



HM Prison & Probation Service

Information Sharing and the Effective Management of the Electronic Monitoring Requirement (Community Sentences)		
This instruction applies to:		Reference:
Providers of Probation Services		PI 01/2019
Issue Date	Effective Date	Expiry Date
Revised 30 April 2024	26 June 2021	N/A
Issued on the authority of	HMPPS Operational Policy Sub-Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> HMPPS HQ <input type="checkbox"/> Public Sector Prisons <input type="checkbox"/> Contracted Prisons <input type="checkbox"/> Governors <input type="checkbox"/> Immigration Removal Centres (IRCs) <input checked="" type="checkbox"/> Probation Service <input type="checkbox"/> HMPPS Rehabilitation Contract Services Team <input checked="" type="checkbox"/> Other Providers of Probation and Community Services 	
For information	<ul style="list-style-type: none"> • Her Majesty's Courts & Tribunals Service (HMCTS) • All Staff 	
Provide a summary of the policy aim and the reason for its development / revision	<p>This PI seeks to ensure there are arrangements in place between the Probation Service and the EM contractor for the effective management of the sharing of relevant risk of harm information and other information necessary for the management of the electronic monitoring requirement, as part of those orders where probation act as the Responsible Officer.</p> <p>26 June 2021: This revision has made changes to reflect the termination of CRC contracts from 25 June 2021. It also adds additional clarification on the allocation of the Responsible Officer role where an electronically monitored curfew requirement is made by the court.</p> <p>The revision also includes the new requirement for alcohol monitoring as part of a Community Order or Suspended Sentence. Alcohol Abstinence and Monitoring Requirement (AAMR) came into force in Wales in October 2020 and in England from 31 March 2021.</p> <p>April 2024 – new EMS contact email added</p>	

Contact	For general enquiries: email: ProbationPolicies.Enquiries@justice.gov.uk
Associated documents	PI 05/2014 Case Allocation Enforcement of Community Orders, Suspended Sentence Orders and Post-sentence supervision Policy Framework Alcohol Monitoring EQuIP page Probation Service Location Monitoring Guidance August 2020
Replaces the following documents which are hereby cancelled: PI 12/2011 Deliver Curfew Requirement Specification	
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.	
Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	
Introduces amendments to the following documents: N/A	

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1. Summary

- 1.1 When discharging the function of providing probation services, the Secretary of State must have regard to a number of aims, one of which is the protection of the public. It is therefore the responsibility of providers of probation services such as the Probation Service, and providers of electronic monitoring services to cooperate and share relevant information pertaining to the management of risk, where justified.
- 1.2 For the purpose of this Instruction the term Responsible Officer (RO) is used. *The Responsible officer must be (a) an officer of a provider of probation services, or (b) a person responsible for monitoring the Supervised Individual in accordance with an electronic monitoring requirement imposed by the relevant order as defined by Sections 213 and 299 of the Sentencing Act 2020.*
- 1.3 The Electronic Monitoring Contractor will be the RO for electronically monitored curfew only community sentences (community orders and suspended sentence orders). Such Orders are sentenced at Court as a multiple requirement Order, consisting of Electronic Monitoring and a Curfew but should be treated for enforcement purposes as a standalone Order with EMS retaining the Responsible Officer role.
- 1.4 For all other community sentences, including those that are electronically monitored, the RO function will sit within the Probation Service. This includes sentences where the only requirement is either electronic monitoring for the purpose of trail monitoring, or AAMR. The responsibility for the allocation of cases to the appropriate service provider is completed by the Probation Service.
- 1.5 Where there is an order containing an electronic monitoring requirement (including an alcohol monitoring requirement), timely communication between the providers of probation services and the EM Contractor is essential for the sharing of information and the effective management of the electronic monitoring requirement, including to enable prompt enforcement action.

2. Desired Outcomes

- 2.1 That information, including **relevant** information pertaining to risk of harm, is shared expediently and effectively between the **Probation Service** and the **EM Contractor** to support the overall management of the community-based sentence containing an electronic monitoring requirement.

3. Mandatory Actions

- 3.1 Arrangements for the exchange of necessary information and **relevant** risk of harm information must be established by the providers of probation services and the EM Contractor, pertaining to multi-requirement orders and orders which include AAMRs. Where known, **relevant** risk of harm information must be shared with regards to those orders the EM contractor manages, or concurrent / consecutive orders.
- 3.2 **Relevant** risk of harm information includes both information known that suggests a health and safety risk to an EM Contractor who has face to face contact with the Supervised Individual, in addition to information from a supervised Individual assessment e.g. OASys (if

the Supervised Individual has been assessed) that indicates the Supervised Individual is assessed as presenting a risk of harm to staff.

- 3.3 The Probation Service RO's must inform the EM Contractor of **any known relevant risk of harm information**, or alternatively confirm if there is **no known relevant risk of harm information, within one business day** of the date of case allocation that will enable the EM Contractor to effectively assess and manage risk to staff when visiting a subject's home address.
- 3.4 The Probation Service RO's must subsequently inform the EM Contractor of **any change to the relevant risk of harm information and/or any relevant change in the supervised individual's circumstances** identified at any point during the management of the order, including following initial assessment and risk of harm reviews.
- 3.5 If the probation Responsible Officer identifies any immediate/urgent concerns about the risk of harm that is relevant to the management of an EM order, this information must be shared immediately with the EM Contractor by the Responsible Officer.
- 3.6 The Probation Service must inform the EM Contractor **within one business day** of the date of case allocation of the Responsible Officer contact details, and/or any other necessary contact details (for example a functional mailbox address), to ensure effective information sharing can be undertaken.
- 3.7 Where applicable, the Responsible Officer must inform the EM Contractor **within one business day** of the date of case allocation of Supervised Individuals who are subject to MAPPA and/or subject to Integrated Offender Management (IOM) / Prolific and Priority Offender (PPO) scheme.
- 3.8 Where applicable, the Responsible Officer must ensure that the EM Contractor is informed of any relevant outcomes and/or actions arising from MAPPA meetings, and when necessary invite an appropriate representative from the EM Contractor to attend a MAPPA meeting.
- 3.9 The EM Contractor must notify the Responsible Officer of any **relevant risk of harm information within one business day, or immediately** if necessary to manage the risk. Relevant risk of harm information may include risk of harm information that has been previously provided by the Probation Service Responsible Officer.
- 3.10 The EM Contractor must provide **any** information, including **relevant risk of harm information**, relating to a Supervised Individual, or the monitoring of a Supervised Individual, that is requested by the Probation Service Responsible Officer to inform the management of the sentence and/or ongoing risk of harm assessment.
- 3.11 The Responsible Officer must notify the EM Contractor of any change(s) to the management arrangements of the order, including transfers between different Probation Service regions, **within one business day** after the change(s).
- 3.12 The Responsible Officer must notify the EM Contractor if a Supervised Individual is transferred between Probation Service teams following a risk escalation process, and the nature of the increase in risk of harm, **within one business day** after the date of the decision to transfer to the Probation Service.

- 3.13 **Within one business day** after receipt of a transfer or following a risk escalation of a Supervised Individual, the Probation Service new Responsible Officer must notify the EM Contractor that the respective Probation Service region is responsible for managing the Supervised Individual, and provide all necessary information and relevant risk of harm information known at the time, and the contact details for the Responsible Officer.
- 3.14 For curfew or location monitoring cases, the EM Contractor must update their case management system and notify the Responsible Officer **within 24 hours** where there is a violation of the electronic monitoring requirement that may lead to breach. Information relating to breach must be shared in accordance with the Enforcement of Community Orders, Suspended Sentence Orders and Post-sentence supervision Policy Framework.
- 3.15 In the case of orders where the Probation Service is the RO, the Responsible Officer must send a letter to the Supervised Individual stating that they have violated their electronic monitoring requirement and allow them 5 working days to produce evidence that they have a reasonable excuse for failure to comply with the requirement. If no evidence is produced or the evidence is not accepted, the Responsible Officer must supply the breach information within 8 working days of the alleged trigger violation event (Enforcement of Community Orders, Suspended Sentence Orders and Post-sentence supervision Policy Framework).
- 3.16 Following an alleged Breach of an electronic monitoring requirement, the Responsible Officer must notify the EM Contractor of the outcome of the decision of whether to proceed with the presentation to court of the alleged Breach and of any requirement on the EM Contractor to provide information and/or a witness to attend the court hearing, **within one Business Day** of the court hearing date being set. Or, not to proceed with the presentation to court of the alleged Breach **within one Business Day** of the decision and inform the EM Contractor of any action taken.
- 3.17 Where enforcement proceedings have been issued, the Probation Service must inform the EM Contractor **within one business day** of notification of the outcome of the final determination of the proceedings, or any other relevant information (for example, adjournment or issuing of a warrant).

4. Operational Instructions

- 4.1 This PI **does not** describe mandatory actions to be undertaken immediately post-sentence. The notification of the requirement and instruction to carry out the installation of the electronic monitoring equipment is the responsibility of HMCTS.
- 4.2 All cases will remain the responsibility of the Probation Service until the date of allocation. See [PI 05/2014 Case Allocation](#).
- 4.3 Providers, as the responsible agencies will have procedures in place to receive relevant information from other responsible agencies regarding risk of harm, and to identify and share information, including information pertaining to risk of harm and to support management of risk, at the start of and throughout the order.
- 4.4 If the Responsible Officer requires additional information to inform the management of the sentence, and/or the ongoing assessment of risk of harm, this will be requested from the EM Contractor (*paragraph 3.3*). The responsibility for the ongoing management and assessment of the supervised individual's risk of harm rests with the Responsible Officer.

- 4.5 Following the allocation of the case to the Probation Service and throughout the period of the EM or AAMR requirement, the Responsible Officer must share information with the EM Contractor using the form *Probation Service Responsible Officer and Offender Risk Information for EMS* (Annex A). The form should be completed in full and all information accurately recorded. The completed form should be sent to:

EMSenforcement@ems.co.uk

5. Policy and Strategic Context

- 5.1 The legislative framework for the electronic monitoring requirement is contained in Schedule 9, Part 14 of the Sentencing Act 2020 (the Act). This allows supervised individuals to be made subject to an electronic monitoring requirement for the monitoring of the supervised individual's compliance with other requirements, or as a location monitoring requirement to monitor the supervised individual's whereabouts other than for the purposes of monitoring compliance with another requirement (the latter form of monitoring will be possible once the legislative provision is in force on 1 April 2019). The MoJ refer to the latter as a trail monitoring requirement.
- 5.2 34(2) of Schedule 9 of the Sentencing Act 2020 requires the court to impose an electronic monitoring requirement when imposing an exclusion requirement or a curfew requirement, unless it considers it to be inappropriate in the circumstances. When imposing a curfew requirement, the court will order that a Supervised Individual remain 'at a place so specified' for not less than two and not more than 16 hours a day (on days the electronic monitoring requirement operates) for a period not exceeding twelve months.
- 5.3 The majority of curfew requirements are electronically monitored, with a very small number of orders made without an electronic monitoring requirement at the court's discretion. A trail monitoring requirement can be used either as a requirement on its own or, like other forms of electronic monitoring, included in a package of up to 13 other requirements attached to a Community Order or Suspended Sentence Order.
- 5.4 Schedule 9, Part 14, Section 26 (1)(b) of the Sentencing Act 2020 enables the court to impose a total ban on alcohol consumption for up to 120 days and requires the Supervised Individual to have their compliance electronically monitored when imposing an Alcohol Abstinence and Monitoring Requirement (AAMR). The court will order the Supervised Individual to remain 'at a place so specified' for up to 48 hours (after the order is imposed in court) to ensure the successful installation of the alcohol monitoring equipment.

6. Resource Impact

- 6.1 This instruction replaces PI 12/2011 Deliver Curfew Requirement Specification and is consistent with the existing obligations on the Probation Service and the EM Contractor. It introduces no new mandatory actions.

7. Supporting Documentation

- 7.1 [Annex A: Probation Service Responsible Officer and Offender Risk Notification to EMS Form](#)

(Approved for Publication)

Sonia Flynn
Executive Director Probation and Women, Probation Service

Annex A

Probation Service Responsible Officer and Offender Risk Notification to EMS

Where a Community Order, Suspended Sentence Order or Supervision Default Order is imposed with Electronic Monitoring, EMS must **be** notified of the details of the Responsible Officer and of any relevant information necessary to assessing the supervised individual's risk. Any information that constitutes sensitive processing in accordance with the Data Protection Act 2018 must only be shared where it is strictly necessary for the purpose of EMS managing risk.

This form is to be completed within one business day of the Responsible Officer being allocated and sent to EMS on the following email: EMSenforcement@ems.co.uk

N.B. Where there is an existing Responsible Officer please complete and return this form to EMS on the day you are notified that that Electronic Monitoring is imposed.

Supervised Individual's Details

<i>Name</i>	
<i>Address</i>	
<i>Date of Birth</i>	

Supervised Individual's Risk Information

Has the supervised individual undergone a risk of harm assessment e.g. OASys?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known
If so, what was the Risk of Harm assessed as to staff? Please provide any relevant information arising from the assessment/s that is necessary for EMS to assess risk to staff. Bearing in mind that information subject to sensitive processing must only be shared with the supervised individual's consent or where <u>strictly necessary</u> for the purposes of EMS managing risk.	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Very High
Please provide any other information concerning the risk of harm to members of the public that is necessary to EMS's role in managing the electronic monitoring requirement. Please provide any relevant information arising	

from any other assessment/s that is necessary for EMS to manage risk. Bearing in mind that information subject to sensitive processing must only be shared with the supervised individual's consent or where <u>strictly necessary</u> for the purposes of EMS managing risk	
Risk to Specific Gender (as assessed in OASys or other risk assessment tool used)	<input type="checkbox"/> Male <input type="checkbox"/> Female
Is there evidence known of the subject having racist views?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known
Is there evidence known of the subject having homophobic views?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known
Pets at Premises that might present a risk?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known
Is the Subject managed through IOM?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known
Is it a MAPPA case? If yes please indicate the MAPPA Level and any relevant information for the effective management of the individual	<input type="checkbox"/> Yes <input type="checkbox"/> No
Risk to Self (as assessed in OASys or other risk assessment tool used) If yes please specify –	<input type="checkbox"/> Yes <input type="checkbox"/> No
Safeguarding Issues If yes please specify –	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not known.

Responsible Officer and Contact Details

<i>Responsible Officer Name</i>	
<i>Responsible Officer Contact Number(s)</i>	
<i>Office address and PDU</i>	
<i>PDU functional mailbox</i>	
<i>Notification sent by (PDU)</i>	
<i>Date of notification (to EMS)</i>	

This form is to be used as a continuous record to inform EMS of any significant change including change of Responsible Officer and any changes to risk. This could be at various points i.e. after a home visit, receipt of further information or once OASys is completed.

Further Update

<i>Please specify details of change</i>	
<i>Notification sent by</i>	
<i>Date Revised Notification sent to EMS</i>	

Further Update

<i>Please specify details of change</i>	
<i>Notification sent by</i>	
<i>Date Revised Notification sent to EMS</i>	

Further Update

<i>Please specify details of change</i>	
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