



HM Prison &  
Probation Service

UNPAID WORK		
This instruction applies to: -		Reference: -
The Probation Service (PS)		PI 04/2019
Issue Date	Effective Date	Expiry Date
Re-issued 22 April 2024	1 October 2019	N/A
Issued on the authority of	HMPPS Operational Policy Sub-Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> HMPPS HQ</p> <p><input type="checkbox"/> Public Sector Prisons</p> <p><input type="checkbox"/> Contracted Prisons</p> <p><input checked="" type="checkbox"/> Probation Service (PS)</p> <p><input type="checkbox"/> Immigration Removal Centres (IRCs)</p> <p><input checked="" type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input type="checkbox"/> Governors</p> <p><input type="checkbox"/> Heads of Groups</p>	
Instruction type	Service Specification Support	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>This instruction sets out the requirements with respect to the delivery of Unpaid Work as a requirement of Community Orders and Suspended Sentence Orders.</p> <p>PI 04/2019 was last updated on <b>26 June 2021</b> to reflect the change of delivery from contracted Community Rehabilitation Companies to the Probation Service.</p> <p>The latest <b>April 2024</b> revision to the PI contains the following updates-</p> <ol style="list-style-type: none"> <li>1) Various stylistic changes in language/capital including left alignment and Supervised Individual to person on probation.</li> <li>2) Adding the latest Community Payback Operations Manual to Annex A.</li> <li>3) Guidance on extending and terminating Unpaid Work Requirements has been replaced with Managing and Preventing UPW Backlog to Annex B</li> <li>4) Moving section 2.9 from good practice to mandatory actions</li> </ol>	

	5) Updating links to policy documents.
<b>Contact</b>	<a href="mailto:Probationpolicy.enquiries@justice.gov.uk">Probationpolicy.enquiries@justice.gov.uk</a>
<b>Associated documents</b>	<p>Community Payback Operations Manual (V2.1, January 2024)  Policy Framework - Enforcement of Community Orders, Suspended Sentence Orders and Post-sentence supervision</p> <p><a href="#">PI 02/2016 AI 02/2016 – PS Offender Travel</a>  <a href="#">Probation Reform Programme Target Operating Model</a>  <a href="#">PI 07/2016 – AI 07/2016 – Enforcement Orders</a></p>
<p><b>Replaces the following documents which are hereby cancelled:</b> PI 04/2019; PI 12/2014 and Community Payback Practice Guidance Edition 3.7. This PI replaces all Community Rehabilitation Company Unpaid Work policies.</p>	
<p><b>Audit/monitoring:</b> Mandatory elements of instructions must be subject to management checks as judged to be appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit and assurance programme that will audit against mandatory requirements and good practice to an extent and at a frequency determined from time to time through the appropriate governance.</p>	
<p><b>Introduces amendments to the following documents:</b> N/A</p>	
<p><b>Notes:</b> All Mandatory Actions throughout this instruction are in <i>italics</i> and must be strictly adhered to.</p>	

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## 1. **Executive summary**

- 1.1 This Instruction replaces PI 04/2019. It clarifies the expectations regarding delivery of Unpaid Work requirements as part of a Community Order or Suspended Sentence Order by the Probation Service.
- 1.2 To ensure Unpaid Work placements are responsive to individual needs and help secure better outcomes for both individuals and communities, the assessment and induction process align work placements to an individuals' risk and need. This enables better engagement and helps placements commence promptly. A focus on providing good-quality local placements will enhance local Community Payback and enable placements to meet diverse needs and increase successful completions. A new emphasis on utilising a proportion of Unpaid Work hours for vocational skills training (where relevant) will provide individuals with inbuilt learning and rehabilitative opportunities, thereby supporting them in making meaningful and lasting changes to their lives. The Community Payback model also aims to increase sentencer confidence in the effectiveness of Unpaid Work, thereby encouraging the use of community sentences as a robust alternative to custody.
- 1.3 There is now a greater emphasis on consideration of groups with protected characteristics and specific needs. This includes ensuring that women subject to Unpaid Work are offered the choice not to be placed in an all-male work environment and female only and individual placements will be sourced where required. Further specific considerations for women should include pregnancy, maternity, and the perinatal period. A robust initial assessment of supervised individuals now provides the Unpaid Work team with a clearer understanding of their needs.
- 1.4 Performance measures are in place to support these aims and ensure:
- Prompt completion of a risk and needs analysis by the Probation Practitioner to support allocation to a suitable placement.
  - Prompt completion of the Unpaid Work induction to ensure people on probation commence Unpaid Work without delay.
  - Minimal use of stand downs or sessions cancelled on the day to maintain motivation.
  - Completion on Unpaid Work hours within twelve months of sentence; supported by management information and progress reviews at six and nine months<sup>1</sup>
- 1.5 Each of the twelve Probation regions in England and Wales have the same core staffing structure<sup>2</sup>; comprising Administrators, Supervisors, Placement Coordinators, Probation Practitioners, Operations Managers, and a Head of Unpaid Work.

### Desired outcomes

- 1.6 This Instruction supports the overarching design principles set out in the Government White Paper, 'A Smarter Approach to Sentencing' 2020 and the Probation Reform Programme's Target Operating Model.

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<sup>1</sup> It is good practice in cases with 200+ hours to carry out an initial progress review at the three-month point.

<sup>2</sup> Within the defined core staffing structure Regional Probation Directors can drive further improvements through creation of additional bespoke roles.

Application

- 1.7 This PI applies to all PS Regions within England and Wales. Regional Probation Directors (RPD's) must ensure all PS staff involved in the delivery of Unpaid Work adhere to this Instruction.

Resource Impact

- 1.8 To ensure the continuity of processes required to deliver the Unpaid Work requirement, this instruction has been updated and the resources identified.

(Approved for Publication)

**Kim Thornden- Edwards**  
**Executive Director Probation and Women, Probation Service**

## 2. **Operational instructions**

- 2.1 The Unpaid Work Team will be notified by the PS Court team of all new Unpaid Work requirements post-sentence.
- If the individual is sentenced to a single requirement of Unpaid Work, they will be allocated to a Probation Practitioner within an Unpaid Work team<sup>3</sup> if those arrangements are in place in the relevant probation region.
  - If the individual is sentenced to a multiple requirement order, with Unpaid Work, they will be allocated to a Probation Practitioner within a sentence management team.

### Mandatory Operational actions

- 2.2. *The Probation Practitioner must complete an assessment of risk and need prior to induction and commencement of unpaid work. This assessment is required to ensure the Placement Coordinator can allocate the person on probation to an appropriate placement.*
- 2.3. *Individuals undertaking Unpaid Work must attend a full induction prior to their first work session. The induction will provide information and instruction on Unpaid Work rules and regulations, compliance, expectations of behaviour and health and safety. The first work session may include induction activities, but the greater part of the session and work sessions thereafter must be devoted to work which benefits the community.*
- 2.4. *All people on probation must be instructed to work a minimum of seven hours per week. For unemployed individuals who are not in training or education, arrangements must be put in place (where capacity allows) for them to increase their hours up to 28 hours per week.*
- 2.5. *Staff responsible for the delivery of Unpaid Work must ensure there are proactive arrangements in place to support the delivery and completion of all hours within twelve months of sentence (irrespective of length of Order). This must include consideration of diverse needs such as ensuring that the person on probation is enabled to properly understand the instructions they are given, that any disability is taken into account in the expectations placed upon them and, if necessary, reasonable adjustments are made consistent with the Public-Sector Equality Duty and Equality Act 2010. Unpaid Work staff must ensure that caring responsibilities, religious commitments, and health limitations are taken into consideration when placements are arranged to avoid accruing a large number of acceptable absences. In particular, personal and domestic circumstances must be taken into consideration, as well as factors such as pregnancy and post-birth considerations.*
- 2.6. *A health and safety risk assessment must be undertaken for all Community Payback work placements by a suitably trained person prior to the commencement of work.*
- 2.7. *Staff responsible for the delivery of Unpaid Work must ensure that individuals undertaking work on Community Payback projects that are visible to the public wear high visibility tabards. Guidance on the design specification and the use of high visibility vests can be found in [Annex C](#).*

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<sup>3</sup> The decision to have a dedicated Unpaid Work teams lies with the Regional Probation Director and single requirement cases may therefore be allocated to a generic sentence management team or alternative.

- 2.8. *Probation Practitioners must review the progress made by each person on probation at the six month and nine month stage of the requirement to ensure timely completion.*
- 2.9. *To increase visibility and public confidence in Community Payback, liaison under the Duty to Consult legislation must take place annually with local forums such as the PCC and Community Safety Partnerships.*

#### Good Practice

- 2.10. Peer mentoring has achieved some success assisting, encouraging and supporting people on probation throughout induction and on placements. Unpaid Work staff shall continue to develop and maximise the potential of this work.
- 2.11. Staff responsible for the delivery of Community Payback shall ensure placements are recognised by members of the public as credible and demanding, whilst providing tangible benefits to the local community with the ability for local communities to nominate work placements.
- 2.12. Unpaid Work inductions are to take place with a maximum travel time for people on probation of sixty minutes. Travel time to placements shall be a maximum of 90 minutes each way, of which a maximum of sixty minutes each way can be spent under supervision (usually on a PS vehicle) and credited against the sentence of the court<sup>4</sup>. The maximum travel time should be limited to exceptional circumstances and recorded as such on the case recording system. Where women and other carers identify that travel-time impacts on caring responsibilities, appropriate placements and travel arrangements will be sought to minimise this impact.
- 2.13. Community Payback staff shall place a stronger emphasis on the opportunity to use a proportion of an individual's Unpaid Work hours on vocational skills training, to ensure that those eligible realise the rehabilitative potential of Unpaid Work through gaining work-related skills.

Community Payback staff will inform the Probation Practitioner within one business day of any failures to attend or other compliance issues so that enforcement decisions can be made.

- 2.14. Guidance on what action to take when Unpaid Work hours have been completed and how/when to request an extension from the court if completion within in twelve months appears unlikely can be found in [Annex B](#).
- 2.15. The Regional Probation Director shall ensure there is resource in place to provide out of hours support for staff and Host Partners delivering Unpaid Work placements.

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<sup>4</sup> Where supervised individuals make their own way to a work placement, they can be credited up to a maximum of 60 minutes travel time against their Unpaid Work hours. This must be accurately recorded on NDelius as travel time and not against a placement.

## Annex A

**Community Payback Practice Guidance: Good practice when delivering the sentence of Unpaid Work**

The Community Payback Operations Manual is subject to regular up-dates and can be accessed through Equip:

[Community Payback Operations Manual 2024](#)

Practitioners should ensure that they are accessing the most up-to-date version of this document.

## Annex B

**Guidance on Managing the Unpaid Work Backlog**

This guidance is to support all staff involved in the management of UPW requirements on Community Orders (CO), Youth Rehabilitation Orders (YROs), Military Orders, Scottish Orders and Suspended Sentence Orders (SSO). It applies to both live requirements and those that are beyond their 12 month point from the date of sentence (backlog).

Irrespective of the length of the CO or SSO; the UPW requirement must be completed within 12 months of sentence. If there are outstanding hours on the UPW requirement after the 12 months, the obligation to complete continues (and the CO remains live or for SSOs until the end of the operational period) but UPW cannot be carried out without the court extending the UPW requirement.

This guidance provides operational staff with key information to both prevent and manage backlog cases.

[Managing and Preventing UPW Backlog- EQUIP](#)

## Annex C

**Guidance on high visibility tabards****1.0 Background**

- 1.2 Distinctive high visibility tabards for individuals undertaking Unpaid Work were introduced in December 2008. The Cabinet Office publication *Engaging Communities in Fighting Crime*<sup>5</sup> had found that members of the public wanted Unpaid Work by people on probation to be more visible. The high visibility tabards were intended to enhance the visibility of the sentence, which had first been promoted when the Community Payback scheme was launched in 2005.
- 1.3 The introduction of the tabards was followed by the *Justice Seen, Justice Done* campaign which significantly raised public awareness of Community Payback. Subsequent research found that members of the public frequently referred to the high visibility tabards, when asked about Community Payback<sup>6</sup>.

**2.0 Operational Instructions**

- 2.1 Staff responsible for the operational delivery of Community Payback must ensure that people on probation working on projects that are visible to the public wear high visibility tabards unless the exemptions in paragraphs 2.7 – 2.9 are applicable.
- 2.2 The distinctive high visibility Community Payback tabards must be orange to EN471 class 2 standard with the Community Payback logo on the front and the words Community Payback on the back.
- 2.3 The Community Payback logo must be in the standard colours of purple and green with the wording Community Payback in purple beneath, or the bilingual version for Wales and must not be less than 9 cm high. On the back, the wording must be in black with the letters not less than 30mm high. For Wales the words Community Payback must appear in both English and Welsh with the lettering not less than 25mm high.
- 2.4 The above requirements are applicable to work projects supervised by Unpaid Work Supervisors and those supervised by Host Partners. Members of the public must be able to distinguish between individuals undertaking Community Payback and staff responsible for their supervision.
- 2.5 The Community Payback tabards must be used unless the work placement risk assessment identifies their use would pose a potential risk of harm to members of the public, staff or people on probation. A decision not to use the tabards must be endorsed by an Unpaid Work Operations Manager.
- 2.6 Beneficiaries of Community Payback work must be made aware of the purpose of the tabards. Any request to exempt a project from the use of the tabards must only be agreed where convincing evidence is provided on the basis of health and safety concerns, business risk to the beneficiary or suitability of the placement.

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<sup>5</sup> Engaging Communities in Fighting Crime - <http://www.official-documents.gov.uk/document/cm75/7583/7583.pdf>

<sup>6</sup> Community Payback and local criminal justice initiatives - Ministry of Justice 2010 [hThe National Archives: Community Payback](http://www.nationalarchives.gov.uk/ukrii/CommunityPayback/)

- 2.7 This instruction is applicable to all people on probation over 18 years of age. Individuals undertaking Unpaid Work as a requirement of enforcement order under the Children and Adoption Act 2006 are not required to wear the distinctive tabards and must not be worked with individuals on projects where the tabards are in scope.
- 2.8 To avoid potential issues at the first Unpaid Work session, PSR writers and PS court staff must ensure that individuals are aware of the requirement to wear the high visibility tabards before a recommendation is made for Unpaid Work in a pre-sentence report or prior to the individual leaving court following the imposition of an Unpaid Work requirement.
- 3.0 Policy and Strategic Context
- 3.1 The purpose of the tabards is to make the work visible to the public and to improve awareness of Community Payback. Visibility is intended to increase public awareness of the sentence and to provide tangible evidence that community sentences are being carried out, so improving public confidence in those sentences.
- 3.2 The purpose of the tabards is not to stigmatise or humiliate people on probation. Experience of their use suggests they are now an accepted component of Community Payback delivery. The tabards meet health and safety requirements for high visibility clothing.