

Service	Deliver Residence Requirement	Version	P2.2
Document	Service Specification	Sign-off Complete	MCB-OCT



Service Specification for

Deliver Residence 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. Updated reference to supporting documents in section 9.	30-03-2012
P2.1	Supporting documents: reference to operating model, cost spreadsheet and direct service costs and assumptions removed, as these are now outdated.	20-01-2014
P2.2	Rebadged and references to Probation Trusts update to National Probation Service. Reference to MAPPA guidance update to record that it is currently under review. Any reference to Probation Circulars removed	18-04-2017

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Introduction to the Deliver the Residence Requirement Specification

1.	Service Name	Deliver Residence Requirement
2.	Key Outcome(s) for Service	<ul style="list-style-type: none"> • The requirement is completed • Reoffending is reduced • The risk of harm is reduced
3.	Definition of Service	<p>To ensure delivery of a residence requirement as part of a Community Order.</p> <p>Section 206 of the Criminal Justice Act 2003 provides the legislative basis for the residence requirement as one of twelve requirements that can be attached to a Community Order (CO) or Suspended Sentence Order (SSO).</p> <p>In law, responsibility must be assigned to a responsible officer (CJA 2003, S.197). The term 'offender manager' is used throughout this specification since it is a well-recognised term, is provider neutral, and fully encompasses (but is not restricted to), responsible officer tasks.</p> <p>Section 206 of the CJA 2003 states that an offender subject to a residence requirement:</p> <ul style="list-style-type: none"> • Must reside at a place specified by the Order • If the Order so provides, a Residence Requirement does not prohibit the offender from residing, with the prior approval of the 'Responsible Officer', at a place other than that specified in the Order • Before making a requirement, the court must consider the home surroundings of the offender <p>The court may not specify an approved premises or other institution as a place where the offender must reside, except on the recommendation of an officer of the local Probation Board.</p> <p>The purpose of the residence requirement is both rehabilitation and public protection which sit alongside the overarching objective of reduction of crime.</p> <p>The length of the requirement should be influenced by the seriousness of the offence, with a maximum duration of three years for a requirement attached to a CO and two years for one linked to an SSO.</p>

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		The requirement can be utilised as both a stand-alone requirement or as one of two or more requirements. It can be utilised by courts for a continuum of seriousness levels, ranging from medium to high.
4.	<i>Service Elements in Scope</i>	<ul style="list-style-type: none"> • The requirement is initiated • Statutory enforcement action is taken for failure to comply • The requirement is terminated
5.	<i>Out of Scope Service Elements</i>	Pre-sentence assessment, report preparation and court work.
6.	<i>Dependent Service Elements</i>	<p>The management of the CO or SSO underpinning the residence requirement, including creating and terminating the Order, allocating to an offender manager, checking for safeguarding and domestic violence alerts and enforcement and transfers of the Order (these elements are contained in the specification 'Manage the Sentence for a Community Order/Suspended Sentence Order').</p> <p>The outputs concerning how offenders made subject to residence requirements understand their obligations, and how the sentence will proceed, are contained in the specification 'Court Work other than Assessments and Reports'.</p> <p>The prosecution of breaches for stand-alone requirements (except where the offender manager attends as a witness in a not guilty plea) are covered in the Court work other than Assessments and Reports specification.</p>
7.	<i>Strategic Context</i>	<p>The commissioning of a pre-sentence report before a residence requirement is made is not legally prescribed.</p> <p>Residence at approved premises automatically includes a supervised curfew as part of the approved premises' rules. This curfew is not a separate requirement attached to the CO or SSO.</p> <p>It is important to emphasise the distinction between making a residence requirement at the offender's home, and the use of a curfew requirement. The former might be undertaken where the court wishes to ensure that the offender lives at a specific location or with certain people as opposed to at an alternative address which would be unsuitable. This stipulation does not require the offender to be home at any time. A curfew requirement would be necessary for this stipulation. The residence requirement must specify the place of residence, but if so worded, it may allow the offender to live at a place other than that specified within the</p>

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		<p>Order, with the prior approval of the offender manager.</p> <p>There is no mandate for ongoing contact with the offender.</p> <p>Targeting</p> <p>The dual roles of offender rehabilitation and maximising public protection result in targeting criteria being broad. The requirement can be used for medium and serious crimes that are commensurate with a CO or SSO. It can be used for a serious offence where the offender is resident at approved premises or middle range crimes where the requirement stipulates the offender live with parents or relatives or others, as part of a package to secure rehabilitation.</p> <p>Scale and Risk</p> <p>The residence requirement accounts for only one percent of overall requirements made. The extent of its use by courts varies significantly across England and Wales. Although they are low in volume and have a low level of input, they nevertheless rely on good communication to minimise further offending.</p> <p>Government proposals in 2010 to strengthen community sentences suggest that the use of residence requirements could be set to increase in the future (see 'Breaking the Cycle' Ministry of Justice Green Paper, December 2010).</p> <p>The policy on delivery of this requirement is being updated in consultation with National Probation Service and other stakeholders.</p>
8.	<i>Flexibility</i>	All the outputs in this specification are mandatory – referred to as the National Minimum .
9.	<i>Reference to Supporting Documents</i>	None.

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10.	<i>Example Measurement/ Assurance Method for Commissioners</i>	<p>The specification identifies examples of methods for Commissioners to measure/obtain assurance on the delivery of the outputs/output features. Where an output or output feature does not have Performance Indicator(s) or Management Information associated with it, then it is proposed that it should be covered by Contract Management and/or more specific audits of the Service.</p> <p>Contract Management refers to the Commissioner, under the terms of the Contract, exercising appropriate oversight and monitoring of Contract compliance against the service. Audit may refer to individual reviews of compliance commissioned by Commissioners or to service wide reviews, by MOJ Internal Audit and Assurance, of a key process contributing to the delivery of an outcome in a Service Specification.</p>
11.	<i>References for Detailed Mandatory Instructions</i>	<p>This Specification is supported by Probation Instruction (PI) 03/2012- Deliver Residence Requirement Specification, Deliver Prohibited Activity Requirement Specification and Deliver Exclusion Requirement Specification.</p> <p>National Standards 2011 stipulate that an offender subject to a requirement is prepared for and undertakes the requirement.</p>
12.	<i>References for Non-Mandatory Guidance</i>	
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 details of the requirement.	All	Compliance Enforcement	Contract Management and / or Audit	PI 03/2012	
2.	The requirement is initiated	Other key stakeholders are sent written notification of the details of the requirement.	All	Compliance Enforcement	Contract Management and / or Audit	PI 03/2012	
3.	The requirement is initiated	Compliance with local and national inter-agency procedures and protocols contributes to the protection of the public.	MAPPA Category 1 (registered sexual offenders) and Category 3 (other dangerous offenders)	Public Protection	HMI Probation OMI Reports	Criminal Justice Act 2003 sections 325 - 327 MAPPA Guidance 2009 (Currently being reviewed)	

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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
4.	Statutory enforcement action is taken for failure to comply	Lines of communication with police and other key stakeholders are maintained.	All	Compliance Enforcement	Contract Management and / or Audit	PI 03/2012	
5.	The requirement is terminated	The police and other key stakeholders are notified of the termination of the requirement.	All	Compliance Enforcement	Contract Management and / or Audit.	PI 03/2012	
6.	The requirement is terminated	The offender is notified of the termination of the requirement.	All	Compliance Enforcement	Contract Management and / or Audit	PI 03/2012	