

Policy name: Notification and Review Procedures for Serious Further Offences Policy Framework

Reference: N/A

Issue Date: 29 November 2021

Implementation Date: 29 November 2021

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PI 06/2018

Introduces amendments to the following documents:
Action required by:

<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input checked="" type="checkbox"/>	Heads of Group
<input type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	Probation Service	<input type="checkbox"/>	Under 18 Young Supervised Individual Institutions
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input checked="" type="checkbox"/>	Other providers of Probation and Community Services

Mandatory Actions: All groups referenced above must adhere to the requirements section of this Policy Framework, which contains all mandatory actions.

For Information:

How will this Policy Framework be audited or monitored: Mandatory elements of policy frameworks must be subject to management checks and may be subject to self or peer audit by operational line management/contract managers/HQ managers, as judged to be appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance. Operation and System Assurance Group will undertake occasional bespoke audits of high profile action plans. From 1 April 2021, HMI Probation provide an independent approach, by quality assuring a sample of reviews.

Resource Impact: The notification and review procedures for Serious Further Offences (SFO) have always applied to supervised individuals subject to any form of statutory supervision. The introduction of the Offender Rehabilitation Act (ORA) saw the number of notifications increase with supervised individuals sentenced to less than 12 months imprisonment becoming eligible for SFO processes, although this has now plateaued. However, reviews are still only completed on less than 0.5% of the probation caseload.

HMPPS have considered the changes in this revision of the SFO Procedures and completed a resource impact assessment. Each individual change does not significantly increase the resource burden on the Probation Service. In order to consider the changes taken as a whole, post-unification the Probation Workforce Programme will be conducting an activity based costings exercise to consider the overall national resource allocation for the SFO Procedures.

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CONTENTS

Section	Title	Page
1	Purpose	5
2	Evidence	6
3	Outcomes	6
4	Requirements	6
4.1	Mandatory actions	6
4.2	Notification of cases that qualify for a SFO Review	8
4.3	Completion of the early look	9
4.4	Completion of the SFO review	10
4.5	The review process	10
4.6	Period covered by the review and scope	12
4.7	Staff involvement in reviews	12
4.8	Action plans	13
4.9	Countersigning reviews	13
4.10	Action plan update	14
4.11	Quality assurance	14
4.12	Outcome of court proceedings	15
4.13	Administration, retention and storage of SFO review documentation	15
4.14	Communications in high profile cases	16
4.15	Victims	16
4.16	Victims with additional needs/ vulnerable victims	17
4.17	Death of the supervised individual	17
4.18	Cases that may not need to be reviewed	17
4.19	Parallel reviews	18
4.20	Inquests	19
5	Constraints	19
5.1	Action plans	19
5.2	Countersigning reviews	19
5.3	Victims	19
6	Guidance	19

6.1 - 6.3	Employee care	19
6.4 - 6.5	Supervised individual eligibility	20
6.6 - 6.8	Offence eligibility	21
6.9 - 6.10	Subsequent changes in eligibility	21
6.11 - 6.13	Discretionary cases	21
6.14 - 6.15	Cases that may not need to be reviewed	22
6.16	Completion of SFO notifications	22
6.17 - 6.18	Completion of the SFO review	22
6.19	Countersigning reviews	23
6.20	Handover of action plans	23
6.21 - 6.23	Action plan update	23
6.24 - 6.25	Senior management oversight	23
6.26 - 6.29	Communications strategy in high profile cases	24
6.30 - 6.34	Victims	24
6.35	Victims with additional needs/ vulnerable victims	24
6.36 - 6.38	Inquests	25
6.39 - 6.46	Quality assurance	25
6.47 - 6.48	Policy and strategic context	26

1. **Purpose**

- 1.1 Protecting the public is a key role for HMPPS. Following a supervised individual being charged with a Serious Further Offence (SFO), the Probation Service (PS) must undertake a rigorous review which investigates whether practice met expected standards and, if deficiencies are identified, how these will be addressed. The intention of SFO processes is that reviews will identify and report closely on systemic and operational issues in addition to any individual actions, in order to drive up continuous improvement, particularly where these impacted upon the delivery of the order or licence. The entitlements for victims are being considered widely in the criminal justice system. Since the introduction of the SFO Procedures, there have been increasing expectations of transparency for victims. In response, HMPPS SFO Team introduced a narrative SFO review format, that allows reviews to be written in an accessible style, which Probation now share with eligible victims following necessary redaction.
- 1.2 The SFO Procedures are intended to ensure rigorous scrutiny of those cases where supervised individuals under the management of the probation service have been charged with a specified violent, sexual or terrorist offence (please refer to the list of qualifying offences in Annex A) in order that:

- the public may be reassured that Probation are committed to reviewing their practice in cases where supervised individuals managed by them are charged with certain serious offences;
- areas for improvement and best practice are clearly identified, along with how and within what timescales action will be taken in respect of the former and what will be expected to improve as a result;
- victims and their families can be provided with relevant information on how the individual was supervised and where there were shortcomings, how action to drive improvements has been, or will be, taken and;
- Ministers, other senior officials and managers and the wider MoJ can be informed of high profile cases.

This Policy Framework sets out the processes that must be followed when a supervised individual appears in court charged with a qualifying serious further offence. Please refer to the operational guidance at Annex B for further information.

- 1.3 From 1 April 2021, HMI Probation have provided additional independence to the SFO Procedures through quality assuring about 20% of all completed reviews and delivering benchmarking events.
- 1.4 HMPPS would like to acknowledge the work of Nadine Marshall in memory of her son Conner, who was eighteen years old when he was brutally murdered in March 2015 by an individual subject to probation supervision in the community. Mrs Marshall has campaigned tirelessly for greater access to information and transparency for victims following a SFO, dedicating her time and energy to ensure that bereaved families are given timely and transparent information, in a sensitive manner, when an individual subject to supervision goes on to kill. Her work, in honour of Conner, was a driving force in the opening up of the SFO review process, and the creation of a SFO review format which is now shared with victims following a conviction where a case triggers an automatic SFO review. HMPPS have worked with Mrs Marshall to revise the guidance on victim engagement, and she has provided invaluable insights into victims' needs

and feelings, arising from her own experience since Conner's tragic death. These changes to the guidance are a lasting legacy for Conner.

2. Evidence

- 2.1 Less than 0.5% of individuals under probation supervision are charged with a SFO. Even though comparatively rare, HMPPS has a robust system in place to formally review every case in order to identify any improvements which need to be made to the systems or to the practice of individual probation practitioners or managers. It is vital to understand that, even in cases where there have been quite serious failings in probation practice, it is only in relatively few cases that it might be possible for someone to argue that, but for those failings, the supervised individual would not have committed the SFO.

3. Outcomes

- 3.1 This Policy Framework aims to ensure that in all instances of a SFO, Probation follow the notification and review procedures, take action in response to the findings of reviews and share information appropriately with victims. This includes in particular that:

- the criteria for placing the cases of supervised individuals charged with a SFO under these procedures are known and understood;
- supervised individuals charged with a SFO are promptly identified at local level and notified to HMPPS within the required timeframe;
- SFO reviews, including an early look into practice, are appropriately rigorous, produce findings that are supported by clear and comprehensive evidence and draw out all relevant learning points;
- the review is written in a narrative style that supports action being taken and provides for both access and transparency for victims or their families; and
- HMPPS, Probation and relevant stakeholders, understand HMPPS SFO Team's process to inform Ministers and senior officials about high profile SFOs.
- relevant learning is shared and action fully implemented.

4. Requirements

4.1 Mandatory actions		Action By
4.1.1	<p>Regional Probation Directors must ensure that all staff, including any sub-contractors are aware of their obligation to comply with this policy framework and;</p> <ul style="list-style-type: none">• identify and notify HMPPS SFO Team of all qualifying SFOs;• have a process in place for an immediate consideration of how the case was managed, to take place at the earliest opportunity;• undertake SFO reviews in accordance with the operational requirements in this Policy Framework;• complete reviews in a format that is accessible, transparent and appropriate to be disclosed to the victim;	Regional Probation Directors

	<ul style="list-style-type: none"> • ensure that key learning and good practice is identified, shared with staff, used to further improve policy and practice, and that progress is monitored and reported to HMPPS; • ensure that reviews are robust and impartial, countersigned by a senior manager who, in doing so, confirms that the review is an accurate and thorough investigation, with appropriate actions identified; • provide additional information relating to a SFO case to assist with any briefing for Ministers and senior officials being prepared by HMPPS as required; and • ensure that staff involved in the SFO review process receive appropriate support at all times and relevant feedback about how the review will reflect their practice and any actions for an individual practitioner or manager. 	
4.1.2	<p>Prison Governors/Directors must co-operate with the SFO Procedures and: -</p> <ul style="list-style-type: none"> • identify a senior lead as a single point of contact for SFOs; • ensure Prison Offender Managers (POM) and the Head of Offender Management Delivery (HOMD) are made available for interview; • ensure relevant offender management unit records are available to the reviewing manager; • ensure staff are supported in the process; and • ensure agreed actions are implemented and progress is monitored. <p>The production of the SFO review is the responsibility of Regional SFO Teams. They will be responsible for the review of offender management during the custodial period and will not require prisons to provide individual management reviews or to collate data. The RM will be looking at offender management policy procedures and practice not the prison as a whole.</p> <p>There will be occasions where the prison may be commissioned to undertake reviews outside the SFO procedures; this policy makes no change to those reviews, which are largely multi agency reviews commissioned under statute or statutory guidance. Information about them is included in the Public Protection Assurance Tool available on EQUIP, (search Oversight and Assurance of public protection with the establishment (Master) (rocstac.com)) There may be very exceptional circumstances where there is a director level commission for the prison to undertake their own management review outside of those multi agency reviews. Section 3.2 of the Operational Guidance provides further details.</p>	Prison Governors/Directors

4.1.3	Regional Head of Operations must ensure that they receive regular updates on progress against SFO review learning points.	Regional Head of Operations
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4.2 Notification of cases that qualify for a SFO Review		Action By
4.2.1	Probation must identify all eligible SFOs at court (or through knowledge of the supervised individuals) and advise Regional SFO Team or the National Security Division (NSD) where relevant, of the court appearance and keep them informed of all court appearances thereafter.	Probation
4.2.2	When an eligible supervised individual is charged with a qualifying violent, sexual or terrorist offence (listed in Annex A), Probation must notify HMPPS SFO team using Annex C and complete the relevant sections.	Probation
4.2.3	Probation must identify an administrative single point of contact (SPOC) for the purpose of SFO processes. Probation and the prison Governors should identify a senior management lead and update HMPPS SFO Team of any changes. In most cases Regional SFO Team manager will be the community senior lead and the Head of Offender Management Delivery (HOMD) for the prison.	Probation, Prison Governors
4.2.4	If a supervised individual appears in court in another geographical area and is charged with a SFO, the probation court staff in the covering court will complete the first two stages of the initial notification and send it to the SPOC in the area responsible for managing the supervised individual for completion.	Probation
4.2.5	Probation must submit the notification with full information to sfo@justice.gov.uk within 10 working days of the first court appearance. Notification documents can be found at Annex C.	Probation
4.2.6	Probation must copy the notification to the relevant Head of Operations, Regional Probation Director, Victim Liaison Unit (VLU) and for MAPPA cases, the MAPPA co-ordinator.	Probation
4.2.7	HMPPS SFO Team must confirm within three working days of receipt of the notification that Probation should proceed to a review.	HMPPS SFO Team
4.2.8	HMPPS SFO Team must discuss with Probation any SFO notification where it appears that the case does not qualify for a review.	HMPPS SFO Team
4.2.9	Following confirmation from HMPPS SFO Team that the case meets the SFO criteria, Probation must notify witness care units of victims who will be eligible for information about the SFO review upon conviction of the supervised individual for an automatic offence (using Annex G).	Probation
4.2.10	Regional SFO Teams must identify those cases which may attract significant national public interest and inform HMPPS SFO Team and the relevant Head of Operations, if necessary by telephone.	Probation
4.2.11	HMPPS SFO Team must confirm whether the case will be dealt with as high profile and, where applicable, comment on whether the review	HMPPS SFO Team

	should be conducted outside of the responsible provider for reasons of public interest.	
4.2.12	Probation must consider limiting access to the case record in high profile cases.	Probation
4.2.13	Probation must have in place a process whereby a manager undertakes a prompt initial review of the case, an “early look”, to identify whether there are any issues which require an immediate management response. This does not prejudice the outcome of the SFO review.	Probation
4.2.14	Probation must notify the relevant authority identified at 4.19 of any parallel review.	Probation
4.2.15	Probation must inform HMPPS SFO Team within 3 working days, using Annex H, whenever an SFO case that has been previously notified to HMPPS subsequently falls outside of the SFO eligibility criteria. The provider can decide to continue with a local review in these cases, particularly if there are clear indications of significant findings.	Probation

4.3 Completion of the early look		Action By
4.3.1	The Regional SFO Teams or NSD must complete an early look using the nationally agreed template within 20 working days of the SFO notification.	Probation
4.3.2	The reviewing manager must send the completed early look to the Head of Probation Delivery Unit (PDU) (where the SFO originated), copied to the Head of Operations. The Head of PDU must provide assurance to the Head of Operations that they have reviewed the early look and taken any relevant action.	Probation
4.3.3	Where the case is high profile, Regional Head of Operations must personally sign off – that is, provide assurance to the Chief Probation Officer and Regional Probation Director - that the early look is of sufficient quality and send a copy to the HMPPS SFO Team.	Probation
4.3.4	<p>In all cases which (i) HMPPS SFO Team have confirmed as high profile or (ii) where serious practice concerns have come to light, Regional Head of Operations must: -</p> <ul style="list-style-type: none"> • discuss the early look with the relevant Head of PDU; • agree any management action, including whether an investigation under Conduct and Discipline procedures is required; • record the outcome on Probation early look log; and • track and update any agreed actions identified in (i) and (ii). 	Regional Head of Operations

4.4 Completion of the SFO review	Action By
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4.4.1	Regional Head of Operations must ensure that reviews are allocated to appropriate staff who have up-to-date professional knowledge of practice, national and local policy; are independent of the management of the case; have an appropriate level of authority to make recommendations for improvements in policy and practice across Probation, including the probation work in prisons; and do not have any other conflict of interest. The review must be countersigned by a senior manager who is independent of the line management of the case and should be satisfied that a robust quality assurance and factual accuracy check has been completed. In most cases the Head of Performance & Quality or the Head of Public Protection will undertake this role.	Probation
4.4.2	Probation managing the supervised individual at the time of the SFO must take responsibility for co-ordinating and writing the review and submitting the completed document to HMPPS SFO Team. If another region has been involved in the management of the case, the reviewing manager should liaise with Regional SFO Team from the other region about relevant practice. The review should incorporate any associated findings and agreed learning. Where a difficulty or difference of opinion between regions emerges and there is a risk that this might undermine the process, advice must be sought from HMPPS SFO Team to seek a resolution	Probation
4.5 The review process		Action By
4.5.1	Reviewing managers must examine all relevant documents and case records and clearly record in the glossary any specific policies and procedures, including local practices, which informed practice examined in the review and were not nationally issued or readily available; setting out clearly the relevant publication date and version. Each region retains an archive of legacy CRC and NPS policies and the process for accessing documents can be found on EQUIP by searching Legacy CRC operational policies.	Probation
4.5.2	In custody cases, the reviewing manager must consider whether it is necessary to interview the POMs or HOMDs.	Probation, Prison
4.5.3	Reviewing managers must liaise with appropriate prison-based colleagues to verify information and to form their own understanding of practice when reviewing prison offender management practice. Reviewing managers must alert the prison senior lead if practice falls significantly below that which is expected.	Probation, Prisons
4.5.4	Reviewing managers must:- <ul style="list-style-type: none"> complete a transparent assessment of the quality of practice using the document set (Annexes D & E) Probation should complete the review on the revised Annex D template for all notifications submitted to the HMPPS SFO Team on or after 4 January 2022; provide evidence to support the findings; identify the reasons for any identified deficiencies relating to the management of the case or the effectiveness of processes and 	Probation, Prisons

	<p>policies in place, and set actions to address them at an individual or organisational level; and</p> <ul style="list-style-type: none"> agree prison learning points with the prison HOMD or their line manager in advance of submitting the review for quality assurance. 	
4.5.5	Reviewing managers must use clear and concise language, free from jargon or shorthand about probation and prison processes, and ensure the review is accessible to a wider audience.	Probation
4.5.6	Probation must ensure that the review is completed, appropriately countersigned and received by HMPPS SFO Team, copied to Regional Head of Operations in Probation, within three months of the date the notification was submitted. Where there is Ministerial and/or significant national public interest, an expedited review may be requested and must be completed within a timescale agreed with HMPPS SFO Team.	Probation
4.5.7	Probation must follow the processes set out in the Operational Guidance which provide additional detail about the completion of the SFO review.	Probation
4.5.8	HMPPS SFO Team must confirm the review has been received within three working days of receipt.	HMPPS SFO Team
4.5.9	HMPPS SFO Team must identify a random sample of cases for HMI Probation to quality assure.	HMPPS SFO Team
4.5.10	HMPPS SFO Team must ensure that the review documents are completed to a sufficient standard by undertaking quality assurance, and providing feedback to Regional SFO Teams, the relevant Head of Performance & Quality or Head of Public Protection and Head of Operations within 20 working days of receipt.	HMPPS SFO Team
4.5.11	HMPPS SFO Team must bring to the attention of Regional Head of Operations and those named at 4.5.10, any cases that have not met the required standards. When HMPPS SFO Team and HMIP consider that a SFO review and/or action plan require further work, it will return the review to Probation for amendment.	HMPPS SFO Team
4.5.12	<p>In relevant cases that require resubmission and the documents are not considered to have addressed the initial concerns, HMPPS SFO Team will provide further feedback and bring the case to the attention of the relevant Head of Operations who should ensure the identified further work is carried out or, alternatively, provide robust assurances to the HMPPS SFO Team about why it is not deemed necessary.</p> <p>If agreement is not reached about the outstanding requirements, HMPPS SFO Team must seek guidance from Regional Probation Director and Director of Public Protection Group.</p>	HMPPS SFO Team
4.6 Period covered by the review and scope		Action By
4.6.1	The period covered by the SFO review will normally be the commencement of the current sentence until the date on which the SFO was alleged to have taken place. Where the supervised individual has been in the community for a significant period after the date of the SFO but prior to them being charged	Probation

	<p>and appearing in court <u>and</u> there is evidence of poor practice immediately prior to the SFO itself, the review should not abruptly cease at the date the offence was committed. The RM should explore practice beyond this point so that failings can be explored in the review and any learning addressed. The RM can seek advice from HMPPS SFO Team.</p> <p>Where relevant, the reviewing manager must also comment on the quality and impact of the pre-sentence assessment.</p> <p>If, at the point of the SFO, Probation has been managing the supervised individual for a period of six months or less on their current sentence, and this sentence was immediately preceded by a previous period of management, the review should also cover the previous sentence.</p>	
4.6.2	Reviews must consider issues related to the interface between Probation and the role of other agencies in terms of the action taken by Probation.	Probation
4.7 Staff involvement in reviews		Action By
4.7.1	<p>Reviews must normally reflect discussions with and the views of: -</p> <ul style="list-style-type: none"> the responsible probation practitioner, including prison offender management staff where relevant; relevant line managers and where necessary senior managers; other staff directly involved in the management of the case; and and the review must draw not only on all information from the case records but on the direct experience of those working with the supervised individual. 	Probation
4.7.2	Reviewing managers must interview staff at all levels of the organisation who had a role in the management or oversight of the case ensuring their views are included in the review	Probation
4.7.3	Reviewing managers must confirm their understanding of what staff have said in interview and explain to staff how their practice is going to be reflected in the SFO review.	Probation
4.7.4	Line managers must give staff time to prepare for interviews about their management of a case.	Probation Prison
4.7.5	The SFO review must indicate if any consideration has been given to instigating capability or disciplinary procedures.	Probation
4.7.6	Reviewing managers must provide substantial feedback to practitioners and managers at the interview stage about their practice and any learning for them.	Probation
4.7.7	Line managers, including in the prison where relevant, must ensure that staff are engaged in learning arising from the review. Staff involved in SFO reviews must be notified that the content of the review may be shared with victims/the victims' families following a conviction for an offence which	Probation, Prison

	automatically triggers a review. In such cases, Probation will redact the review, in line with legal requirements.	
4.8 Action plans		Action By
4.8.1	<p>The review must include a SMART action plan (Annex E) to share and develop good practice, to address practice improvement needs of individual staff, or to set actions related to policy, process and organisational issues. It may also monitor the effectiveness of changes already put into place, following an early look for example. It must: -</p> <ul style="list-style-type: none"> • cover all relevant issues identified in the key findings of the review; • contain activity for Probation, HMPPS or wider MoJ but may include action for Probation to follow-up issues with other agencies; • where relevant, set actions for another probation region, which have been agreed with the relevant Head of PDU prior to submission of the review; and • National actions should be discussed with HMPPS SFO Team and the relevant policy owner to ensure they are achievable and to identify a suitable owner. Learning points for the prison offender management delivery will need to be agreed with the prison in advance of submitting the review for quality assurance. 	Probation, HMPPS SFO Team, Prison
4.9 Countersigning reviews		Action By
4.9.1	Regional Probation Directors must ensure the review is countersigned. This responsibility may be delegated to the Head of Performance & Quality or the Head of Public Protection.	Regional Probation Directors
4.9.2	<p>The countersigning manager has a vital role in the internal assurance of SFO reviews, and should be independent of the line management of the case and must only sign off and submit the review to HMPPS SFO Team when they are satisfied that the content is of the expected quality and <u>accurately reflects</u> the management of the case. The Head of PDU and where relevant the HOMD or their line manager, should have been given the opportunity to comment on the content of the review for the purposes of factual accuracy and to confirm that any actions can be implemented.</p> <ul style="list-style-type: none"> • The countersigning manager must ensure the review covers the appropriate period; and • The countersigning manager must also be satisfied that the organisation can commit to improvements and actions arising from the review. 	Probation
4.9.3	Where a review identifies that there has been poor practice in the management of the case prior to the SFO, when signing off the review the senior manager must confirm if any organisational and resourcing issues which may have impacted on practice have been addressed and if serious practice failings have led to instigating capability or disciplinary procedures.	Probation

4.10 Action plan update		Action By
4.10.1	Probation must commence work on the action plan immediately following submission of the review to HMPPS SFO Team. While additional actions may be added as a result of the quality assurance process this must not delay the implementation of the plan.	Probation
4.10.2	Probation must provide an individual action plan update (Annex E) to HMPPS SFO Team, copied to the Head of Operations no later than six calendar months from the date of submission of the review to HMPPS SFO Team. Probation must also liaise with the prison offender management delivery so that they can report on any prison related learning points in the action plan update, who needs to be satisfied that proper progress is being made against the plan.	Probation
4.10.3	If Probation or prison have not completed all actions at this six-month stage, the action plan update must contain additional information on expected timescales and Probation must continue to monitor all actions until completion, including liaison with the prison and confirm to HMPPS SFO Team when the action plan has been implemented.	Probation, Prison
4.10.4	HMPPS SFO Team will track the submission of action plan updates and provide monthly updates on outstanding cases to Regional SFO Teams.	HMPPS SFO Team
4.10.5	HMPPS SFO Team must acknowledge receipt of the Annex E	HMPPS SFO Team
4.10.6	In exceptional circumstances, HMPPS may request Operational and System Assurance Group (OSAG) to undertake a bespoke audit of the implementation of an action plan in a high profile case, for example one which has generated significant media or ministerial interest. In these circumstances Probation and prisons where relevant must co-operate with OSAG.	HMPPS SFO Team, Probation OSAG

4.11 Quality assurance		Action By
4.11.1	HMPPS SFO Team or HMI Probation will quality assure all reviews within 20 working days.	HMPPS SFO Team
4.11.2	<p>Where there is a requirement to resubmit, a review following quality assurance feedback, they will be resubmitted to either HMPPS SFO Team or HMI Probation, depending on who undertook the quality assurance. Probation must revise and re-submit reviews:-</p> <ul style="list-style-type: none"> • that have been rated inadequate within the timescale requested; • that have been rated requiring improvement prior to sharing the review with the victim, unless the case is being managed as high profile where immediate revisions and resubmission are required; • in other cases, Probation must amend the relevant review documents within four weeks of receipt of the QA feedback; and • HMPPS SFO team will provide feedback on resubmitted reviews within 20 working days. 	Probation

4.11.3	Probation and HMPPS SFO Team must participate in benchmarking events convened by HMI Probation.	Probation, HMPPS SFO Team
4.11.4	Local areas will record data on SFOs committed by MAPPA supervised individuals and their outcomes for inclusion in the MAPPA Annual Report	Probation

4.12 Outcome of court proceedings		Action By
4.12.1	The relevant regional SPOC or senior lead must ensure HMPPS SFO Team are informed within three working days of a SFO case being concluded in court, whatever the outcome, or if a case is discontinued or charges are reduced. Annex H must be used for this purpose. Further detail is available at 6.9	Probation
4.12.2	<p>Probation must have a process in place for tracking SFO cases which qualify for an automatic review at court in order to: -</p> <ul style="list-style-type: none"> • ensure VLU Managers quickly identify convictions and sentence in automatic cases, where the victim/victim's family is entitled to receive information about the SFO review and a redacted copy; • refer to Regional SFO Team and relevant Head of PDU any cases where the victim/victim's family request a disclosure meeting and a copy of the redacted SFO review; • ensure timely arrangements are made for the victim and relevant senior manager to meet; and • notify HMPPS SFO Team that the SFO review has been shared with victims. 	Probation

4.13 Administration, retention and storage of SFO review documentation		Action By
4.13.1	Once completed, all review documents must be marked 'OFFICIAL-SENSITIVE' and must be sent through a secure network via Probational SFO Teams to sfo@justice.gov.uk	Probation
4.13.2	Probation must ensure there is immediate access to details of SFO cases, including staff contacts (community and prison based) and further case records, if required urgently by HMPPS SFO Team. This information may be required for briefings to Ministers and senior officials in respect of cases that attract significant public interest.	Probation
4.13.3	Probation must keep records of SFO reviews for five years from the date of completion of the review, with any paper records held in line with local records policy. The paper record must include any notes kept by the reviewing manager, including notes of interviews with staff.	Probation
4.13.4	Thereafter, Probation must continue to retain a copy of the SFO review itself in the event the victim/victim's family makes a retrospective request for information and a redacted copy.	Probation

4.14 Communications in high profile cases		Action By
4.14.1	Probation must consider the need for a communications strategy, managed by a senior manager, in conjunction with HMPPS SFO Team in all high-profile cases	Probation
4.14.2	Probation must send a copy of the early look in high profile cases to HMPPS SFO Team within 20 working days.	Probation
4.14.3	The early look must highlight any areas of concern and what action has been taken or is planned as a result.	Probation
4.14.4	HMPPS SFO Team and MoJ press office must agree in advance, copies of any statements or publications relating to SFO cases.	HMPPS SFO Team, MoJ press office

4.15 Victims		Action By
4.15.1	<p>Following confirmation from HMPPS SFO Team that the case meets the SFO criteria, in automatic cases Probation must: -</p> <ul style="list-style-type: none"> • send a copy of the initial notification to the relevant Probation Victims Liaison Unit (VLU); • complete and send a copy of Annex G (for automatic reviews only) to the Witness Care Unit (WCU) and HMPPS SFO Team; and • VLU must track cases subject to SFO reviews and make timely contact with the victim or victim's family post-conviction (in line with the process on EQUIP), including a letter from the senior manager offering disclosure of the SFO review. 	Probation, VLU
4.15.2	Probation is responsible for the delivery of the Victim Contact Scheme (VCS). The Victim Liaison Officer (VLO) must explain the VCS to the victim, including what the scheme provides. The VLO must write to the victim on behalf of the relevant Head of PDU and let them know about their entitlement to information about the SFO review and to receive a copy of it, in a meeting with a senior operational manager. The VLO should not make arrangements for a meeting before the report has been quality assured and is ready to share.	Probation, VLU
4.15.3	In cases where the victim confirms they wish to receive information about the review, the VLO must communicate this to the relevant Probation senior lead and copy the SFO functional mail box sfo@justice.gov.uk	Probation, VLU
4.15.4	The Head of PDU or delegate must liaise with the prison Governor and agree how any significant learning for relating to offender management delivery will be shared with the victim.	Probation
4.15.5	The Head of PDU or delegate must liaise with the allocated VLO prior to a visit to ensure arrangements meet the individual needs of the victim and in order that they can be aware of the victim's circumstances and any particular sensitivities.	Probation

4.15.6	Probation must give consideration as to whom they should be offering disclosure, recognising that in some cases there will be blended families and there may be a need to consider them as joint or separate units, depending on the families' wishes.	Probation
4.15.7	Probation must make timely arrangements to meet the victim, discuss the findings, and provide a copy of the review. In high profile cases Probation should notify HMPPS SFO Team in advance.	Probation
4.15.8	Probation must ensure an appropriate venue is available if the victim does not wish the meeting to take place at home.	Probation
4.15.9	The allocated VLO must record on VCMS and notify HMPPS SFO Team via the functional mailbox that the review has been shared with the victim.	VLO
4.15.10	After the meeting, the senior manager must send a follow-up letter to the victim outlining the key issues discussed and any follow-up actions;	Probation
4.15.11	Where the victim of the index offence is engaged with the VLU, senior managers in the probation region that completed the review must liaise with the VLU and agree if the VLO should share information, and what details to disclose, with the victim of the index offence.	Probation
4.16 Victims with additional needs/ vulnerable victims		
4.16.1	When preparing to disclose a SFO review, Probation must take account of individual needs of the victim.	Probation
4.16.2	If Probation is departing from the usual procedures, Probation must liaise with HMPPS SFO Team and provide supporting evidence and or a rationale for the change of approach.	Probation

4.17 Death of the supervised individual		Action By
4.17.1	If either automatic or conditional criteria set out above have been met, and the supervised individual has died prior to charge or appearing in court, but the police state he/she was the main suspect in the SFO, the review must still be undertaken.	Probation

4.18 Cases that may not need to be reviewed		Action By
4.18.1	<p>There may be instances of supervised individuals charged with a SFO who are being supervised by another agency, for example youth offending teams (YOTs). In these cases, the relevant probation region must review its involvement and provide a contribution to assist the YOT with any review they undertake in line with youth justice procedures.</p> <p>Community penalties with no requirements or a standalone curfew requirement do not require a SFO review.</p> <p>Offenders who at the time they commit the SFO have been out of contact and unlawfully at large following recall or subject to a warrant issued at</p>	Probation

	court for failing to surrender for a period of more than 3 calendar months do not require a SFO review.	
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4.9 Parallel reviews		Action By
4.19.1	<p>When the SFO eligibility criteria are met and an associated review is likely to be commissioned, Probation must advise the commissioning body for the parallel review that an internal management review is being completed. This will include but not limited to: -</p> <ul style="list-style-type: none"> (i) the local Safeguarding Adults Board (SAB) undertaking Safeguarding Adult Reviews (SARs); (ii) the local Safeguarding Partnerships undertaking Child Safeguarding Reviews (Child Practice Review in Wales); (iii) the local Community Safety Partnership if the supervised individual is charged with a domestic abuse related offence which has resulted in the death of the victim; DHR-Statutory-Guidance-161206.pdf (publishing.service.gov.uk); and (iv) the MAPPA Strategic Management Board (SMB) if an eligible supervised individual is charged with a MAPPA Serious Case Review qualifying offence and is being managed at either MAPPA level 2 or 3, or if there may be grounds for completing a discretionary Serious Case Review in line with the MAPPA Guidance (www.mappa.justice.gov.uk). 	Probation
4.19.2	Probation must contribute to any parallel review and provide relevant information from the SFO review in an individual management report, which directly addresses the specific Terms of Reference for the review. Probation should not routinely disclose the SFO review in full, unless the Head of Operations considers this would best support the completion of any parallel investigation. The early look would not ordinarily be disclosed as part of a parallel review	Probation
4.19.3	In those instances where a SFO review is to be undertaken alongside a parallel review, the Regional SFO senior lead must discuss and co-ordinate the timescales and feedback to victims for both reviews with the appropriate senior officer responsible for commissioning the parallel review	Probation
4.19.4	Where the supervised individual is alleged to have committed the SFO during a period of Home Detention Curfew (HCD), the prison will commission a separate review and liaise with the community SFO reviewing manager about additional information to inform this review.	Prison, Probation

4.20 Inquests		Action By
4.20.1	<p>Probation must immediately e-mail Probationlitigationandinquests@justice.gov.uk any request for information from HM Coroner and if the case relates to a SFO, copy to sfo@justice.gov.uk</p>	Probation

5. **Constraints**

5.1 Action plans		Action By
5.1.1	The reviewing manager must not set actions for other agencies.	Probation
5.2 Countersigning reviews		
5.2.1	The reviewing manager must not countersign the review.	Probation
5.3 Victims		
5.3.1	The VLU must not make contact with the victim of the SFO until after conviction of the supervised individual for an automatic SFO.	VLU

6. **Guidance**

Employee care

- 6.1 Serious further offending can have a significant impact on staff and engender a range of feelings and it is important that the SFO review procedures are implemented sensitively. Probation should ensure that information about how we approach the review of as is part of the induction of new practitioners. Staff may experience trauma about the offence itself, feelings of guilt as well as anxiety about the SFO process. Probation should therefore exercise good employee care and ensure that staff have access to appropriate support. Employers should ensure that staff are given the time to prepare for the interview and are provided with relevant feedback. Regional SFO Teams have a vital role in preparing staff for interview, ensuring they have the opportunity to fully contribute to the process and convey their views, and to know how their practice will be reflected in the review including any learning for them.

As part of good employee engagement Regional SFO Teams should:

- attend team meetings/events to introduce themselves and the work of Regional SFO Teams to as many staff as possible;
- signpost staff to Frequently Asked Questions (SFOs), a resource available on My Learning;
- ensure that that reviews do not contain findings which have not already been discussed with staff and assure them that this will be the case;
- have an awareness of the impact of SFO interviews on staff and offer them a choice of time, location and whether the meeting will be face to face or virtual;
- be sensitive to any religious observance;
- consider whether reasonable adjustments had been implemented for staff with physical disabilities and neurodiversity;
- explain to staff that the review process is about learning and will look at wider issues as well as individual practice; and
- offer staff an opportunity to provide written feedback about their experiences of the SFO process.

- 6.2 HM Coroner may also require staff to provide a witness statement or appear at an inquest following a SFO where there has been a loss of life. Further information about staff engagement and support in coronial processes is available on EQUIP. While there will be some reviews which uncover practice that results in capability and/or disciplinary proceedings being invoked, the review process is not about apportioning blame. It aims to develop an understanding about the management of the case and what action needs to happen to address any deficiencies, including organisational issues or sharing good practice. Further information for staff is contained in the Operational Guidance and the Information for Staff leaflet (Annex J).
- 6.3 Information about practice uncovered in the completion of the early look and SFO review may trigger capability and disciplinary action. However Probation should be aware that the SFO Procedures are **separate** from any parallel investigations, including those completed under Conduct and Discipline policies.

Supervised individual eligibility

- 6.4 Any supervised individual under any form of current or recent management in the community by Probation at the time the alleged SFO is committed is eligible for inclusion in SFO Procedures.

This includes:

- those subject to post sentence supervision arrangements on the date the SFO is alleged to have been committed;
- those who were under any form of statutory management by Probation, including those who have been subject to recall and released at sentence end date (SED) which terminated no more than 28 days prior to the date the SFO is alleged to have been committed; and
- those who are subject to the management of Probation or any other provider of probation and community services and are charged with an equivalent eligible offence in another jurisdiction.

But excludes supervised individuals who were at large and out of contact as per 4.18 where a court or recall warrant has been issued three months or more prior to the date of the SFO.

- 6.5 For details of when it may be appropriate to undertake a SFO review on a discretionary basis see paragraph 6.9 below.

Offence eligibility

- 6.6 The list of SFO qualifying offences is at Annex A, as a reference it is based on, but not identical to, Schedule 18 of the Sentencing Code. All offences on this list attract either a maximum of 14 years' imprisonment or an indeterminate sentence.
- 6.7 A review is **automatically** triggered and must be completed (**formerly known as mandatory reviews**) in the following cases: -
- any eligible supervised individual who has been charged with (including ancillary and inchoate offences such as attempt, conspiracy to commit, incitement to commit and encouraging or assisting commission): murder, manslaughter, other specified offences causing death, rape or assault by penetration, a sexual offence against a child under 13 years of age, or qualifying offences under terrorism or anti-terrorism legislation during a period of management by Probation.

6.8 A review is **conditionally** triggered and must be completed in the following cases: - (**formerly known as discretionary reviews**)

- any eligible supervised individual who has been charged with another offence on the SFO qualifying list committed during a period of management by Probation who is or has been assessed as high/very high risk of serious harm during the current sentence; and
- any eligible supervised individual who has been charged with another offence on the SFO qualifying list committed during a period of management by Probation, prior to completion of an initial risk assessment.

Subsequent changes in eligibility

6.9 A case will cease to qualify for a review if it subsequently falls outside the SFO eligibility criteria, as a result of:

- a finding at court of not guilty, other than for reasons of fitness to plead or not guilty by reason of insanity;
- the discontinuance of proceedings either pre-trial or at court; and
- the reduction of the charge to one that falls outside the SFO eligibility criteria;

6.10 Probation may decide to continue with a local review in these cases, particularly if there are clear indications of important lessons to be learnt.

Discretionary cases

6.11 There may be other instances where it is appropriate to complete a SFO review on a discretionary basis, for example:

- cases where sentencing is deferred to allow an supervised individual to comply with any requirements set by the court, or cases where a single requirement (other than unpaid work, which comes under the SFO criteria) was in place but the supervised individual was not subject to routine contact with the provider. Consideration of a discretionary SFO review would need to take into account the specific requirements set by the court and the management of the case by Probation during that period; and
- any eligible supervised individual who has been charged with an offence during the period of community supervision by Probation and identified by HMPPS or Probation, where there are public interest reasons for the review. This may be due to significant media coverage, ministerial interest or where reputational risks to the organisation may arise.

6.12 Probation must consult HMPPS SFO Team on any case where they are considering whether to complete a discretionary review, before commencing a review.

6.13 This PF retains the language of the last change to the PI so that the term discretionary is only used for those reviews where a decision to complete the review is made on a case by case basis and does not include any reviews which are done because they meet the mandatory criteria set out in section 6.7 and 6.8 above.

Cases that may not need to be reviewed

- 6.14 If a supervised individual appears in court charged with a SFO which was committed (but not necessarily detected) more than five years ago (but there have been delays in bringing the case to court), HMPPS SFO Team in consultation with Probation will make a decision on whether the case will be reviewed as a SFO. Probation should consider the amount of case material available and changes to practice in the intervening period, and therefore, the likelihood of any significant lessons arising from the review.
- 6.15 If a supervised individual is charged with a SFO immediately post sentence or following a suspension of an indeterminate licence, a decision as to whether to complete a review should be taken in consultation with HMPPS SFO Team.

Completion of SFO notifications

- 6.16 Probation should complete and submit the notification to the HMPPS SFO Team. Stage 2 in relation to case allocation applies to sentences imposed prior to 26 June 2021.

Completion of the SFO review

Further information about the completion of reviews, including countersigning is contained within the Operational Guidance.

- 6.17 In certain cases, HMPPS SFO Team may arrange for the review to be completed by another probation region, for instance where there is: -
- perceived potential conflict of interest (including where more than one provider has been significantly involved in the management of the case); or
 - early evidence of significantly poor practice; or
 - clear indication of likely exceptional national public interest in a case.
- 6.18 In certain circumstances where there are strong reasons for doing so, an independent reviewing manager, for example, Her Majesty's Chief Inspector of Probation (HMI Probation), or another senior civil servant, may be requested to undertake the SFO review.

Countersigning reviews

- 6.19 The operational guidance includes an internal quality assurance and countersigning checklist to assist senior managers in this important task.

Handover of Action plans

- 6.20 Reviewing managers must share the actions with staff who will have responsibility for implementing the objectives of the action plan. It is good practice to arrange a formal handover meeting.

Action plan update

- 6.21 Action plan progress updates relating to SFO reviews should be completed on Annex E and signed off by the Head of Performance & Quality or the Head of Public Protection.
- 6.22 If the Probation Region have not completed all actions at this six month stage, the action plan update should contain additional information on expected timescales and the Probation Region

must continue to monitor all actions until completion and confirm with the HMPPS SFO Team when all actions are complete. With SFO reviews that have been flagged as significant public interest cases, an early indication of progress against the action plan may be requested by HMPPS SFO Team and used to inform subsequent briefings to Ministers and/or senior officials, in which case the Probation Region are required to provide HMPPS SFO Team with an expedited copy.

- 6.23 Before a routine inspection of a Probation Region, HMI Probation will request details of relevant serious further offences.

Senior management oversight

- 6.24 Regional Probation Directors should have a responsibility to retain strategic oversight of the SFO procedures at a local level, this should include: -

- regular reports from the nominated SPOC or senior lead on the number and type of reviews undertaken and highlighting key lessons from these cases;
- reading a sample of reviews;
- monitoring the implementation of all action plans;
- considering an annual review that analyses all SFOs that have been committed in their area; and
- submitting action plan updates to HMPPS SFO Team confirming progress with learning points arising out of SFO Reviews.

- 6.25 Prison Governors/Directors should: -

- regularly review any SFOs which have generated learning for their staff; and
- monitor the implementation of action plans.

Communications strategy in high profile cases

- 6.26 Probation should also liaise with HMPPS SFO Team when they become aware of anything relating to any review which might generate significant media or victim interest.
- 6.27 Probation should advise HMPPS SFO Team of any developments as the case progresses through court. Probation must make early contact with HMPPS SFO Team and MoJ press office for support and advice prior to the release of any statements into the public domain.
- 6.28 Probation should consider liaison with other agencies who may be responding to media interest, including the police.
- 6.29 Probation should seek guidance from HMPPS SFO Team and MoJ press office in the event of active media handling concerns in respect of the sharing of information with victims or victims' families.

Victims

- 6.30 Providing a high quality service to victims is a priority for HMPPS. Probation must be mindful of victims' needs for access to information and transparency following a SFO. Further guidance is available in Section 10 of the Operational Guidance.
- 6.31 Upon conviction of the supervised individual for an automatic SFO, the victim(s) are entitled to receive information about the SFO review and a copy of it whether or not they choose to opt into the Victim Contact Scheme (VCS). The victim is entitled to this information even in the exceptional circumstance where the sentence imposed on a supervised individual does not reach the criteria for the VCS. For reviews arising from notifications submitted: -
- **on or after the 1 April 2018** victims have the right to receive a copy of the full review with redaction only of information which cannot lawfully be shared. Probation must consider any redactions in accordance with data protection legislation; and
 - **prior to 1 April 2018**, the victim is entitled to a victim summary report (VSR). If the victim asks to see the full review, Probation should consider a request on a case-by-case basis with a presumption to provide a redacted copy.
- 6.32 From 1 April 2021, the Witness Care Units must automatically refer victims to the Victim Liaison Units, who will then advise the victim of their entitlement to information about the SFO review, using a separate letter sent on behalf of the senior manager. VLOs should follow specific guidance on EQUIP. The VLU should still facilitate delivery of SFO reviews in the unusual event that the sentence does not meet the threshold for the VCS or where the supervised individual has died so there are no ongoing actions under the VCS.
- 6.33 Victims are entitled to request information about the SFO review at any point post-conviction.
- 6.34 As well as the victim of the SFO, it is important to consider the needs of the victim of the index offence. In some cases, it may be appropriate for Probation to acknowledge to the victim of the index offence that there is to be an internal review and, this should be agreed on a case-by-case basis.

Victims with additional needs/ vulnerable victims

- 6.35 Where the VLO has identified that the victim is vulnerable or has a physical disability or neurodiversity, the provider should liaise with the VLO to understand the needs of the victim and to establish whether adult social care or any other agency are involved and consider what support the victim may require and from whom, to facilitate and/or attend any meeting. In **exceptional** circumstances Probation will need to consider the options for not sharing information and/or not providing a copy of the review with the victim in the usual way. For example, if there is strong evidence to suggest that disclosure might compromise the well-being of a victim.

Inquests

- 6.36 In SFO homicide cases, more victims' families are asking HM Coroner to reopen the inquest. Whilst Coroners have always been able to ask for a copy of the SFO review, there has been an increasing focus in inquests on the findings and judgments made in the review.
- 6.37 In any case where there has been a loss of life, the Coroner is almost certain to request a copy of the SFO review – i.e. the unredacted review - which may be shared with the victim's family, along with case records, as part of the proceedings. In order to protect third parties, Probation

should also consider providing a redacted copy and liaise with their legal representatives to make a case to the Coroner for not sharing the unredacted review

- 6.38 Probation should inform legal advisors of any requests for information from HM Coroner. Government Legal Delivery (GLD), can assist with issues around disclosure and staff being called to give evidence.

Quality assurance

- 6.39 The HMPPS SFO Team will quality assure 80% of SFO reviews.
- 6.40 From 1 April 2021, HMI Probation will quality assure 20% of all reviews submitted to HMPPS SFO Team, to provide independent assurance of the rigour of SFO reviews produced under the SFO Procedures. HMI Probation will access original source material prior to quality assuring the SFO review for the purpose of validating information contained in the review.
- 6.41 HMI Probation in collaboration with HMPPS SFO Team have developed a set of Quality Assurance Standards, Rules & Guidance and Ratings which set out details of the approach to SFO Quality Assurance. Further information is available at HMI Probation's website Serious Further Offence reviews (justiceinspectorates.gov.uk). HMPPS SFO Team will undertake quality assurance in line with the rules and guidance but will only access source material in limited circumstances.
- 6.42 Quality assurance will consider whether a sufficiently comprehensive and accessible narrative review has been completed, the key issues have been identified and there is appropriate analysis and evidence based judgements on the sufficiency of practice. The review should confirm the action that will be taken to address any areas for development and where there are examples of good practice which warrant wider dissemination, that there is a mechanism for doing so.
- 6.43 Feedback from HMPPS SFO Team and HMI Probation will be provided in a narrative format and will comment on each specific QA standard, including the style, language and content of the report in terms of its accessibility and sensitivity to victims.
- 6.44 HMPPS SFO Team will provide statistical information to Probation on numbers of notifications and reviews, some of which is also published in the MAPPA Annual Report. HMPPS SFO Team will also publish SFO statistics in its own annual publication which includes the numbers of notifications, reviews and convictions.
- 6.45 HMPPS SFO Team will also circulate key learning themes and information to support practice improvement. HMI Probation will publish findings arising from their role in the SFO Procedures.
- 6.46 HMI Probation will convene regular regional benchmarking events which the local reviewing managers and HMPPS SFO Team quality assurers will attend.

Policy and strategic context

- 6.47 This Policy Framework revises national SFO Procedures and requires Probation to maintain processes to operate these procedures at local level and to comply with all mandatory actions. These procedures provide a process for accountability in that providers are required to give account to HMPPS (for the Secretary of State) for their management of supervised individuals charged with a SFO and to share the findings with eligible victims. It is, therefore, critical that Probation allocate appropriate and commensurate resources to ensure effective delivery of these mandatory (and in some cases discretionary) actions.

- 6.48 Identifying what supports or undermines the effective management of supervised individuals is central to the SFO process. Rigorous SFO reviews will identify areas for improvement and influence policy and practice locally, at a regional level, and nationally. It is therefore critical that Probation continue to undertake robust reviews, maintain a focus on the key themes arising from them and apply this learning to further enhance public protection.