



HM Prison & Probation Service

Case Allocation		
This instruction applies to		Reference:-
Providers of Probation Services Prisons		PI 05/2014 PSI 14/2014
Re-Issue Date	Effective Date	Expiry Date
03 January 2023 (8 th revision)	01 June 2014	N/A
Issued on the authority of	Operational Policy Sub-board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input checked="" type="checkbox"/> HMPPS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> Probation Service (PS)</p> <p><input type="checkbox"/> HMPPS Immigration Removal Centres (IRCs)</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input type="checkbox"/> Heads of Groups</p> <p><input checked="" type="checkbox"/> HMPPS Rehabilitation Contract Services Team</p> <p><input checked="" type="checkbox"/> Other providers of Probation and Community Services</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service Improvement	
For information	HMPPS Youth Justice Board	
Provide a summary of the policy aim and the reason for its development / revision	<p>The allocation of offenders to either the National Probation Service (NPS) or Community Rehabilitation Company (CRC) will be carried out by the NPS. This Instruction sets out the mandatory requirements of the allocation process and provides operational guidance to enable the practitioner to understand the allocation system.</p> <p>Update December 2022 – A new stand-alone RSR calculator tool has been added to OASys. The ‘Case Allocation Interim Guidance’ at Annex E has been updated to reflect that for cases where no PSR has been requested, only the stand-alone RSR now needs to be completed, not the previous ROSHA requirement.</p> <p>Update September 2021 – The revision to this guidance introduces further instructions on the processes to be followed where an individual receives a sentence of immediate custody, as well as clarifying how to answer the OMIC-eligibility question on the CAS form and what assessment should be considered by Court Teams where cases meet the automatic ‘legacy NPS’ allocation criteria.</p> <p>Update June 2021 – This instruction has been updated to reflect the creation of the unified Probation Service, effective from 26 June 2021.</p> <p>This document continues to reference ‘NPS’ and ‘CRC’. These references should be read as meaning ‘legacy NPS teams’ and ‘legacy CRC teams’ for</p>	

the purpose of this document, as neither the NPS or CRC will be operating from the point of unification onwards.

Maintaining these distinctions is necessary as a result of the requirement to continue to distinguish between legacy-NPS and legacy-CRC case allocation criteria, as this will remain for a further period until mixed caseloads and digital dependencies have been fully implemented and resolved.

However, the information originally contained at [Annex E](#) of this document has been replaced with **newly drafted interim operational guidance**. This removes the requirement for OASys Risk of serious harm assessments/screenings to be completed at court where no PSR is required. It also seeks to clarify the requirement for a number of elements on NDelius to be completed as part of the allocation process.

Annex B has also been updated to reflect the information contained in the Case Transfer Policy Framework which requires risk escalation to be managed as an internal transfer process.

Update November 2019 – This instruction has been updated to reflect the unification of Offender Management in Wales on the 30th November 2019. The following updates have been made:

- 1.12 and Annex A have been updated to reflect the fact that all cases management in Wales are retained by the NPS.
- 1.16 and 2.30 have been amended to reflect the fact that individuals subject to Enforcement Orders who reside in Wales will be managed by the NPS.
- 2.18 has been amended to reflect the fact that individuals subject to an Attendance Sentence Requirement for the non-payment of fines who reside in Wales will be managed by the NPS.
- 2.29 has been updated to reflect that on transfer of a case from NPS Wales to either an NPS Division in England or a CRC in England, the CAS will need to be completed to identify the appropriate provider.

Update March 2017 - This instruction has been updated at paragraphs;

- 1.12, Annex A and the addition of Annex F to reflect the automatic allocation to the National Probation Service of individuals who are subject to either a Sexual Risk Order or a Sexual Harm Prevention Order. These are civil orders available under Part 2 of the Sexual Offences Act 2003 that can be applied to relevant sex offenders and those who pose a risk of sexual harm.
- 1.16 and 2.30 to reflect the automatic allocation of individuals to Community Rehabilitation Companies (CRC) who are subject to an Enforcement Order (except for those currently supervised by the National Probation Service (NPS) as under the Children Act 1989 (as amended by The Children and Adoption Act 2006).
- 2.26 & 3.6 Serious Crime Prevention Orders (SCPO).
- 3.11 No Fixed Abode.
- Annex C Verifying Foreign Nationals proforma.
- The paragraph numbering has been reordered throughout this instruction.

Update December 2015 – Paragraph 2.17 clarifies the case allocation responsibilities with regard to a Community Order or Suspended Sentence Order with a singleton prohibited activity or exclusion, residence, non-electronically monitored curfew requirement. The paragraph numbering has also been reformatted.

	Update 11 August 2015 – This Instruction has been updated at paragraphs 1.1, 1.2, 1.9, 2.5, 3.2, 3.6, 3.22 to reflect the change in working practice for case allocation from one working day to two working days. The instruction was previously updated on 24 October 2014 to account for changes in the early phases of the Transforming Rehabilitation Programme.
Contact	ProbationPolicy.Enquiries@justice.gov.uk
Associated documents	<p>Deliver Activity Requirement Specifications PI 06/2012 - Rehabilitation Services In The Community Rehabilitation Services</p> <p>Case Transfer Policy Framework Managing Extremism Policy Framework PI 26/2014 – PSI 29/2014 Release on Licence for Foreign National Prisoners Pending Deportation PI 07/2016 AI 07/2016 Enforcement Orders PI 04/2016 Determining Pre-Sentence Reports Target Operating Model</p>
Replaces the following documents which are hereby cancelled: None	
Audit/monitoring: Mandatory elements of instructions 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.	
Introduces amendments to the following documents: None	
Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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1. Executive summary

Background

- 1.1 The responsibility for the allocation of cases through the Case Allocation System (CAS) to the NPS, CRC or Electronic Monitoring (EM) provider sits with the NPS. It is not the responsibility of the NPS to allocate cases to individual practitioners this will be done by the respective organisations. This Instruction sets out the mandatory processes and associated operational guidance to enable this key activity to be implemented. The allocation system set out in this Instruction applies to all sentenced offenders. For the purposes of this Instruction the term 'Responsible Officer' is an officer of a provider of probation services and refers to the individual who is responsible for case management and instructing the offender and fulfils the role of the Responsible Officer as set out in Section 197 of the CJA 2003
- 1.2 The NPS will determine case allocation to the NPS, CRCs or EM provider. Allocation will take place:
- at the point of sentence or;
 - when transferred from other UK jurisdictions or from abroad where the transfer is from prison to prison
 - at the point of youth to adult transition

Desired outcomes

- 1.3 All convicted offenders are either allocated to the CRC or EM contractor or retained by the NPS.

Application

- 1.4 All relevant NPS staff and those that have a direct responsibility for managing the sentence of the court are required to familiarise themselves with this Instruction to ensure they are familiar with the correct processes.

Mandatory actions

NB: The Interim Practice Guidance at [Annex E](#) details when RoSHA risk screenings/assessments are to be completed, or when the stand-alone OASys RSR tool is to be applied.

- 1.5 *Case allocation must be recorded by the NPS in n-Delius.*
- 1.6 *Where screening indicates that a full Risk of Serious Harm (RoSH) analysis is required this must be completed prior to allocation in all cases unless the Responsible Officer can evidence why this activity is not required (see section 2.1).*
- 1.7 *Allocation to the NPS or CRC must take place within two working days of sentence (see section 2.2).*
- 1.8 *For cases that have an indicative risk level that requires confirmation, the NPS will provide confirmation of the risk level to the CRC within one working day of allocation (see section 2.6).*
- 1.9 *The following cases must be retained by the NPS (Annex A):*

- cases requiring management under Multi Agency Public Protection Arrangement (MAPPA) at all categories and all levels
- cases assessed at the outset as presenting at least a high RoSH
- cases where there is exceptional public interest in management being retained in the public sector (see section 3)
- cases where the risk of seriously harmful reoffending is above the agreed RSR threshold
- individuals subject to a deferred sentence (see section 2.21)
- any individual who is a foreign national and who is sentenced to an immediate prison sentence of 12 months and above or who has been recommended for deportation by the sentencing Court (Annex C)
- individuals who at the point of sentencing are subject to either a Sexual Risk Order (SRO) or a Sexual Harm Prevention Order (SHPO) (Annex F)
- individuals where there is both National Crime Agency (NCA) led prosecution and an associated Serious Crime Prevention Order (SCPO) is made (see section 3) at the point of sentencing.
- All cases managed in Wales

1.10 The NPS must provide, where applicable and if in the possession of the NPS, all paperwork as soon as is practicable. This includes but is not limited to:

- the sentence of the Court including any requirements
- a signed copy of the licence (where the licence was issued at court)
- details of any post-sentence interview
- case specific risk information (Annex B) which must be recorded on the OASys RoSH full analysis including a date for re-referral if necessary
- a copy of the SDR/FDR or a written copy of the oral report
- record of previous convictions
- CPS bundle
- any other information or assessment relevant to the offender e.g. notifications to Children's Services

1.11 Where a CRC is of the view that the circumstances of a current case have changed to the extent that the exceptional public interest definition applies they are responsible for referring the case to the NPS for consideration if the case does now meet the exceptional public interest definition (see section 3.3).

1.12 Where an offender receives a custodial sentence the case allocation decision must be sent by email 'notification of allocation' to the receiving prison establishment within 24 hours of allocation.

The automatic allocation of Enforcement Orders

1.13 Where a person residing in England receives an Enforcement Order for breach of a child arrangement order (Section 11J of the Children Act 1989) the case must automatically be allocated to the CRC. In those instances where the individual is already supervised by the NPS in England, they must retain the case. All individuals subject to an Enforcement Order who reside in Wales will be retained by the NPS.

Resource Impact

- 1.14 This Instruction introduced a new way of working and a different business process, the NPS Case Allocation Process, (CAS) into the allocation of sentenced offenders to providers of probation services. The resources identified are included in the Transforming Rehabilitation Programme business case.

(Approved for Publication)

Ian Barrow
Executive Director, Joint Chair OPS

2. Operational Instructions

Allocation

2.1 The Case Allocation System (CAS) consists of three sections that are set out below. Within the CAS framework, the practitioner can apply professional judgement when carrying out the case allocation function (see guidance notes 3.15 and 3.16).

i) **Risk of Serious Recidivism (RSR) Score.** The Risk of Serious Recidivism (RSR) tool will generate a summary score to indicate the likelihood of the offender committing a seriously harmful re-offence within two years. The RSR score will be used to decide how to allocate a case. It is based on static factors but can include dynamic offending related factors, where they are available from a clinical assessment; for example PSR interview and/or OASys.

ii) **Revised Risk of Serious Harm Screening.** *The CAS includes a RoSH screening . Application of the RoSH screening will identify indicators of potential risk of serious harm and identify those cases that require a fuller assessment. Where the screening indicates the requirement for a full RoSH analysis this must be completed unless there is sound justification for not doing so.* In most cases this will be undertaken as part of the PSR process. Where this is not possible, the full analysis will take place within one working day post-sentence. Where a RoSH analysis has been undertaken in the last six months, this can be used pre-sentence to inform the risk assessment and allocation decision where there has been no evidence of other risk indicators or occurrences that would require a new RoSH analysis to be completed.

Where the screening does not indicate that a full RoSH assessment is required but the practitioner identifies risk of serious harm issues that require further investigation or action then these should be recorded in the Case Allocation System (CAS) within National Delius (ND).

iii) **Case Allocation Decision.** *Section 3 of the CAS lists the criteria which decide allocation. The cases which must be allocated to the NPS are listed In Annex A.*

Application of the Case Allocation System (CAS)

2.2 *The CAS must be completed on all cases either pre sentence or within two working days of sentence where the offender is in scope for probation services.*

2.3 *Allocation must take place at the earliest opportunity so that wherever possible the supervised individual is clear before they leave court where and to whom they need to report and for the provider to be notified in a timely manner that they have offender management responsibility for the case.*

2.4 *All elements of the CAS must be completed as much as possible based on the information available at the time. The Court Team must make all reasonable attempts to provide, where applicable and if in its possession, all paperwork as soon as is practicable. Where there remains a lack of information, the Court Team must indicate on the CAS the basis of the allocation decision.*

2.5 The case is considered to have been allocated when notification is sent by the Court Team to either NPS or CRC through n-Delius.

2.6 All cases will be allocated within two working days of sentence. For cases that have an indicative risk level which requires confirmation the Court Team will provide confirmation of

the risk level within two working days of allocation. For example, where the RoSH is not high and further assessment is required to determine whether the RoSH is low or medium.

- 2.7 Where the case meets the criteria for automatic allocation to the NPS the CAS can be completed post sentence.
- 2.8 Most cases will continue to have a Pre-Sentence Report prepared on the day of sentence or within 5- working days. Where an adjournment for a report has been requested by the court, court staff should seek to complete the indicative allocation of the individual. The information required during the adjournment e.g. nature of current offence, previous offences, will be the same information required to allocate an offender to the appropriate provider. However, the individual cannot be allocated to a provider/team until they have been sentenced.
- 2.9 There are five routes through sentencing that impact on the CAS. The following operational instructions are a guide to staff on implementation of the allocation activity for each of those five routes.

1. Sentencing following completion of a Pre-Sentence Report (PSR)

- 2.10 Decisions regarding the PSR format will continue to follow the current Probation Instruction [PI 04/2016 Determining Pre-Sentence Reports](#).
- 2.11 Whether a PSR is completed on the day or during a period of adjournment, the RSR, Revised risk of Serious Harm (RoSH) screening and where indicated, the full RoSH analysis will always be completed.
- 2.12 If a PSR is delivered on the day or within 5 working days, the RSR and RoSH screening will always be completed. The RoSH screening will either confirm a Low RoSH level or provide an initial indication of factors relevant to establishing the offender's RoSH level. Where the screening confirms RoSH as Low, completion of the CAS can be undertaken without need for further assessment.
- 2.13 A PSR adjournment for 15 days will require an appropriate OASys assessment and Risk of Serious Harm full analysis to be completed to provide all the required information to complete the CAS and allocate the case.

2. Sentencing to custody without completion of a Pre-Sentence Report

- 2.14 Where possible, the Court Team should interview the offender in the court cells and complete the requirements for CAS. If this is not possible, the CAS can still be applied where no offender interview has taken place. In these circumstances, it is likely that only the static version of the RSR tool can be undertaken. On completion, the Court Team will inform the CRC and HMPS of the sentencing and allocation outcome. They will also create an n-Delius record and record the details.
- 2.15 Where the Prison Escort Custody Service (PECS) removes the sentenced individual from the court cells before the Court Team has had an opportunity to conduct an interview, the RSR and other case allocation information will need to be completed without an offender interview and allocation made on this basis.
- 2.16 On those occasions where an individual is sentenced to custody without a PSR and there are indications that the offender poses a high RoSH, the same process for community orders will apply.

3. Sentencing to a standalone requirement without completion of a Pre-Sentence Report

- 2.17 The Court in some circumstances proceed to sentence to a Community Order or Suspended Sentence Order with a singleton prohibited activity or exclusion, residence, non-electronically monitored curfew requirement without the benefit of a PSR. Once the NPS is notified of these orders they will create an N-Delius record, undertake the CAS (sometimes in the absence of the individual) and, as appropriate, inform the CRC that such cases have been allocated to the CRC. The NPS will be reliant on HMCTS informing them of such sentences and will need to ensure that local arrangements for communicating court results supports allocation.
- 2.18 Where an Attendance Centre Requirement is imposed for non-payment of fines, the case will be allocated by the NPS to the CRC if the supervised individual resides in England. *In these circumstances, all relevant paperwork must be forwarded to the CRC including a copy of the Court Order.* All supervised individuals subject to an Attendance Centre Requirement imposed for non-payment of fines who reside in Wales will be managed by the NPS. The Officer in Charge of the Attendance Centre will ensure that the details of the Order are recorded. On completion of the hours, the Officer in charge will notify the Court and the NPS. NPS will record the completion on N-Delius.
- 2.19 Where a Hospital direction is given at or during sentence, or Determinate Prisoners are detained under the Mental Health Act (MHA) for all or part of sentence, offenders are in scope as they will be in scope for pre and post release supervision. The allocation criteria will need to be applied and the case allocated to either NPS or CRC. Any Indeterminate sentenced prisoners who are those detained in hospital under MHA for all or part of their sentence would automatically be allocated to NPS due to their MAPPA eligibility.

4. Deferred Sentences

- 2.20 Cases subject to a deferred sentence will remain the responsibility of the NPS for the period of deferment. The NPS should create an n-Delius record. If the court has requested additional conditions as part of the deferment period these will be delivered by the CRC and it shall be the responsibility of the NPS to inform the CRC of this. During the period of the deferment, the NPS will carry out an interview(s) with the supervised individual and CRC where applicable to obtain an update of their progress towards completion of the conditions of the deferment. Those individuals already subject to supervision and allocated to a CRC who receive a deferred sentence will remain with the CRC until the end of deferment and sentence, unless there are risk issues which would require escalation further guidance can be found in the Case Transfer Policy Framework. In all cases the NPS will complete the CAS process and any associated assessments in preparation for the subsequent hearing.
- 2.21 The NPS will inform the provider of the sentence and allocation and update N-Delius. Post sentence and during the period of deferment the offender will be instructed to attend the office of that provider.

5. Case Allocation where the offender is released at Court due to sentence/time served)

- 2.22 In cases where the individual on remand is released from court as time served, the NPS will interview the offender before they leave court in order for the NPS to serve the licence on the offender. The CAS information should be completed and recorded and the individual given reporting instructions to the relevant provider.

Foreign National Offenders

- 2.23 *If a case is allocated to the NPS and the Home Office subsequently decides not to pursue deportation, the individual must be reallocated to a CRC (providing they do not meet other criteria for retention by NPS) if they are still serving the custodial part of their sentence and with more than 12 weeks to release i.e. not within the pre-release period.*

Allocating transfers in (This section to be read in conjunction with PI 07/2014 Case Transfers For Offenders Subject To Statutory Supervision Either Pre Release From Custody Or Whilst Completing An Order Or Licence).

2.24 The CAS should be used when:

- cases are being transferred from other UK jurisdictions
- at the point an offender makes the transition from the youth justice system to the adult justice system

2.25 All transfers in from other UK jurisdictions will be managed by the NPS.

2.26 When cases are repatriated to England and Wales these cases are to be allocated by the NPS using the standard case allocation procedure contained within this PI.

2.27 Where an individual is being transferred from another jurisdiction within the UK i.e. Scotland or NI that jurisdiction will contact the NPS in the first instance.

2.28 The NPS will confirm the allocation outcome and have responsibility for communicating that outcome to the referring authority and where Offender Management responsibility rests with a CRC the NPS are required to notify the CRC of that decision. It is the responsibility of the referring authority and the CRC to agree how the actual transfer of the offender will be managed. Further guidance can be found in the Case Transfer Policy Framework.

2.29 Application of the CAS is not required in transfers between providers in England, either within the NPS or CRC. Application of the CAS is also not required in transfers from NPS Regions and CRCs in England to the NPS in Wales. In circumstances where a case is transferring from the NPS in Wales to either an NPS Region in England or a CRC, the CAS must be completed to identify which provider the case should be transferred to.

The automatic allocation of Enforcement Orders

2.30 The Children & Adoption Act 2006 amends the Children Act 1989 to provide Family Courts with new provisions in relation to arrangements for children following separation or divorce. These provisions include Enforcement Orders imposing unpaid work of between 40 and 200 hours where the court is satisfied there has been a breach of a child arrangement order (section 11J of the Children Act 1989). *If an Enforcement Order is made in respect of an individual residing in England, the NPS must automatically allocate the order to the CRC as required by [PI 07/2016 Enforcement Orders](#). Where the individual is already supervised by the NPS they must retain the case. All individuals subject to an Enforcement Order who reside in Wales will be retained by the NPS.* Allocation of these orders do not require the completion of the RSR/CAS function and there is no expectation that the NPS will interview the person concerned before the Enforcement Order is made.

Transfers in from YOTs

2.31 The NPS will apply the allocation process described above in all cases where a Youth Offending Team (YOT) notifies the NPS that a child or young person sentenced as a juvenile should transfer from the youth to the adult system.

2.32 In recognition of the principles of the Youth to Adult Transitions Framework (Y2A), and that a move from a juvenile to an adult system can be a difficult transition for some young adults, the NPS YOT seconded Responsible Officer can apply the CAS using the RSR tool. Where the YOT does not have a seconded NPS OM then the CAS should be applied by NPS.

2.33 It will be the role of the seconded RO and the relevant NPS or CRC provider to agree the appropriateness of the transfer and subsequent management on a case-by-case basis. This

could result in the young adult remaining with the YOT for the remainder of their sentence where it is more appropriate for them to stay under YOT supervision.

Cases involving exceptional public interest

- 3.1 These are cases involving offenders who have committed or are otherwise associated with a notorious offence that is, or has, already attracted significant and prolonged media attention because of the nature of the offence and/or extreme vulnerability of the victim. This can also include cases where an individual has not committed the main offence but is associated with the offender.
- 3.2 Other cases falling into this category could be individuals who are of interest to partner agencies because of their involvement in serious, organised and complex crime, gangs/and or potential extremist offending and where partner agencies have a continued interest in the ongoing management of the case these cases may not be necessarily be MAPPA registered, high RSR or high RoSH.
- 3.3 Not all exceptional public interest cases will be evident at the point of allocation. As such, the definition can be applied both at the point of allocation and during the management of the sentence. For example, concerns around offenders involved in extremist activities or gangs might not become apparent until well after sentence, at the point of release or well into a community sentence. Where a CRC Responsible Officer assesses that the circumstances of a current case have changed to the extent that the exceptional public interest definition applies they are responsible for referring the case to the NPS.
- 3.4 Once referred the NPS will make the final decision on whether the case meets the exceptional public interest definition.
- 3.5 *Allocation decisions regarding cases which fall into the exceptional public interest domain must be referred to the Regional Probation Director for final sign off.*
- 3.6 In instances where the exceptional public interest definition applies but there is a risk that allocation or transfer to the NPS will alert the supervised individual to the fact that they are of interest to a partner agency (particularly the security services) the NPS may make the decision that on these grounds the case should remain with the CRC. It will be the responsibility of the CRC to manage the case and to liaise directly with the partner agency to ensure the supervised individual is safely managed.

NB: Cases where National Crime Agency (NCA) are the leading investigation authority and an associated Serious Crime Prevention Order (SCPO) is made at the point of sentence, fall within the exceptional public interest case definition and therefore fall into automatic allocation to the NPS.
- 3.7 Critical Public Protection Cases (CPPC) are not automatically included in the exceptional public interest definition outlined above. CPPC's should continue to be subject to national arrangements as per PI 06/2012.

Concurrent Orders

- 3.8 Where a concurrent Order is made on a case allocated to the NPS and the original order is not revoked by the Court, the case will automatically be retained by the NPS regardless of the outcome of the CAS.
- 3.9 Where a concurrent Order is made on a case allocated to the CRC and the existing Order is not revoked by the Court, the CAS will need to be completed. Then if the case meets the criteria for NPS, the new Order would be allocated to the NPS and the existing Order would be transferred to the NPS (there is no requirement to complete a further risk review). Otherwise the Case will remain with the CRC.

- 3.10 Where the existing Orders are revoked by the Court, the case will be treated as a new allocation and allocated on the basis of the CAS irrespective of which organisation previously held the Case.

Allocation of No Fixed Abode (NFA)

- 3.11 Those cases that are NFA are to be allocated at the court where they appear to either the NPS or CRC for that area.

Completing the Full RoSH Analysis

NB: Staff should refer to the Interim Practice Guidance contained at [Annex E](#) for further details on when RoSH screening/assessments require completion.

- 3.12 *Where the RoSH screening indicates that there are risk indicators a RoSH full analysis must be completed in order to determine a RoSH level and to identify the risks involved. A full RoSH analysis does not require the completion of OASys section 1-13. For cases that are automatically allocated to the NPS this can be completed post sentence.*
- 3.13 *Where the RoSH screening indicates that there is the potential for serious harm to be caused but there are no immediate indicators that the risk is high, a full RoSH analysis must be completed in order to determine the RoSH rating: low or medium. For cases not automatically allocated to the NPS, this will need to be undertaken prior to sentence or within one working day of allocation or Sentence. Where there is a recent OASys assessment (completed within the last 6 months) the RoSH rating can be used for the PSR and for allocation purposes.*
- 3.14 If an exemption from completion of a full RoSH analysis is considered to be the correct course of action, an appropriate NPS manager will approve the override (that the full analysis has been indicated by the screening, but is not needed for the purposes of sentencing and will therefore be completed post sentence). The responsibility of the NPS manager is to confirm that based on the available information at that time, the individual does not appear to be a high RoSH harm. The analysis will then be used to confirm whether the RoSH is low or medium.

Applying Professional Judgement when applying RSR above 3%

- 3.15 There will be cases where the RSR score is below the threshold for automatic NPS allocation but where assessment by the practitioner indicates that there is justification for a High Risk of Serious Harm level. The RSR tool does not predict offences of child neglect or domestic violence, despite this it is not expected that all such cases will necessitate a high RoSH analysis neither is it expected that offences that fall outside of these categories cannot be included in the professional judgement rules.
- 3.16 *The judgement as to whether a case meets the high RoSH definition must be very clearly evidenced and both the impact of the offence and the likelihood of the offence occurring must be met in order to meet the test of whether a case is High RoSH or not. Analysis of data has shown that where the RSR score is between 3% and 6.89% and by combining this score with a RoSH assessment the assessed RoSH level is high the quality of the predictor is improved. In these instances, the case can be allocated to the NPS.*

Applying Professional Judgement when applying RSR below 3%

- 3.17 *Where the assessed RoSH level is high however the RSR score is below 3% the practitioner must set out the exceptional circumstances that would warrant allocation to the NPS and appropriate management approval must be gained for the case to be retained by the NPS. In these circumstances, the actuarial predictor indicates that the individual's likelihood of committing a seriously harmful offence is within the typical range for all offenders; therefore*

there must be compelling evidence that the individual's presenting behaviour and/or circumstances represents a high risk of serious harm. As a general principle practitioners will need to evidence in their assessment that:

- (a) the individual presents a high risk of serious harm through child neglect or any other serious offence outside the scope of the RSR predictorⁱ or;
- (b) there is clear evidence from the analysis in OASys section R10 to demonstrate that the individual is likely to commit a serious offence inside the scope of the RSR predictor, or
- (c) there is good reason to believe that the 's RSR score has been underestimated due to a partial or total absence of criminal history data, and there are reasonable grounds to believe that retrieval of this data would result in an RSR score of 6.9% or above.

Information to be communicated to the provider

- 3.18 *The NPS must make all reasonable attempts to provide, where applicable and if in the possession of the NPS, all paperwork as soon as is practicable.* This includes but not limited to: the sentence of the court including any requirements; where the licence was issued at court, a signed copy of the licence; details of any post sentence interview; case specific risk information which can be recorded on the OASys RoSH full analysis including a date for re-referral of Risk Review if necessary; a copy of the PSR if prepared; a written copy of any oral report, a record of previous convictions, the CPS bundle; information about notifications made (e.g. to Children's Services) any other information relevant to the management of the offender including any assessments completed at the PSR stage.

Annex A – Cases automatically allocated to the NPS

The following cases will be retained for the NPS to manage:

- Cases which fall to be managed under Multi Agency Public Protection (MAPPA)
- Cases not managed under MAPPA but in which the offender is nevertheless assessed at the outset as posing a high risk of serious harm to the public
- Cases in which there is an exceptional public interest in management being retained by the NPS e.g. as at 1.12.
- Cases of Foreign National Offenders who are sentenced to 12 months' immediate imprisonment or more and or who are recommended by the sentencing court for deportation. NB: if Home Office Immigration Enforcement (HOIE) subsequently decide not to deport the offender whilst they are serving the custodial element of their sentence and the offender is not assessed as a high RoSH then the case should be reallocated to the CRC unless the offender is within the final 12 weeks of the custodial part of the sentence. (Annex C)
- *Individuals who are subject to either a SRO or a SHPO at the point of sentencing will be automatically allocated to the NPS as part of the case allocation process. (Annex F)*
- Please note that in those cases where the courts have deferred sentence, the NPS will act as supervisor for the period of deferment until the point of sentence
- All cases managed in Wales

Cases managed by the NPS

- Cases transferred back to the NPS due to an escalation to high Risk of Serious Harm
- Cases not assessed at the outset and subsequently found to be high Risk of Serious Harm
- Cases currently supervised by the CRC who then receive either an SRO or an SHPO need to be transferred to the NPS, as detailed in the Case Transfer Policy Framework.
- All cases managed in Wales

Annex B – Case Specific Risk Information and Case Review

As a result of the creation of the unified Probation Service the process for the risk review of cases has been discontinued. All cases will be allocated to an operational team based upon the assessment made at the time of sentence without the need for automatic review criteria to be set. In some cases, subsequent information and/or assessments will determine that the risk presented by the supervised individual is in fact greater than originally assessed. Such cases will no longer be subject to the previous risk review process; instead the case transfer process is to be followed to ensure that the case is managed by an appropriate officer.

Annex C – Foreign National Offenders eligible for deportation

A key aim of allocating Foreign National Offenders to the National Probation Service is to promote close links with Home Office Immigration Enforcement (HOIE) as they make important decisions regarding whether offenders are deported and detained post release date, as well as to ensure the rehabilitation and effective risk management of those Foreign National Offenders who are released on licence.

Other foreign nationals outside the scope of automatic allocation to NPS will be allocated according to the risk that they pose including those where HOIE are considering deportation or removal on other than criminality grounds, e.g. visa overstayers or others who do not have a right to remain. *In these cases contracts will stipulate that CRCs must provide HOIE with information for immigration enforcement purposes.*

1. Initial Case Allocation

Eligibility criteria

For initial allocation purposes there are two groups of offenders who meet the eligibility criteria

- An individual who has been recommended for deportation by the sentencing court
- An individual who is a foreign national and has been sentenced to 12 months immediate imprisonment or over.

Exclusions

There are two exclusions.

- Prisoners with 'dual nationality' when one of them is British, cannot be deported and for case allocation purposes should not be considered as foreign national prisoners.
- Nationals of the Republic of Ireland should not be considered as foreign nationals for the purposes of this case allocation process.

Verifying nationality at Court

NPS court staff are to use the Proforma located in Equip for the process of verifying FNO's at court.

Annex D – Cases allocated in Error

It is likely that there will be some cases that need to be re-allocated due to either technical or user errors that could involve:

- cases initially allocated to the NPS which should be allocated to a CRC;
- cases initially allocated to a CRC which should be allocated to the NPS; or
- cases initially allocated to one CRC which should be allocated to a different CRC.

The process for re-allocating such cases will be separate from existing procedures applying to case transfers and risk escalation. Errors in allocation can be highlighted by both the NPS and CRCs. An appeal process in the event of a disagreement over a case highlighted by CRCs will sit with the NPS. The final decision on the re-allocation will sit with the NPS.

Process

Where a case is allocated in error to a CRC and should have instead been allocated to the NPS or a different CRC, the following steps should be followed.

1. a) If the CRC assesses that the case has been allocated to in error and has not yet ACCEPTED the transfer, the request should be rejected using one of the following rejection reasons:
 - Case Allocated in Error – User
 - Case Allocated in Error – Technical
- b) If the CRC has already accepted the transfer request, then they should initiate a transfer back to the NPS using the EXTERNAL TRANSFER functionality and one of the following transfer reasons:
 - Case Allocated in Error – User
 - Case Allocated in Error – Technical

A user error would be where the user has simply selected the wrong provider from the drop down list.

NOTE: The Offender, Order and any Supervision Requirement/Licence Condition will need to be transferred back to NPS.

2. Once NPS has accepted the transfer back, they should correctly assign to a responsible officer in the NPS using the INTERNAL TRANSFER functionality or to the correct CRC using the EXTERNAL TRANSFER functionality.

In both cases, one of the following transfer reasons should be used:

- Adjusted Initial Cohort Allocation
- Adjusted New Cohort Allocation

The first option applies where this is a NEW offender, the second where the offender has been subject to one or more previous Orders/Licences.

The same reasons for Transfer should be used where cases have been incorrectly assigned to NPS and need to subsequently be allocated to a CRC Cohort. This will usually only apply to technical errors.

Annex E - Case Allocation Process

As a result of digital dependencies, the requirement to maintain the distinction between legacy NPS and legacy CRC allocation criteria will remain despite the creation of a unified Probation Service.

In order to maximise benefits where possible, changes have been made to the process for assessing cases as part of the allocation process. In particular, changes have been made to the expectation for OASys RoSHA screening/assessment completion where no PSR is required.

All Probation Practitioners are required to familiarise themselves with the attached Interim Practice Guidance, which provides full details on practice expectations from the point of implementation of the unified model for service delivery.

Interim Guidance - <https://www.gov.uk/government/publications/case-allocation-pi-052014>

Annex F