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Service Specification for

Deliver Exclusion Requirement

Service Specification Document

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

1. Service Specification Document

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Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview Publication	28-10-2011
P2.0	Go-live publication: references updated in line with new Probation Instruction. Reference to supporting documents updated in section 9 on page 6.	30-03-2012
AFP1.0	<p>Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with the Rehabilitation Programme.</p> <p>Key changes made to the specification:</p> <ul style="list-style-type: none"> • Amendments made to Definition of Service, Service Elements in scope and out of scope to support the inclusion of electronic and non-electronic exclusion requirements. Standard wording inserted relating to equalities and female offenders • Dependent Service Elements amended to reflect the enforcement of breaches • Amendments made to Strategic Context to give an overview of the National Probation Service, with references to the Electronic Monitoring contracts and The Crime and Courts Bill • Reference to Supporting Documents refers to contract documentation and protocols. • Example measurement method for commissioners: Updated in line with the performance and assurance framework. <p>National Minimum Table:</p> <ul style="list-style-type: none"> • Output rows 3 (Compliance with local procedures), 4 (Lines of Communication) and 6 (The Offender is notified) (Version P2.0) deleted, to reflect consolidation 	10-03-2014

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	<p>of offender management outputs in the 'Manage the Sentence for a CO/SSO' specification</p> <ul style="list-style-type: none"> • Output 5 (version P2.0) moved to Annex A (now Output 27) to apply to non-EM exclusion requirements only • Service elements added to capture both electronically monitored and non-electronically monitored exclusion requirements. • New Annex A: Non-Electronically Monitored Curfew Requirements inserted. These outputs (rows 21-27): are largely offender management outputs but are included as they are very specific around information sharing. 	
P3.0	Go live version. No significant changes made. Minor updates to strategic context.	03-06-2014
P3.1		13-07-2017
P3.2	Updated to MoJ and further terminology updates	04-12-2017

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Introduction to Deliver Exclusion Requirement Specification

1.	Service Name	Deliver Exclusion Requirement
2.	Key Outcome(s) for Service	<ul style="list-style-type: none"> • The requirement is completed • The offender is punished • The public is protected
3.	Definition of Service	<p>The exclusion requirement is a provision prohibiting the offender from entering a place specified in the Order for a specified period.</p> <p>Section 205 of the Criminal Justice Act (CJA) 2003 provides the legislative base for the exclusion requirement as one of a menu of requirements that can be attached to a Community Order (CO) or Suspended Sentence Order (SSO).</p> <p>The National Implementation Guidance (PC 25/2005) states that the main purposes of an exclusion requirement are punishment and public protection. The CJA 2003 states that for a CO, the period specified must not be more than two years, and sentencing guidelines suggest the length of the exclusion should be:</p> <ul style="list-style-type: none"> • Up to two months for low seriousness • About six months for medium seriousness • About twelve months for high seriousness <p>The main purposes sit alongside the overarching objective of the reduction of crime, achieved either through rehabilitation or deterrence via the punitive impact of exclusion requirements.</p> <p>The exclusion requirement can be utilised as either a single requirement or as one of two or more requirements depending on the seriousness of the offence, covering the range of seriousness levels from low to medium and high.</p>
4.	Service Elements In Scope	<p>Service elements for electronically monitored exclusion requirement:</p> <ul style="list-style-type: none"> • The requirement is initiated <p>Electronic Monitoring Service Management of Notifications</p>

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		<ul style="list-style-type: none"> • Service User Induction • Installation of EM Equipment • Monitoring • Visits to Offenders • Monitoring Violations • Breach Action • De-installation • Female Offenders <p>Service elements for non-electronically monitored exclusion requirement:</p> <ul style="list-style-type: none"> • Organisational Liaison • Offender Management • Liaison with stakeholders • Enforcement of Exclusion Requirement • The requirement is terminated
5.	<i>Out of Scope Service Elements</i>	<p>Pre-sentence assessment, report preparation and court work.</p> <p>The role of NOMS commissioners and contract managers in developing, supporting and managing the electronic monitoring scheme as a whole.</p>
6.	<i>Dependent Service Elements</i>	<p>The management of the CO or SSO underpinning the exclusion requirement, including creating and terminating the Order, allocating to a responsible officer, checking for safeguarding and domestic violence alerts and enforcement and transfers of the Order (these elements are covered in the specification Manage the Sentence for a Community Order or Suspended Sentence Order).</p> <p>The outputs concerning how offenders made subject to exclusion requirements understand their obligations, and how the sentence will proceed, are contained in the 'Court Work other than Assessments & Reports'specification.</p> <p>Enforcement action is the responsibility of the National Probation Service (except where the responsible officer</p>

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		attends as a witness in a not guilty plea) and is contained in the 'Court Work other than Assessments & Reports' specification.
7.	Strategic Context	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, offender management of MAPPA/high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider and staff working in prisons that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>New electronic monitoring contracts are due to go live in 2018/19GPS monitoring will then be available to help manage compliance with an exclusion zone..</p> <p>Where a court makes a CO or SSO imposing an exclusion requirement, the court must also impose an electronic monitoring requirement, unless (as defined by section 215 of the CJA 2003):</p> <p>A) It is prevented from doing so by section 215(2) or 218(4), or</p> <p>B) In the particular circumstances of the case, it considers it inappropriate to do so</p> <p>A pre-sentence report is not legally mandatory, but the CJA 2003 National Implementation Guide stipulates that one would be advisable in cases where a significant risk of harm is identified. Nevertheless, the sentencing court must consult the National Probation Service before making such a requirement.</p> <p>Targeting</p> <p>The dual aim of punishing the offender and maximising public protection result in the targeting criteria for the exclusion requirement being very wide. It is used for lower risk offenders, convicted of crimes characterised by anti-social behaviour, for example football vandalism. The requirement is also deployed for the highest risk offenders who are unsuitable for other interventions or as part of a package.</p> <p>Scale, Cost and Risk</p> <p>The exclusion requirement currently accounts for only one percent of all requirements made, and the extent of its use by courts varies across England and Wales.</p>

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		<p>Part 1 of the Crime and Courts Act 2013 amended the Criminal Justice Act 2003 (s.177 community orders), requiring a mandatory punitive element to be included in every community order, except in exceptional circumstances. An exclusion requirement would usually be expected to have a punitive impact on an offender.</p> <p>Equalities</p> <p>Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay ‘due regard’ to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.</p> <p>Female Offenders</p> <p>Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives on Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.</p>
8.	Flexibility	All the outputs in this specification are mandatory – referred to as the National Minimum .
9.	Reference to Supporting Documents	Delivery of this service is detailed in contract documentation and protocols as agreed between NOMS and electronic monitoring providers.
10.	Example Measurement/ Assurance Method for Commissioners	Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.
11.	References for	Statutory

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	<i>Detailed Mandatory Instructions</i>	<p>National Standards 2011 [revision pending] state that an offender who is made the subject of an exclusion requirement is prepared for and undertakes the requirement.</p> <p>Policy</p> <p>The National Implementation Guidance PC 25/2005 provides information regarding the process for making the Order, and guidance for court officers, report writers and offender managers and model combinations of requirements. Where it is assessed as appropriate, use of the exclusion requirement can be proposed alongside a supervision requirement to support and reinforce desired changes in behaviour. Although a report is not mandatory, it would clearly be advisable in cases where a significant risk of harm is identified.</p>
12.	<i>References for Non-Mandatory Guidance</i>	None identified.
13.	<i>Review Cycle</i>	Review cycle to be determined.

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Specification

National Minimum

Row	Service Element	Outputs/Output Features	Applicable Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
1.	The requirement is initiated	The police are sent written notification of the offender's name and the length and scope of the requirement.	All	Compliance Enforcement	Contract Management and/or Audit	PI 03/2012	
2.	The requirement is initiated	Other key stakeholders are notified in writing of the offender's name and the length and scope of the requirement.	All	Compliance Enforcement	Contract Management and/or Audit		
3.	Electronic Monitoring Service (EMS)	An EMS is provided to monitor notified offenders.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
4.	Electronic Monitoring Service (EMS)	The EMS triggers an immediate alert if the offender comes within a configurable distance of the exclusion zone and a further alert if they enter the exclusion zone or there is tampering with equipment.(as part of the new 18/19 contracts)	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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Row	Service Element	Outputs/Output Features	Applicable Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
5.	Electronic Monitoring Service	A system is available at all times (24/7) to deal with enquires from offenders and authorised agencies (as part of the new 18/19 contracts)	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
6.	Electronic Monitoring Service	The Service provides a technical support service to field monitoring staff at all times (24/7).	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
7.	Management of Notifications	A facility to receive court notifications of offenders who are to be monitored is continuously available.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
8.	Management of Notifications	Incorrect/incomplete notification information and potential implementation difficulties are addressed within prescribed timescales.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
9.	Service User Induction	Information about electronic monitoring explaining the arrangements that apply is provided to each offender as part of the induction process.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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Row	Service Element	Outputs/Output Features	Applicable Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
10.	Installation of EM Equipment	The identity of the offender is confirmed before installation commences.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
11.	Installation of EM Equipment	The equipment is installed/fitted within the prescribed timescales of the contract.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
12.	Installation of EM Equipment	The monitored area is based on a pre-defined geospatial area(s) (as defined in the Order or Licence).	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
13.	Monitoring	Notified offenders are continuously electronically monitored until the requirement ends or is revoked.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
14.	Monitoring	EM equipment will, if required, be repaired or replaced at the time of the visit to investigate a potential tamper violation or equipment fault.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
15.	Visits to Offenders	Visits to offenders should be made at reasonable times for both parties	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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Row	Service Element	Outputs/Output Features	Applicable Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
16.	Monitoring Violations	Potential non-compliance with the EM requirement is followed up, as laid out in the contract and within the timescales prescribed.	All offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
17.	Breach Action	Where required, EM staff attend court to give evidence within timescales prescribed within the contract.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
18.	De-installation	Subject to being informed, EMS will cease monitoring on the day the EM requirement ends or is revoked. The equipment will be removed in accordance with timescales in the contract. depending on the time the notification is received	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	
19.	De-installation	On the day the EM requirement ends or is revoked the EMS equipment is returned/recovered.	All Offenders with an EM requirement		Contract Management and/or Audit	Contract Documentation	

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20.	Female Offenders	A female member of staff is present during the whole of each visit to a female offender (when the premises are entered).	Female Offenders with an EM requirement	Female Offenders	Contract Management and/or Audit	Contract Documentation	

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

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

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Row	Service Element	Outputs / Output Features	Applicable Offender Types	Policy Theme	Example Methods of Measurement / Assurance for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
24.	Liaison with Stakeholders	Other key stakeholders receive written confirmation of the offenders name/address and length/scope of the exclusion requirement and the contact details of the offender manager at the earliest opportunity to assist risk management and enforcement liaison.	Offenders with a non-electronically monitored exclusion requirement		Contract Management and/or Audit	PI 12/2011	
25.	Enforcement of Exclusion Requirement	Appropriate enforcement action is taken within prescribed timescales in response to a violation notification from the police.	Offenders with a non-electronically monitored exclusion requirement		Contract Management and/or Audit	PI 12/2011	
26.	Enforcement of Exclusion Requirement	Police are informed as to outcome of their violation notification.	Offenders with a non-electronically monitored exclusion requirement		Contract Management and/or Audit	PI 12/2011	

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27.	The requirement is terminated	The police and other key stakeholders are notified of the termination of the requirement.	Offenders with a non-electronically monitored exclusion requirement	Compliance Enforcement	Contract Management and/or Audit	PI 03/2012	