016** - Adult social care

• **PSO 4700** - Indeterminate Sentence manual and PSI 36/2010

• **PSO 4800** - Women prisoners

• **PI 48/2014** - Victim contact policy guidance manual

• **PSI 40/2014, PI 56/2014** Mandatory use of Visor

• NOMS guidance for working with domestic abuse

• HMPPS is a participant in Multi-Agency Risk Assessment Conferences (MARACs), to which the Safe lives MARAC Implementation Guide applies. This establishes expectations in relation to referral, information sharing and inter-agency risk management for offenders associated with the victims of domestic abuse.
  [http://www.safelives.org.uk/](http://www.safelives.org.uk/)

• **PSI 22/2015** - Generic Parole Process for indeterminate and determinate sentenced prisoners (GPP)

• **PSI 01/2018** Home detention curfew assessment process

• **PSI 16/2010** - Confiscation orders

- **PI 07/2014** - case transfers

- **PSI 12/2015** - Licence and conditions of release.

- **PSI 30/2014 / PI 27/2014** - Recall Review and Re-Release of Recall Offenders: sets out enforcement and recall procedures for those on licence

- **PSI 07/2015 PI 06/2015** - Early Days in Custody: includes requirements to complete the BCST and resettlement plan
Annex B

The following is contained with the Regulatory Framework which outlines accepted PO qualifications.

Within Community Justice Learning, the Professional Qualification in Probation (PQiP) replaces previous equivalent qualifications with effect from 1 April 2016. From this date, those who are awarded this qualification will be eligible to apply for PO posts in the NPS.

Qualifications that were previously recognised as providing eligibility to apply for PO posts will continue to confer this eligibility in future. The following qualifications gained in England and Wales were previously recognised as providing eligibility:

- BA (Hons)/Graduate Diploma in Community Justice (incorporating a level 5 Diploma in Probation Practice (Vocational Qualification));
- Diploma in Probation Studies;
- Diploma in Social Work (with Probation Option);