

AVAILABLE FOR PLANNING PURPOSES

Service	Deliver Curfew Requirement	Version	AFP1.0
Document	Service Specification	Sign-off Completed	SDWG 05-07-2013



Service Specification for

Deliver Curfew Requirement

Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of a Service Level Agreement or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

1. Service Specification Document	2. Operating Model	3. Direct Service Costs & Assumptions Document	4. Cost Spreadsheet
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Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview Publication	26-04-2011
P2.0	Go-live publication. References updated. Various amendments made to encompass inclusion of non-EM curfews in the scope of this specification (text added to definition of service and strategic context). New annex A added to specify outputs for non-EM curfews.	01-10-2011
P2.1	Inclusion of an additional output to clarify that, where this requirement is used as a stand-alone (solitary) requirement, requirement providers must follow MAPPA, safeguarding and PPO arrangements, where appropriate.	04-04-2011
AFP1.0	<p>Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with the Rehabilitation Programme. Key changes made to this specification:</p> <p><u>Definition of Service</u>: Contract information removed.</p> <p><u>Strategic Context</u>: Updated to incorporate the new electronically monitored contract requirements, including introduction of 'multi-purpose ankle tags'. Historical data on EM usage removed. Standard wording referencing the Rehabilitation Programme, female offenders and equalities added.</p> <p><u>Changes to Service Outputs</u>: Outputs 2 and 4 (Version P2.1) deleted as assumed to be covered</p>	10-03-2014

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	<p>in the EM contract.</p> <p>Output 6 (telephone support service): reworded to refer to 'system' instead of 'call centre' to allow flexibility in delivery.</p> <p>Output 7 (providing information during induction): reworded from 'information booklet' to 'information' to allow flexibility in delivery</p> <p>Service elements in scope: 'The requirement is managed', 'Breach Action' & 'Information Management and Security' deleted in light of decision to consolidate offender management outputs in 'Manage the Sentence for a CO or SSO'. Corresponding outputs deleted (former outputs 16, 22-24 and 26-30 in version P2.1).</p> <p>Additional outputs deleted relating to offender compliance.</p> <p>Outputs 35-49 (P2.1) in section entitled 'Probation Trust Responsibilities' have been removed.</p> <p><u>Annex A</u>: Non-EM curfew requirements: although offender management outputs, these outputs (now at output rows 21-26) are retained as they are not adequately reflected in 'Manage the Sentence for a CO or SSO' and are very specific around information sharing.</p> <p><u>Dependent service elements</u>: Specification titles updated where required</p>	
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Introduction to Deliver Curfew Requirement Specification

1.	Service Name	Deliver Curfew Requirement
2.	Key Outcome(s) for Service	<p>Punishment of Offenders: through the restriction of their liberty, offenders are punished</p> <p>Reduced Reoffending: curfew hours can be tailored to interrupt patterns of offending and can contribute to risk management strategies</p> <p>Offender Rehabilitation: curfews can provide structure to chaotic lifestyles and used in conjunction with other requirements can assist in the rehabilitation of offenders</p>
3.	Definition of Service	<p>The current legislative framework for the electronically monitored (EM) curfew is the Criminal Justice Act 2003 which allows the tagging of offenders to a specified address for not less than two and not more than 12 hours a day (on days the curfew operates) for a period not exceeding six months. The EM curfew can be used either as a single (also known as 'stand alone') requirement or included in a package of up to 12 requirements attached to a Community Order or Suspended Sentence Order.</p> <p>A small number of curfew requirements are not electronically monitored, and the outputs to deliver this order of the court are set out in Annex A: Non-Electronically Monitored Curfew Requirement.</p> <p>Electronic monitoring confirms the presence of the tag-wearer at a specified place, usually a home address, and during set times. Whilst the tag can neither physically prevent the offender from leaving the address during the curfew period, nor track his/her whereabouts outside the curfew address, it does register any violation within five minutes at the monitoring centre. It is the legal presumption under the Criminal Justice Act 2003 that curfews are monitored electronically.</p>
4.	Service Elements In Scope	<ul style="list-style-type: none"> • Electronic Monitoring System (EMS) • Management of Notifications • Service User Induction • Installation of EM Equipment • Curfew Monitoring • Visits to Offenders

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		<ul style="list-style-type: none"> • Authorised Absences • Variation of Requirements • Curfew Violations • Enforcement • De-installation • Female Offenders • Offender Compliance <p>Service elements for non-electronically monitored curfew requirement:</p> <ul style="list-style-type: none"> • Organisational Liaison • Offender Management • Liaison with Stakeholders • Enforcement of Curfew Requirement
5.	<i>Out of Scope Service Elements</i>	<ul style="list-style-type: none"> • The role of NOMS commissioners and contract managers in developing, supporting and managing the EM scheme as a whole • EM curfews as a condition of Bail or early release from prison, either as Home Detention Curfew or as a licence condition
6.	<i>Dependent Service Elements</i>	<ul style="list-style-type: none"> • The <i>Court Work other than Assessments & Reports</i> specification covering liaison and advice to Courts • The <i>Assessment & Reports Pre-Sentence</i> specification covering the assessment of offenders and provision of reports to Courts • The <i>Manage the Sentence for a Community Order/Suspended Sentence Order</i> and <i>Deliver Statutory Post-Release Supervision</i> specifications, which cover the offender management activities and costs for engaging with providers of other requirements (such as specialist assessment, liaison and/or enforcement)

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7.	Strategic Context	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, management of MAPPA/high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>New contracts for delivery in 2013 (date to be confirmed) will replace current contracts and will be in transition during 2014 to deliver a different tag known as a ‘multi-purpose ankle tag’. This will enable satellite tracking functionality to be ‘switched on’ when offenders breach their curfew, so that the contractor knows where they are when they leave the curfew address.</p> <p>EM curfews, more commonly known as ‘tagging’, were first introduced within England and Wales by the Criminal Justice Act of 1991, but only became generally available to courts as a sentencing disposal in 1999.</p> <p>The current ‘tag’ is a personal identification device (PID), commonly worn on the ankle. The presence of the PID is registered by a monitoring device, which is installed in the curfewee’s address and uses mobile phone (or landline where the signal is weak) technology. If the PID goes out of range of the monitoring device, this fact is communicated to the EM control centre. Thus electronic monitoring confirms the presence of the tag-wearer at a specified place, usually a home address during set times. However it cannot prevent the offender from leaving the address during the curfew period nor can it be used to track the whereabouts of an offender outside the curfew address. Thus claims that EM curfews provide ‘custody in the community’ risk arousing unrealistic public expectations. The new multi-purpose ankle tag (MAT) will also operate as the current PID but also provide a satellite tracking functionality which can be switched on if the subject breaches curfew by locating outside of the curfew address. Note: The new tag will require daily charging.</p> <p>Enforcement action is the responsibility of the National Probation Service and is contained in the ‘Court Work other than Assessments & Reports’ specification.</p> <p>The Contracted Provider through its monitoring centre staff investigates any apparent curfew violation. The monitoring centre staff will, on establishing contact with the offender, ask them to explain the apparent violation. If there is not an acceptable reason for absence (such as being held by police or being detained in hospital), the offender will be told that they are in violation of the curfew and that the absence has been</p>
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logged.

The Contracted Provider records the length of the absence and adds it to previous absences to give a total accumulated time violation. When this threshold exceeds two hours, a first and final warning is issued. A *serious violation* leading straight to breach action is triggered by a second two hour accumulated time violation, as is: absence for the whole of the curfew period; denying access to EM staff during curfew hours; damage/removal of the tag; and threats to EM staff.

Since 2000 it has been the policy and legal presumption that all curfew requirements are electronically monitored and of the 45,000 curfew requirements made in 2010 it is believed that all but a handful were monitored electronically. However, courts do have discretion to make a curfew requirement that is not electronically monitored (colloquially known as a 'doorstep' curfew) but they are discouraged because of the difficulty with enforcement.

If a curfew requirement that is not electronically monitored is made, it is the policy expectation inherent in this service specification that the key task for the offender manager is to enforce reported breaches of its conditions in liaison with the police or other agencies, rather than personally monitoring compliance by observation or random visits.

EM curfews are commonly applied for a wide range of purposes, as detailed below.

- **Punishment:** The *stand alone* Curfew Requirement is generally perceived primarily as a sentencing option for the purposes of punishment. It can be particularly suitable for offenders who seem unable to comply with disposals which require their active participation, such as Unpaid Work. The 'weight' of punishment is determined by the number of hours the curfew is imposed for, the length of time for which it applies, and the offender's individual circumstances
- **Rehabilitation:** Used as part of a sentencing package in which the offender is subject to a number of requirements, the EM curfew can help an offender establish a more stable lifestyle and stop offending (e.g. being curfewed during 'risky' hours can help offenders to resist peer pressure to go out)
- **Alternative to Custody:** EM curfews can be included as one of multiple requirements as part of an intensive package (such as Intensive Alternatives to Custody, IAC), as recommended in paragraph 41 of the NOMS publication 'Guidance for Court Officers Report Writers and Offender Managers':

"...at higher levels of seriousness the curfew requirement should be considered as adding punitive weight to the sentence, for example where the addition of a curfew requirement to a community order might persuade the court that the imposition of a community order instead of a custodial sentence is appropriate...."

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	<ul style="list-style-type: none"> • Public Protection: A Curfew Requirement may contribute to risk management, and therefore public protection, by providing immediate confirmation to the police and/or an Offender Manager that an offender has left a curfewed address (for example, where this indicates a potential threat to a specific individual such as an ex-partner) • Disrupting Offending Patterns: Curfew hours can be targeted to disrupt specific patterns of offending behaviour, for example, to tackle alcohol-related weekend anti-social behaviour • Compliance Tool: Curfew hours can be targeted to facilitate attendance at other requirements, for example curfewing an offender the night before he/she is required to attend Unpaid Work or an offending behaviour programme • Breach Penalty: EM curfews can be used as an additional or substitute penalty for breach of another requirement <p>Equalities</p> <p>Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay ‘due regard’ to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.</p> <p>Female Offenders</p> <p>Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives for Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ is working with the Home Office on its Ending Violence Against Women and Girls: action plan 2013. Given the different needs of female offenders compared to those of male offenders, the MOJ has published [<i>Thinking Differently About Female Offenders</i>] which identifies effective ways of working with women.</p>
8.	<p>Flexibility</p> <p>All the outputs in this specification are mandatory – referred to as the National Minimum. .</p>

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9.	Reference to Supporting Documents	Supporting documents to be determined.
10.	Example Methods of Measurement / Assurance for Commissioners	Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits) and Schedule 21 - Management Information; and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.
11.	References for Detailed Mandatory Instructions	Probation Circular 23/2005 in relation to offender management provider responsibilities Probation Instruction 12/2011 Implementation of the Deliver Curfew Requirement Specification
12.	References for Non-Mandatory Guidance	Probation Circular 23/2005 in relation to offender management provider responsibilities A Complicated Business: A joint inspection of electronically monitored Curfew Requirements, Orders and licences. (Criminal Justice Joint Inspection, October 2008)
13.	Review	Review cycle to be determined

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Specification

National Minimum

Row Number	Service Element	Outputs / Output Features	Applicable Offender Types	Policy Theme	Example Methods of Measurement / Assurance for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
1.	Electronic Monitoring System (EMS)	An EMS is provided to monitor notified offenders.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
2.	Electronic Monitoring System (EMS)	The EMS triggers an immediate alert whenever the offender is outside the monitored boundary or there is tampering with equipment.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
3.	Electronic Monitoring System	A system is available at all times (24/7) to deal with enquiries from offenders and authorised agencies.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
4.	Electronic Monitoring System	The system provides a technical support service to field monitoring staff at all times (24/7).	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
5.	Management of Notifications	A facility to receive court notifications of offenders who are to be monitored is continuously available.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
6.	Management of Notifications	Incorrect/incomplete notification information and potential implementation difficulties are addressed within prescribed timescales.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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7.	Service User Induction	Information about electronic monitoring explaining the arrangements that apply to curfewees is provided to each offender, as part of the induction process, in a way that they can understand.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
8.	Installation of EM Equipment	The identity of the offender is confirmed before installation commences.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
9.	Installation of EM Equipment	The equipment is installed / fitted within the prescribed timescales of the contract.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
10.	Installation of EM Equipment	The monitored area includes the whole of the specified place but extends to as small an area as possible outside the specified place.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
11.	Curfew Monitoring	Notified offenders are continuously electronically monitored during curfew hours until the requirement ends or is revoked.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
12.	Curfew Monitoring	EM equipment will, if required, be repaired or replaced at the time of the visit to investigate a potential tamper violation or equipment fault.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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13.	Visits to Offenders	Visits to offenders are only made within curfew hours and not after midnight except when agreed in advance or when following up tamper violations.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
14.	Authorised Absences	Authorised absences from monitoring are only granted in line with contract criteria (i.e. medical need or specific and important appointments) and procedures for recording and notification are followed.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
15.	Variation of Requirements	Where required, relevant documentation is produced and EM staff attend court to give evidence within timescales prescribed within the contract.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
16.	Curfew Violations	Potential non compliance with Curfew Requirements are followed up as laid out in the contract and within the timescales prescribed.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
17.	Enforcement	Offender managers are provided with timely information regarding offenders' attendance, behaviour and risk indicators.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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18.	De-installation	On the day the EM requirement ends or is revoked, the monitoring equipment is removed during the curfew period (except when agreed in advance).	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
19.	Female Offenders	A female member of staff is present during the whole of each visit to a female offender (when the premises are entered).	Female Offenders with an EM requirement	Female Offenders	Contract Management and/or Audit	Contract Documentation	
20.	Offender Compliance	Offenders receive advice from EM providers as to their proximity to enforcement thresholds arising from accumulated time violations.	All Offenders with an EM requirement		Contract Management and/or Audit	Implementation date to be advised	

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Annex A: National Minimum for Non-Electronically Monitored Curfew Requirement

Row Number	Service Element	Outputs / Output Features	Applicable Offender Types	Policy Theme	Example Methods of Measurement / Assurance for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
21.	Organisational Liaison	There are formal arrangements in place with the police for information exchange and to deal effectively with enforcement issues.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	
22.	Offender Management	Offenders with a non-electronically monitored curfew requirement understand their responsibilities before they leave court.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	
23.	Liaison with Stakeholders	The police receive written confirmation of the offender's name/address and length/scope of the curfew requirement and the contact details of the offender manager at the earliest opportunity, to assist risk management and enforcement liaison.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	

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24.	Liaison with Stakeholders	Other key stakeholders receive written confirmation of the offenders name/address and length/scope of the curfew requirement and the contact details of the offender manager at the earliest opportunity to assist risk management and enforcement liaison.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	
25.	Enforcement of Curfew Requirement	Appropriate enforcement action is taken within prescribed timescales in response to a violation notification from the police.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	
26.	Enforcement of Curfew Requirement	Police are informed as to outcome of their violation notification.	Offenders with a non-electronically monitored curfew requirement		Contract Management and/or Audit	PI 12/2011	