



HM Prison &
Probation Service

National
Probation
Service



Interim Guidance on Case Allocation processes (supplementary to PI 05/2014)

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1.0 Introduction

In March 2015 the 'Transforming Rehabilitation' programme led to structural changes being introduced to the delivery of probation services. Perhaps the most fundamental of these was the separation of the offender management function between the public sector National Probation Service (NPS) and a series of 21 private Community Rehabilitation Companies (CRC).

The current Probation Instruction (PI) on Case Allocation (05/2014) reflects this shift, outlining the processes to be followed to allow decisions to be made on how and where a case is to be allocated.

Since 26 June 2021 responsibility for offender management function has been held by the newly created Probation Service (PS) under a unified model of service delivery.

In February 2021 a detailed Target Operating Model (TOM) was published which details the wider intentions for probation reforms. This document can be accessed using the following link:

[The Target Operating Model for the Future of Probation Services in England Wales Feb 2021](#)

The longer-term benefits articulated by the TOM, especially in relation to court work and sentence management, will eventually mean that the need to allocate cases from court based on offence type, risk level or other status indicators (such as MAPPA eligibility) will cease. However, this cannot happen immediately following the implementation of the new unified model.

For many aspects of probation service delivery, a 'lift and shift' approach has been adopted for transition in June 2021 to support operational stability. Over time further changes will be introduced in a phased manner as the agency moves towards implementing the Target Operating Model.

This will also be the case in respect of case allocation. This process is subject to a complex set of inter-dependencies between court teams, community teams and custodial allocation. It should be noted that digital development is also needed to support change in this operational arena.

As a result of the above, the fundamental change to case allocation which Responsible Officers might expect to see under a unified model cannot be introduced immediately and there will, for a time, remain the need to differentiate between what would have been NPS and CRC cases. The existing Probation Instruction on Case Allocation therefore continues to apply. This supplementary practice guidance aims to set out what has changed and how this impacts upon the full Policy Instruction document.

It also sets out the changes in practice to the assessment process for cases being sentenced where no pre-sentence report (PSR) has been completed. This recognises the importance of effective dynamic risk assessment, which is based upon access to, and analysis of, appropriate information sources. Moreover, these changes also recognise the court backlogs that have developed as a result of the COVID-19 pandemic and the likely increases in demand that court teams will be subject to as recovery work continues across the wider Criminal Justice System.

2.0 Guidance for Offender Management functions

2.1 Key Practice Considerations

- It remains good practice that Court Teams continue to provide as much information as possible to the allocated teams. This means continuing to request information and making assessments where PSRs are being completed. Although the expectations around court assessment have been changed for cases where no PSR is required, Court Teams should continue to provide allocated teams with as much information as is available to them. Paragraph 1.13 of the Case Allocation PI provides further guidance.
- Court teams retain responsibility for allocating newly sentenced cases to the appropriate team. For cases receiving a custodial sentence the need to differentiate between former NPS/CRC allocation criteria remains, as this supports the ongoing need for the OMiC model of resource allocation. The former Case Allocation System (CAS) has now been automated and will calculate the allocation outcome (Retained/Enhanced Resources or Allocated/Normal Resources) without the assessor completing a set of questions, by basing the decision upon information entered in existing Delius data fields. Changes to Delius now mean that an RSR/OSP score calculated in OASys will automatically transfer into Delius, with the data scores transferring directly into the former CAS screen.
- The automated calculation of the CAS screen output occurs when one of the factors that might affect the result changes, meaning that any changes to relevant data fields will be picked up and lead to an updated CAS screen calculation. Similarly, when a risk escalation review is now undertaken by a prison Prison Offender Manager (POM), the outcome of the OASys risk review will usually be exported to Delius and the CAS screen calculation will be updated. There are likely to be a small number of cases where the updated risk levels won't pull through to Delius. These will be identified via a centrally generated exceptions report and the central SPOC will manually update the Delius risk register.
- Where a risk escalation is undertaken by a prison POM, the review assessment may lead to a change in RSR/OSP scores. The limited access which custodial colleagues have to Delius is likely to mean that often they are unable to update these scores on the CAS screen. This will have no impact on the re-calculation of handover dates/responsibilities, but at the point of taking over responsibility the COM should be aware of this and update the scores (where needed) in line with their own pre-release assessment.
- Individuals receiving a new community sentence at court, or being released immediately on licence as a result of time spent on remand, should continue to be seen by court team staff on the day of sentence and given an initial appointment before leaving court, where this is established practice. In Regions or Probation Delivery Units where alternative practices operate regarding the provision of first appointments post-sentence these arrangements may continue.

- It is essential that for all newly sentenced cases, except for those who are sentenced in, and will be supervised by, Wales, or cases where a full analysis is needed (e.g. PSR completed or new sentence given and an initial sentence plan is required), the court team up-dates the risk level indicator on NDelius, even though it is acknowledged that where no PSR has been prepared this risk level will be 'indicative' only. Due to the way that OASys and NDelius exchange information it is important that the assessor locks the OASys document before updating the NDelius risk of harm level indicator. Failure to follow this sequence could in some cases result in the NDelius indicator entered being over-written by an incorrect historic OASys risk level.
- Since December 2019 Wales has been working to a unified model of probation service delivery. As part of this model it was agreed that the NDelius risk level indicator would not need to be completed. This established practice continues for Wales only following implementation of the national unified model on 26 June 2021.

2.2 Changes to Mandatory Actions in the PI

- Most cases continue to require the completion of RSR by court teams, with the team allocation being recorded in NDelius. This includes recording the NDelius Risk Level Indicator (*except for in Wales or cases where a full analysis has been completed*). The only exception to this is for cases that are already current, have an allocated supervising practitioner and receive a new community sentence, as here the supervising practitioner will be required to fully up-date all assessments instead. The [Case Transfer Policy Framework](#) details the action needed where, as a result of a new sentence, an existing case needs to be reallocated due to risk escalation criteria being met.

NB: Please refer to Section 2.3 for further guidance on the process to be followed where an existing case receives a new sentence and as a result it is likely that the legacy automatic NPS allocation criteria will be met.

- Previously a risk screening has been required on all cases, with a risk assessment also completed where indicated as necessary by the screening process (Paragraph 1.8 of PI 05/2014). It is recognised that this process is time consuming for court staff and may be of limited value where there has been no opportunity to formally interview/assess a defendant. Building on the experience of colleagues in Wales, where the unification of offender management was introduced in December 2019, the decision has been taken **to remove the OASys ROSHA risk screening/assessment requirement from all cases where no PSR has been requested**. Court teams should instead follow the processes outlined in Section 3 of this document, after determining which category their case falls into.
- Previously there has been a requirement for court teams to provide definitive risk level assessments where allocation has been made, based upon an indicative risk level only. As indicated above, it is accepted that for cases being allocated by court teams where no PSR has been undertaken the assessment of risk can only be *indicative*. This does not apply in instances where a PSR has been completed, as here an OASys assessment should be completed. Thus, there will now no longer be the expectation that court teams provide a definitive risk level post-allocation and instead the presumption will be for the allocated supervising practitioner / Prison Offender Manager to fully review the case and determine the risk level post sentence. This does not however alter the expectation on court teams to provide all available information in a timely manner (see Section 2.1, above).

- Previous structures have necessitated the requirement for a 'risk review' process to be in operation, allowing borderline medium/high risk of serious harm cases to be reviewed (paragraph 1.11 of PI 05/2014). The risk review mechanism has been abolished and instead all cases where risk of serious harm is considered to have escalated to high/very high should be subject to internal case transfer processes where there is a need to re-allocate the case. Full details can be found in the Case Transfer Policy Framework.

NB: This will only apply where legacy team structures remain in place. Where mixed caseloads have been introduced the need for formal case transfers based upon risk escalation considerations will no longer be needed, and instead operational managers will be able to reallocate case management responsibility informally via PODS or teams.

See section 2.1 for details of risk escalation where a custodial case is being managed by a prison POM.

2.3 Further changes

- Although digital migration of national team structures has been completed, allowing caseloads to be combined and new team structures to be reflected on NDelius, the introduction of mixed caseloads remains a gradual process. Under Offender Management in Custody (OMiC) guidelines Community Offender Managers are only to be allocated immediately where a custodial case, meeting legacy-CRC allocation criteria, has 12-weeks or less left to serve at the point of sentence, or for legacy-NPS allocation criteria the individual has 10-months or less left to serve at the point of sentence. Legacy CRC cases with more than 12-weeks to serve at the point of sentence, and legacy NPS cases with more than ten-months left to serve at the point of sentence will be the responsibility of a Prison/Probation POM until the handover date is reached.

NB: Previously OMiC have used the CAS as the primary mechanism for determining POM responsibility and POM/COM handover points. Whilst the CAS screen continues to appear on Delius, the calculation of the allocation criteria has now been automated and draws upon existing Delius information.

Since the completion of the digital migration of team structures across regions, each team has a shadow OMiC team which OMiC-eligible cases can be allocated to until the handover point is reached.

- Longer-term, the creation of unified teams will mean that the need to distinguish between legacy-NPS and legacy-CRC allocation criteria becomes obsolete. However, as already indicated above, a complex set of inter-dependencies means that this benefit has not yet been realised. Until further notice court teams must continue to follow the processes outlined in Section 3 of this document, including the completion of the NDelius risk level indicator (*except for Wales*), even where new unified team structures have been implemented.
- It is understood that for some active and current cases being managed by former CRC staff, automatic legacy NPS allocation criteria will be met when a new sentence is given.

As mixed caseloads are increasingly implemented the seamless transfer of cases between officers within teams will become established practice. In Probation Delivery Units (PDU) where mixed caseloads have not yet been established it will remain necessary to follow the case transfer process.

For PDUs where mixed caseloads have not yet been established, *where the new sentence received is a community sentence* AND the allocation criteria being met relates to static factors (such as MAPPA or FNO status), court teams may wish to take a pragmatic approach to allocation and complete a risk level indicator to enable the immediate reallocation of the case, thereby reducing the need for case transfer processes to be followed by community teams.

By contrast, where the allocation criteria likely to be met is dynamic (i.e. based on practitioner assessment [RSR score, RoSH assessment]) the recommendation is for the existing allocated community officer to complete this activity, in keeping with the principle that risk assessment should be undertaken by practitioners with access to sufficient information and/or case knowledge. This could mean that the CAS screen (which has been calculated automatically) shows the case as being 'Retained/Enhanced Resources' whilst the team allocation on Delius is made to a former CRC team. This misalignment will be resolved once the existing community assessor has fully reviewed the case and allocation is either confirmed, or transfer processes are instigated.

This may not be possible in all cases (e.g. if the case was previously allocated to an officer in a stand-alone Unpaid Work team, but the new sentence comprises a multi-requirement order) and here established local practice should be applied.

In the event that the new sentence received is custodial, court teams should follow the processes outlined by Section 3 of this document, allowing the immediate re-allocation of the case from the court stage. The CAS calculation updates automatically, allowing OMiC records to be up-dated and the appropriate POM/handover calculations to be made.

3.0 The process

Full details of the process to be followed are outlined by the flow-diagram detailed in Annex A. Probation Practitioners should also reference the relevant EQuIP process maps.

Where a PSR or risk assessment has been completed OASys will provide an updated risk level and should be used, as this will send the correct risk level to NDelius automatically.

Where no OASys risk screening/assessment has been completed it is important that the assessor locks the relevant OASys assessment before updating the NDelius risk level indicator, in order to avoid the risk of OASys over-writing the risk level entered with older and potentially incorrect information.

Revised guidance on the use of OASys for the completion of RSR is available on Equip: [OASys - RSR Standalone Calculator - Court \(justice.gov.uk\)](https://www.justice.gov.uk/equip/oasys-rsr-standalone-calculator-court).

3.1 PSR completed cases

- No changes are being proposed for this cohort and all previous processes should continue to be followed, including the completion of OASys risk screening and full assessments as necessary.
- Full details relating to PSR processes can be found in Probation Instruction 04/2016 'Determining Pre-Sentence Reports'.
- RSR and OSP to be completed within OASys: For many cases where a PSR is being prepared it will have been possible for the assessor to have interviewed the person subject to court proceedings. Where this is the case the court team assessor should try to complete the dynamic RSR tool whenever possible, as this has been shown to provide a more reliable score.
- Completion of supplementary screenings and tools (e.g. SARA, EIF) and reference to the Effective Proposals framework (EPF) continue to be a requirement.
- NDelius completed, including: OGRS score.
- Result added to case record, with appropriate team allocation entered onto NDelius.
- Where the sentence given is not one of immediate custody, a first appointment is given to sentenced individual prior to their leaving court, where this is established practice.

3.2 No PSR required – Case Not Known OR Case previously known (terminated / historic) OR Current Case receiving a new custodial sentence

- Court team assessors should complete the RSR standalone calculator in OASys.
- No risk screening or full assessment is required, nor does any consideration need to be given to whether previous assessments were completed as Layer 1 or Layer 3 assessments.
- NDelius completed, including: OGRS score; Risk of Serious Harm level indicator entered (*except for Wales*).
- Result added to case record, with appropriate team allocation entered onto NDelius.
- Where the sentence given is not one of immediate custody, a first appointment is given to sentenced individual prior to their leaving court, where this is established practice.

3.3 No PSR required - Case known (Current) and new community sentence received

- Where a case is current and being actively managed there is no need for the court team to complete any assessment. The responsibility for the case is retained by the existing allocated officer in the first instance and so the court team must only result the case on NDelius. *Please refer to Section 2.3 for additional considerations where legacy NPS allocation criteria is likely to be met.*
- It is recognised that in some regions local variation to existing officers retaining the allocation will be required. Examples could include where a previous community order with stand-alone Unpaid Work requirement is being managed by a dedicated Unpaid Work unit, but the new sentence includes additional requirements.
- The sentenced individual should be given a first appointment prior to leaving court, where this is established practice.
- Upon notification of the new sentence the existing allocated officer is required to undertake a full OASys review, as the new sentence constitutes a 'significant change of circumstances' and a new Initial Sentence Plan is required. In the event that this review finds risk to have escalated and the need for the case to be transferred to another colleague, internal transfer processes should be followed. The Responsible Officer should also complete an up-dated NDelius Risk Level indicator (*except for Wales*).
- *NB: It is recognised that the above does not require an RSR score to be entered as part of the resulting processes. Previously this was a requirement under the performance*

measure, SL002. From 26 June 2021 SL002 has been discontinued and replaced by Management Information Report MI008. Whilst not entering an RSR score as part of the resulting process will still continue to show a 'miss' under MI008, this is only an internal information metric and WILL NOT be used for performance measurement.

Further questions

Further questions for clarification can be directed to:

- ProbationPolicy.Enquiries@justice.gov.uk
- oasysqueries@justice.gov.uk

Appendix A – Process Chart

The attached process chart details the process to be followed for the allocation of different case cohorts. Further information is also available on Equip.