

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



Service Specification for

Deliver Prohibited Activity 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reference to operating model, cost spreadsheet and direct service costs and assumptions removed, as these are now outdated.	20-01-2014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 where appropriate. Probation Trusts updated to National Probation Service. Reference to Probation Circulars removed. MAPPA Guidance reference updated as under review. Reference to ORA amended in line with changes	31-03-2017

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Introduction to the Deliver Prohibited Activity Requirement Specification

1.	Service Name	Deliver Prohibited Activity 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>Ensure delivery of a prohibited activity requirement as part of a Community Order.</p> <p>The Prohibited Activity (PA) is a requirement wherein the offender must refrain from participating in the activities specified in the order:</p> <p>a) on a day or days so specified, or b) during a period, so specified</p> <p>Section 203 of the Criminal Justice Act 2003 provides the legislative basis for the PA as one of the twelve requirements that can be attached to a Community Order (CO) or Suspended Sentence Order (SSO).</p> <p>The Act does not specify a maximum period for this requirement. Therefore, the maximum which can apply is for the duration of the equivalent order (three years for a CO and two years for a SSO).</p> <p>The main purposes of a PA requirement are punishment and protection. Those sit alongside the overarching objective of the reduction of crime, achieved either through rehabilitation or through deterrence via the punitive impact of prohibited activity requirements.</p> <p>The PA requirement can be utilised as both a stand-alone requirement or as one of two or more requirements, depending on the seriousness of the offence, given that the requirement may be imposed for the broad continuum of low, medium and high seriousness levels.</p>
4.	Service Elements in Scope	<ul style="list-style-type: none"> • The requirement is initiated • Statutory enforcement action is taken for failure to comply • The requirement is terminated

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5.	Out of Scope Service Elements	Pre-sentence assessment, report preparation and court work.
6.	Dependent Service Elements	<p>The management of the CO or SSO underpinning the PA 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 is covered in the specification for 'Manage the Sentence for a Community Order/Suspended Sentence Order'.</p> <p>The outputs concerning how offenders made subject to PA 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 responsible officer attends as a witness in a not guilty plea) is covered in the Court work other than Assessments and Reports specification.</p>
7.	Strategic Context	<p>A pre-sentence report is not legally mandatory, but the Criminal Justice Act (CJA) 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>There is no mandate for ongoing contact with the offender.</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>Targeting</p> <p>The dual roles of punishing the offender and maximising public protection result in the targeting criteria for the PA requirement being very wide. It is used for lower risk offenders who are 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.</p> <p>Scale, Cost and Risk</p> <p>The PA requirement is one of the least used of the 12 requirements in the CJA, accounting for less than one percent of overall requirements. The extent of its use by courts varies across England and Wales. Although they are low in volume and have a low level of input, they nevertheless rely on good</p>

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		<p>communication to minimise further offending.</p> <p>Government proposals in 2010 to strengthen community sentences suggest that the use of these requirements could be set to increase in the future (see 'Breaking the Cycle' Ministry of Justice Green Paper, December 2010). The policy on delivery of this requirement is being updated in consultation with National Probation Service and other stakeholders.</p> <p>Prohibited activity can be used for a wide range of criminal activity, for example:</p> <ul style="list-style-type: none"> • Football related offending – prohibited from attending any football match • Drink related offending related to pubs in general – prohibited from entering any/or named public house or licensed premises • Prohibited from association with named individual(s) (with whom the offender might have committed offences) • Stalking or sex offending – prohibited from approaching or communicating with victim and/or family members without the general approval of the responsible officer (and/or Local Authority Social Services Department) • Sex offender – prohibited from taking work or any other organised activity, which will involve a person under the relevant age, either on a professional or voluntary basis (alternatively the court may wish to make a Disqualification Order) • Sex offender – prohibited from approaching or communicating with any child under the relevant age without the approval of the responsible officer (and/or Local Authority Social Services Department) • Sex offender – prohibited from residing (or staying for even one night) in the same household as any child under the relevant age <p>These wide-ranging examples highlight the type of agencies which may be involved with the requirement, and with whom it is necessary to ensure there are good channels of communication and appropriate information sharing. ORA 2014 Act amended the CJA 2003 to remove Prohibited Activity Requirements and replaced them with Rehabilitative Activity Requirements (RARs). Therefore, any sentences post February 2015, will no longer have an opportunity to impose these requirements.</p>
8.	<i>Flexibility</i>	All the outputs in this specification are mandatory – referred to as the National Minimum .

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9.	Reference to Supporting Documents	None.
10.	Example Measurement/ Assurance Method for Commissioners	<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.	References for Detailed Mandatory Instructions	<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>The National Standards 2011, supported by quality indicators rationale and evidence base, state that an offender who is made the subject of a PA requirement is prepared for and undertakes the requirement.</p> <p>Where it is assessed as appropriate, use of the PA 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.	References for Non-Mandatory Guidance	There is no guidance currently available.
13.	Review Cycle	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	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 (Currently under review)	
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	

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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	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	