



Ministry  
of Justice



National Offender  
Management Service

# Practice Framework

## National Standards for the Management of Offenders for England and Wales

August 2015

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# Introduction

This 'Practice Framework - National Standards for the Management of Offenders 2015' (hereafter referred to as the Practice Framework 2015) covers the work of providers contracted by the Ministry of Justice to deliver probation services in the community and the work of the National Probation Service (NPS). They have been developed in alignment with the relevant NOMS Service Specifications.

## Scope

Purposeful work with offenders is key to the successful delivery of the sentence and achieving one or more of the purposes of sentencing:

- The punishment of offenders
- Reducing crime
- The reform and rehabilitation of offenders
- The protection of the public
- The making of reparation by offenders to persons affected by their offences.

The Practice Framework 2015 provides guidance on each of the national standards and is designed to assist practitioners to effectively carry out the tasks involved in offender management. It is primarily focussed on the work of practitioners with offenders in the community (who are subject to a Community Order/Suspended Sentence Order and those released from a custodial sentence on licence or during the post sentence supervision period) and makes reference to work with offenders before sentence and during the course of a custodial period.

The Practice Framework 2015 reflects the fact that reducing re-offending is the overarching purpose in working with offenders. As much as possible the National Standards themselves are defined in terms of intended outcomes, rather than as inputs and process tasks.

## Structure

Each section is presented in the following format:

- The National Standard - a brief statement that encapsulates what the outcome of the particular activity is intended to be;
- Mandatory minimum requirement - where applicable this links to certain actions that are specified in legislation, by contract or by agency instruction
- Practice Guidelines - provide additional practice information as a guide for practitioners and managers
- Rationale and Evidence - provides information on best practice and key research findings
- Supporting Material - references to Probation Instructions and to further information and guidance.

With the exception of the Standards themselves, which are approved and published by the Secretary of State, the remainder of this document can be revised by MOJ/NOMS and updated versions will be issued as necessary.

The Practice Framework – National Standards for the Management of Offenders 2015 is consistent with the vision of reducing prescription and promoting flexibility and innovation, so that probation providers can work cooperatively to make communities safer, prevent victims and cut crime.

## Style

The term ‘responsible officer’ is used in legislation to describe the person that has the statutory role of managing offenders subject to community orders and suspended sentence orders. The role of supervising officer for licences and supervisor for post sentence supervision mirror the duties of the responsible officer in the Offender Rehabilitation Act 2014. For the purposes of this framework we will refer to *officers* as the title for those whose role includes discharging the statutory responsibilities of the responsible officer, the role of supervisor and the role of supervising officer.

## Professional Judgment

The Practice Framework 2015 maintains the principle of greater use of professional judgement in delivering services, on the basis that practitioners are well trained and capable of making decisions about the most effective approaches to adopt with individual offenders.

The Practice Framework 2015 supports *Officers* to exercise their evidence-based professional judgment and skills in the management of the risks and needs presented by an offender. Greater professional discretion allows practitioners to use their judgement in managing a case that does not fit a precise template.

## Meaning of a Plan

The generic term ‘planning’ is used to refer to both the identification, assessment and planning processes. When we refer to a plan, with respect to an offender, the Plan comprises:

- (i) the identification of the present risk of Serious Harm of that offender;
- (ii) the proposed management and mitigation of the [present] risk of Serious Harm if that offender presents a medium or high risk of Serious Harm;
- (iii) the needs of the offender in the context of the delivery of the sentence and the identification of the likelihood of that offender reoffending; and
- (iv) the activity to be undertaken with the offender to deliver that part of the sentence of the court to be served in the community and to reduce the likelihood of reoffending

## Role for managers

Learning from pilots and research indicates that officers/practitioners need to be supported through the process of change and in developing and maintaining good practice (see page 5/6 – Offender Engagement, for research references). Managers play a critical role in providing support to practitioners who are engaged in work with offenders, and in particular with complex and demanding cases and those with safeguarding concerns. Commitment to their own continuous professional development through focussing on the skills and techniques they use in working with staff can enable them to effectively support the continuous professional development of the staff they supervise.

A process of reflective supervision enables officers/practitioners to focus on their practice, draw out learning and links to theory, identify and develop transferable learning which can be applied to new cases, and prepare for implementing this practice in their work. Through this approach managers can help develop officers/practitioner skills and confidence in exercising discretion and professional judgement. Exploring practice in this way also enables managers to monitor the standards of staff practice and ensure that judgements are objective. This contributes towards their ability to maintain the consistency and quality of practice. In addition, managers have an important role in embedding the learning from SFO reviews, Serious Case Reviews and Domestic Homicide Reviews.

## Role for Officers

The use of professional discretion requires skilled staff, for example to determine in individual cases the frequency of contact including purposeful home visits. The Officer's judgement will be to determine what is required to deliver the objectives of the sentence, and achieve the intended outcomes. The level and nature of the input from the Officer depends on the presenting risks and needs of the case and must be linked to reducing reoffending. Where there are public protection concerns this will always take priority.

The Officer ensures that judgements made in managing all aspects of the sentence are based on an analysis of the available evidence and that the rationale is recorded. Each offender will have different strengths and problems and identifying individual risks, needs and individual learning styles to successfully achieve the purpose of the sentence remain the vital components of successful management of the order or licence.

## Enabling Effective Engagement

All probation providers; NPS and CRCs, will need to work together to safely manage offenders within the community. The aim is to ensure that interfaces within the system are sufficiently managed and cooperative working is facilitated, particularly in relation to risk management and enforcement.

The key points of interaction that require a collaborative approach between the NPS and CRCs will usually take place when the management of a case is subject to some form of change, often occurring within a tight time-frame. It is vital that changes are well managed in order to promote continuity of work and promote effective and objective risk management. Serious Further Offence reviews have highlighted that failure to share information and respond to the requirements of other providers can lead to poor decisions or failure to take appropriate action. Best practice will always focus on managing risk and

public protection, including the safeguarding of children and adults, and will be characterised by efficient and accurate exchange of risk information and a willingness to cooperate and learn through each other's experience. These standards are based on the principles that probation providers will need to:

- establish robust communication channels and agree local protocols to ensure there are practical working arrangements in place to commence court ordered requirements, prison release licences and post sentence supervision in a timely manner.
- cooperate to ensure the effective management of the risk of serious harm presented by offenders by having agreed arrangements in place to share information on risk and needs as required to deliver the sentence of the court and the offender plan.

## Offender Engagement

Front line practitioners manage a variety of offenders sentenced by the courts, some of whom are complex individuals with high levels of need. Working with offenders to enable them to achieve positive change in their lives and reduce the likelihood of reoffending is a challenging task, but steps can be taken to make the delivery of the sentence more evidence based and focused on the outcomes of reducing re-offending, securing rehabilitation and protecting others from serious harm.

International studies tell us a great deal about what is effective in helping offenders desist from crime. Two main sources of evidence indicate that it is important to engage offenders effectively in purposeful work aimed at reducing their offending: the evidence on the impact of what have been called 'core correctional practices', or practice skills; and the learning from desistance research on the factors that support the avoidance of offending in the future.

**Studies on practice skills** ~ have identified a correlation between trained probation staff and reduced re-arrest and reconviction:

- In Maryland, USA, offenders supervised by officers trained in Proactive Community Supervision supported by a pro-social organisational environment achieved lower re-arrest rates than comparable offenders (30% versus 42% for the comparison group) (*Taxman 2008*<sup>1</sup>)
- In Canada, officers trained in STICS (Strategic Training Initiative in Community Supervision) - a similar approach to SEEDS <sup>2</sup> used relationship building, cognitive techniques and a structured approach to achieve lower reconviction rates (25% compared with 40% for other officers) (*Bonta et al 2013*<sup>3</sup>)
- In the US STARR (Staff Training at Reducing Re-arrest) study, probation officers trained in core correctional practices and the RNR (risk-need-responsivity)

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<sup>1</sup> Taxman F (2008) *No illusions: Offender and organisational change in Maryland's proactive community supervision efforts*, Criminology and Public Policy, 7, 275-302.

<sup>2</sup> Skills for Effective Engagement and Development

<sup>3</sup> Bonta, J. , Bourgon, G. & Ruge, T. (2013) *Taking the Leap: From Pilot Project to Wide-Scale Implementation of the Strategic Training Initiative in Community Supervision (STICS)*, Justice Research and Policy, 15(1), 17-35.

model demonstrated greater use of the skills and had lower failure rates than other officers (*Robinson et al 2012*<sup>4</sup>)

- The Jersey Supervision Skills Study, investigating observed skills used by probation officers in Jersey, found that the consistent use of certain skills was related to reductions in risk and reoffending (*Raynor et al 2013*<sup>5</sup>)

**Studies on desistance** ~ have found that the reduced criminal activity associated with greater maturity comes about through individuals' personal relationships, social networks, and how they see themselves (Maruna 2001<sup>6</sup>). They also suggest that positive change in these areas can be fostered by mindful skilled probation practice. In order to promote desistance, practitioners should:

- ❖ accommodate and exploit **identity** and **diversity**
- ❖ create and maintain **hope** as well as motivation
- ❖ encourage and respect offenders' **own determination to turn their lives around**
- ❖ support and develop offenders' **skills and abilities** - as well as tackling risk and need
- ❖ build on an understanding of the role of **human relations**
- ❖ strengthen offenders' **social networks**

**According to a review conducted for NOMS by Fergus McNeill and Beth Weaver (2010)**<sup>7</sup> objectives are most likely to be achieved when a consistent and purposeful relationship is established between the individual offender, the officer and other workers that are involved in the management of the offender. It is through such relationships, with clear boundaries set by the officer, that effective change can be best achieved.

Findings from the Offender Management Community Cohort Study (OMCCS)<sup>8</sup> indicate that offenders' needs, attitudes, relationships with Offender Managers, and the way Community Orders are implemented can influence their levels of engagement with sentences and their likelihood of re-offending.

The offender needs to understand the purpose of their supervision before they can engage with the idea that there are advantages to changing their lives. The induction process, the agreeing of a plan for the work, and the use of self-assessment questionnaires are all important foundations for establishing a meaningful plan, ensuring that the offender understands what the benefits will be for them and their future as a result of making changes to their lives. A purposeful and engaging approach also gives due weight to the personal strengths and resources that the offender him/herself can draw on in overcoming obstacles to desisting from crime. Purposeful engagement would include an awareness of the particular challenges some offenders may have faced due to experiences of discrimination and disadvantage within wider society.

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<sup>4</sup> Robinson, C.R., Lowenkamp, C.T., Holsinger, A.M., VanBenschoten, S., Alexander, M. & Oleson, J.C. (2012) *A random study of Staff Training Aimed at Reducing Re-arrest (STARR): using core correctional practices in probation interactions*, Journal of Crime and Justice, 1-22.

<sup>5</sup> Raynor, P. Ugwidike, P. & Vanstone, M. (2013) *The Impact of Skills in Probation Work: A Reconviction Study*, Criminology and Criminal Justice, 1-15.

<sup>6</sup> Maruna S (2001) *Making Good: How Ex-Convicts Reform and Rebuild their Lives*. Washington, DC: American Psychological Association.

<sup>7</sup> Fergus McNeill and Beth Weaver (2010) *Changing Lives? Desistance Research and Offender Management* (<http://www.sccjr.ac.uk>).

<sup>8</sup> A longitudinal study of adult offenders starting Community Orders between October 2009 and December 2010: <https://www.gov.uk/government/collections/the-offender-management-community-cohort-study>

This framework provide a practice guide for staff working directly with offenders. They support practitioners to determine the level of resource and contact needed to manage the offender effectively (often referred to as the risk-need-responsivity principles<sup>9</sup>) without stifling professional discretion and local innovation. Practitioners apply their professional judgement in implementing the following risk, need and responsivity principles - resources should:

- Match the level of services provided with the individual's risk of serious harm and likelihood of reoffending (Risk);
- Focus on the dynamic risk factors (e.g. employment, substance misuse) associated with criminal behaviour (Need); and
- Match the style and type of intervention to the ability and learning style of the offender (responsivity).

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<sup>9</sup> Bonta J. and Andrews D. 2010. Viewing offender assessment and rehabilitation through the lens of the risk-needsresponsivity model, in McNeill F. Raynor P. and Trotter C.(eds) Offender Supervision. New directions in theory, research and practice. Willan.



# Common practice themes

There are a number of practice themes that require overarching guidance for Officers/practitioners when exercising their professional judgement.

## Decision making and equality

The Equality Act (2010) places duties on Officers and applies to the following nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership. Officers must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Compliance with the general equality duty is a legal obligation, and reinforces the expectation that services commissioned by MoJ provide for the diverse circumstances and characteristics of victims and offenders.

Officers will need to reflect on their decision making to enable the application of professional judgement without personal bias, conscious or unconscious. Officers will need to record their rationale, and be prepared to articulate their rationale in discussions with managers.

One of the key roles for managers is to have case discussions with *Officers*. It is critical to question whether decisions have been influenced by any form of discrimination or unconscious bias - making such considerations open and reflective as part of a healthy and developing organisation.

Officers will be expected to work empathetically and responsively with a diverse group of offenders, recognising the adverse impact that prejudice within society can have over time on an individual's well-being, expectations and progress.

Officers and managers will also need to assess what practical barriers there are to an offender's compliance, and what steps can be taken to overcome them, for example using flexibility with the timing and location of appointments. In selecting the methods most likely to engage the offender in achieving the outcomes of the sentence practitioners will take account of learning style, any physical or mental health factors, and other factors that may impact on the effectiveness of the working relationship, for example communication style. Officers/practitioners will use their judgement to make adjustments to their approach and may need to research a range of alternative techniques and delivery styles as part of their own self development. Practice discussions between practitioners will facilitate the sharing of learning and skills e.g. peer group learning.

Any decisions to enable engagement, for example through using different locations will need to be made in accordance with local health and safety policy and guidance.

## Managing Risk of Serious Harm (RoSH)

Protecting the public from serious harm by known offenders is NOMS highest priority and protection of the public should be the paramount consideration in all work with offenders, and in the application of national standards. The desired outcome from risk management is to ensure that significant changes in an offender's RoSH level are managed appropriately and swiftly and that all agencies involved with an offender take agreed action to protect potential victims.

Although the risk of seriously harmful offending can never be entirely eliminated, providers of probation services must be able to demonstrate that their decisions and actions in managing all offenders are defensible. In other words, was everything done that could reasonably and proportionately have been done, to prevent serious reoffending. The system for responding to and managing increases in RoSH levels will be delivered through the risk escalation process as outlined in the relevant Probation Instruction. Where a CRC makes a judgement that an offender's RoSH may have increased to high they will be required to refer the case to the NPS who will review the case and confirm the RoSH level. Where RoSH has increased to high the case must be transferred to the NPS. Both CRC and NPS will need to work cooperatively to ensure that the escalation process does not compromise the management of the offender and public protection, including the safeguarding of children and adults. Capturing the decision making in offender records will be of key importance.

### **The role of the National Probation Service (NPS) and CRCs**

#### Working with victims

The desired outcomes of the victim contact scheme are for victims to be kept informed of key developments in the offender's sentence in a timely manner and to be given the opportunity to make representations about relevant licence conditions to reassure and protect them, on the offender's release. In addition, information provided by victims as well as general victim considerations contribute to the management of the risk that the offender presents.

The Standard for victim liaison emphasises that the work of Victim Liaison Units is dependent on offender managers engaging effectively with Victim Liaison Officers (VLOs). In most situations, it is the role of the VLO not the officer to make direct contact with the victim.

Timely and thorough communication between the officer and the VLO is essential to enable effective consultation with the victim and where appropriate the preparation of a victim personal statement to the Parole Board.

Professional judgement is important in determining the frequency and timing of contact with victims. For example, in high profile cases where developments are likely to be reported in the media, it may be appropriate to have a communication protocol to allow for swift communication with the victim including outside of normal working hours.

#### Working with MAPPA

One of the ways of managing the risk of serious harm by known offenders is through the Multi Agency Public Protection Arrangements (MAPPA) and officers must comply

with the MAPPA guidance<sup>10</sup>. An integral part of MAPPA operations is effective utilisation of ViSOR, the national IT system for the management of people who pose a serious risk of harm to the public. The combined use of ViSOR by the Police, the NPS and the Prison Service increases the ability to share intelligence across organisations and enable the safe transfer of key information when these high risk offenders move, enhancing public protection. The use in prisons and in the NPS is mandatory and national ViSOR Standards have been issued to assist all agencies in maintaining a core level of quality and integrity to all records.

In addition to MAPPA, the public can be protected by a number of legislative tools such as Sexual Offender Prevention Orders, Violent Offender Orders, Notification Orders, Foreign Travel Orders and Risk of Sexual Harm Orders. These complement and reinforce the MAPPA process and officers in the NPS will use their judgement whilst working with key partners, particularly the police, to consider how these orders can enhance their management of offenders.

## Serious further offences

The Serious Further Offence (SFO) Notification and Review Procedures<sup>11</sup> are intended to ensure a rigorous scrutiny of probation practice where specified offenders under the management of the NPS, CRC or other providers of probation and community services have been charged with a serious further violent or sexual offence.

Practitioners and managers may be anxious about what happens if a SFO is committed by an offender during or immediately after their sentence. It is important that decision making activities are clearly and promptly recorded during the sentence so that the practitioner's rationale is captured. This will assist with quality assurance and for any future learning opportunities.

It remains important to share examples from cases where outcomes have been positive. There is also a need to learn from instances where the outcomes have been negative. Although the number of cases of SFOs committed during or immediately after an order or licence period account for a very small percentage<sup>12</sup> of the overall caseload, the impact on victims and their families can be life changing. With most SFOs it is extremely difficult to establish a causal link between the management of an individual case and the further serious offending. Whilst SFO reviews look at whether all reasonable actions had been taken to manage an offender's risk of harm during the period of supervision up to the SFO, it is recognised that it is impossible to eliminate all risks at all times.

The learning from SFO reviews has found the following points that correspond with the use of professional judgement. On some occasions practitioners have acted on their concerns with a case by carrying out a number of home visits, over and above that which they would usually undertake, but through using their judgement they felt this was a necessary step to manage the case more effectively, and obtained important information to better manage risk as a result. Additional home visiting has also brought positive benefits in some cases where a high risk of harm offender has left an Approved Premises and been moved into more independent accommodation.

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<sup>10</sup> MAPPA guidance: version 3 – EPIC/ Service Delivery/Public Protection/MAPPA

<sup>11</sup> PI 13 2014 – Serious Further Offences

<sup>12</sup> SFOs were recorded in 0.22% of cases according to Offender Management Caseload Statistics 2012

The Practice Framework 2015 give Officers/practitioners scope to match resources to risk and need and to make the professional judgement to see offenders less frequently where it is appropriate to do so but, critically, more frequently where the risk assessment indicates this is necessary. In all cases where a decision is needed on the frequency of contact between an offender and officer it is important that these decisions are defensible and evidenced within case records.

There are examples where Officers/practitioners have discussed a case with their manager and more issues or possibilities have emerged that contribute to the management of the risk. The line management of operational staff needs to maintain a balance between managing performance and engaging in the qualitative review of a case. The phrase 'Hitting the target, but missing the point' has been used to describe a situation where there is an imbalance between managing performance and quality<sup>13</sup>. Managers are key to both enhancing the level of confidence of practitioners in case management decisions and in promoting and enabling an approach where difficult or challenging cases are discussed at appropriate points either one-to-one or in team meetings.

## Safeguarding of children and adults

The Children Act 2004<sup>14</sup> places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children. The key outcomes of safeguarding and promoting the welfare of children<sup>15</sup> are:

- Protecting children from maltreatment;
- Preventing impairment of children's health or development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

The statutory guidance *Working Together to Safeguard Children*<sup>16</sup> makes clear that safeguarding is everyone's responsibility and children are best protected when professionals are clear about what is required of them individually and how they need to work together.

Officers/practitioners are well placed to identify offenders who pose a risk of harm to children as well as children who may be at heightened risk of involvement in (or exposure to) criminal or anti-social behaviour and of other poor outcomes due to the offending behaviour of their parent/carer(s). In practice, the duty to safeguard and promote the welfare of children involves:

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<sup>13</sup> See in particular the Probation Association document 'Hitting the Target, Missing the Point' available at: [www.probationassociation.co.uk/news-and-publications/publications.aspx](http://www.probationassociation.co.uk/news-and-publications/publications.aspx)

<sup>14</sup> Section 11 (England) and section 28 (Wales) of the Children Act

<sup>15</sup> Based on the definition of safeguarding and promoting the welfare of children given in *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, March 2015

<sup>16</sup> *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, March 2013

- Management of offenders in ways that will reduce the risk of harm they may present to children through the delivery of well targeted and quality interventions and skilful risk management planning;
- Delivery of services to adult offenders, who may be parents or carers, that address the factors that influenced their reasons to offend, for example poor thinking skills, poor moral reasoning, drug/alcohol dependency; and
- Recognition of factors which pose a risk to children's safety and welfare, and implementation of agency procedures to protect children from harm (through appropriate information sharing and collaborative multi-agency risk management planning).

Where an adult offender is identified as presenting a medium or high risk of serious harm to children, Officers/practitioners will need to ensure the plan contains specific objectives on the interventions planned to manage and reduce the risk of serious harm.

When preparing a Plan, Officers/practitioners will need to consider how the planned interventions might impact on parental responsibilities and could contribute to improved outcomes for children known to be in an existing relationship with the offender. Where a practitioner becomes aware of a potential risk of harm to a child through their work with offenders they will need to ensure that the child's welfare is safeguarded and promoted through the sharing of information with the local authority children's services and where necessary a referral to NPS if RoSH has increased to high. Within the practice framework defined by the Standards there are, therefore, key points at which practitioners will need to exercise their professional judgement in order to safeguard and promote the welfare of children E.g. checks at pre sentence and start of sentence, ongoing liaison with Children Services, response to change in family situation etc.

## Adults

The Care Act 2014 sets out the statutory framework for the provision of adult social care and for adult safeguarding in England<sup>17</sup>. It places a reciprocal duty on local authorities and relevant partners, including probation service providers, to cooperate with each other in respect of their relevant care and support functions. The aims of cooperation<sup>18</sup> are to:

- Promote the well-being of adults needing care and support and their carers;
- Improve the quality of care and support for adults and support for carers
- Smooth the transition from children's to adult services
- Protect adults with needs for care and support who are experiencing, or at risk of, abuse and neglect; and
- Identify lessons to be learned from cases where adults with needs for care and support have experienced serious abuse or neglect and applying those lessons to future cases.

In terms of safeguarding adults, the Act defines an adult at risk as an adult who:

- Has needs for care and support (whether or not the local authority is meeting any of these needs) and;
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

<sup>17</sup> The Social Services and Well-being (Wales) Act 2014 provides similar reforms to social care and adult safeguarding in Wales. It will be implemented during 2016.

<sup>18</sup> As set out in section 6 of the Care Act 2014

As with safeguarding children, the safeguarding of adults is everyone's responsibility. Every officer/practitioner who comes into direct or indirect contact with adults, at all stages of the offender's contact (pre-sentence through to delivering the sentence of the court), has a responsibility to promote their welfare and protect them from abuse, neglect and serious harm. Part of this is the identification at an early stage of whether an offender has care and support needs, poses a risk of harm to an adult at risk, and/or if the offender is themselves an adult at risk.

Officers/practitioners have a key role in working with people and other agencies to prevent and manage both the risks and experiences of abuse and neglect, while at the same time making sure an individual's well-being is being promoted including, where appropriate, having due regard to their views, wishes and feelings and beliefs. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances. Achieving this balance where there are safeguarding adult concerns requires the exercise of professional judgement as noted within the practice framework.

## Integrated Offender Management

Integrated Offender Management (IOM) was launched in 2009 setting out the overall framework for bringing agencies (particularly the police and probation services) together in a locality to prioritise and target offenders in their local communities. It builds on the Prolific and Priority Offender scheme that was launched in 2004.

Staff should have a joint input to the process of identifying and selecting offenders suitable for IOM, to ensure that the process takes account of the maximum available intelligence. Providers should have mechanisms in place for identifying offenders who meet the local criteria for an IOM to all staff that come into contact with the offender. Partners should meet regularly to review and refresh their list of offenders and to discuss the inclusion of new offenders and the removal of those no longer considered to be at high risk of re-offending.

Officers/practitioners will utilise professional judgement and flexibility in the case management of offenders subject to IOM; whilst ensuring that all decisions take appropriate heed of the level of risk posed by the individual offender.

## Conclusion

These themes are not an exhaustive compilation of the considerations to be applied under the Practice Framework 2015, and over time will be revised by NOMS/MOJ as necessary.

Using professional judgement does not mean that rules do not apply, nor does it mean that difficult decisions can be avoided. It is important to maintain the integrity of probation services, and also public confidence, so that where offenders wilfully fail to comply with the terms of their sentence, appropriate enforcement action is taken. This also means that where risk has increased the appropriate action should be taken. The Practice Framework 2015 allow flexibility in engaging offenders but practitioners and managers need to be mindful of the overall objective - reducing reoffending and protecting the public.



# Record Keeping

<b>Standard</b>
<i>Contacts with or with reference to the offender are recorded</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Records are kept on all systems appropriate to the case</li> <li>• ViSOR is used in accordance with published requirements</li> <li>• Records distinguish between fact and opinion</li> <li>• A record of contact or a key event is made on the day of the contact or event, or as soon as possible thereafter</li> <li>• The considerations taken into account in making a decision on the management of the offender are recorded</li> <li>• Decisions on the timing of actions and frequency of contacts, including departures from policy, are recorded</li> <li>• Records contain sufficient information to support offender management tasks</li> <li>• Entries on paper records should be legibly signed by the person responsible for the entry</li> </ul>
<b>Rationale and Evidence Base</b>
Records of contact or events are essential in providing evidence of decisions taken in respect of the management of the case. They are a source of key information in the event of enforcement action and critical incidents. It is critical that any interaction and decisions between the CRC and NPS is clearly recorded on the appropriate system
<b>Supporting Material</b>
Probation Instruction (PI) 03/2013 – Mandatory use of ViSOR ViSOR Standards: EPIC MAPPA guidance version 3 (2009): EPIC/Service Delivery/Public Protection PI 20/2010 – Handling of Sensitive Information by Criminal Justice Agencies

<b>Standard</b>
<i>Records are kept up to date, stored securely, and are accessible to appropriate parties</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found <a href="#">here</a>
<b>Practice Guide</b>
<p>Those involved in work with the offender need to have access to the record, or selected parts of it, in making an assessment, planning the sentence and implementing the plan.</p> <p>Information in relation to individuals is shared with relevant other parties for one or more of the following purposes:</p> <ul style="list-style-type: none"> <li>• to inform risk identification and risk management</li> <li>• to protect the public from serious harm</li> <li>• for the protection of children and adults at risk</li> <li>• for the protection of specific and potential victims</li> <li>• to inform decisions on whether other procedures for managing offenders (e.g. MAPPA) should be invoked.</li> </ul>
<b>Supporting Material</b>

Guidance on Information Security is located at - EPIC/Support Service/NPS security  
PI 03/2009 – Information Assurance  
PI 21/2010 – Information Sharing Agreement Between Police and Probation (due for  
revision ref only)  
PI 20/2010 – Handling of Sensitive Information by Criminal Justice Agencies  
PI28/2014 - Archiving, Retention And Disposal Policy



# Services to Court

<b>Standard</b>
<i>Courts are provided with information to support their decision making</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Relevant and accurate information is prepared in advance</li> <li>• Information is provided in sufficient time to support decision making</li> <li>• NPS staff are present to conduct early revocation, enforcement and review hearings</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The key outcomes are:</p> <ul style="list-style-type: none"> <li>• Sentencer satisfaction with the timeliness and relevance of information provided</li> </ul> <p>Courts are major stakeholders; their decisions shape the volume and nature of work undertaken, and services to them are therefore vital in terms providing high quality advice. The timely provision of information assists in the delivery of speedy justice. Timely provision of information to assist in decisions on bail helps to avoid unnecessary remands in custody.</p> <p>In line with the OMA 2007 all advice to court is reserved to the NPS. It is important however that CRCs are able to contribute (where appropriate) to the preparation of advice given on relevant cases, including response to supervision reports where the offender is an existing CRC case and also provide up to date information on their services to NPS and Sentencers.</p>
<b>Supporting Material</b>
PI 03/2011 NOMS Service Specification 'Bail Accommodation and Support Service' PI 05/2011 – Determining Pre-Sentence Reports

<b>Standard</b>
<i>Sentencing decisions and information from court proceedings are communicated to all relevant parties</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• A protocol is in place between NPS, HMCTS and the relevant CRC which describes respective responsibilities for communication of information from court proceedings providers are notified of sentencing outcomes</li> <li>• Defendants made subject to a community sentence have the requirements explained and reporting instructions provided; this contact is recorded</li> <li>• Information relevant to risk of serious harm and safeguarding is communicated to the receiving prison, providers of probation services and other agencies such as Children's Services and/or Adult Safeguarding services.</li> <li>• Serious Further Offence cases are reported in accordance with instructions</li> </ul>
<b>Rationale and Evidence Base</b>

<p>The key outcomes are:</p> <ul style="list-style-type: none"> <li>• prompt commencement of sentences is supported through the provision of information</li> <li>• public protection actions are supported through the provision of information</li> </ul> <p>The HMIP report - Getting Orders Started - notes that good public protection practice relies on effective notifications of information from court proceedings.</p>
<p><b>Supporting Material</b></p>
<p>PI 05/2011 – Determining Pre-Sentence Reports  HMI Probation Report “Getting Orders Started” 2007  PI 04 2013 Serious Further Offences</p>
<p><b>Standard</b></p>
<p><i>A report is prepared for decision making bodies</i></p>
<p><b>Mandatory Minimum Requirements</b></p>
<p>The report is prepared to the timescale of the Court (SL001) or Parole Board (SL022)  The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 05/2011</a></p>
<p><b>Practice Guide</b></p>
<ul style="list-style-type: none"> <li>• The report is prepared to the agreed timescale and assists the decision making by the decision making body</li> <li>• The report is clear about the sources of information used and the extent to which they have been verified</li> <li>• The report’s proposal is consistent with the seriousness of the offence and the risk of re-offending, particularly re-offending likely to cause serious harm</li> <li>• The report is presented in clear and accessible language and style</li> <li>• Where possible information contained in the report is shared with the offender (or their representative) to ensure he/she understands the content and the proposal</li> </ul>
<p><b>Rationale and Evidence Base</b></p>
<p>The key outcome is the level of satisfaction with the report on the part of the decision making body</p> <p>In this context a ‘report’ refers to any oral or written presentation that is required to assist a decision making body. Decision making bodies include: courts; parole boards; sentence planning boards/meetings; ROTL/HDC boards/meetings; and multi-agency meetings such as MAPPA. Such bodies often make decisions about an offender’s liberty, and therefore it is important that they receive good quality and timely information.</p> <p>Under the reforms the NPS are responsible for all work that requires a presentation at court. CRCs are required to provide information to NPS on existing or previously held cases that are appearing before the court/Parole Board as well as information to inform HDC and ROTL Boards for the cases in their cohort.</p> <p>Reports should only be of sufficient length to identify the relevant risks and indicate the most effective approach to managing them in line with legislation. Feedback from sentencers indicates a preference for short reports with a clear proposal.</p> <p>Reports prepared for the parole board need to cover all the key risk factors, including a proposed risk management plan. Any evidence which is presented to the Parole Board must be fully disclosed to the offender unless a formal non-disclosure application has been made. Good quality assessments are essential to ensure safe</p>

decisions concerning the release of prisoners: failure to provide this often results in further report requests. Officers need to provide a coherent, accurate, up-to date and impartial assessment that references victim statements/information (where relevant). In particular the report needs to include a risk management plan that sets out the assessed RoSH level the offender poses if released now and how the risk of serious harm will be managed. The plan should include any MAPPA involvement and relevant multi-agency planning undertaken or to be undertaken, plus any additional licence conditions (over and above the standard conditions) being proposed, with a clear explanation of the purpose and necessity of each condition.

### **Supporting Material**

Pre sentence reports are prepared for court hearings at the request of the court: section 156

Criminal Justice Act 2003

Parole reports are prepared for parole hearings: section 239 Criminal Justice Act 2003 and section 32 Criminal Justice Act 1991

PI 05/2011 SBC Service Specification 'Assessment and Reports Pre-Sentence'

PI 03/2011 SBC Service Specification 'Bail Accommodation and Support Service'

OASys Manual

PI 18/2012 - Generic Parole Process (GPP) amended to incorporate Electronic Working

PI 09/2013 - Generic Parole Process for Determinate Sentence Prisoners (GPP-D)

PI 11/2010 New Chapter 4 "Serving the Indeterminate Sentence"

Phase III Offender Management and Indeterminate Sentence Prisoners - Implementation Manual (January 2008) – EPIC/Service Delivery/Offender Management/Offender Management

Phase III Guidance and Forms

PI 13/2010 Licence Conditions

MAPPA guidance: version 3 – EPIC/ Service Delivery/Public Protection/MAPPA

MAPPA Guidance on mentally disordered offenders – EPIC/Service Delivery/Public Protection/MAPPA

NOMS Position Statement on the management of sexual offenders

Domestic Abuse: Best Practice Guidelines for Probation Trusts and NOMS Domestic Abuse Strategy – EPIC/Service Delivery/Public Protection/Domestic Abuse

PI 03/2013 – Mandatory use of ViSOR

ViSOR Standards: EPIC

Serious Risk of Harm Guidance (June 2009) and Risk of Harm Guidance and Training Resources – EPIC/Service Delivery/Public Protection/Risk of harm guidance and training resources

PI 22/2014 Handling sensitive information provided by criminal justice agencies

PSI 19/2013 Generic Parole Process For Determinate Sentence Prisoners

GOOD PRACTICE GUIDE: Expectations of those contributing to an Oral Hearing

November 2013

# Allocation of Probation Provider

<b>Standard</b>
Offenders are allocated to the appropriate provider of probation services
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 05/2014</a>
The case allocation system (including a screening for risk of serious harm) is applied to all offenders sentenced to a community order/ suspended sentence order and a custodial sentence of more than 1 day when an individual is: <ul style="list-style-type: none"> <li>• sentenced to a community order, suspended sentence order or a custodial sentence of more than one day</li> <li>• Transferred in from a jurisdiction within the United Kingdom</li> <li>• Transferred in from the Youth Offending Team</li> </ul>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Offenders are appropriately allocated to the CRC or NPS according to the agreed instruction. Officers are still able to use their professional discretion to decide whether a case should be managed by the NPS or CRC. Guidance for applying professional judgment is contained in PI 05/2014</li> <li>• The sources of information used and the extent to which they have been verified is clear</li> <li>• There is prompt notification of the allocation decision to the relevant probation provider</li> <li>• The offender is informed of their allocated probation provider and where possible their first appointment.</li> </ul>
<b>Rationale and Evidence Base</b>
The allocation of offenders to the NPS or CRC is a new NPS activity. The key outcome is the consistent application of the case allocation system to all sentenced offenders in scope for probation services. The NPS will also be responsible for explaining to the offender who their probation provider is and providing the offender with their first appointment, unless there is a reason why a first appointment cannot be given e.g. the offender leaves court before being seen. A protocol that sets out the roles and responsibilities of the CRC and NPS and how they will interface to ensure that the CRC receives swift notification of the allocation decision will be critical to support the allocation process.
<b>Supporting Material</b>
PI 05/2014 – Case Allocation

<b>Standard</b>
<i>The identity of the allocated responsible officer/supervising officer/supervisor is clear at all times</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• An offender requiring statutory contact is assigned to an authorised officer promptly</li> <li>• At any point in the sentence the offender knows who their officer is</li> <li>• For offenders in custody there is effective communication between the officer and the designated prison officer</li> </ul>
<b>Rationale and Evidence Base</b>

Under the Offender Management Act 2007 the roles of 'Responsible Officer' (RO), 'Supervisor' and Supervising Officer must be undertaken by an authorised 'officer of a provider of probation services'. Additionally, the Supervising Officer role has an equivalent responsibility for licences and so this also requires authorisation. CRCs and NPS must ensure that only staff that have the necessary skill set can carry out the statutory function for these roles.

The key outcomes are:

- establishing an effective working relationship between the officer (those responsible for managing the sentence) and the offender
- identifying a focal point (the officer) for the network of relationships between all those involved in the management of the offender

The Offender Management Community Cohort Study (OMCCS) found that staffing was consistent for the majority of offenders, with 81% reporting that their Offender Manager did not change between OMCCS surveys. This consistency may be important as links have been found between effective relationships with Offender Managers and re-offending rates. For example, 59% of offenders said their Offender Manager had been particularly influential in motivating them to avoid crime and those with 'excellent' relationships with their Offender Manager were least likely to re-offend, whilst those with more negative attitudes had higher re-offending rates.

**Supporting Material**

NOMS Offender Management Model, NOMS, June 2006  
 PI 15/2010 – NOMS Service Specification 'Manage the Sentence for a Community Order or SSO'  
 PI 7/2014 – Case Transfers  
 PI 03/2013 – Mandatory use of ViSOR  
 PI 31/2014, AI 27/2014 - Authorisation as "officer of a provider of probation services"

**Standard**

*There is an appropriate process of induction for each offender. Commitments, obligations and rights, including the consequences of failing to comply, are clearly explained at the start of a community order or suspended sentence order and those subject to a licence period and/or supervision period*

**Practice Guide**

This standards requires Officers/practitioners to engage with offenders to facilitate their understanding of the requirements of their order/conditions of the licence (and post sentence supervision period where applicable) so they are clear about what is expected from them and the consequences of breach as well as any restrictive or protective requirements/conditions/orders to which they are subject, e.g. disqualification orders, barring, restraining orders. This is important in relation to key legislative changes such as the extension of post sentence supervision to offenders sentenced to less than 12 months and the new Rehabilitation Activity Requirement. Induction can be group-based or on a one-to-one basis dependent on the individual offender. As an outcome the offender should understand what the sentence of the court is and any additional requirements and how providers will work with him/her to deliver the sentence. This should include: initial contact frequency, focus of work and how non-attendance/compliance will be dealt with.

**Rationale and Evidence Base**

- The change in legislation to provide licence and post sentence supervision to all those sentenced to custodial sentences of more than one day will mean a new group of offenders need to understand their obligations
- The post sentence supervision period carries different requirements and consequences if breach occurs, compared with the licence period, and will require a clear explanation so that offenders understand the distinction between the licence period and supervision period

# Planning the Sentence

<b>Standard</b>
<p><i>A plan includes:</i></p> <ul style="list-style-type: none"> <li>• <i>the identification of the present risk of Serious Harm of that offender</i></li> <li>• <i>the proposed management and mitigation of the [present] risk of Serious Harm if that offender presents a medium or high risk of Serious Harm;</i></li> <li>• <i>the needs of the offender in the context of the delivery of the sentence and the identification of the likelihood of that offender reoffending; and</i></li> <li>• <i>the activity to be undertaken with the offender to deliver that part of the sentence of the court to be served in the community and to reduce the likelihood of reoffending</i></li> </ul>
<b>Mandatory Minimum Requirements</b>
<p>The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 13/2014 – Sentence Planning</a></p>
<b>Practice Guide</b>
<p>The plan is completed and includes the following information:</p> <ul style="list-style-type: none"> <li>• The offender is engaged as an active participant in preparing the plan and understands its content and purpose. Relevant sources of information are used to inform the plan</li> <li>• The plan is augmented by information from the offender’s home and social environment</li> <li>• The plan includes an analysis of the risk of re-offending, particularly re-offending likely to cause serious harm and focuses on what is required to reduce re-offending particularly re-offending likely to cause serious harm.</li> <li>• In cases which qualify for statutory/discretionary victim contact account is taken of the victim’s views in respect of release, and release arrangements</li> <li>• Where the plan indicates a risk of re-offending, particularly re-offending likely to cause serious harm, information is shared promptly with relevant parties</li> <li>• The work of all those involved in delivering elements of the plan is coordinated and information is exchanged e.g. where there are child or adult safeguarding plans</li> <li>• The plan sets out how the purpose of the sentence specified by the court will be met</li> <li>• The initial plans for high risk of serious harm cases are prioritised.</li> <li>• The sequence of the objectives form manageable steps for the offender and those working with them Contributions and planned outcomes are discussed and agreed between all providers and personnel</li> <li>• The plan uses an appropriately validated tool and is recorded in the approved format</li> <li>• Officers must consider whether an Approved Premises placement is appropriate at the earliest possible opportunity (see Standard 8 for details)</li> </ul>
<b>Rationale and Evidence Base</b>
<p>This standard requires a comprehensive plan which takes account of all available information, identifies factors relevant to re-offending and is formed on the basis of a clear analysis of the risk of re-offending, particularly re-offending likely to cause serious harm. Public protection outcomes are underpinned by the prompt sharing of the plan, or action resulting from it.</p> <p>In the context of working with offenders, a plan covers any activity intended to gather</p>



information about the offender and use of that information to inform the activity that is likely to increase the likelihood of that individual desisting from offending. Information sources include historical records and intelligence from other agencies. The Officer/practitioner will determine the extent of the plan according to the seriousness of the presenting offence and information about previous offending. The plan should be clear about how the aims of the sentence will be achieved and the specific commitments of all those involved, including the offender.

Planning is a continuous activity because the Officer/practitioner constantly receives information and makes judgements about it throughout the period of engagement with the offender and the offender themselves makes progress towards their goals. Evidence indicates that a plan which is tailored according to the risks, offending-related needs and strengths/learning styles of the offender is more likely to lead to reductions in reoffending. While evidence from the OMCCS shows that levels of re-offending changed as accommodation and education or training needs were addressed, this was not the case for those with drug and alcohol needs, which may reflect the more challenging nature of these needs.

There may be instances where it is not possible for the offender to be fully engaged in the plan, for example where activities to manage the risk of serious harm must be planned without the offender's knowledge in order to protect victims from further serious harm.

#### **Supporting Material**

PI 05/2011 – Determining Pre-Sentence Reports  
PI 15/2010 NOMS Service Specification ‘Manage the Sentence for a Community Order or SSO’  
PI 03/2011 NOMS Service Specification ‘Bail Accommodation and Support Service’  
OASys Manual  
Serious Risk of Harm Guidance (June 2009) and Risk of Harm Guidance and Training Resources – EPIC/Service Delivery/Public Protection/Risk of harm guidance and training resources  
MAPPA guidance: version 3 – EPIC/ Service Delivery/Public Protection/MAPPA  
MAPPA Guidance on mentally disordered offenders – EPIC/Service Delivery/Public Protection/MAPPA  
NOMS position statement on the management of sexual offenders  
Domestic Abuse: Best Practice Guidelines for Probation Trusts and NOMS Domestic Abuse Strategy – EPIC/Public Protection/Domestic Abuse  
ViSOR Standards: EPIC  
PI 48/2014 Victim Contact Scheme Guidance  
PI 11/2010 New Chapter 4 “Serving the Indeterminate Sentence”  
Interim Sentence Planning Guidance for staff working with prisoners with a learning disability or difficulty. Issued 10 June 2010 – EPIC/Offender Management  
PI 21/2010 Information Sharing Agreement Between Police and Probation  
PI 13/2014 – Sentence Planning



<b>Standard</b>
<i>For a community order or suspended sentence order a Plan is completed post sentence</i>
<b>Practice Guide</b>
<p>The plan is completed and includes the following information:</p> <ul style="list-style-type: none"> <li>• The plan is informed by relevant sources</li> <li>• In cases which qualify for statutory/discretionary victim contact account is taken of the victim's views in respect of release, and release arrangements</li> <li>• Account is taken of the offender's views</li> <li>• The plan is augmented by information from the offender's home and social environment</li> <li>• The plan includes an analysis of the likelihood of re-offending, particularly re-offending likely to cause serious harm</li> <li>• The offender has contributed to and understands the plan</li> <li>• Where the plan indicates a likelihood of re-offending, particularly re-offending likely to cause serious harm, information is shared promptly with relevant parties</li> <li>• Where an offender presents a high risk of serious harm, or where there is evidence that the offender themselves may be at risk of serious harm, prompt action to manage risk is set out in the plan</li> <li>• The plan uses an appropriately approved tool</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The plan is the focal point for the work that is delivered during the sentence and it will be regularly referred to in meetings between the offender and their officer. The plan is important evidence that the expectations of the court are being fulfilled. Decisions about the timescale for completing the sentence plan will be dependent on the professional judgement of the Officer/practitioner. The plan should also include the required level of contact with the offender based on their offending-related needs and the requirements of the sentence e.g. the higher the assessed risk of serious harm and/or the more complex the case, it is more likely that a higher level of contact will be required especially in the first few months.</p> <p>Where an offender presents a high risk of serious harm the Officer/practitioner should prioritise the completion of the plan; clearly setting out the activities to reduce and manage the risk of serious harm presented. Similarly, where there is evidence that the offender themselves may be at risk of serious harm appropriate steps are put in place from commencement.</p> <p>Being mindful of the need to acquire sufficient information for the plan whilst maintaining a purposeful momentum with the offender is important for Officers/practitioners to evidence. In order to maintain purposefulness and momentum, interim sentence plan objectives can be produced rather than cause unnecessary delay ahead of a more complete plan.</p> <p>The plan should embrace all the work that addresses the identified risks of the offender, including work that is partly or wholly delivered by other agencies, for example via the Multi Agency Public Protection Arrangements.</p> <p>Women offenders at risk of victimisation are helped to prepare a safety plan.</p>
<b>Supporting Material</b>

Changing Lives- Desistance Research and Offender Management & Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme  
PI 13/2014 – Sentence Planning

**Standard**

*As required contact and planning is undertaken in co-operation with other providers of probation services and a Plan is prepared no more than 12-weeks before release and completed post release.*

**Practice Guide**

- The resettlement plan prepared by the Host Lead Provider in the prison is shared and agreed by the supervising officer at the start of the custodial sentence.
- Discussions take place between the supervising officer and prison offender supervisor prior to proposing arrangements for release, to take account of behaviour, the most recent risk assessment and progress during the custodial period
- There is a level of contact between the supervising officer with offenders in custody<sup>19</sup> which is sufficient to contribute to and inform pre release activity planning and offender management arrangement post release.
- Details of any additional conditions proposed for inclusion in the licence and requirements proposed for the post sentence supervision period (where applicable) are forwarded to the Governor of the releasing prison in writing in sufficient time
- Details of the reporting requirements to be included in the licence are forwarded to the Governor of the releasing prison in sufficient time for inclusion in the post release licence.
- The Parole Board is notified of any change in circumstances which mean that the conditions for discretionary release can no longer be met
- Where the offender is assessed as suitable for an approved premises placement *officers* should prepare the AP placement at least three months in advance and preferably.

**Rationale and Evidence Base**

The role of the officer will vary according to the sentence of the offender, where the offender is located and demands of the case. The purpose of the resettlement plan is to identify universal resettlement needs that can be addressed and delivered within the core custodial period and into the community following release. The resettlement plan is based on completion of the basic custody screening tool (BCST), it is distinct from the 'Plan', which is focussed on identifying offending-related needs as opposed to general resettlement needs. Progress against delivery of the resettlement plan should be used to inform the 'Plan' e.g. for some offenders their resettlement needs will be the same as their offending-related needs and interventions started in custody will need to continue to be delivered in the community as part of the plan.

**Supporting Material**

<sup>19</sup> 'Offenders in custody' refers to adult offenders serving more than one day and young adult offenders who turn 18 at the point of release. – this should be in evidence base and rationale

Probation Instruction 11/2014 Licence conditions and temporary travel abroad  
Probation Instruction 26/2014 Release on licence for Foreign National Prisoners pending deportation  
Probation Instruction 30/2014 Drug Appointments and drug testing for licence conditions and post-sentence supervision requirements  
PI 11/2010 New Chapter 4 “Serving the Indeterminate Sentence”  
PI 13/2010 Licence Conditions  
Changing Lives- Desistance Research and Offender Management & Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme  
PI 13/2014 – Sentence Planning

# Implementing the Sentence

<b>Standard</b>
<i>For offenders subject to a community order or suspended sentence order, the first face-to-face appointment with the offender is arranged to occur within five-working days of allocation to the Responsible Officer</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The first appointment takes place within the agreed timescale and in sufficient time to address the risks presented by the offender</li> <li>• The offender understands the purpose and expected outcomes of the order/licence and the plans for achieving them</li> <li>• The offender understands the commitments, obligations, opportunities and rights, of the order/licence</li> <li>• The offender is engaged and motivated by the first appointment</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The first contact is influential in establishing an effective working relationship with the offender. Motivational Interviewing literature indicates that early identification of the offender’s position on the ‘cycle of change’ is helpful and allows communication to be adapted accordingly. A ‘responsive’ Officer/practitioner who takes account of the learning style of the offender and manages the relationship accordingly is likely to achieve a high level of engagement and be able to sustain this throughout contact. The motivational skills of workers are important in facilitating the offender’s attendance, engagement and in reinforcing the learning from, and importance of, the interventions that are delivered.</p>
<b>Supporting Material</b>
<p>PI 15/2010 NOMS Service Specification ‘Manage the sentence for a CO/SSO’          NOMS Offender Management Model, NOMS, June 2006          Motivational Skills Toolkit Practice Handbook &amp; Motivational Skills Trainers Pack – EPIC/Support Services/Training &amp; Development/Training for Accredited Programmes          Changing Lives- Desistance Research and Offender Management &amp; Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme          PI 13/2014 – Sentence Planning          PI 29/2014 - Post-sentence supervision requirements</p>

<b>Standard</b>
<i>For offenders released subject to a licence or post sentence supervision period a face-to-face appointment with the offender is arranged to occur within one-working day of the offender’s release from custody. Purposeful contact following release from custody is established at the pre-release stage and maintained thereafter.</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The first appointment with an offender released on licence is arranged to take place on the day of release (or on the next working day when this is impractical)</li> <li>• The offender understands the purpose and expected outcomes of the licence (and supervision period where applicable) and the plans for achieving them</li> <li>• The offender understands their rights in relation to the sentence (and post sentence supervision period where applicable) and also their commitments, obligations and opportunities</li> </ul>

<ul style="list-style-type: none"> <li>The offender is engaged and motivated by the first contact;</li> </ul>
<p><b>Rationale and Evidence Base</b></p> <p>As with the community order the first contact is influential in establishing an effective working relationship with the offender. This can be even more critical where the offender has served a custodial sentence where engagement with their family and other key individuals would have been impacted by the restriction on liberty that a custodial sentence brings. Some offenders will be daunted by the reality of being released into the community. The first appointment with an offender will need to ensure that the offender understands how their period on licence will work, what is expected of them and what action will be taken if they do not attend appointments or comply. The Officer/practitioner will need to think about how they ensure that the offender understand their responsibilities whilst also taking account of and being sensitive to the offenders experience of custody.</p> <p>Evidence indicates<sup>20</sup> that a shared approach is likely to generate in the offender a greater understanding of the changes required to reduce likelihood of re-offending and generate a greater commitment to complying with the sentence. Therefore it is important that, from the outset, the offender contributes fully and experiences their licence (and supervision where applicable) period as a shared enterprise.</p>
<p><b>Supporting Material</b></p> <p>PI 15/2010 NOMS Service Specification 'Manage the sentence for a CO/SSO'  NOMS Offender Management Model, NOMS, June 2006  Motivational Skills Toolkit Practice Handbook &amp; Motivational Skills Trainers Pack – EPIC/Support Services/Training &amp; Development/Training for Accredited Programmes  Changing Lives- Desistance Research and Offender Management &amp; Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme</p>

<p><b>Standard</b></p> <p><i>The plan is implemented and updated as appropriate</i></p>
<p><b>Practice Guide</b></p> <ul style="list-style-type: none"> <li>There is a clear link between the plan and the rehabilitative/punitive/restrictive activities that are undertaken with the offender and this is recorded using the appropriate system.</li> <li>Where there is new information or a significant change that affects the validity of the plan the plan is updated promptly</li> <li>Where activities/work are delivered by other providers, respective roles, contributions and planned outcomes are discussed and agreed and the work sequenced and coordinated as part of the plan</li> <li>The delivery of the plan takes account of any personal factors e.g. drug dependency/motivational issues and sequences these with the requirements of the sentence/conditions of the licence in order successfully complete</li> <li>In appropriate cases the plan specifies how the obligations arising from relevant multi agency risk management and child/adult safeguarding procedures will be integrated</li> <li>The offender's participation in interventions, requirements and conditions is supported and maintained</li> </ul>

<sup>20</sup> See Changing Lives, Desistance Research and Offender Management, McNeill and Weaver (2010)

- Progress against objectives is recognised

### **Rationale and Evidence Base**

This standard requires Officers/practitioners to think about how to maintain focus on delivering the plan so that the requirements of the sentence/conditions of the licence and rehabilitative interventions are delivered in a way that promotes successful completion. Officers/Practitioners will need to identify the potential barriers to engagement with the plan and consider for example; sequencing the objectives so that any needs that require stabilisation are dealt with first or arranging appointments so that they fit around the offender's commitment e.g. caring responsibilities, employment etc; It may also require the practitioner to break down the planned objectives into smaller manageable steps that encourage progress and motivates compliance.

Evidence from the What Works literature indicates that the higher the offender's likelihood of re-offending, the higher should be the intensity of contact, especially where the offender is likely to commit harmful offences. In those circumstances periodic home visits can provide important information about whether re-offending risks are under control or are escalating, particularly where there are safeguarding concerns (child and/or adult).

Offenders who are well prepared for interventions by workers who reinforce the learning as an intervention progresses are more likely to complete the intervention and maximise the benefits of it. Evidence from accredited programmes indicates that offenders who do not successfully complete programmes are likely to re-offend at a higher rate than those who did not begin. Evidence from mentoring<sup>21</sup> studies indicates that an affirmative relationship with a mentor can also have a positive impact on the offender's successful completion of sentences and ultimately on levels of re-offending. Similar results have been identified in other fields, such as psychiatry<sup>22</sup> and in drug treatment.<sup>23</sup>

Evidence from the OMCCS suggests that re-offending rates were related to the length and frequency of meetings, with offenders having short or infrequent meetings more likely to breach or re-offend.

The motivational skills of workers are important in facilitating the offender's attendance and in reinforcing the learning from, and importance of, the interventions that are delivered.

### **Supporting Material**

<sup>21</sup> Joliffe and Farrington – A Rapid Evidence Assessment of the Impact of Mentoring on Re-offending: A Summary Home Office Online Report 11/07

<sup>22</sup> Stefan Priebe and Rosemary McCabe – Therapeutic Relationships in Psychiatry: The Basis of Therapy or Therapy in Itself – International Review of Psychiatry December 2008

<sup>23</sup> National Treatment Agency for Substance Misuse – Engaging and Retaining Clients in Drug Treatment: May 2004 Research into Practice 5

PI 15/2010 NOMS Service Specification 'Manage the Sentence for a CO/SSO'  
 OASys Manual  
 Sections 325 – 327 of the Criminal Justice Act 2007 outline probation trusts statutory responsibilities in relation to MAPPA  
 Safeguarding Children – Checklist for Offender Managers (2010) – EPIC/Service Delivery/Public Protection/Children  
 Domestic Abuse: Best Practice Guidelines for Probation Trusts & NOMS Domestic Abuse Strategy – EPIC/Service Delivery/Public Protection/Domestic Abuse  
 MAPPA guidance: version 3 – EPIC/ Service Delivery/Public Protection/MAPPA  
 NOMS Offender Management Guide for Working with Women Offenders – EPIC/Service Delivery/Offender Management Changing Lives- Desistance Research and Offender Management & Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme  
 NOMS Position Statement for Assessment, Management and Treatment of Sex Offenders  
 PI 11/2010 New Chapter 4 “Serving the Indeterminate Sentence”  
 Phase III Offender Management and Indeterminate Sentence Prisoners - Implementation Manual (January 2008) – EPIC/Service Delivery/Offender Management/Offender Management Phase III Guidance and Forms  
 PI13/2014 – Sentence Planning

<b>Standard</b>
Engagement with community resources is facilitated as an integral part of implementing the <i>Plan</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender is informed of local services to support rehabilitation</li> <li>• The offender is referred to rehabilitative community based services</li> <li>• The offender’s access to rehabilitative community services is supported</li> <li>• The work of all those involved in delivering elements of the plan is coordinated and information is exchanged</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The Social Exclusion Unit’s report in 2002 emphasised the importance of maximising the offender’s access to mainstream services within the community in order to facilitate their rehabilitation. Generally speaking offenders have much higher needs than the average member of the population, but are often less able to access relevant services, even the most essential ones such as basic medical provision.</p> <p>The Officer’s role is to identify the services which will most effectively reduce the risk of re-offending and link the offender to those services. Mentors or volunteer workers can provide an effective means of achieving that link. The services identified might not be directly related to offending needs; for example the offender might benefit from services which develop new leisure skills and interests as well as services more directly related to offending, such as alcohol treatment. There is considerable potential to strengthen existing protective factors and build positive links that will endure beyond the life of the sentence</p>
<b>Supporting Material</b>
<p>PI 15/2010 SBC Service Specification 'Manage the sentence for a CO/SSO'          Reducing Re-offending of Ex-Prisoners: Report of the Social Exclusion Unit July 2002</p>



<b>Standard</b>
<i>Transfer of offenders between probation providers is arranged to maintain continuity and effective management of the offender and the sentence</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 07/2014</a>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Transfer arrangements are conducted in accordance with probation instructions, inter-agency agreements and procedures</li> <li>• Transfer from other jurisdictions within the UK is conducted through NPS according to the relevant Probation Instruction.</li> <li>• Transfer is conducted in such a way as to promote improved planning and organisational skills in the offender;</li> <li>• Transfers from youth offending teams to adult probation providers is managed via the NPS and takes account of the 'youth to adult transitions framework'</li> <li>• The offender understands the expectations about changing address from the start of the sentence including the duty to seek permission from the Officer or court to change address where the offence has been committed on or after February 1<sup>st</sup> 2015;</li> <li>• Transfer arrangements maintain or reinforce the achievement of objectives in the plan;</li> <li>• The level of consultation between providers about transfer is consistent with the risks posed by the case;</li> <li>• At any point in the transfer procedures there is absolute clarity about who is managing the case</li> <li>• The plan is updated following a transfer</li> <li>• Temporary transfers are used in circumstances wherein the offender attends a planned intervention outside the provider's delivery area or for other exceptional reasons which are contained within the relevant Probation Instruction.</li> <li>• Other agencies are notified of the transfer as appropriate</li> </ul>
<b>Rationale and Evidence Base</b>
<p>Case transfers are important events in the management of an offender, hence the need for a specific standard. Transfers generally reflect an offender's decision to move from one location to another, which may be enforced through life changing circumstances such as the breakdown of a relationship. On top of this they disrupt the supervisory relationship and may trigger further offending. Such moves are generally stressful experiences for any person, but offenders are often poorly equipped to manage the problems which accompany these events and serious further offences are often associated with them. This standard therefore reflects the importance of careful management to achieve a high level of continuity. The Officer will need to be clearly identified throughout the procedures and s/he will liaise closely with the transferring/receiving provider to ensure public protection is the primary focus of attention.</p> <p>The Offender Rehabilitation Act 2014 strengthens the role of the Officer and requires the offender to 'seek the permission of their officer prior to a move'. This 'residence duty' applies to permanent rather than temporary changes of address. Where an offender does not comply with this duty e.g. they inform their Officer after they have moved, the Officer can take breach action.</p> <p>Where the change of address has occurred as an emergency and the offender was</p>



unable to gain prior permission, the Officer will need to make a balanced decision as to whether in these circumstances the change in address was outside of the offender's control e.g. immediate removal by the landlord with no period of notice, and whether breach action is not warranted.

Findings from the OMCCS demonstrate that there was consistency in Offender Manager for the majority of offenders. Lack of consistency in the relationship may influence its effectiveness, as re-offending rates were higher in offenders who had more negative views of their Offender Manager. Offenders who said they had an 'excellent' relationship with their Offender Manager in their first and last interviews were least likely to re-offend, suggesting development of this relationship is important in maintaining desistance.

**Supporting Material**

PI 07/2014 Case Transfers: for offenders subject to statutory supervision either pre release from custody or whilst completing an order or licence

PI 15/2010 NOMS Service Specification 'Manage the sentence for a CO/SSO'

PI 18/2010 The management of CPPC and terrorist or terrorist related offenders

# The Plan is reviewed

<b>Standard</b>
<i>The plan is reviewed where there is new information which indicates a significant change in circumstances</i>
<b>Mandatory minimum Requirement</b>
A review must take place whenever there is a significant change that impacts on the risk of re-offending and/or serious harm posed by the offender or where the offender has made significant progress.
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Professional judgement is used in determining when a review of the plan is appropriate. Where there is new information or a significant change which affects the validity of the plan the plan is updated promptly</li> <li>• The review is informed by relevant sources and account is taken of the offender's views</li> <li>• The review is augmented by information from the offender's home and social environment;</li> <li>• The review includes an analysis of the risk of re-offending, particularly re-offending likely to cause serious harm</li> <li>• Progress against objectives is recognised</li> <li>• Where activities/work are delivered by other providers respective roles, contributions and planned outcomes are discussed and agreed</li> <li>• The offender is engaged as an active participant in revising the plan and understands its content and purpose</li> <li>• Where the revised plan indicates an increased risk of re-offending, particularly re-offending likely to cause serious harm, information is shared promptly with relevant parties</li> <li>• In relevant cases the revised plan specifies how the obligations arising from relevant multi agency risk management and child/adult safeguarding procedures will be integrated</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The circumstances of the offender are very likely to change over the course of the sentence and therefore Officers will review the plan accordingly, at intervals that they determine are appropriate. Reviewing the plan can be a helpful point to enable the offender to reflect on any positive changes as a means of reinforcing progress. This process is not simply an administrative task; it is most effective when the offender is fully involved and engaged.</p> <p>There are no mandatory timescales for the frequency of review, which enables the revisions to be made when it is appropriate to do so, rather than at specified intervals.</p>
<b>Supporting Material</b>
<p>PI 15/2010 NOMS Service Specification 'Manage the Sentence for a CO/SSO'  OASys Manual  Sections 325 – 327 of the Criminal Justice Act 2007 outline probation trusts statutory responsibilities in relation to MAPPA  Safeguarding Children – Checklist for Offender Managers (2010) – EPIC/Service Delivery/Public Protection/Children  Domestic Abuse: Best Practice Guidelines for Probation Trusts &amp; NOMS Domestic Abuse Strategy – EPIC/Service Delivery/Public Protection/Domestic Abuse  MAPPA guidance: version 3 – EPIC/ Service Delivery/Public Protection/MAPPA</p>

NOMS Offender Management Guide for Working with Women Offenders – EPIC/Service Delivery/Offender Management Changing Lives- Desistance Research and Offender Management & Key Messages from the Desistance Research, McNeill and Weaver, 2010 – EPIC/Support Service/NOMS Change/Major Change Programmes/Offender Engagement Programme  
 NOMS Position Statement for Assessment, Management and Treatment of Sex Offenders  
 PI 11/2010 New Chapter 4 “Serving the Indeterminate Sentence”  
 Phase III Offender Management and Indeterminate Sentence Prisoners - Implementation Manual (January 2008) – EPIC/Service Delivery/Offender Management/Offender Management Phase III Guidance and Forms

**Standard**

*The plan is reviewed following notification that an offender has been recalled to custody or following committal to custody for breach of post sentence supervision period*

**Practice Guide**

Plans must be reviewed by the provider who will be responsible for managing the offender following recall, whenever there is a significant change that impacts on the risk of re-offending and/or serious harm posed by the offender. A return to prison following recall or committal to custody should be seen as a significant event; one where the offender’s likelihood of further offending or risk of harm has increased. The review of the plan enables the practitioner to reassess the identified RoSH level, risk of reoffending and need, alongside the effectiveness of interventions. The review should form the basis of any change to licence conditions/post sentence supervision requirements. In cases where the offender has been recalled on a standard recall a review of the plan provides important evidence to inform the parole board decision as to whether the offender’s RoSH can be safely managed in the community and therefore be re-released.

**Supporting Material**

PI 15/2010 NOMS Service Specification ‘Manage the Sentence for a CO/SSO’

# The sentence is enforced

<b>Standard</b>
<i>Where an offender fails to comply with a requirement of a community order, suspended sentence order or post sentence supervision period and has not provided an acceptable explanation, a warning is issued or appropriate enforcement action is taken immediately or within six-working days of the last failure to comply.</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 06/2014</a> and <a href="#">PI 24/2014</a>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Compliance is promoted throughout the sentence building on knowledge of the offender's home and social environment where appropriate</li> <li>• Protocols and agreements concerning risk management through MAPPA, are in place and followed</li> <li>• For a community sentence/post release licence immediate initiation of enforcement action consists of making an immediate application for a warrant or other emergency enforcement processes. Both processes require referral to the NPS following the decision to breach</li> <li>• Responses to non compliance are proportionate to the level of risk presented and an investigative approach is adopted in response to instances of non compliance, with particular reference to indicators of increased risk of re-offending likely to cause serious harm</li> <li>• The officer exercises professional judgement to determine whether a reason provided for non compliance constitutes a 'reasonable excuse', taking into account             <ul style="list-style-type: none"> <li>➤ the nature of the failure,</li> <li>➤ the circumstances of the non compliance</li> <li>➤ the pattern of compliance and the overall response to the sentence to date</li> <li>➤ the circumstances of the offender</li> </ul> </li> <li>• When an offender fails to comply there is a record of:             <ul style="list-style-type: none"> <li>➤ every apparent failure to comply</li> <li>➤ whether or not and when any explanation was received and by whom</li> <li>➤ the details of any such explanation</li> <li>➤ the offender manager's decision about the reasonableness of any excuse</li> <li>➤ a copy of any warning issued and;</li> <li>➤ a record of the offender's comment/response</li> </ul> </li> <li>• Offenders understand the warning letters and the responses required of them;</li> <li>• All those contributing to the plan are aware of instances of non compliance, and action taken as a result</li> </ul>
<b>Rationale and Evidence Base</b>
Rigorous and fair enforcement of community sentences and licences is important in promoting and securing the confidence of sentencers and the public, particularly in terms of the sentence being delivered as intended. Instances of non-compliance can be an indication of a change in the offender's risk factors, and warrant consideration beyond the issuing of a warning. Non-compliance may indicate a pattern of behaviour leading to increased risk of re-offending.
The responsibility for providing an explanation for a failure to comply rests with the

offender and whilst issuing a reminder is not a mandatory requirement, it is good practice to issue one where circumstances permit.

For a community order/SSO case, a failure to inform the Officer of a change of address is treated as a failure to comply.

A failure to comply with more than one appointment or requirement on any single day is treated as a single failure to comply, though an explanation is sought for each single, separate failure. *Current practice is to instigate breach proceedings on the 2<sup>nd</sup> unacceptable absence within a 12 month period for community orders and the 3<sup>d</sup> unacceptable absence within a 12 month period for post sentence supervision.*

Enforcement action related to a Curfew or Attendance Centre Requirement where either requirement is the only requirement in the order is the responsibility of the NPS. Officers should ensure that providers of interventions who supply information about non-compliance receive feedback as to the outcome of that information. Prior warnings are considered “spent” in the event that breach of a community order has been dealt with by a court in a way which allows the order to continue.

While enforcement action may result in revocation and resentencing, warnings and options other than resentencing should be seen as opportunities to increase future compliance.

CRCs are responsible for promoting compliance on community orders and post sentence supervision and warning the offender where they fail to comply. Where breach action is considered necessary the CRC must refer this to the NPS for presentation at court. CRCs should provide all necessary information to the NPS including a response to supervision report and a view on whether the order should be continued. A clear protocol that sets out roles and responsibilities for both NPS and CRCs is critical to managing effective enforcement practice.

Findings from the OMCCS show that breaches, warnings and missed appointments were associated with higher rates of re-offending, particularly when they occurred early in the sentence. The relationship with the Offender Manager may be important here as those who breached were less likely to report ‘excellent’ relationships with their Offender Manager than those who had not breached. The perceived fairness of warnings and breaches may impact this relationship and future compliance with sentences; the OMCCS found that two-thirds of those who received warnings and had missed a meeting felt the warning was fair, compared with around half of those who received a warning but had not missed any meetings.

#### **Supporting Material**

PI 06/2014 Enforcement  
PI 24/2014 Enforcement of the post-sentence supervision requirements  
PI 15/2010 NOMS Service Specification ‘Manage the sentence for a CO/SSO’  
Criminal Justice Act 2003 - Schedules 8 & 12  
PC 05/2008 Determining Unacceptable Absences  
PC 05/2007 Post Release Enforcement – inter-agency working, unlawfully at large offenders and extradition

**Standard**

*Where an offender fails to comply with a condition of the post release licence (including Parole licences) and has not provided an acceptable explanation, a warning is issued or appropriate action is taken within 2 hours of the decision to seek recall for emergency cases and within 24 hours for non-emergency cases.*

**Mandatory Minimum Requirements**

The relevant Probation Instruction detailing mandatory minimum actions can be found here [27/2014](#)

**Practice Guide**

- Compliance is promoted throughout the sentence building on knowledge of the offender's period in custody and home and social environment where appropriate
- Responses to non compliance are proportionate to the level of risk presented
- An investigative approach is adopted in response to instances of non compliance, with particular reference to indicators of increased risk of re-offending likely to cause serious harm
- Protocols and agreements concerning risk management through MAPPA, are in place and followed
- For a licence, immediate initiation of enforcement action in emergency cases consists of making an immediate application for the recall of the offender
- The officer exercises professional judgement to determine whether a reason provided for non compliance constitutes an acceptable absence, taking into account
  - the nature of the failure,
  - the circumstances of the non compliance
  - the pattern of compliance and the overall response to the sentence to date
  - the circumstances of the offender
- When an offender fails to comply there is a record of:
  - every apparent failure to comply
  - whether or not any explanation was received, when and by whom
  - the details of any such explanation
  - the officer's decision about the reasonableness of any excuse
  - a copy of any warning issued and
  - a record of the offender's comment/response
- Offenders understand the warning letters and the responses required of them;
- All those contributing to the plan are aware of instances of non compliance, and action taken as a result

**Rationale and Evidence Base**

As with the Community Order rigorous and fair enforcement of licences is important in promoting and securing the confidence of sentencers and the public. All instances of non-compliance are risk factors, which warrant consideration beyond the issuing of a warning. Non-compliance may indicate a pattern of behaviour leading to increased likelihood of re-offending.

A failure to comply with more than one appointment or condition on any single day is treated as a single failure to comply, though an explanation is sought for each single, separate failure. As with the community order the responsibility for providing an explanation for a failure to comply rests with the offender.

Enforcement action is considered to have been initiated when, for a licence, the completed report recommending licence revocation and relevant documentation has been received by NPS/NOMS. The report should be received by the Public Protection Casework Section within 24 hours of the decision by the Officer to recommend recall. The decision to recommend recall is recorded and in order to comply with the 10 day timescale, is made by the end of the 9th working day following the failure to comply.

A second and final written warning for a licence may only be issued by a manager of the approved senior management grade

Prior warnings are considered “spent” in the event either that the offender is recalled for breach of a licence and re-released.

As with the CO/SSO, there needs to be appropriate interaction between NOMS, the NPS and CRC for the recall process to work. Where a decision for recall in a CRC case has been made and there are no indications that RoSH has increased to high then the CRC is responsible for managing the recall process.

Where the CRC initiates recall of an offender who RoSH has escalated to high, the NPS must be contacted for endorsement of the recall unless the assessment supports the need for an emergency recall.

**Supporting Material**

PI 15/2010 NOMS Service Specification ‘Manage the sentence for a CO/SSO’  
Criminal Justice Act 2003 - Schedules 8 & 12  
PI 27/2014 - recall review & re-release of recall offenders

# Risk Management

<b>Standard</b>
<i>The offender's risk of causing serious harm is managed</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• An investigative approach to the dynamic assessment of risk and need is maintained throughout the duration of the order/licence/post sentence supervision period. This is informed by knowledge of the offender's home and social environment.</li> <li>• A level of contact is maintained with offenders in the community sufficient to deliver the sentence plan and monitor changes in dynamic risk factors</li> <li>• Interagency agreements are observed in managing the offender</li> <li>• Actions to ensure the safety of previous or potential victims are taken as required throughout the sentence</li> <li>• In cases which qualify for statutory/discretionary victim contact information about changes in circumstances which arise during the management of the sentence and which is relevant to the safety, safety, protection or wellbeing of the victim, is shared with the relevant Victim Contact Unit</li> </ul>
<b>Rationale and Evidence Base</b>
The effective management of an offender's risk of serious harm is important in promoting and securing the confidence of the public and other key stakeholders. The circumstances of the offender are very likely to change over the course of the sentence and the officer is responsible for identifying those changes and for taking prompt action to manage the risk that is being presented. Officers/Practitioners should prioritise those activities that aim to reduce and manage the risk of serious harm.
<b>Supporting Material</b>
PI 57/2014 Process for Community Rehabilitation Companies to refer cases in custody or in the community to National Probation Service for Risk Review including escalation NOMS RoSH Guidance (2009) – EPIC

<b>Standard</b>
<i>For offenders initially assessed as low or medium risk of serious harm where there are indications that the RoSH that the offender presents may have increased to high the case is referred to the National probation Service</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 57/2014</a>
<b>Practice Guide</b>



<ul style="list-style-type: none"> <li>• Escalation is conducted in accordance with probation instructions and locally agreed procedures</li> <li>• Referral to the NPS by CRCs is undertaken without delay and with full information so as to maximise public protection</li> <li>• Immediate action is taken to minimise risk to the public, in those cases which require an emergency response</li> <li>• There is absolute clarity as to who is responsible for managing an individual offender during the escalation process</li> <li>• Transfer of an individual case from CRC to NPS is managed in such a way that it promotes continuity of the work with the offender and offender engagement</li> </ul>
<p><b>Rationale and Evidence Base</b></p> <p>The NPS has a key role in determining whether an offender's risk of serious harm has increased to high and therefore transfer to NPS is required. The CRC equally has a role in responding appropriately and in a timely manner to changes in an offender's behaviour that may indicate an increase in RoSH. The Decision Tree contained in PI 57/2014 is a useful reference point. The management of changes in RoSH is a critical task and requires informed and detailed analysis of the impact of any change and potential increase in RoSH.</p>
<p><b>Supporting Material</b></p> <p>PI 57/2014 Process for Community Rehabilitation Companies to refer cases in custody or in the community to National Probation Service for Risk Review including escalation NOMS RoSH Guidance (2014) – EPIC</p>

<p><b>Standard</b></p> <p><i>Immediate risk management action is undertaken where the offender presents an immediate risk of serious harm to the public, known victims or other individuals</i></p>
<p><b>Mandatory Minimum Requirements</b></p> <p>The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 57/2014</a> and <a href="#">PI 27/2014</a></p>
<p><b>Practice Guide</b></p> <ul style="list-style-type: none"> <li>• Where possible, cases where RoSH has increased to high should be discussed with a line manager before action is taken. However, if there is a situation where there is perceived to be an immediate danger to another person or the offender, it is incumbent on the person who receives the information to take immediate action. In these circumstances, all action should be recorded and the relevant manager informed as soon as possible after the event.</li> <li>• In some cases, the immediate and appropriate course of action will be to contact the emergency services. If there is a situation where there is perceived to be an immediate danger to another person or the offender, the first activity will be to contact the services who have the authority and/or resource to act to prevent significant harm from happening.</li> <li>• Service providers should ensure that policies are available to guide staff in circumstances of emergency risk escalation and that staff have access to managers for oversight and support</li> </ul>
<p><b>Rationale and Evidence Base</b></p> <p>There will be situations when the risk is so imminent that decisions may need to be made without following the process identified in the Risk Escalation decision tree.</p>

(Annex A PI 57/2014). Protection of life is the paramount consideration
<b>Supporting Material</b>
PI 57/2014 Process for Community Rehabilitation Companies to refer cases in custody or in the community to National Probation Service for Risk Review including escalation NOMS RoSH Guidance (2009) – EPIC PI 27/2014 Recall, Review and Re-release of Recall Offenders

# Victims

<b>Standard</b>
<i>The statutory duties in respect of victims are undertaken</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 48/2014</a>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• Contact is offered to eligible victims within eight weeks of sentence</li> <li>• Appropriate information is provided to eligible victims</li> <li>• All reasonable steps are taken to consult the victim and offer them the opportunity to make representation to bodies making decisions about the offender's release.</li> <li>• Information relating to discharge from hospital, conditions to protect the victim, and recall to hospital is provided to the victims of mentally disordered offenders who are detained in hospital and then discharged into the community on supervised community treatment</li> <li>• Victim Liaison Units exchange information on the victim's perception or circumstances with offender managers and other agencies involved in the management of offenders</li> <li>• Victims are satisfied with the service they receive</li> <li>• Non statutory (discretionary) contact is offered to victims, following discussion between the offender manager and the Victim Liaison Unit.</li> <li>• Records are stored separately to the offender records</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The victim liaison officer will exercise their judgement on how to approach each case whilst operating within the obligations of The Code of Practice for Victims of Crime.</p> <p>The aim of the scheme is to provide victims of violent and sexual offences where the offender has received a prison sentence of 12 months or more, or certain mental health disposals, with timely information about key stages of the offender's sentence, and to allow them to make representations about which licence conditions they would like to see attached to any licence to protect and re-assure them. It allows victims to know in broad terms what is happening to the offender.</p> <p>This together with the opportunity to request licence conditions such as an area from which an offender is excluded can re-assure and in some cases offer additional protection to the victims.</p> <p>It is crucial that the VLO liaises effectively with the Officer to ensure victim issues are</p>

fully considered and taken account of as far as possible within the constraints of data protection and human rights legislation. The VLO needs to be robust in putting forward the victim's concerns but must accept that it is not always possible for every request made by the victim to be agreed because of the need to rehabilitate the offender and to comply with human rights legislation. The VLO must work with the offender manager to reach a solution that as far as possible addresses victim concerns. HMIP report **Victim Contact**: An inspection of the victim contact arrangements in Probation Trusts (2013) makes a number of recommendations aimed at **'improving the safety of victims and keeping them fully informed'**.

It is important that the victim is contacted as soon as possible after sentence in order that they may have the sentence explained to them, and also so that they can be informed of other sources of support that may be available to them at a time when they are likely to be feeling vulnerable.

Professional judgement is important in determining the frequency and timing of contact, to reduce the victim's distress.

For CRCs and the NPS, it is important to have a system in place that identifies those cases where discretionary victim contact can be offered e.g. offenders who receive less than 12 months custody for a violent/sexual offence where there is a clearly identified victim. Consideration should be given to offering the scheme to victims of domestic violence regardless of the perpetrator's sentence length.

#### **Supporting Material**

PI 03/2010 SBC NOMS Specification 'Victim Liaison'  
Sections 35-44 of the (Domestic Violence, Crime and Victims Act, 2004)  
The Code of Practice for Victims of Crime (2006)  
Mental Health Act 2007  
PC 11/2008 New Victim Liaison Guidance Manual  
HMI Probation thematic reports "Ensuring the Victim matters" (2002) and "Valuing the Victim" (2003).  
Guidance for working with MAPPA and mentally disorder offenders (section 7)  
PI 48/2014 Victim Contact Scheme Guidance

# Completion of the sentence: progress, risk and need are evaluated at end of sentence

<b>Standard</b>
<i>An evaluation of the extent to which the objectives of the plan have been achieved is undertaken</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The evaluation is completed by the end of the sentence and may be completed up to eight weeks ahead of the date on which termination is due</li> <li>• The achievement of the plan objectives and the requirement(s) of the sentence are analysed.</li> <li>• Identified levels of risk and need are compared with those at the beginning of the sentence</li> <li>• The offender is engaged as an active participant in the evaluation</li> <li>• The evaluation reinforces the offender’s continued involvement with other agencies and their community integration</li> <li>• The offender is engaged in relapse prevention planning for the post termination period</li> <li>• Protective factors are identified and included in relapse prevention plans</li> <li>• There is notification of termination of the sentence to all relevant agencies, including those who have been involved in the delivery of the sentence plan</li> <li>• The offender is informed of any restrictions that they will still be subject to after termination, and the implications of failure to comply</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The key outcomes are that the offender has engaged in planning for relapse prevention and is aware of any continuing restrictions. All relevant parties are aware of the end of the order/licence.</p> <p>It is important for the offender to understand that making the necessary changes towards an offence free life may require their active management of risk factors and maintenance of relapse prevention strategies following termination.</p> <p>It is also important to ensure that those offenders that will remain subject to restrictions, for example Sexual Offences Prevention Order, Foreign Travel Order and notification requirements or barring from working with children and/or adults, are aware of their responsibilities and the implications of failure to comply.</p> <p>Evaluation is an important process for measuring progress and understanding why and how a particular intervention has worked and what further work is required to maintain progress. The expectation that the evaluation of outcomes is conducted before termination is intended to ensure that offenders are actively engaged in the process and that achievements can be formally recognised.</p> <p>It is for Officers to decide when during the eight week period the evaluation should be completed. It will often be the case that the evaluation of outcomes in relation to more complex and/or higher risk cases is most appropriately conducted as near to termination as possible.</p>

The evaluation also provides an opportunity for the Officer to reflect on their management of the case, and how their experience can be used to inform future work with other offenders.

**Supporting Material**

PI 15/2010 NOMS Service Specification 'Manage the Sentence for a CO/SSO'

PI 03/2010 NOMS Service Specification 'Victim Liaison'

# Approved Premises

<b>Standard</b>
<i>Prospective residents are identified and referred</i>
<b>Mandatory minimum</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 32/2014</a>
<b>Good Practice Guide</b>
<ul style="list-style-type: none"> <li>• Referrals are in line with published selection criteria</li> <li>• Referrals are completed in sufficient time to allow all the necessary preparatory work to be undertaken</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The key outcomes for a period of residence at approved premises are:</p> <ul style="list-style-type: none"> <li>• Public Protection: Residents restricted to premises under curfew at night and subject to rules at all times</li> <li>• Reduced Re-offending: Residents participate in a positive regime of constructive interventions to reduce the factors linked to their offending</li> <li>• Offender Resettlement: Residents prepared for move-on so they can live safely and independently in the community</li> </ul> <p>The core purpose of approved premises (APs) is the provision of enhanced supervision as a contribution to the management of offenders who pose a significant risk of committing harmful offending. This can be offered as a condition of a post-release licence, a residence requirement in a community order, or a bail condition. In recent years the majority of AP residents have been accommodated under a licence condition. Referrals in advance of the expected release date are essential to the planning process.</p> <p>CRCs will be able to refer their allocated offenders to the NPS to consider admission to an Approved Premises. The CRC is expected to retain responsibility for case management for any offender who is in an AP, either run independently or by NOMS.</p>
<b>Supporting Material</b>
<p>Hostels: Control, Help and Change?, Joint Inspection of Probation Approved Premises, HMI Probation, March 2008</p> <p>PI 32/2014 – Approved Premises</p>

<b>Standard</b>
A residence plan is prepared
<b>Mandatory minimum Requirement</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 32/2014</a> . For the approved premises manual click <a href="#">here</a>
<b>Practice Guide</b>

- Residents understand the expectations of the AP regime on them including its duration and potential benefits;
- The offender is motivated to comply with the AP regime
- Arrangements for commencement at the AP are agreed between all parties;
- The AP receives information from the offender manager about offender risk and need, including risks to self, relevant to the design of an appropriate plan for the offender
- The residence plan is agreed between the offender manager and the AP before the offender is admitted
- Residents participate in the preparation of a residence plan
- The residence plan builds upon and is consistent with the expectations and objectives in the overall plan completed by the Officer (including the risk management section)
- The residence plan is integrated with MAPPA and any other inter-agency arrangements
- The residence plan addresses the offending-related needs of the offender

#### **Rationale and Evidence Base**

The enhanced supervision provided by the AP needs to be properly planned and executed.

The resident's purposeful activity programme in the AP will build on the plan governing the overall sentence but will provide more detail about how the regime of the AP will help to meet the desired objectives and outcomes. It will also integrate expectations arising from MAPPA. Activities provided within the AP will be built into the plan prepared by the officer. "The relationship between the offender manager and key worker was pivotal in achieving a successful outcome." (p12, HMI Probation 2008)

#### **Supporting Material**

PI 32/2014 - Approved Premises  
 Probation Hostels: Control, Help and Change? Joint Inspection of Probation Approved Premises, HMI Probation, March 2008



<b>Standard</b>
<i>Residents undertake a planned programme</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender is inducted into the AP and commences the AP residence period as planned;</li> <li>• The offender undertakes the AP residence period at a duration and contact level consistent with risk and need</li> <li>• A named offender supervisor/key worker works with the resident to deliver the agreed programme</li> <li>• Opportunities for positive interactions between staff and residents in support of the sentence plan are maximised</li> <li>• The offender is supported to access planned interventions in the local community</li> <li>• Offender learning from the AP regime is reinforced;</li> <li>• Offender compliance with the AP regime is promoted;</li> <li>• Offender motivation to complete AP residence is sustained;</li> <li>• Regular communication is maintained between the officer and those involved in delivering the AP regime and attendance at planning meetings is prioritised</li> <li>• Relevant parties are aware of offender progress at the AP, including attendance and participation in any planned programme;</li> <li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties;</li> <li>• Action is taken to address specific risks, needs and non-compliance with conditions or rules, including communication with relevant agencies;</li> <li>• The offender completes the AP residence period in the timescale identified in the sentence plan;</li> <li>• On completion the contribution that the period of residence at the AP has made to achieving the objectives of the plan is evaluated, drawing on the views of the offender and on information from the probation provider</li> <li>• The police and other key providers involved in managing the offender are notified of the termination of the offender's AP residency;</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The intensity of the AP regime can have a significant impact on changing and controlling an offender's behaviour if executed well and integrated with the other services working with the offender. Evidence from pro-social modelling indicates that all interactions with the offender provide opportunities for influencing her/his behaviour. Approved premises provide the ideal setting in which to maximise those interactions. The joint inspection report on approved premises found that, "The likelihood of achieving sustainable outcomes including rehabilitation and attaining suitable accommodation was enhanced by a period of residence in a hostel. (p12)"</p>
<b>Supporting Material</b>
<p>PI 32/2014 - Approved Premises          Probation Hostels: Control, Help and Change? Joint Inspection of Probation Approved Premises, HMI Probation, March 2008</p>

# Delivering the Sentence requirements

<b>Standard</b>
<i>Offenders are prepared for and undertake all activity set out in the plan to meet the requirements of a community order, suspended sentence order, licence or post sentence supervision period</i>
<b>Practice Guide</b>
The primary purpose of this standard is to ensure that the offender is fully aware of the expectation regarding the requirements in their sentence e.g. expected behaviours, location and frequency of contact and that all necessary barriers to engagement have been removed or minimised so as to promote offender compliance
<b>Supporting Material</b>
PI 15/2010 NOMS Service Specification 'Manage the Sentence for a CO/SSO' PI 03/2010 NOMS Service Specification 'Victim Liaison'

# Alcohol Treatment Requirement

<b>Standard</b>
<i>The offender is prepared for the alcohol treatment requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him/her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the plan</li> <li>• The offender is motivated to complete the requirement</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking the requirement</li> <li>• Decisions on the timing of requirement commencement and the intensity of delivery are informed by any protocols and contracts with the requirement provider</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The key outcome is for the offender to actively participate in addressing their alcohol use so that they can take necessary action to reduce the risk of reoffending. The officer will need to build on an assessment of the offender’s willingness to comply and take account of any factors that militate against compliance and any protective factors that support compliance. Planned action to support compliance includes identification of potential obstacles and means of overcoming them. Evidence supports the use of cognitive-behavioural interventions such as motivational interviewing, motivational enhancement therapy and relapse prevention.</p>
<b>Supporting Material</b>
<p>NOMS Service Specification for Alcohol Treatment Requirement          NOMS Alcohol Information Pack          NOMS Alcohol Interventions Guidance          What works to reduce alcohol related offending? NOMS, March 2010          Raistrick, D., Heather, N. and Godfrey, C (2006) Review of the effectiveness of treatment for alcohol problems. London: National Treatment Agency for Substance Misuse.</p>

## Alcohol Treatment Requirement

<b>Standard</b>
<i>The offender undertakes the alcohol treatment requirement</i>
<b>Practice Guide</b>



- The offender commences the requirement as planned
- The offender undertakes the requirement at an intensity and contact level consistent with risk and need
- Offender learning from the requirement is reinforced
- Offender compliance with the requirement is promoted and motivation to complete the requirement is sustained
- Relevant parties are aware of offender progress on the requirement, including attendance and participation
- Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies
- The offender completes the requirement before the end of the order
- On completion the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the requirement provider

#### **Rationale and Evidence Base**

The treatment effectiveness may be as much about how treatment is delivered as it is about what is delivered (National Treatment Agency, 2006). Evidence from clinical research suggests that identification and brief advice is most effective with sub-dependent drinkers. With dependent drinkers work to enhance and sustain motivation is an effective adjunct to clinical interventions.

The Department of Health website hosts the Alcohol Learning Centre which collates, coordinates and disseminates learning and promising practice from the NHS and other treatment sectors. It contains policy documents, guidance, tools and training materials.

In the OMCCS offenders with Alcohol Treatment Requirements were less likely than those on Drug Treatment Requirements to think the treatment requirements would influence their offending behaviour. Starting an alcohol treatment requirement was not significantly associated with re-offending once other factors, such as level of need, were taken into account.

#### **Supporting Material**

NOMS Service Specification for Alcohol Treatment Requirement  
 NOMS Alcohol Information Pack  
 NOMS Alcohol Interventions Guidance  
 What works to reduce alcohol related offending? NOMS, March 2010  
 Raistrick, D., Heather, N. and Godfrey, C (2006) Review of the effectiveness of treatment for alcohol problems. London: National Treatment Agency for Substance Misuse.

# Attendance Centre Requirement

<b>Standard</b>
<i>The offender is prepared for the Attendance Centre Requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him /her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the sentence plan</li> <li>• The offender is motivated to complete the requirement</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The key outcomes are:</p> <ul style="list-style-type: none"> <li>• The requirement is completed – steps are taken to implement the sentence of the court as intended by sentencers</li> <li>• The offender is punished – the offender experiences a restriction on their free time</li> <li>• The risk of reoffending is reduced, through participation in the programme of activities delivered at the attendance centre</li> </ul> <p>Feedback from offenders indicates that they value clarity about the requirements of a sentence, underlining the importance of ensuring that the details of an attendance centre requirement are explained and discussed at the outset.</p>
<b>Supporting Material</b>
Senior Attendance Centre Handbook

<b>Standard</b>
<i>The offender undertakes the Attendance Centre Requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender commences the requirement as planned</li> <li>• The offender undertakes the requirement at an intensity and contact level consistent with risk and need</li> <li>• Offender learning from the requirement is reinforced</li> <li>• Offender compliance with the requirement is promoted and motivation to complete the requirement is sustained</li> <li>• Reciprocal communication is maintained between the officer and those involved in delivering the requirement</li> <li>• Relevant parties are aware of offender progress on the requirement, including attendance and participation</li> <li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties</li> <li>• Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies</li> <li>• The offender completes the requirement before the end of the order</li> <li>• On completion the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the requirement provider</li> <li>• The offender is notified of the termination of the requirement</li> </ul>
<b>Rationale and Evidence Base</b>

The key outcomes are:

- The requirement is completed – steps are taken to implement the sentence of the court as intended by sentencers
- The offender is punished – the offender experiences a restriction on their free time
- The risk of reoffending is reduced, through participation in the programme of activities delivered at the attendance centre

Officers in Charge are responsible for the delivery of attendance centre requirements, and work within the Plan coordinated by the officer (in some cases the person holding the Officer in Charge role may be the designated officer also where the community order has a single attendance centre requirement). Arrangements for delivery are designed to maximise attendance and completion of requirements, with prompt enforcement if necessary.

**Supporting Material**

Attendance Centre Handbook

# Curfew Requirement/Licence Condition/Home Detention Curfew

<b>Standard</b>
<i>The offender is prepared for the curfew requirement/licence condition/Home Detention Curfew</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the curfew requirement/licence condition/HDC on him/her including its duration and potential benefits;</li> <li>• The offender understands how the curfew requirement/licence condition/HDC will contribute to achieving the objectives of the sentence plan;</li> <li>• The offender is motivated to complete the curfew requirement/licence condition/HDC;</li> <li>• The impact of any curfew on other members of the household is considered (s.204 and 215 of CJA 2003)</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The purpose of the curfew/HDC is generally seen as punishment, restricting the movements of the offender at specified times. However, used intelligently, the curfew/HDC can be effective in disrupting patterns of offending, by setting the curfew times to coincide with periods of high risk offending. Similarly curfew/HDC can be used to support the delivery of other services. In reports on breach of unpaid work it may be appropriate to propose the imposition of a curfew the night before an offender is due to attend unpaid work. The PSR author/Officer can propose targeted options at the point of sentence/prior to release.</p> <p>In community orders with a stand alone curfew requirement and HDC where the offender has no post release licence the electronic monitoring provider will undertake induction and preparation. Offenders will need to understand their responsibilities, the capacity of the equipment and be discouraged from taking risks with the equipment. The EM provider will also confirm the effective communication arrangements in place between the different parties involved.</p>
<b>Supporting Material</b>
<p>Service Specification for Curfew Requirement</p> <p>Prisoners released on licence under the Criminal Justice Act 2003, Criminal Justice Act 1991 or the Crime (Sentences) Act 1997 may have additional conditions attached. Probation Instruction 11/2014 provides the criteria for this.</p> <p>'A Complicated Business: A joint inspection of electronically monitored curfew requirements, orders and licences', Criminal Justice Joint Inspection, October 2008</p>

<b>Standard</b>
<i>The offender undertakes the curfew requirement/licence condition/HDC</i>
<b>Practice Guide</b>



- The offender commences the curfew as planned;
- The offender undertakes the curfew at an intensity and contact level consistent with risk and need;
- The Offender is motivated to complete the curfew requirement/licence condition/HDC;
- The curfew is operated in accordance with the times specified in the order/licence
- Reciprocal communication is maintained between the officer and the electronic monitoring provider
- Relevant parties are aware of offender compliance with the curfew requirement/licence condition/HDC
- Changes of offender risk and/or relevant personal circumstances are shared with relevant parties;
- Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies;
- On completion of the curfew requirement/licence condition/HDC its effectiveness is evaluated, drawing on the views of the offender and on information from the provider;

#### **Rationale and Evidence Base**

The key outcomes are:

**Punishment of Offenders:** though the restriction of their liberty, offenders are punished

**Reduced Re-offending:** curfew hours can be tailored to interrupt patterns of offending and can contribute to risk management strategies

**Offender Rehabilitation:** curfews can provide structure to chaotic lifestyles and used in conjunction with other requirements can assist in the rehabilitation of offenders.

The curfew requirement/licence condition/HDC imposes a restriction on offenders and therefore the learning experience is more limited than in some other sentences. However, the offender must still manage time appropriately in order to be at home during the curfew hours. Similarly the offender may have to negotiate changes in curfew times e.g. to accommodate changing employment times: this requires planning and communication skills. Finally, if the curfew successfully disrupts opportunities for offending, practitioners can maximise the learning from this.

The OMCCS found that offenders with curfews were more likely to report that they had breached their sentence, however, once the influence of other factors were controlled for curfews were not significantly associated with increased levels of re-offending. Despite the lack of apparent relationship to re-offending, 69% of offenders felt the curfew made them less likely to commit crime.

#### **Supporting Material**

PI 12/2011 Implementation of the Deliver Curfew Requirement Specification

## The following requirements can apply to licences and the Post Sentence Supervision Period

# Licence/Post Sentence Supervision Drug Appointment Condition

<b>Standard</b>
<i>The offender is prepared for and undertakes the Drug Appointment Requirement</i>
<b>This is a new condition brought in via the Offender Rehabilitation Act 2014</b>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 30/2014</a> and <a href="#">PI 29/2014</a>
<b>Practice guide</b>
<p>The offender attends the drug appointment as set out in the drug appointment licence/post sentence supervision condition;</p> <ul style="list-style-type: none"> <li>• The offender understands the expectations of the drug appointment requirement on him/her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the sentence plan and specialist treatment</li> <li>• The offender is motivated to complete the drug appointment requirement</li> <li>• The offender commences the requirement as planned</li> <li>• Offender learning from the drug appointment licence/post sentence supervision condition is continuously assessed and reinforced;</li> <li>• Reciprocal communication is maintained between the officer and those involved in delivering any drug treatment proposed by the treatment provider;</li> <li>• Relevant parties are aware of offender compliance with attendance at appointments, and where an offender does engage in treatment any participation and treatment provider administrated drug test results;</li> <li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties;</li> <li>• Action is taken to address specific risks, needs and non-compliance, including communication with relevant agencies;</li> <li>• The offender completes the drug appointment condition before the end of the licence/post sentence supervision period;</li> <li>• On completion the effectiveness of the drug appointment condition is evaluated, drawing on the views of the offender and on information from the requirement provider;</li> <li>• Effectiveness of any treatment is fed back to the offender and they are supported with ongoing treatment where required</li> </ul>
<b>Rationale and Evidence Base</b>
The post release drug appointment condition is intended to support the offender to engage with treatment to address drug misuse that is linked to reoffending, the delivery of the latter may be more flexible than the DRR. This requirement applies to licence and post sentence supervision only. Unlike the DRR the condition does not stipulate participation in drug treatment: it is a condition to attend appointments as directed. An offender will breach this if they don't attend or remain for the duration of the appointment but they won't breach if they refuse treatment.

There are statutory safeguards on the use of this condition – misuse of Class A & B drugs must be factor in the offending, the offender has to be dependent on or have a propensity to use drugs, this dependency/propensity must be treatable, and finally arrangements for treatment and appointments must be possible.

**Supporting Material**

PI 30/2014 - Drug appointment and drug testing for licence conditions and post-sentence supervision requirements  
 PI 29/2014 – Post Sentence Supervision Requirements

## Drug Rehabilitation Requirement of a community order

<b>Standard</b>
<i>The offender is prepared for the Drug Rehabilitation Requirement (DRR)</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands and has agreed to the expectations of the drug rehabilitation requirement on him/her (as participation in DRRs is voluntary) including its duration and potential benefits;</li> <li>• The offender understands how the DRR will contribute to achieving the objectives of the plan and specialist treatment plan;</li> <li>• The offender is motivated to complete the DRR;</li> <li>• The offender commences the requirement as planned</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking the DRR</li> <li>• Decisions on the timing of DRR commencement and the intensity of delivery are informed by the offender’s risk and need, and any protocols and contracts with the drug treatment provider.</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The Drug Rehabilitation Requirement, as the title suggests, is intended to rehabilitate the offender by reducing or eliminating the use of illegal drugs. The National Drug Strategy 2008 gives high priority to reducing drug related offending and the DRR is a key means of achieving this. Research suggests that drug users commit between a third and a half of all acquisitive offences. The National Treatment Outcome Research Study (NTORS) followed 1000 drug users through treatment and identified a significant reduction in crime as a result of the treatment. It concluded that expenditure on drug treatment leads to significant savings on the health and social costs associated with drug misuse.</p> <p>DRRs are targeted at offenders whose offending arises from a dependence on or a misuse of illegal drugs. The offending will be of sufficient seriousness to warrant an intensive community order (either suspended or immediate). This condition is different to the drug appointment licence/post sentence supervision condition as it requires <u>consent</u> to treatment whereas the Drug Appointment is a requirement to attend an appointment.</p>
<b>Supporting Material</b>

NOMS Service Specification for Support the Delivery of the Drug Rehabilitation Requirement  
 What works with offenders who misuse drugs? NOMS, May 2010

**Standard**

*The offender undertakes the Drug Rehabilitation Requirement*

**Practice Guide**

- The offender commences the DRR as planned and within the timescales specified by the Court;
- The offender undertakes the DRR at the planned intensity, and in line with the treatment providers treatment plan;
- The offender is motivated to complete the DRR - learning from the DRR is continuously assessed and reinforced;
- Reciprocal communication is maintained between the officer and those involved in delivering the DRR;
- Relevant parties are aware of offender progress on the DRR, including attendance, drug test results and participation;
- The offender is regularly tested for their primary drug use and intermittently tested for other drugs to check for poly drug use.
- Changes of offender risk and/or relevant personal circumstances are shared with relevant parties;
- Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies;
- The offender completes the DRR before the end of the order/licence;
- On completion the effectiveness of the DRR is evaluated, drawing on the views of the offender and on information from the requirement provider;
- Effectiveness of treatment is fed back to the offender and they are supported with ongoing treatment where required

**Rationale and Evidence Base**

Treatment on the DRR is most effective when the offender management and treatment elements of the order/licence are closely integrated. Generally offender management and treatment will be delivered by two different providers, with the officer taking overall responsibility for co-ordinating and planning the work. A supervision requirement or Rehabilitation Activity Requirement may also be part of the community order, especially for more serious offending, and will usually be delivered by the officer. The supervision requirement/Rehabilitation activity requirement can address some of the offender needs, which would not form a part of the DRR treatment package. Treatment will usually consist of one or more of the following:

- structured day care;
- care planning;
- substitute prescribing and detoxification;
- residential rehabilitation;

and will be accessible to all users of illegal drugs, including non-opiate users.

The OMCCS found that the majority of offenders with drug treatment requirements felt it would make them less likely to commit crime, and were strongly engaged with their treatment providers: 92% said that treatment providers understood their needs well. This may sustain and motivate the offender to comply with treatment. The rate

of re-offending was slightly higher among those who started drug treatment as part of their Community Order; but this relationship disappeared once the influence of other factors, such as the severity of drug misuse was controlled for.

#### **Supporting Material**

NOMS Service Specification for Support the Delivery of the Drug Rehabilitation Requirement  
What works with offenders who misuse drugs? NOMS, May 2010

## **Drug Testing on Licence/Post Sentence Supervision Condition**

#### **Standard**

*The offender is prepared for and provides samples as requested for mandatory drug testing for Class A and B drugs*

**This is a new condition brought in via the Offender Rehabilitation Act 2014**

#### **Mandatory Minimum Requirements**

The relevant Probation Instruction detailing mandatory minimum actions can be found here [PI 30/2014](#) and here [PI 29/2014](#)

#### **Practice guide**

- The offender understands the expectations of the drug testing requirement/condition on him/her including its duration and potential benefits;
- The offender understands how the drug testing requirement/condition will contribute to achieving the objectives of the plan and specialist treatment plan;
- The offender is motivated to complete the drug testing requirement/condition;
- The offender commences the drug testing requirement/condition as planned and within the timescales specified by the Court;
- The offender undertakes the drug testing requirement/condition at the planned intensity, and in line with the treatment providers treatment plan;
- The offender provides samples as requested and in accordance with the drug testing licence/post sentence supervision condition;
- The testing kits and laboratory screening to be used are provided by providers agreed and contracted by NOMS
- Tests should only be carried out by trained staff
- Results of tests will need to take account of guidance on breach and the fact that there is a journey towards sobriety that will vary for each offender (i.e. a positive test result should not automatically result in a breach of the condition);
- If the offender is also undergoing drug treatment, engagement and attendance is promoted, and any time waiting for treatment to start should be taken into consideration when deciding when to carry out testing;
- Consideration is given to changes in offender risk if they are continuing to engage in behaviour (drug taking) that might increase their risk of re-offending. Changes should be made in testing frequency to support keep offenders on track during their licence period. Any changes to risk and/or relevant personal circumstances are shared with relevant parties;

- Reciprocal communication is maintained to ensure relevant parties are aware of offender compliance with attendance at appointments, and where an offender does engage in treatment any participation and treatment provider administered drug test results;
- Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies;
- On completion of the licence/post sentence supervision period, the effectiveness of the drug testing condition is evaluated;

#### **Rationale and Evidence Base**

This is a new condition brought in via the Offender Rehabilitation Act which removes the existing application of a 'trigger list' of offences and extends the power to include Class B drugs. There are statutory safeguards on the use of this condition – misuse of Class A & B drugs must be factor in the offending, the offender has to be dependent on or have a propensity to use drugs.

The purpose of the testing is to help in determining whether the person is complying with their conditions, in particular the 'good behaviour' condition. This is not the same as potential health practitioner testing as part of a treatment plan, which would be outside the remit of probation services. A positive test result in itself will not be a cause for breach, rather it can be taken into account alongside consideration of wider reasons for breach.

Whilst misusers of Class B drugs have a lower risk of reoffending than those that misuse Class A drugs, that does not mean there is not an argument for addressing Class B misuse. From our Surveying Prisoner Crime Reduction survey, prisoners who reported misusing Class B and or C drugs in the 4 weeks before custody had a reoffending rate of 48% compared to 30% for those who had never used.

#### **Supporting Material**

PI 30/2014 - Drug appointment and drug testing for licence conditions and post-sentence supervision requirements

PI 29/2014 – Post Sentence Supervision Requirements

# Exclusion Requirement/licence condition

<b>Standard</b>
<i>The offender is prepared for and undertakes the exclusion requirement/licence condition</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the exclusion requirement on him/her including the nature of the exclusion, when it takes effect and for how long it is effective;</li> <li>• The offender understands how the exclusion requirement will contribute to the objectives of the sentence plan</li> <li>• The offender is motivated to complete the exclusion requirement</li> <li>• The police are sent written notification of the offender's name and the length and scope of the requirement</li> <li>• Other key stakeholders are notified in writing of the offender's name and the length and scope of the requirement</li> <li>• Written notification to the police and other key stakeholders is clear as to who to contact with information regarding non-compliance with the exclusion by the offender</li> <li>• Lines of communication with police and other key stakeholders are kept open</li> <li>• Action is taken in response to evidence of non-compliance with the exclusion zone</li> <li>• The offender is notified of the termination of the requirement</li> <li>• The police and other key stakeholders are notified of the termination of the requirement</li> </ul>
<b>Rationale and Evidence Base</b>



The key outcomes are:

- The requirement is completed – steps are taken to implement the sentence of the court as intended by sentencers
- The offender is punished – the offender experiences restrictive controls
- The public are protected – external controls protect the public and preserve community safety

Feedback from offenders indicates that they value clarity about the requirements of a sentence, underlining the importance of ensuring that the details of an Exclusion Requirement are made clear at the outset.

The person holding the order to which the requirement is attached has limited capacity him/herself to monitor compliance with an exclusion requirement directly and therefore communication and sharing of relevant information with the police and other key stakeholders is important. The relevant stakeholders are contingent on the nature of the exclusion.

Stakeholders could include:

- Local police in the area where the exclusion applies and police local to the offender's address
- The Football Association – where the offender is not allowed to enter a stadium/match area
- Federation of Licensed Victuallers Association – for offenders who are excluded from entering public houses

The exclusion requirement was introduced by the Criminal Justice Act 2003. It can be utilised as both a stand alone requirement or as one of two or more requirements depending on the seriousness of the offence as the requirement may be imposed for the broad continuum of low, medium and high seriousness levels.

The 2003 Act (Section 205) stipulates a specific maximum length of two years for this requirement, the minimum is two months. The exclusion can be from a specified place or area and can be limited to particular periods specified or at different places for different periods or days. The requirement precludes the offender's presence from a particular place or area.

A pre sentence report is not required in law but the Criminal Justice Act National Implementation Guide (2005) stipulates that one would be advisable in cases where a significant risk of harm is identified. The sentencing court must consult the offender management provider before making such a requirement.

The CJA03 Implementation Guidance (PC 25/2005) indicated that the main purposes of the requirement are punishment of the offender and public protection.

Where an intervention is required to support and reinforce changes in the offender's behaviour and attitudes the exclusion requirement can be delivered with a supervision requirement.

### **Supporting Material**

NOMS Service Specification

PI 11/2014 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad

# Mental Health Treatment Requirement

<b>Standard</b>
<i>The offender is prepared for the mental health treatment requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the treatment on him/her including its duration and potential benefits</li> <li>• The offender engages with the post sentence assessment and understands how the treatment will contribute to achieving the objectives of the plan and the specialist treatment plan</li> <li>• The offender is given comprehensive information about their treatment plan and is motivated to complete the treatment</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking the treatment</li> <li>• Decisions on the timing of treatment commencement and the intensity of delivery are informed by the offender's risk and need and any protocols and contracts with the treatment provider</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The Criminal Justice Act 2003 sets out that the purpose of a mental health treatment requirement is to ensure that the offender receives treatment with a view to the improvement of their mental health condition. The expectation is that, in carrying out treatment for a mental health condition, the person, once treated, is less likely to/ will not reoffend.</p> <p>To maximise the effectiveness of the requirement the offender should be properly prepared for what the requirement entails and appropriate arrangements have been made by the treatment provider to offer the treatment. Consideration also needs to be given as to whether this requirement should also be linked to drugs or alcohol treatment</p>
<b>Supporting Material</b>
<p>NOMS Service Specification – Support the delivery of Mental Health Treatment Requirement</p> <p>Working with personality disordered offenders- a practitioner's guide. NOMS/DoH January 2011</p>

## Mental Health Treatment Requirement

<b>Standard</b>
<i>The offender undertakes the mental health treatment requirement</i>
<b>Practice Guide</b>

- The offender commences the treatment as planned and within the timescales specified by the Court
- The offender undertakes the treatment at the planned intensity and is continuously assessed by the officer and treatment provider
- Decisions about compliance are considered in light of the offenders' mental condition
- Reciprocal communication is maintained between the officer and the treatment provider
- Relevant parties are aware of offender progress on the treatment, including attendance
- Changes of offender risk and/or relevant personal circumstances are shared with relevant parties
- Action is taken to address specific risks, needs and non-compliance, including communication with relevant agencies
- The offender completes the treatment before the end of the order
- On completion the effectiveness of the treatment is evaluated, drawing on the views of the offender and on information from the treatment provider, and the offender is supported with ongoing treatment where required
- The offender is notified of the termination of the treatment
- Where necessary, the police and other key stakeholders are notified of the termination of the treatment

#### **Rationale and Evidence Base**

The Criminal Justice Act 2003 sets out that the purpose of a mental health treatment requirement is to ensure that the offender receives treatment with a view to the improvement of their mental health condition. The expectation is that, in carrying out treatment for mental disorder, the person, once treated, is less likely to/ will not reoffend.

The effectiveness of the requirement depends on the offender undertaking the treatment. It may also be linked with the offender engaging with and completing treatment for other health issues (notably drug or alcohol dependency)

#### **Supporting Material**

NOMS Service Specification – Support the delivery of Mental Health Treatment Requirement  
 Working with personality disordered offenders- a practitioner's guide. NOMS/DoH January 2011

# Programme Requirement

<b>Standard</b>
<i>The offender is prepared for the programme requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the programme requirement on him/her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the plan</li> <li>• The offender is motivated to complete the requirement</li> <li>• Eligibility and suitability for the programme are confirmed</li> <li>• The officer is familiar with the content of the programme</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking the requirement</li> <li>• Pre programme and preparatory work is carried out with the offender, in accordance with programme manual requirements, and to enhance motivation and compliance</li> <li>• Decisions on the timing of requirement commencement and the intensity of delivery are informed by any protocols and contracts with the programme provider</li> <li>• The rationale for timing of programme delivery is recorded.</li> </ul>
<b>Rationale and Evidence Base</b>
The accreditation process for programmes is robust and ensures that the programme design is based on evidence of effectiveness. The theory manual for each accredited programme outlines the evidence base for the programme and its rationale
<b>Supporting Material</b>
<p>Programme, Assessment/evaluation and Training Manuals for each programme – all contain information relevant to the offender manager role</p> <ul style="list-style-type: none"> <li>• Suitability for Accredited Interventions, Risk, Need and Responsivity Targeting Criteria for Offender Managers, Treatment Managers and HMPS Therapy Managers (NOMS, RSG 2010)</li> <li>• National Management Manual for Community Programmes (NOMS, RSG 2010)</li> <li>• Rehabilitation Services Group Joint Performance standards for the delivery of Accredited Programmes (NOMS, RSG 2010)</li> </ul> <p>Probation Circulars</p> <ul style="list-style-type: none"> <li>• PC 03/2007 Offending Behaviour Programmes Reduction in Psychometric Assessments</li> <li>• PC 08/2007 Implementation of Accredited Offending Behaviour Programme Performance Improvement Standards</li> <li>• PC 09/2007 Definition of Programme Completions for Accredited Offending Behaviour Programmes</li> </ul> <p>CSAP Accreditation Criteria (2009) which include the selection of the offender and continuity of programme and services.</p> <p>Offender Management guide to working with Women Offenders. (MOJ 2008)</p>

## Programme Requirement/licence condition

<b>Standard</b>
<i>The offender undertakes the programme requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"><li>• The offender commences the requirement as planned</li><li>• The offender undertakes the requirement at the planned intensity</li><li>• Offender learning from the requirement is reinforced</li><li>• Offender compliance with the requirement is promoted</li><li>• Offender motivation to complete the requirement is sustained</li><li>• Reciprocal communication is maintained between the officer and those involved in delivering the requirement</li><li>• Relevant parties are aware of offender progress on the requirement, including attendance and participation</li><li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties</li><li>• Action is taken to address specific risks, needs and non-compliance, including communication with relevant agencies</li><li>• The offender completes the requirement before the end of the order</li><li>• On completion a post programme review is undertaken, and the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the requirement provider</li></ul>
<b>Rationale and Evidence Base</b>
<p>The accreditation process for programmes is robust and ensures that the programme design is based on evidence of effectiveness.</p> <p>The theory manual for each accredited programme outlines the evidence base for the programme and its rationale</p>
<b>Supporting Material</b>
See references in the preceding standard “The offender is prepared for the programme requirement”

# Prohibited Activity Requirement

<b>Standard</b>
<i>The offender is prepared for the prohibited activity requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"><li>• The offender understands the details of the prohibited activity requirement – the nature of the prohibition, when it takes effect, for how long it is effective and what it requires of the offender</li><li>• The offender understands how the prohibited requirement will contribute to achieving the objectives of the plan</li><li>• The offender is motivated to complete the prohibited activity requirement</li><li>• The police are sent written notification of the offender's name and the length and the specific details of the prohibition</li><li>• Other key stakeholders are notified in writing of the offender's name and the length and the specific details of the prohibition</li><li>• Written notification to the police and other key stakeholders is clear as to who to contact with information regarding non-compliance with the prohibition</li></ul>
<b>Rationale and Evidence Base</b>

The key outcomes are:

- The requirement is completed – steps are taken to implement the sentence of the court as intended by sentencers
- The offender is punished – the offender experiences restrictive controls
- The public are protected – external controls protect the public and preserve community safety

Feedback from offenders indicates that they value clarity about the requirements of a sentence, underlining the importance of ensuring that the details of a prohibited activity requirement are made clear at the outset.

The person holding the order to which the requirement is attached has limited capacity him/herself to monitor compliance with a prohibition directly and therefore communication and sharing of relevant information with the police and other key stakeholders is important. The relevant stakeholders are contingent on the nature of the prohibition. Stakeholders could include:

- Local police in the area where the prohibition applies and police local to the offender's address
- The Football Association – where the offender is prohibited from attending football matches
- Federation of Licensed Victuallers Association – for offenders who are prohibited from entering public houses
- Social Services – where the offender is prohibited from making contact with family members/children

The prohibited activity requirement was introduced by the Criminal Justice Act 2003 (section 203). It can be utilised as both a stand alone requirement or as one of two or more requirements depending on the seriousness of the offence as the requirement may be imposed for the broad continuum of low, medium and high seriousness levels.

The 2003 Act does not indicate a specific maximum length for a prohibited activity requirement so the maximum length will be three years for one attached to a Community Order and two years for a Suspended Sentence Order. It requires the offender to refrain from participating in activities specified in the order:

- on a day or days specified, or
- during a period so specified

A report is not mandatory in law but the Criminal Justice Act National Implementation Guide 2005 stipulates that one is advisable in cases where a significant risk of harm is identified. The sentencing court must consult the offender management provider before making such a requirement.

#### **Supporting Material**

NOMS policy guidance is under development.

PI 11/2014 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad

The Service Specification for this requirement has been published.

#### **Standard**

*The offender undertakes the prohibited activity requirement/licence condition*

#### **Practice Guide**

- The offender commences the requirement as planned
- The offender undertakes the requirement at an intensity and contact level consistent with risk and need
- The offender undertakes the requirement at the planned intensity
- Offender learning from the requirement is reinforced



<ul style="list-style-type: none"> <li>• Lines of communication with police and other key stakeholders are kept open</li> <li>• Action is taken in response to evidence of non-compliance with the prohibition</li> <li>• The offender is notified of the termination of the requirement</li> <li>• The police and other key stakeholders are notified of the termination of the requirement</li> </ul>
<p><b>Rationale and Evidence Base</b></p> <p>The key outcomes are:</p> <ul style="list-style-type: none"> <li>• The requirement is completed – enforcement action is taken if appropriate</li> <li>• The offender is punished – the offender experiences restrictive controls</li> <li>• The public are protected – external controls protect the public and preserve community safety</li> </ul> <p>The person holding the order to which the requirement is attached has limited capacity him/herself to monitor compliance with a prohibition directly and therefore some collaboration with the police and other key stakeholders is important.</p> <p>The purpose of the requirement is protective as well as punitive i.e. reducing the likelihood of offending through requiring the offender to refrain from participating in activities linked to previous offending behaviour. Therefore the offender is, as far as possible, encouraged to comply with the requirement and assisted in developing personal strategies for so doing.</p>
<p><b>Supporting Material</b></p> <p>See ‘Supporting Material’ relating to the preceding standard ‘The offender is prepared for the prohibited activity requirement’</p>

## Rehabilitation Activity Requirement

<p><b>Standard – this standard will only apply to those offenders who are sentenced for offences committed on or after commencement of the Offender Rehabilitation Act 2014</b></p>
<p><i>The offender is prepared for and undertakes the Rehabilitation Activity Requirement</i></p>
<p><b>Mandatory minimum Requirement</b></p>
<p>The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 58/2014</a> and <a href="#">PI 49/2014</a></p>
<p><b>Practice Guide</b></p> <ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him/her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the sentence</li> <li>• The offender is motivated to complete the requirement</li> <li>• The rehabilitation activities are designed to meet the risk and needs of the offender</li> <li>• Decisions on the timing of activity commencement and the intensity of delivery are informed by the assessed risk and need level of the offender.</li> <li>• Offender learning from the requirement is reinforced</li> </ul>
<p><b>Rationale and Evidence Base</b></p> <p>The Rehabilitation Activity Requirement forms part of the Offender Rehabilitation Act 2014. The Act amends the Criminal Justice Act 2003, Supervision and Specified</p>

Activity Requirements (SAR) under the community order and replaces them with a single new Requirement with two components; supervision and rehabilitation activities. The RAR is designed to provide maximum flexibility for probation providers to deliver rehabilitation activities during the sentence that address criminogenic needs and achieve a reduction in the likelihood of re-offending.

It is for the court to first decide whether a Community Order or Suspended Sentence Order with a RAR is an appropriate sentencing disposal and then to set the length of the sentence and the maximum number of activity days. The allocated Responsible Officer (RO) is then responsible for deciding the content of the activity days, how they will be delivered, how frequently the offender attends and to whom. In some instances the content of the RAR activity may be decided pre sentence where there are bespoke interventions in place. Where this is the case the court will be aware of the proposed content, however the court **cannot** set what specific rehabilitation activities should be delivered. It is critical that the NPS report writers and court officers are aware of what rehabilitation activities the CRC provides so that it can recommend the appropriate number of RAR days to the court within pre sentence reports.

Where a RAR is in place the Officer can also require the offender to attend appointments outside of the activity days during the length of the sentence. The RAR can be used for both the delivery of 1-2-1 supervision appointments **and** activities as required. The Officer still has the length of the community order to continue to supervise the offender by way of appointments. This means that an offender can complete their activity days and still be required to keep appointments with their officer. It is therefore important that officers ensure that the content of the activities, the reporting requirements for these activities **and** supervision appointments are clearly recorded in the plan and understood by the offender.

The range of activities that may be included in this requirement is broad, and must be focussed on rehabilitation. Whilst a RAR can include the delivery of an accredited offending behaviour programme it should not be used to deliver any of the treatment requirements e.g. drug treatment or the punitive requirement e.g. unpaid work, curfew. This is because the requirements defined in CJA 2003 remain in place to deliver these as part of a CO / SSO and in some cases there are specific safeguards to ensure that the requirement is delivered appropriately i.e. drug treatment requirement.

As with the supervision requirement a community order with a RAR can be returned to court for revocation on the grounds of good progress where the officer assesses that the offender has made sufficient progress on their order and in their plan. This can occur even where the maximum number of RAR days has not been completed. It is for the RO to use their professional judgement to assess whether the offender has met the objective of the sentence and has made sufficient progress.

For Suspended Sentence Orders you can ask the court to revoke the requirement for good progress, but not the order. Practitioners would need to bear in mind the length of the operational period of the SSO left and make a judgement as to whether revocation of the requirement is appropriate on a case by case basis.

#### **Supporting Material**

PI 58/2014 Rehabilitation Activity Requirements  
PI 49/2014 Liaison Arrangements between Sentencer and Providers of Probation services)

# Residence Requirement/ licence condition

<b>Standard</b>
<i>The offender is prepared for the residence requirement/licence condition</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him /her including its duration</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the sentence plan</li> <li>• The offender is motivated to complete the requirement</li> <li>• The needs of the offender to be addressed in the requirement are consistent with the risks s/he presents</li> </ul>
<b>Rationale and Evidence Base</b>
The residence requirement will usually be in place due to the need to manage risks that the offender presents, or to provide stability for the offender. The officer role will be to ensure that the offender understands why this requirement is in place and motivate them to comply, this will include confirming the consequences should they fail to comply. The requirement to reside at a specified location could be part of a post custodial licence condition, community or suspended sentence order requirement. The location may be an approved premises, hostel, private or local authority property and as part of the assessment process due consideration of the impact on others and suitability of the proposal will have been undertaken.
<b>Supporting Material</b>
PI 11/2014 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad

## Residence Requirement/licence condition

<b>Standard</b>
<i>The offender completes the residence requirement/licence condition</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"><li>• The offender commences the residence requirement as planned and in line with the residence plan</li><li>• Offender compliance with the requirement is promoted</li><li>• Offender motivation to complete the requirement is sustained</li><li>• Reciprocal communication is maintained between the officer and the residence provider</li><li>• Relevant parties are aware of offender progress on the requirement</li><li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties</li><li>• Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies</li><li>• Work undertaken at the place of residence, for example in an Approved Premises, is managed as an integral part of the sentence</li><li>• On completion the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the residence provider, as applicable</li><li>• The offender is notified of the termination of the requirement</li><li>• The Police and other key stakeholders are notified of the termination of the requirement</li></ul>
<b>Rationale and Evidence Base</b>
As the circumstances will vary according to each case the officer will use their judgement to determine whether home visits are required to improve compliance with the requirement. Officers will be mindful of the supportive role that family and friends can play in successful reintegration, and will also use their judgement as to how these influences can support the completion of the requirement.
<b>Supporting Material</b>
PI 11/2014 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad

# Specified Activity Requirement

<b>Standard- this will no longer apply to those offenders who commit offences and are sentenced after commencement of the Offender Rehabilitation Act</b>
<i>The offender is prepared for the activity requirement and undertakes the requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him /her including its duration and potential benefits</li> <li>• The offender understands what is required to complete the requirement</li> <li>• The offender is motivated to complete the requirement</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking the requirement</li> </ul> <p>Implementation</p> <ul style="list-style-type: none"> <li>• The offender commences the requirement as planned</li> <li>• Offender compliance with the requirement is promoted</li> <li>• Offender motivation to complete the requirement is sustained</li> <li>• Changes of offender risk and/or relevant personal circumstances are shared with relevant parties and action to address changes is taken</li> <li>• The offender completes the requirement before the end of the order</li> <li>• On completion the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the requirement provider</li> </ul>
<b>Rationale and Evidence Base</b>
The range of activities that may be included in this requirement is broad, and thus gives providers the scope and flexibility to be innovative within a defined number of days as specified by the court. The focus of the requirement is to address criminogenic needs for the purposes of rehabilitation and achieving a reduction in the likelihood of re-offending.
<b>Supporting Material</b>
NOMS guidance and service specification

# Supervision Requirement as a requirement of a community order

<b>Standard</b>
<i>This will no longer apply to those offenders who commit offences and are sentenced on or after commencement of the Offender Rehabilitation Act</i>
<i>The offender is prepared for the supervision requirement</i>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of the requirement on him /her including its duration and potential benefits</li> <li>• The offender understands how the requirement will contribute to achieving the objectives of the plan</li> <li>• The offender is motivated to complete the requirement</li> <li>• The needs of the offender to be addressed in the requirement are confirmed</li> <li>• The needs of the offender to be addressed in the requirement are consistent with the risks s/he presents and the other requirements of the order</li> <li>• Preparation is made for the offender to undertake the requirement at an intensity and contact level consistent with risk and need</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The supervision requirement is the most flexible of all requirements and therefore requires clarification of expectations from the outset. This standard assumes the separate delivery of the supervision requirement from the management of the community or suspended sentence order. The supervision requirement is conceived as an intervention to promote the rehabilitation of the offender without requiring the intensity of specialist interventions such as the drug rehabilitation requirement or an accredited programme. Delivery may be via the officer or may be offered by a different provider.</p> <p>As with other requirements it is necessary for the officer to prepare the offender for the expectations of the supervision requirement. This will include confirmation of the needs to be addressed and a schedule of contact through which to undertake the work.</p> <p>The OMCCS found that offenders were more likely to report greater motivation to complete the requirement when they had longer meetings with their Offender Manager and where they discussed more topics with their Offender Manager. No significant relationship was found between meeting length and re-offending rate, although when other factors were taken into account, meetings lasting 10-19 minutes were associated with an increased probability of offending than those whose meetings lasted an hour or more</p>
<b>Supporting Material</b>
PI 14/2010 NOMS Service Specification 'Deliver the Supervision Requirement'

## Supervision Requirement

<b>Standard</b>
<i>The offender undertakes the supervision requirement</i>
<b>Practice Guide</b>

- The offender commences the requirement as planned
- The offender undertakes the requirement at the planned intensity
- Offender learning from the requirement is reinforced
- Offender compliance with the requirement is promoted
- Offender motivation to complete the requirement is sustained
- Reciprocal communication is maintained between the officer and those involved in delivering the requirement
- Relevant parties are aware of offender progress on the requirement, including attendance and participation
- Changes of offender risk and/or relevant personal circumstances are shared with relevant parties
- Action is taken to address specific risks, needs and non-compliance, including communication with relevant agencies
- On completion the effectiveness of the requirement is evaluated, drawing on the views of the offender and on information from the requirement provider
- The offender undertakes the requirement at an intensity and contact level consistent with risk and need
- The Police and other key stakeholders are notified of the termination of the requirement

#### **Rationale and Evidence Base**

Although the supervision requirement is flexible and is usually delivered on an individual basis, the planned schedule still needs to be delivered within a clear timescale and to agreed expectations. The officer will help to keep the requirement focused by motivating the offender and preparing her/him for the work to be undertaken. In particular the officer can separately address any obstacles to delivery, especially those which will disrupt the learning experience, such as loss of accommodation.

In many instances the officer will be delivering the requirement as well as managing the order. In those circumstances s/he will need to maintain a balance between responding to the offender's changing circumstances and keeping focused on the delivery schedule. The balance is a matter for the professional judgement of the officer, but may be best achieved by dedicating sessions solely to the delivery of the requirement.

Findings from the OMCCS suggest that missed appointments early in the sentence provided a useful warning of re-offending, as those who had missed appointments were more likely to re-offend than those who did not. Re-offending was also related to meeting length and frequency, with evidence that those who met their Offender Manager once a week were more likely to re-offend than those who met them once every two to three weeks. This is likely due to Offender Managers using professional judgement to manage higher-risk offenders more closely to try and prevent re-offending or breach.

#### **Supporting Material**

PI 14/2010 SBC Service Specification 'Deliver the Supervision Requirement'

# Unpaid Work Requirement/community payback

<b>Standard</b>
<i>The offender is prepared for the unpaid work requirement</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 12/2014</a>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender understands the expectations of Community Payback (CP) on him/her including its duration and potential benefits;</li> <li>• The offender is motivated to complete CP</li> <li>• There is sufficient contact between sentence and commencement to prepare the offender for undertaking CP</li> <li>• Arrangements for commencement of CP are agreed between all parties;</li> <li>• The CP provider receives and acts upon information about offender risk and need relevant to the delivery of that requirement;</li> </ul>
<b>Rationale and Evidence Base</b>
<p>The primary sentencing purpose of CP is punishment, requiring the offender to undertake demanding work, which is of benefit to the community. The rigorous nature of the sentence is reinforced by obligations on providers to start the requirement promptly and deliver to a specified intensity. The Officer will take a lead role in addressing the obstacles that might interfere with participation.</p> <p>Offenders are required to commence work within 7 working days of date of allocation. Induction and other related appointments such as health and safety should be delivered to support the offender to attend their 1<sup>st</sup> work session within the specified timescale.</p>
<b>Supporting Material</b>
<p>Operating Manual for Community Payback version: P3.3 dated March 2015</p> <p>PI 12/2014 Community Payback High Visibility Tabards</p>





<b>Standard</b>
<i>The offender undertakes the unpaid work requirement</i>
<b>Mandatory Minimum Requirements</b>
The relevant Probation Instruction detailing mandatory minimum actions can be found here <a href="#">PI 12/2014</a>
<b>Practice Guide</b>
<ul style="list-style-type: none"> <li>• The offender commences Community Payback (CP) as planned;</li> <li>• The offender undertakes CP at the planned intensity;</li> <li>• Offender learning from CP is reinforced;</li> <li>• Offender compliance with CP is promoted;</li> <li>• Offender motivation to complete CP is sustained;</li> <li>• Reciprocal communication is maintained between the officer and those involved in delivering CP;</li> <li>• Relevant parties are aware of offender progress on CP, including attendance and participation;</li> <li>• Changes of offender risk and/or relevant personal circumstances are identified and shared with relevant parties;</li> <li>• Action is taken to address specific risks, needs and non compliance, including communication with relevant agencies;</li> <li>• The offender completes CP before the end of the order;</li> <li>• On completion the effectiveness of CP is evaluated, drawing on the views of the offender and on information from the CP provider;</li> </ul>
<b>Rationale and Evidence Base</b>
<p>There is an obligation on the offender to complete their hours within 12-months of a community order/suspended sentence order and every effort should be made to do so to reinforce the punitive element of community payback. For community orders, where circumstances have prevented attendance at the required level and it becomes apparent that the requirement will not be completed within 12 months it is good practice to return the order to court to apply for an extension to enable the unworked hours to be completed. Extending the order is an extension for the purposes of completing unworked unpaid work hours and does not extend any other requirement (where you have a multi-requirement order). Where there is no reasonable prospect that the offender can complete the hours then revocation and re sentence should be considered.</p> <p>There is no legal provision to extend a suspended sentence order to complete unworked hours beyond the operational period of the SSO (the SSO end date). Where it becomes apparent that the SSO will terminate with outstanding hours the</p>

order should be returned to court for the requirement to be varied.

In delivering the sentencing purpose of punishment the officer and provider of Community Payback will seek to maximise opportunities for rehabilitation. This can be achieved by the offender learning work related skills when completing the placement, or by improving her/his educational qualifications as part of the hours on the requirement. Even the interaction between the supervisor and the offender can provide positive models of behaviour to the offender, which s/he can subsequently apply outside the Community Payback setting. The Officer will build on this learning and help the offender to apply it in other settings.

The OMCCS found that offender attitudes towards and compliance in unpaid work were influenced by their involvement in the process; offenders who felt their opinions had been listened to 'a lot' or 'a little' felt the unpaid work would benefit the community more than those who felt their opinions had not been considered. Their perceptions of the extent to which their views were taken into account also influenced how likely they were to feel unpaid work would make them less likely to re-offend. However, there were no significant differences in re-offending rates between those who fully attended their unpaid work and those who did not.

#### **Supporting Material**

Operating Manual for Community Payback version: P3.3 dated March 2015

PI 12/2014 Community Payback High Visibility Tabards

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