



Ministry  
of Justice

# Target Operating Model: Version 3

## Rehabilitation Programme

May 2014

A large purple arrow pointing to the right, with a white outline on its left side.

**Transforming  
Rehabilitation**



Ministry  
of Justice

## **Target Operating Model: Version 3**

### Rehabilitation Programme

This information is also available at [www.gov.uk/moj](http://www.gov.uk/moj)

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## Introduction

This Target Operating Model describes a system which will deliver a step change in the way we rehabilitate offenders, and which will lead to year-on-year reductions in reoffending. This system will implement the vision which the Secretary of State described in “*Transforming Rehabilitation: A Strategy for Reform*”.

The reformed system is designed to deliver more effective rehabilitation and mentoring to more offenders, while ensuring that sentences of the court are carried out, the public is protected and taxpayers’ money is put to best use. It is a system in which innovation will be encouraged and success in reducing reoffending will be rewarded.

The **quality** of rehabilitation support delivered will be critical to reducing reoffending. Therefore, the Target Operating Model is designed to have the potential for delivery by a wide range of possible rehabilitation providers across all sectors, from SME and larger private sector organisations to potential mutuals and organisations in the Voluntary, Community and Social Enterprise (VCSE) sector. The central focus is the quality of service and the likelihood of reductions in reoffending. It will be important for providers to run an efficient service, particularly in order to extend rehabilitation services to those released from short sentences

The system will give rehabilitation providers the **flexibility** to do what works to reduce reoffending. We will operate an incentive model where providers have maximum freedom to determine how they will rehabilitate offenders, and where a proportion of their payment depends on their success in doing so.

Providers will have the **tools** they need to address offenders’ needs and require them to engage. We have legislated to expand supervision after release to short sentenced offenders and to create a new Rehabilitation Activity Requirement (RAR) for Community Orders and Suspended Sentence Orders which, where it has been imposed by the court, will give providers discretion to require offenders to participate in rehabilitative activities. And the prison estate will be realigned to designate new local resettlement prisons, so that the same providers who will be working with offenders in the community can work with them before release too.

**Efficiency** is also a central element of the design of the Target Operating Model. Not only does an efficient system free up funding to invest in extending and enhancing rehabilitation; by minimising unnecessary bureaucracy we will ensure staff working in Community Rehabilitation Companies (CRCs) and in the new National Probation Service (NPS) can spend more of their time managing and rehabilitating offenders in the most effective way.

**Public protection** remains paramount, and the new NPS will have a particular focus on protecting the public including through the direct management of those offenders who pose a high risk of serious harm. The NPS and CRCs will work collaboratively, with the potential for more frequent reviews by the NPS in cases where risk is more volatile or circumstances have changed. We expect that partnership working would be facilitated by co-location.

Providers will also achieve best results by working in **partnership** with local authorities, Police and Crime Commissioners (PCCs), and other local services to bring together the full range of support, be it in housing, employment advice, drug treatment or mental health services.

The MoJ's management of contracts will be robust. Providers will be expected to meet the highest **standards**, ensuring that taxpayers' money is spent properly and transparently, but we will not impose unnecessary reporting requirements or constraints which could discourage innovation or distract providers from focusing on the outcomes we want to achieve.

### Target Operating Model: Version 3

This version replaces the earlier Target Operating Model: Version 2 published in February 2014. This version incorporates further developments in the detailed design. This table documents the changes between the two versions.

There are a number of small changes in language throughout the document – such as changing references to the Offender Rehabilitation Bill to the Offender Rehabilitation Act 2014 – that are not recorded here.

### Offender Management & Service Delivery in the Community

Location	Detail of change
Section 1.2	Details of those offenders managed by the Electronic Monitoring (EM) provider
Section 1.4	Update of case allocation of Foreign National Offenders
Section 1.4	Case allocation for those serving Concurrent Orders section added
Section 1.4	Addition of information on case allocation for fine defaulters given a senior attendance centre order
Section 1.4	Additional text in the Immediate Risks to the Public section.
Section 1.4	Inclusion of information on cases allocated in error section

### Through The Gate (TTG) Service Design and Prison Re-alignment

Location	Detail of change
Section 2.1	Further information on risk escalation in custody
Section 2.2	Private Prison Model section expanded

**Integration and Partnership Working**

<b>Location</b>	<b>Detail of change</b>
Section 5.1	Expansion of explanation of child safeguarding boards explanation
Section 5.2	Addition of footnote explaining the availability and provision of Attendance Centres

**System Governance**

<b>Location</b>	<b>Detail of change</b>
Section 6.5	Handling of Fine Defaulters sentenced to Senior Attendance Centre order

**ICT & Data Management**

<b>Location</b>	<b>Detail of change</b>
Chapter 7	All new

**Estates**

<b>Location</b>	<b>Detail of change</b>
Chapter 8	Co-location

## Executive summary

In “*Transforming Rehabilitation: A Strategy for Reform*”, the Secretary of State for Justice set out plans to introduce a new system for the management and rehabilitation of offenders in the community across England and Wales. This document explains how the system will operate in practice once the reforms have been fully implemented. It is intended to provide useful reference material for potential Community Rehabilitation Company (CRC) owners, for probation staff in the current Trusts and for other interested stakeholders.

The details set out in this document reflect current thinking and may be subject to amendments, following further development and testing of the model.

The reforms comprise:

- the opening up of the market to a diverse range of new rehabilitation providers, incentivised through payment by results to reduce reoffending;
- a new public sector National Probation Service (NPS) which will be part of the National Offender Management Service (NOMS) and which will manage those offenders who pose the highest risk of serious harm and who have committed the most serious crimes;
- the extension of supervision after release to nearly all offenders leaving custody; and
- a new “through the prison gate” resettlement service across England and Wales.

The majority of probation services are currently delivered by 35 Probation Trusts under contract to NOMS on behalf of the Secretary of State.<sup>1</sup> Once the reforms are fully implemented, there will be 21 CRCs, each of which will provide services in its Contract Package Area (CPA). The CRCs will be owned and run by successful bidders in the present competition and will deliver services under contract to NOMS. The NPS will be a delivery arm of NOMS and will deliver services under a service level agreement (SLA). CRCs will manage the majority of offenders (those who pose a low or medium risk of serious harm) in the community sentenced to Community Orders (COs), Suspended Sentence Orders (SSOs) and those subject to licence conditions or supervision requirements and will deliver innovative rehabilitative support and mentoring to offenders. The NPS will directly manage offenders who pose a high risk of serious harm to the public (including those whose risk has escalated to high during the course of their sentence) or those released from custody who have committed the most serious offences and will have a key role at certain stages of the process for all offenders, for example in advising the courts on sentencing, determining allocation and dealing with enforcement action, working closely with CRCs.

**CRCs** will deliver the sentence of the court for each offender allocated to them to manage, and in doing so seek to rehabilitate offenders and reduce reoffending. Their payment for doing so will be based on a weighted annual volume of offender starts, with a proportion of the payment at risk, dependent on their performance in reducing reoffending. CRCs will

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<sup>1</sup> Some services are directly delivered by NOMS, for example Attendance Centres.

be expected to be innovative in designing and delivering rehabilitation services, and they will have the opportunity to engage with most offenders before their release so they can provide “through the gate” support. This will be facilitated by the introduction of resettlement prisons; wherever possible, locating offenders close to the CPA into which they will be released. The package of rehabilitative support CRCs provide to each offender will be for them to determine, and they will have maximum flexibility to do so and will be able to compel offenders to undertake any activity that falls within the terms of their sentences.

CRCs’ caseloads will fall into two broad categories: (a) offenders released from custody on a licence or supervision period; and (b) offenders subject to Community Orders or Suspended Sentence Orders. Offenders released from custody will generally be subject to licence or supervision conditions which give CRCs a very wide discretion to require them to undertake rehabilitative activities. Some (but not all) Community Orders and Suspended Sentence Orders will in future include a new “rehabilitation activity requirement”, which will similarly give providers a very wide discretion to require offenders to undertake rehabilitative activities. This ability to require offenders to undertake rehabilitative activities (particularly those given short custodial sentences of under 12 months, who are not currently subject to such requirements on release), combined with the new custodial arrangements which will enable them to engage with most offenders “through the gate”, provide a sound platform for CRCs to reduce reoffending.

CRCs will be required to ensure that all sentence requirements or licence conditions/supervision requirements are delivered for the offenders they manage. This includes more punitive or restrictive elements of a Community or Suspended Sentence Order such as unpaid work or exclusion requirements, or specific licence conditions such as drug testing. They will also be required to manage the risk of serious harm posed to the public by each offender, including identifying any potential escalations to high risk, referring these to the NPS, for a reassessment of the risk status. Any cases in which risk of serious harm has escalated to high will become the responsibility of the NPS, although the CRC may continue to deliver some interventions. CRCs will be required to monitor and support offenders’ compliance with their sentence or licence conditions, and to take appropriate action in relation to any breaches, referring them to the NPS for court action or recall when necessary.

In support of the reforms, NOMS is realigning the prison estate, designating a small number of resettlement prisons for each CRC area, which will release the vast majority of offenders to that area. CRCs will work in resettlement prisons in their Contract Package Area (CPA), delivering a resettlement service for every offender before release (including for offenders who will be managed by the NPS after release). This will provide them with the opportunity to engage with the offenders they will manage before release, both in the course of providing the resettlement service and to provide additional “through the gate” rehabilitation support to those offenders if they wish to do so. Prisons will facilitate this engagement.

The **NPS** will provide advice to court on sentencing, will conduct risk assessments at the outset and determine the allocation of cases, and will manage offenders who pose a high risk of serious harm to the public or have committed the most serious offences. It will also respond to potential escalations in risk and, where appropriate, take enforcement action in cases referred to it by the CRCs. The NPS will supervise the offenders it manages and will deliver some specialised interventions for them, but in general it will purchase interventions from CRCs.

**NOMS** as an executive agency of the Authority (the Secretary of State for Justice) will manage the contracts with CRCs and provide oversight of the SLA with the NPS. HMI Probation will carry out inspections across the new system, with a remit covering both the NPS and CRCs.

The NPS and CRCs will need to work effectively with each other and with other partners (such as those delivering Integrated Offender Management schemes) to achieve success in reducing reoffending. NOMS will place appropriate requirements on CRCs and the NPS in relation to engagement in some partnerships which have a basis in statute, and the NPS and CRCs will be expected to agree how to engage with non-statutory partnerships, where these support the management of offenders and the reduction of their risk of reoffending and of serious harm. To ensure an integrated and holistic approach to rehabilitation, other Government departments and Police and Crime Commissioners (PCCs) will be able to commission CRCs to deliver services.

The new system will ensure that professional standards continue to be maintained, with probation professionals working in both the NPS and CRCs, and opportunities for placements and interchange between them. The NPS and CRCs will both be required to have suitably qualified and competent staff. The NPS will continue to use the Probation Qualification Framework (PQF) and CRCs will also be free to use the PQF should they choose to do so. A new independent Institute of Probation will promote professionalism and provide a forum for sharing best practice across the probation profession in the public and market sectors.

## 1. Offender Management & Service Delivery in the Community

In “*Transforming Rehabilitation: A Strategy for Reform*” we described the new system for the management and rehabilitation of offenders. This chapter provides an overview of that system for managing offenders, setting out which services will be delivered by the new National Probation Service (NPS) and which by the 21 new CRCs, and highlighting areas where there is flexibility for providers of rehabilitation to design and deliver innovative new services to rehabilitate offenders while they deliver orders of the court and ensure the public is protected. It also sets out how the new services will be structured and how CRCs will be held to account for the services they deliver. Part 1 also covers which offenders are to be managed by CRCs and the NPS, and explains how offender management will work in the new system, including providing further detail on risk management arrangements.

### 1.1 Service design

#### Delivery of Services

CRCs will have responsibility for the management of the majority of offenders in the community. They will be expected to design and deliver an innovative new service to rehabilitate these offenders and help them turn their lives around. They will be given the maximum possible freedom to do what they believe will support the rehabilitation of offenders, and to drive down reoffending rates. This is the context in which they will ensure that the sentence of the court is delivered – delivering the requirements in Community Orders and Suspended Sentence Orders, and licence conditions or supervision requirements for those released from custody. They will be given greater flexibility to deliver rehabilitation through changes in the sentencing framework. They will also deliver a resettlement service for all offenders released from custody, and will be paid to deliver a range of interventions and services for offenders managed by the NPS.

The new NPS will be responsible for advice to courts, management and rehabilitation of Multi Agency Public Protection Arrangements (MAPPA) cases, high risk of serious harm and other public interest offenders, and delivery of their sentences. The new NPS will also deliver those Approved Premises currently managed by Probation Trusts, Victim Liaison schemes, and accredited programmes for sex offenders as well as bespoke interventions for some of the NPS cohort. Other interventions and services for their cohort will be purchased from the CRCs.

The Offender Rehabilitation Act 2014 includes provisions requiring the Secretary of State to identify any specific rehabilitation and supervision activities that are intended to meet the particular needs of female offenders. Examples of specific services that the NPS and CRCs will be required to deliver are discussed under section 1.3.

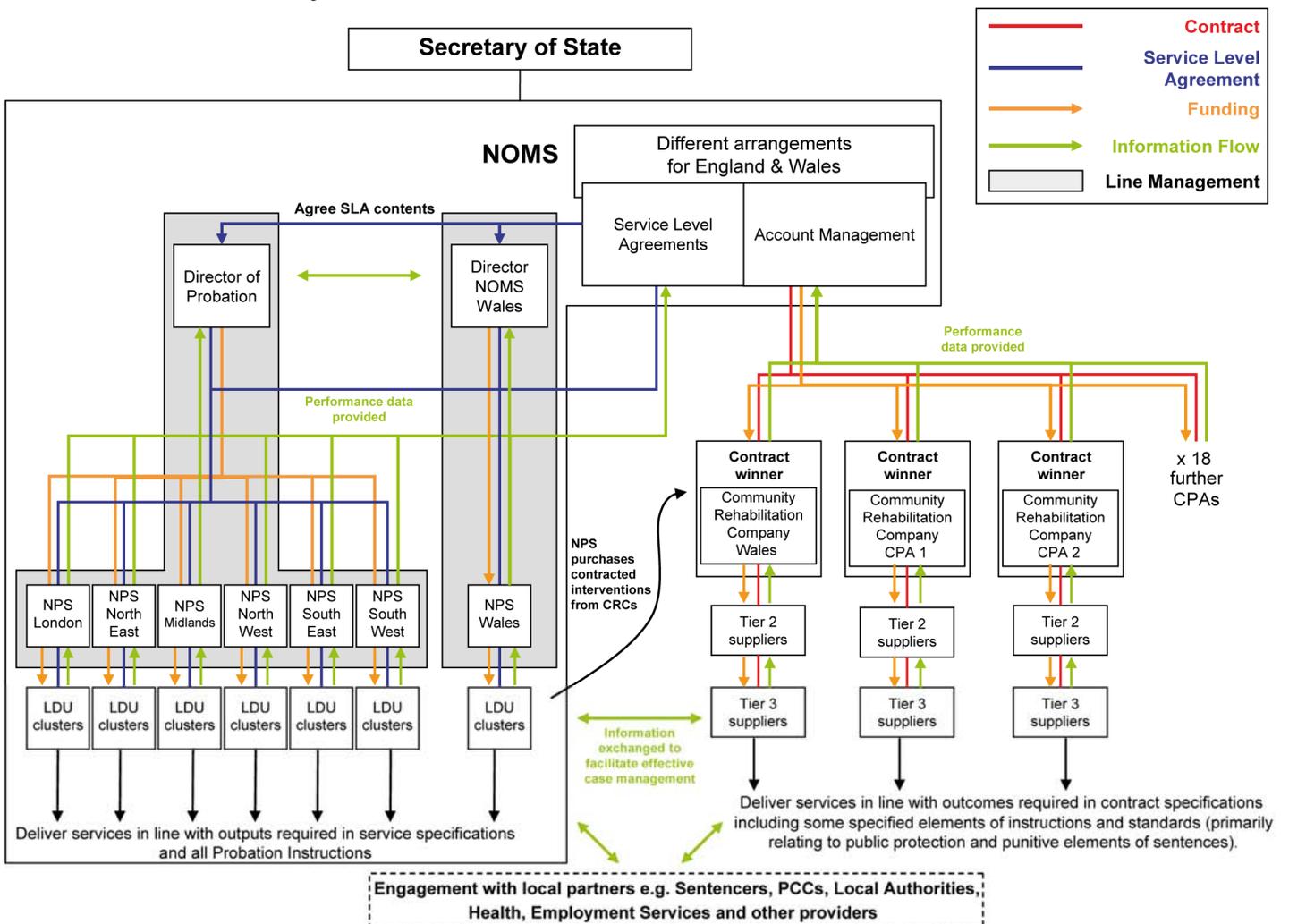
**Accountability**

CRCs will deliver services under contract to NOMS and will be contract managed by NOMS.

The NPS will be a directly managed delivery function within NOMS, with a Director of Probation and a Director NOMS Wales (whose remit will include and extend beyond the NPS in Wales). It will deliver services under a service level agreement. Both Directors will be members of the NOMS Board and they will be accountable to the NOMS CEO.

The diagram below shows the proposed structure and accountabilities:

**System Governance – End State**



### **CRC responsibilities**

The contracts with CRCs will be designed to ensure that:

- the public is protected;
- sentences are delivered;
- reoffending is reduced;
- the system is transparent, cohesive and exchanges information between the NPS and CRCs; and
- performance standards are safeguarded and the system delivers value for public money.

**CRCs** will be responsible for delivering the sentence of the court<sup>2</sup> for each offender allocated to them to manage, and in doing so seek to rehabilitate offenders and reduce reoffending. The system will give CRCs the combination of “grip”, or control, over offenders and flexibility to deliver appropriate rehabilitative services. CRCs will have the freedom to design the services which they believe will be most effective in reducing reoffending. They will be able to compel offenders to engage in activity which falls within the sentence of the court, and some types of sentence will give them considerable scope to require offenders to engage in rehabilitative activity. They could also choose to offer additional rehabilitative support and mentoring to offenders on a voluntary basis, in pursuance of a reduction of reoffending and a payment under payment by results.

The Secretary of State has a duty under the Offender Management Act 2007 to issue national standards for the management of offenders. The current standards are set out at Annex B and, subject to changes introduced by the Offender Rehabilitation Act 2014, will be included in the contract (Services Agreement). Beyond these standards, the level of prescription set out in contracts in relation to activities aimed at rehabilitation and reducing reoffending will be kept to an absolute minimum; those bidding to own and run CRCs will be free to design their own innovative rehabilitative service, and the proposition in their bid will be reflected in the contract (Services Agreement). NOMS will place some contractual requirements on CRCs with respect to how they deliver Community Order and Suspended Sentence Order requirements or licence conditions which are primarily associated with punishing or controlling the offender’s behaviour; these are discussed in more detail in section 1.3 and will enable NOMS to ensure the delivery of these aspects of the sentence to time and quality.

CRCs will be obliged to provide evidence of the following, for NOMS contract management, audit and assurance purposes:

- basic planning for delivery of the sentence and/or licence and post-sentence supervision;

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<sup>2</sup> Here and in subsequent sections, “the sentence of the court” is used to mean any requirements imposed under a Community Order or Suspended Sentence Order, or any conditions or requirements imposed on an offender as part of a licence or post-sentence supervision period. The various components of orders, licence conditions and supervision requirements are described in more detail in section 1.3. In addition, CRCs will also be responsible for delivering Attendance Centre orders, which can be imposed on fine defaulters.

- adequate identification and management of an offender's risk of serious harm;
- keeping simple records of contact with and about the offender and of the offender's compliance;
- maintaining quality assurance of the delivery of the sentence and/or licence and post-sentence supervision; and
- formally terminating the order or licence/supervision period on completion or other occurrence.

The precise details of the service to be delivered may change over time, for example as a result of fluctuations in demand or legislative changes. NOMS will, as necessary, update its commissioning priorities to respond to such changes, as part of the contract management process.

There will also be a mechanism for making essential changes to the way in which services are delivered. NOMS currently issues Probation Instructions (PI) and Prison Service Instructions (PSIs) when changes are required to the way in which services are delivered, for example as a result of legal judgments or changes to legislation. It will continue to do so in relation to activities carried out by NPS and CRCs, in order quickly to disseminate any required information about changes to the delivery of services. Mandatory elements that apply to the NPS and CRCs will be clearly identified and will primarily reflect the delivery of the punitive or restrictive aspects of sentences or management of the risk of serious harm posed by offenders, not rehabilitative activity. Where any new mandatory elements might significantly impact on cost or delivery for CRCs, changes to pricing will be agreed through a change control processes in the CRC contracts.

The NPS will be part of NOMS, which is a public authority for the purposes of the Human Rights Act 1998 and the Equality Act 2010. As such it will be required to conduct its operations in full compliance with this legislation. Many of the functions performed by the CRCs will be public in nature (for example the supervision of offenders in the community) and therefore in exercising those functions the CRCs will also be obliged to comply with the requirements of the Human Rights Act 1998 and the Equality Act 2010. This obligation will be reinforced by contractual provisions. As part of their response to the Transforming Rehabilitation competition, the CRC owners will have provided details of their intended approach to meeting these requirements and these commitments will be enforced through the contract management process.

## 1.2 Which offenders are covered by the new system

In the new system, either the NPS or CRCs will be responsible for the management of the following offenders, following assessment of risk of serious harm and previous offence by the NPS:

- All adult offenders sentenced to a **Community Order or Suspended Sentence Order**, except those who are managed by the Electronic Monitoring (EM) provider.<sup>3</sup> These offenders will be managed either by the NPS or by CRCs for the duration of their sentence.<sup>4</sup>
- All adult offenders **released on licence from custodial sentences of more than one day**. These offenders will be managed either by the NPS or by CRCs from the date of sentence until the end of the supervision period in the community (although in some cases responsibility may pass between CRCs and NPS during this time, as set out later in this chapter). The date of release will generally be the midpoint of their sentence.<sup>5</sup> Provisions in the Offender Rehabilitation Act 2014 will require all such offenders in future to be supervised in the community for at least 12 months<sup>6</sup> (either on licence or on a combination of licence and a new post-sentence supervision period<sup>7</sup>). Following the introduction of the new system, there will continue to be offenders serving and sentenced to custodial sentences for offences committed before the relevant provisions come into force, who will not be subject to a period of post-sentence supervision. Those sentenced to less than 12 months for such offences will have no licence period.
- Offenders sentenced as juveniles who subsequently **transition from the youth to the adult system** (see section 5.4);
- All **armed forces personnel** who have been convicted by a service court and who have received a custodial sentence, including a suspended sentence, (other than a sentence of service detention) and who are (i) on licence (ii) under supervision; or

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<sup>3</sup> Offenders will be managed by the EM provider if their order consists **only** of one of more of the following requirements: electronically monitored curfew; electronically monitored exclusion requirement; or new electronically monitored location/tracking requirement (introduced by Part 4 of Schedule 16 to the Crime and Courts Act 2013 and not yet commenced). Offenders whose orders contain any other requirements (whether combined with these electronically monitored requirements or not) will be managed by NPS/CRCs.

<sup>4</sup> Those given an SSO without requirements will not be managed by the NPS or CRCs

<sup>5</sup> The date of release will be earlier than the midpoint of the sentence for those released early on Home Detention Curfew.

<sup>6</sup> Adult offenders receiving sentences of 24 months or more already serve a licence period of at least 12 months after release. The Act provides that offenders given custodial sentences of more than 1 day and less than 24 months will receive a standard licence period and an additional post-sentence supervision period, taking their total supervision period (including both periods on licence and post-sentence supervision) in the community to 12 months (or more if they are granted early release on Home Detention Curfew).

<sup>7</sup> Offenders sentenced to a custodial term of 12 to 24 months for an offence committed before the Act provisions come into force will have licence periods of 6–12 months. Young adult (18–20 year old offenders) sentenced to a custodial term of less than 12 months for an offence committed before the Act provisions come into force will have the current supervision period of 3 months.

convicted by a service court and who have had imposed upon them a service community order or overseas community order;

- Offenders who **transfer in from another jurisdiction** and whose sentence means they are subject to supervision either as part of a non-custodial sentence or after release from custody (see section on transfers below); and
- Fine defaulters given a senior attendance centre order.<sup>8</sup>

The following groups will **not** be managed by CRCs or the NPS:

- Offenders who are sentenced as juveniles (unless a decision has been made to transition them to the adult system, either at the point of release or during their supervision in the community);
- Offenders serving a sentence of less than 12 months for an offence committed before the Act provisions come into force, who will have no licence period (except those aged between 18 and 20 who have a three month supervision period);
- Offenders who receive a custodial sentence of 1 day, who will also have no licence period;
- Fine defaulters and other offenders committed to custody for civil offences (however they will be eligible for the resettlement service in custody); and
- Offenders sentenced to a Community Order or Suspended Sentence Order which consists only of one or more of the following requirements: electronically monitored curfew; electronically monitored exclusion requirement; or new electronically monitored location/tracking requirement (introduced by Part 4 of Schedule 16 to the Crime and Courts Act 2013 and not yet commenced).

It should be noted that this section describes which offenders are managed by CRCs or NPS in the new system, not which offenders form part of the cohort whose reoffending is measured for the purposes of informing payment by results.

### **1.3 Sentence requirements and licence conditions/post-sentence supervision requirements**

The CRC caseload will fall into two broad categories: (a) offenders subject to Community Orders or Suspended Sentence Orders; and (b) offenders released from custody on licence, with some qualifying for additional post-sentence supervision. This section explains what the components of an order or licence might be for offenders in each group, and what CRCs will do in relation to the delivery of these components and the rehabilitation of these offenders.

CRCs will have the freedom to design the services which they believe will be most effective in reducing reoffending and will be able to compel offenders to engage in activity which falls within the terms of the order or licence/supervision period. Any rehabilitative activity undertaken outside the terms of the order or licence/supervision period would be

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<sup>8</sup> There will also be a small number of individuals given a police conditional caution who have to attend an Attendance Centre.

on a voluntary basis by the offender and no sanctions would apply to the offender for failure to engage.

**(a) Offenders subject to Community Orders or Suspended Sentence Orders:**

The courts will determine what requirements to impose in a **Community Order or Suspended Sentence Order** and will decide how long the order should last. In doing this, they will be informed where appropriate by advice on sentencing from the NPS. This advice will not prescribe what rehabilitative activity CRCs will undertake, but rather will inform the courts about what offenders' risks and needs are, and what sentencing options are available. CRCs will need to make information available to the NPS about the services which are available in the relevant local justice area to inform and shape this advice, and it will be important that sentencers have confidence in these services. The Offender Rehabilitation Act 2014 introduced amendments to the statutory framework; in particular to create greater flexibility in relation to rehabilitative requirements.<sup>9</sup> Once these changes come into force, the courts will be able to impose any combination<sup>10</sup> of the requirements<sup>11</sup> set out below.

A **Community Order or Suspended Sentence Order** can include one or more of the following:

- Unpaid work (known as Community Payback)
- Curfew
- Rehabilitation activity
- Programme (a course addressing specific offending behaviour)
- Mental health treatment
- Drug rehabilitation
- Alcohol treatment
- Prohibited activity (for example being banned from entering a licensed premises)
- Exclusion (being banned from entering a specific place)
- Residence (a requirement to live at a specified address. All offenders serving a community order or suspended sentence order must also seek permission from their Responsible Officer to change residence)
- Attendance Centre (Under 25s only)
- Restrictions on travel abroad

<sup>9</sup> The changes introduced by the Act will only apply to offences committed after the relevant provisions in the Act are commenced, so in the early days of the new system there will be a significant number of offenders in the CRC caseload who were sentenced under the previous statutory framework.

<sup>10</sup> From December 2013 the court will be required to include at least one requirement (or a fine) that is imposed for the purposes of punishment.

<sup>11</sup> Legislation providing for an alcohol abstinence and monitoring requirement and a standalone electronic monitoring requirement has not yet been commenced.

It is envisaged that the RAR will be the primary mechanism through which CRCs are able to require offenders given Community Orders or Suspended Sentence Orders to engage in rehabilitative activity, although activity which takes place under other requirements can also promote rehabilitation. The court will decide whether it is appropriate to impose this requirement, and the maximum number of days the offender can be directed to participate in activities. The CRC Responsible Officer will then be able to direct offenders to attend appointments with them and to participate in activities with a view to promoting the offender's rehabilitation. The CRC Responsible Officer will decide with whom and where the offender should attend appointments, what the activities are, whom the offender should report to for the activities and where they will take place. The instructions to participate in activities must be given "with a view to promoting the offender's rehabilitation", but that does not prevent them serving other purposes, including reparation (including restorative justice activities). If the offender unreasonably fails to engage they will be in breach of their order.

It will be for the court to decide whether to impose a RAR where it considers it suitable for the offender: there is no statutory duty for courts to do so for every offender. While this requirement is new, the current supervision and activity requirements, which the rehabilitation requirement will replace, are included in a large proportion of orders.<sup>12</sup> Where there is no specific RAR under the order, and the CRC and the offender agree additional rehabilitation activity which falls outside the terms of the order, this would be on a voluntary basis and no sanctions would apply to the offender for failure to engage.

CRCs will have maximum flexibility to determine how the RAR will be delivered. NOMS will not specify what providers must do towards rehabilitation, save for ensuring that the service meets basic minimum standards. Those bidding to own and run CRCs will be expected to design and develop their own services for the rehabilitation of offenders under this requirement, and to deliver services through the CRC in accordance with their bids. The CRC contracts agreed with MoJ will contain commitments made in bids.

NOMS will set outcome-focused specifications for the delivery of other Community Order / Suspended Sentence Order requirements, which give CRCs considerable flexibility to determine how they are delivered. These will include, for example:

- Community Payback – to ensure offenders complete their required hours of unpaid work in a timely manner and that the work placements provided are suitable, supervised effectively and the nature of the work is sufficiently rehabilitative and meets minimum quality standards.
- Curfew, prohibited activity and exclusion requirements – to ensure that offenders comply with these restrictions in liaison with local partners e.g. EM providers, police and local authorities.

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<sup>12</sup> The rehabilitation requirement is a new requirement that courts can impose on those sentenced to a Community Order or a Suspended Sentence Order. Therefore, we do not have data to indicate what proportion of a future CRC's Community Order/Suspended Sentence Order caseload will have a rehabilitation requirement. However, taking the proportion of individuals who have a supervision or an activity requirement (which are the most similar of the existing requirements to the proposed rehabilitation requirement), and excluding all those sentenced to standalone Electronic Monitoring who will not be managed by CRCs, published data shows that a large proportion of the current caseload received a supervision or an activity requirement. Of the remainder, almost all received a standalone Unpaid Work requirement.

- Drugs, alcohol and mental health treatment requirements – to ensure that offenders comply with their requirements to attend treatment, in liaison with health providers.

As discussed in section 1.1, there will be some specific requirements that the NPS and CRCs will need to meet in relation to the delivery of services to female offenders. Where practicable, the NPS and CRCs will need to offer each female offender the option of a female Offender Manager and to be interviewed in a female-only environment. Female offenders should, where practicable, also have the option of not being placed in an all-male work environment as part of an Unpaid Work or Attendance Centre requirement.

In managing offenders subject to all these requirements, the NPS and CRCs will need to fulfil their responsibilities in relation to offender management, managing risk of serious harm and enforcement as set out in section 1.4 below.

**(b) Offenders subject to licence conditions:**

Offenders given an immediate **custodial sentence** of longer than 1 day for an offence committed on or after the commencement of sections 1 and 2 of the Offender Rehabilitation Act 2014 will be supervised in the community for at least a year after release. Those sentenced to a custodial term of less than 2 years will have a licence period and then a post-sentence supervision period. Those sentenced to a term that is at least 12 months but less than 2 years for an offence committed before the commencement of the relevant sections of the Act will serve half of the sentence on licence (with no post-sentence supervision). Those sentenced to a custodial term of 2 years or more will continue to have a licence period following release.

CRCs will be responsible for managing and supervising offenders allocated to them throughout this licence/supervision period, delivering activities as required under the licence/supervision conditions described below and monitoring compliance with these conditions.

Every offender released on licence is subject to a standard set of licence conditions. It is also possible for additional conditions to be imposed by the Secretary of State (in practice an official acting on his behalf, usually a prison governor/controller) where they are necessary and proportionate to manage the risk the offender poses based on advice from the NPS or the CRC responsible for supervising the licence in the community or, in the case of an indeterminate sentence, by the Parole Board. Those offenders who have a supervision period will then be subject to a set of supervision requirements, also set by a prison governor/controller through the same process. Following the changes made by the Act, governors/controllers will be able to impose the following licence conditions:

### Licence period

The following **standard conditions** are imposed on every offender:<sup>13</sup>

1. To keep in touch with the supervising officer in accordance with any instruction given;
2. If required, to receive visits from the supervising officer at home/place of residence (e.g. an Approved Premises);
3. To permanently reside at an address approved by the Responsible Officer and obtain the prior permission of the Responsible Officer for any stay of one or more nights at a different address;
4. To undertake only such work (including voluntary work) approved by the supervising officer and notify him or her in advance of any proposed change;
5. Not to travel outside the United Kingdom unless otherwise directed by the supervising officer (permission for which will be given in exceptional circumstances only) or for the purpose of complying with immigration/deportation; and
6. To be well behaved, not to commit any offence and not to do anything which could undermine the purpose of the supervision, which is to protect the public, prevent re-offending and aid successful resettlement into the community.

In addition, **discretionary conditions** can be imposed, in the following categories:

1. a requirement that he/she reside at a certain place;
2. a requirement relating to his/her making or maintaining contact with a person;
3. a restriction relating to his/her making or maintaining contact with a person;
4. a restriction on his/her participation in, or undertaking of, an activity;
5. a requirement that he/she participate in, or co-operate with, a programme or set of activities designed to further public protection, reduce re-offending, or support the offender's reintegration into the community;
6. a requirement that he/she comply with a curfew arrangement;
7. a restriction on his/her freedom of movement;
8. a requirement relating to his/her supervision in the community by a Responsible Officer;
9. a drug testing requirement;
10. a drug appointment requirement;
11. For certain sexual offenders from 6<sup>th</sup> January 2014 a requirement to be polygraph tested.

In exceptional cases, where there is a risk posed by an offender that the standard and discretionary licence conditions will not mitigate, then a "bespoke" condition may be created to address that particular risk. A bespoke condition is often unique to the offender and specific to the nature of their offending.

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<sup>13</sup> The full set of licence conditions, both standard and discretionary, are set out in the Criminal Justice (Sentencing) (Licence Conditions) Order 2005.

### Supervision period

During the supervision period, offenders may be subject to the following supervision requirements. All are discretionary, but it is envisaged that conditions 1–8 would be imposed as a minimum in the majority of cases.<sup>14</sup>

1. a requirement to be of good behaviour and not to behave in a way which undermines the purpose of the supervision period;
2. a requirement not to commit any offence;
3. a requirement to keep in touch with the supervisor in accordance with instructions given by the supervisor;
4. a requirement to receive visits from the supervisor in accordance with instructions given by the supervisor;
5. a requirement to reside permanently at an address approved by the supervisor and to obtain the prior permission of the supervisor for any stay of one or more nights at a different address;
6. a requirement not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor in advance of any proposal to undertake work or a particular type of work;
7. a requirement not to travel outside the British Islands, except with the prior permission of the supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands);
8. a requirement to participate in activities in accordance with any instructions given by the supervisor;
9. a drug testing requirement;
10. a drug appointment requirement.

It will be for the Secretary of State (or those acting on his behalf) to determine which discretionary conditions (if any) and requirements will be applied to offenders released from custody. (This differs from the position with Community Orders and Suspended Sentence Orders described above, in which the court decides what requirements to impose.) As described above, prison governors/controllers will set these conditions with input from NPS and CRCs. In some cases other input will be needed; for example arrangements for drug testing and drug appointments will need to be organised and agreed with co-commissioned treatment providers before they are included in the licence or notice of supervision.

It is intended that the majority of offenders allocated to CRCs will, as a minimum, be given a combination of licence conditions and supervision requirements (where appropriate) which enable CRCs to ensure that they engage with rehabilitation. During the post-sentence supervision period, the first 8 discretionary supervision requirements will be applied as a minimum, unless there is good reason not to.

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<sup>14</sup> The full set of supervision requirements are set out in Schedule 1 to the Offender Rehabilitation Act 2014.

As with Community Orders and Suspended Sentence Orders, NOMS will set outcome-focused requirements for the delivery of all licence conditions and supervision requirements, giving providers considerable flexibility to determine how they deliver these conditions and requirements. NOMS will not specify what providers must do towards rehabilitation, save for ensuring that the service meets basic minimum standards, including the need to be legal, safe and decent. The same further specific requirements applying to ensure that the particular needs of female offenders subject to CO/SSO requirements are met, as outlined in section 1.3 (a) above, will also apply to female offenders subject to licence conditions and supervision requirements.

Successful bidders, as owners of the CRCs, will be expected to deliver the rehabilitative services as set out in their bids, which will be reflected in the CRC contract (Services Agreement) with NOMS. In delivering these conditions, the NPS and CRCs will need to fulfil their responsibilities in relation to offender management, managing risk of serious harm and enforcement as set out in section 1.4 below.

### **Services to Victims**

The NPS will retain the victim liaison role for all cases to which it applies (offenders sentenced to 12 months or longer for a violent or sexual offence defined by Schedule 15 of the 2003 Criminal Justice Act, Part 2 of the Sexual Offences Act 2003 and Part 2 of the Criminal Justice and Court Services Act 2000). The statutory requirements established for the Victim Contact Scheme are unchanged: the Domestic Violence, Crime and Victims Act (DVCVA) 2004 imposes certain duties relating to contact with victims of certain offences, including ascertaining whether the victim wishes to make representations on the conditions of the offender's release and receive notification of such conditions and other information as considered appropriate. Those duties will remain the responsibility of the NPS. The NPS will also continue to have discretion to offer contact to victims who fall outside of the statutory requirements and the CRC may identify and refer cases for the NPS to consider victim contact. This could include, for example, contact where the offender does not meet the statutory criteria but presents a risk of harm to the victim (or witnesses and former victims), where the case involves domestic abuse or the offence pre-dates the scheme.

A victim liaison guidance manual will be provided for NPS and CRCs in relation to steps that must be taken to protect victims and keep them informed of key stages in the offender's sentence. This includes sharing the relevant information so that the NPS is able to carry out its statutory duties under the DVCVA, the Code of Practice for Victims of Crime and their EU obligations as set out in the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU). CRCs will also be required to facilitate an effective victims service locally, outside of the statutory requirements relating to the Victim Contact Scheme, taking into account the future role of PCCs in commissioning victims services.

### **Restorative Justice (victim-offender conferencing)**

PCCs will be responsible for commissioning victims' services from 1 October 2014 and over the three years 2013/14 to 2015/16 will receive funding to build capacity and commission Restorative Justice (RJ) provision as part of their wider victims' service grant. It will be for each PCC to determine how best to deliver RJ services but the Services Agreement with each CRC has been designed to allow PCCs to commission services under the Agreement directly from CRCs without having to procure these services through a normal open competition tender process.

### **Post conviction, pre-sentence**

Where the court defers passing sentence to allow for a RJ process to take place<sup>15</sup> (this may include but is not restricted to victim-offender conferencing), the NPS will manage the offender during the deferred sentence period, PCCs may commission the RJ provision using the funds from their victims' services budget. This could include victim-offender conferencing which PCCs can choose to commission from CRCs directly on a fee for use basis, with the agreement of NOMS on behalf of the MoJ. Successful delivery of post conviction pre-sentence RJ will depend on effective working between NPS staff, sentencers, and commissioned providers of RJ services.

### **Post Sentence**

Where the court imposes a RAR as part of a community order or suspended sentence order and the offender is managed in the community by the CRC, the CRC can choose (with consent of the victim and the offender) to deliver victim-offender conferencing under this requirement.<sup>16</sup>

Where the court imposes a RAR and the offender is managed by the NPS, it can similarly choose to deliver victim-offender conferencing with consent and may purchase from CRCs on a fee for use basis.

Where the court imposes a custodial sentence on an offender, on release from custody, the CRC might choose to deliver a victim-offender conference (with consent of the victim and the offender) while the offender is on licence or under their post-sentence supervision. The NPS may also commission the CRC to deliver victim-offender conferencing on a fee for use basis for the offenders they manage in the community on release in this scenario.

### **Custodial settings**

NOMS Commissioning Intentions 2014–17<sup>17</sup> asks prisons to deliver victim-offender conferences where capacity exists and develop partnerships and a supportive environment to enable delivery where in-house capacity does not exist. As part of a supportive environment all prisons will be expected to enable access to offenders for providers, contribute to RJ risk assessments and provide access and a suitable room/s should the conference be held in the prison. CRCs will have a presence in all resettlement prisons because they will be delivering a through the gate service for all offenders. They can also deliver victim offender conferencing if they choose to do so in prison (with the consent of the victim, offender and the offender supervisor where appropriate), but will not receive specific funding for this.

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<sup>15</sup> From 11 December 2013 the Crime and Courts Act 2013 placed pre-sentence RJ on a statutory footing. The provisions make it explicit that the courts can use their existing powers in the Powers of Criminal Courts (Sentencing) Act 2000 to defer sentence to allow for an RJ process to take place.

<sup>16</sup> Section 15, Offender Rehabilitation Act 2014.

<sup>17</sup> <http://www.justice.gov.uk/about/noms/commissioning.htm>

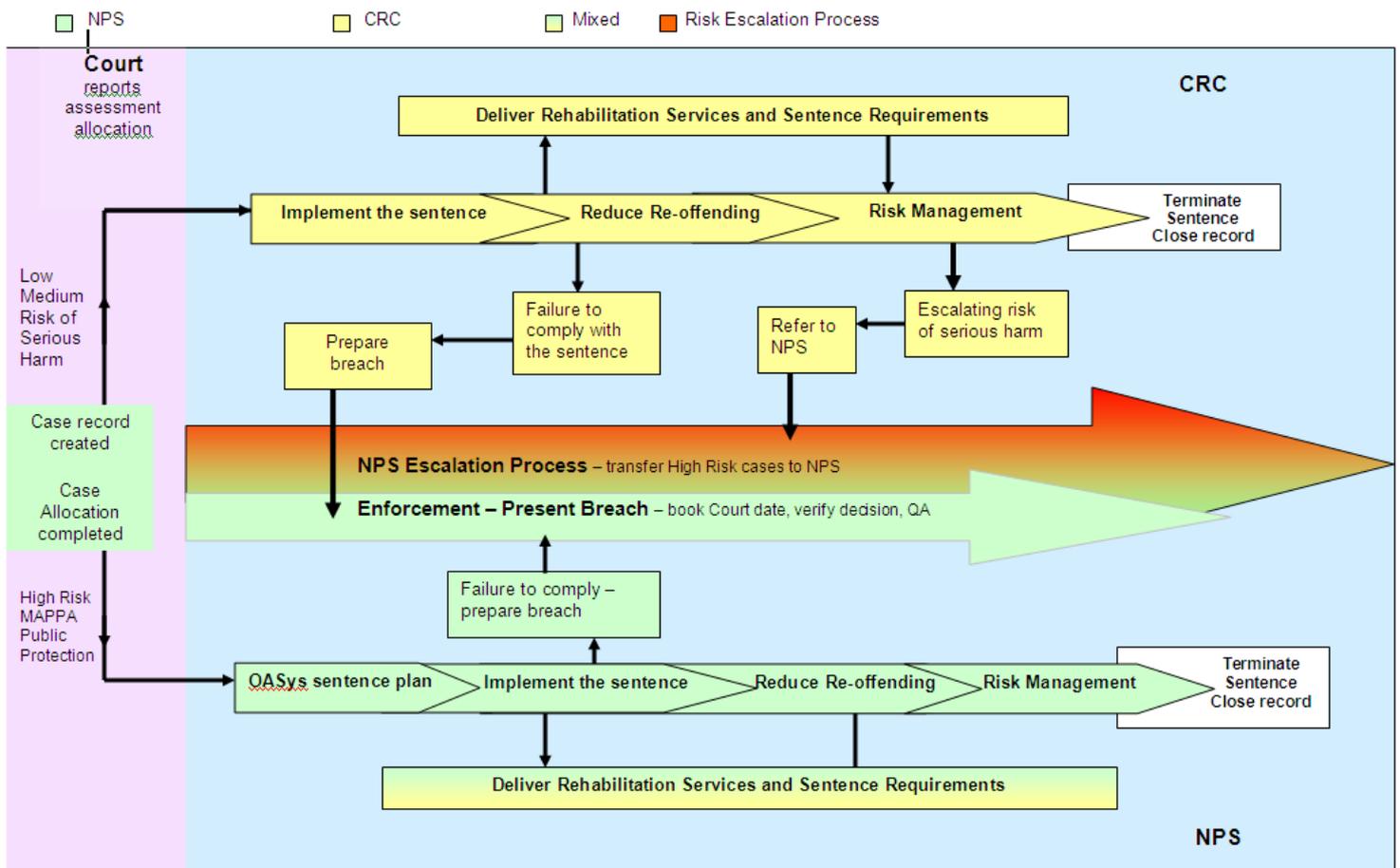
### Requests from victims

A victim will be able to ask to participate in a RJ process via their PCC and it will be for the PCC to decide whether this should take place and who to commission to deliver it. If a PCC decides that a RJ process is appropriate for the victim (based on an assessment of the victim’s needs) they must also seek the consent of the offender. If the offender is being managed in the community, the PCC will need to liaise with the NPS or CRC depending on who is managing the offender. If the offender is still in custody, then the PCC will need to liaise with the prison as appropriate.

### 1.4 Offender Management

The following sections explain how offender management will work in the new system. They provide a ‘walk-through’ of the offender journey and provide more detail on assessment, allocation, risk management and enforcement activities, which are summarised in the following diagram:

Offender Management – Community Order & Suspended Sentence Order



### Court Work and Assessment

Prior to sentence, the NPS will advise courts on sentencing options for cases as part of a pre-sentence report (in accordance with the reserved function of advice to court under section 4 of the Offender Management Act 2007). This advice will not prescribe what

rehabilitative activity CRCs will undertake, but rather will inform the court about what offenders' needs are. The NPS will need to have access to information from CRCs operating in the relevant local justice area about the services which are available to inform this advice to the court. Where appropriate, the NPS will also liaise with Immigration Enforcement (formerly UKBA) to obtain information relevant to immigration status.

Where the court has requested a **pre sentence report** (PSR) on an existing or previously held CRC case, the CRC will be required to provide all relevant information to the NPS to inform the sentencing process.

Immediate post-court activity will also be carried out by the NPS including: post-sentence interviews, notification of sentence to Children's Services, suicide and/or vulnerability risk warning to the receiving custodial establishment and contact with the Victim Liaison Service officer in cases eligible for statutory victim contact. The NPS will also retain a single point of contact in relation to foreign national prisoners and offenders to act as the formal link between Immigration Enforcement and offender managers. However, CRCs will be required to share information for the purposes of immigration enforcement on request.

### **Case Allocation**

The NPS will determine which offenders will be allocated to CRCs to manage and which will be retained by the NPS.

Allocation will take place at the following points:

- at point of sentence;<sup>18</sup>
- when cases are being transferred in from other UK jurisdictions;
- when cases are transferred into custody from other jurisdictions within the UK and Islands, or from abroad; and
- at the point of youth to adult transition.

It is the responsibility of the NPS to inform the CRC of a new case being allocated to it. The NPS must record the allocation decision on an approved case management system, along with all information relevant to the case.

The following cases will be retained for NPS to manage:

- Cases which fall to be managed under Multi Agency Public Protection Arrangements (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;

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<sup>18</sup> Many cases will be allocated at the point of sentence, with the allocation process having been undertaken by NPS before sentence. Remaining cases will be allocated as soon as possible after sentence, with the NPS required to complete the allocation process within one business day of sentence. For Community Orders and Suspended Sentence Orders, the Responsible Officer role (see below) will sit with the NPS from the point of sentencing until allocation.

- Cases in which there is an exceptional public interest in management being retained by the NPS;<sup>19</sup>
- Cases transferred back to the NPS due to an escalation to high risk of serious harm level;
- Cases involving Foreign National Offenders (FNOs) who meet the criteria for deportation. This includes FNOs sentenced to an immediate custodial sentence of 12 months and above, but excludes those FNOs sentenced to less than 12 months but whose aggregated custodial sentences in the past 5 years amount to 12 months or more;<sup>20</sup>
- Cases in which the offender has initially been managed by a CRC but a concurrent Order has been made without revocation of the original Order/Licence and application of the Case Allocation System indicates the the case now meets the criteria for NPS allocation. Both sentences will be managed by the NPS.

All other cases will be managed by CRCs.

Fine defaulters given a Senior Attendance Centre order will be allocated to CRCs.<sup>21</sup> The NPS allocation team will play a minimal role in the process to the extent courts can liaise directly with CRCs who are delivering attendance centres. CRCs will deliver only the attendance order for fine defaulters and will not carry any other offender management or rehabilitative work with fine defaulters.

In relation to those cases where the courts have deferred sentence, the NPS will act as the supervisor for the period of the deferment until point of sentence. During the period of deferment, the NPS must (a) monitor the offender's compliance with any requirements imposed as part of the deferment and (b) provide the court with any information the court may require relating to the offender's compliance with the requirements. During this period the NPS might purchase interventions from CRCs as necessary. Amendments to deferral provisions made by the Crime and Courts Act 2013 to allow deferral for pre-sentence restorative justice are likely to increase the numbers of deferred sentences.

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<sup>19</sup> We expect the number of public interest cases to be very low. Further guidance will be produced to assist the definition of these cases but these cases will be restricted to those in which the offence has a degree of notoriety/potential significant media attention and subsequent complexities in terms of management or where there is intelligence from partner agencies that they have an ongoing interest in the offender, such that there are compelling reasons for the NPS to manage the case.

<sup>20</sup> If a case is allocated to the NPS and the Home Office decides not to pursue deportation, the offender may be reallocated to a CRC if they are still in custody and not within the pre-release period of their detention (up to 12 weeks before release), prior to which they are likely to have been transferred to a resettlement prison. In all other circumstances, the NPS will continue to manage FNO cases allocated to it, including those in which the offenders are subsequently released with leave to remain in the UK and with a period on licence remaining. For the avoidance of doubt, some FNOs will also be managed by CRCs, including the relatively small number of cases initially allocated to CRCs but where the Home Office subsequently decides to instigate deportation proceedings.

<sup>21</sup> The payment mechanism for SAC orders for fine defaulters can be found in Chapter 6: System Governance.

## Allocation Process

In “*Transforming Rehabilitation: A Strategy for Reform*” we said ‘*the new public sector probation service will carry out risk assessment of all offenders and will be responsible for the direct management of those offenders who pose the highest risk of serious harm to the public and who have committed the most serious offences*’.

An actuarial tool to support staff in the NPS to assess how likely offenders are to commit a seriously harmful re-offence within the next 12 months, based on a Risk of Serious Recidivism (RSR) measure, will be used by NPS staff as part of the allocation process. Although the tool is largely static it will include consideration of offending-related (dynamic) factors where these have been identified in the pre-sentence report, or recorded in the Offender Assessment System (OASys<sup>22</sup>) where available, or from a post-sentence interview with the offender.

This tool, combined with a clinical judgement of risk based on the offender’s current behaviour, will give a more accurate assessment of the level of risk of serious harm posed. The definition of the Risk of Serious Harm will be that in use by NOMS. Once the case has been allocated, ongoing risk assessment will be largely based on clinical judgement since there will be limited change to the static factors used by the predictor tool.

The NPS decision on allocation will be final in each case. Through the contract management function, NOMS will be able to identify any inconsistencies in allocation decisions being taken in different areas, and to identify and address any potential problems.

CRCs will provide the NPS with generic instructions detailing where offenders allocated to them have to report, or how the offender should contact the CRC, to enable the NPS (where practicable) to give these instructions to the offender in relation to the first appointment.

Once a case has been allocated, the NPS or the CRC (depending on allocation) will be responsible for delivering the requirements of the Community Order, Suspended Sentence Order, licence or supervision period for each offender and will be expected to meet face-to-face (which shall be physical or, in exceptional circumstances where this is not possible, by video conference), with all offenders allocated to them, including all those whose order contains only a single requirement (eg prohibited activity requirements), and to carry out a set of core offender management activities. They will have a set of responsibilities in relation to risk management and enforcement which are described in the following sections. The allocation decision will be recorded on the national case management system, NDelius.

## Cases allocated in error

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

- cases initially allocated to the NPS which should be allocated to a CRC;

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<sup>22</sup> A national system for recording a structured assessment of offending risk and needs and of risk of serious harm.

- 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;

There will be a mechanism for re-allocating such cases, separately from existing procedures applying to case transfers and risk escalation.

Errors in allocation can be highlighted by both the NPS and CRCs. The final decision on the re-allocation will sit with the NPS.

If an offender is allocated erroneously to one CRC and then re-allocated to another CRC, that offender will be counted as part of the latter CRC's PBR cohort.

### Risk Management and Risk Escalation

All providers will work within a framework that promotes a consistent and collaborative response to the dynamic nature of risk of serious harm and will be required to ensure that their organisation has risk management procedures in place which set out:

- Clearly defined roles, responsibilities and accountabilities;
- Organisational policies and procedures;
- Competent and trained staff; and
- Performance monitoring and quality assurance processes.

As a minimum requirement CRCs will be required to develop a plan for each offender in which they will: identify that offender's present risk of serious harm; set out how they propose to manage and mitigate that risk; identify the needs of that offender and the likelihood of that offender reoffending; and set out how they will deliver the sentence and reduce that offender's likelihood of reoffending. CRCs will need to keep this plan updated, in the light of any significant changes in circumstances or new information.

Should information come to light, or should there be a significant change in circumstances which indicates an increase in the risk of serious harm level to high, CRCs will be contractually required to refer the case to the NPS to make the final assessment and take a decision on the risk status.

The NPS can at the point of allocation, identify case-specific circumstances which could, should they materialise, indicate a raised risk of serious harm and require the case to be referred back to it for a review of the risk level. With regard to cases which have been allocated to CRCs but are considered to be close to the borderline between medium and high risk of serious harm level, the NPS can also require the CRC to refer the case back for a review of the risk level at a specified time.

If, after the referral discussion with the CRC, the NPS decides that the **risk of serious harm level has increased to high** it will take over responsibility for the case. The CRC may still maintain contact with the offender if continuity of certain provision (e.g. mentoring, treatment or programme) is considered beneficial by the NPS. The NPS judgement on risk status will be a clinical one supported by good practice principles contained within risk management guidance. If the NPS judges that the **risk of serious harm level is not high**, the CRC will maintain responsibility for the risk management of the offender.

If, at any time, the NPS receives information, for example intelligence from the police, that an offender's risk of serious harm level may have changed, the NPS will pass on the information to the CRC who should identify and respond to any changes in the risk posed.

CRCs will be required to have duty manager arrangements in place at all times outside normal working hours to deal with situations which require an immediate response and to take action to mitigate risk of serious harm concerns, safeguard data and respond effectively to other contingency events.

Where responsibility for a case has been transferred to the NPS because the risk of serious harm level has increased to high and, following intervention to control the offender's behaviour or protect the potential victim(s) the risk reduces, then the case should remain with the NPS in order to ensure offender management continuity. Cases that have escalated to high risk of serious harm level and are transferred to the NPS will remain in the CRC cohort for PbR purposes. Similarly, responsibility for cases retained by the NPS at the outset will remain with the NPS even where risk of serious harm levels change.

CRCs and the NPS will be responsible for recording the risk status of their cases on the approved case management systems and documenting all key outcomes and decisions from risk management meetings and other risk management activity.

### **Immediate Risks to the Public**

There will be occasions when information suggests that the standard agreed risk management system will not be sufficiently speedy to respond to the nature of the concerns. If a CRC believes there is an immediate public protection concern, the CRC will contact the NPS as soon as possible. However, notwithstanding this escalation process, CRCs will also be contractually required to take any immediate action to mitigate risk. This may include direct contact with the police or other emergency services or the health services including GPs and Community Mental Health Teams.

In some cases, for offenders on licence, the information or circumstances which prompt the CRC to refer a case to NPS due to possible risk escalation will also lead the CRC to recommend that the offender should be recalled to custody. Recall is covered later in this chapter. However, it should be noted that in cases in which there is an immediate risk of the offender causing serious harm, the recall process can proceed in parallel to a risk escalation referral, ensuring that steps can be taken very quickly to return the offender to custody and reduce the risk to the public.

### **Serious Further Offences (SFOs)**

Both the NPS and CRCs will be required to notify NOMS where an offender under supervision is charged with one of a list of qualifying SFOs. The NPS and CRCs will then be required to undertake a review of their management of the offender charged with an SFO, to specified timescales and in accordance with a centrally-mandated process.

Where an offender who was charged with an SFO is subsequently convicted, and where the victim(s) of the SFO elect to receive the statutory Victim Contact Scheme, the NPS or CRC must produce a Victim Summary Report (VSR). A senior representative of the NPS or CRC, as the case may be, must then arrange to meet the victim(s), with the victim(s)' Victim Liaison Service officer, in order to share the contents of the VSR with the victim(s).

## Enforcement

For offenders managed by CRCs, the following sections set out how the process for supporting offenders' compliance with court orders and post-release licence conditions or supervision requirements, together with the process for dealing with breaches, will work. They expand on the position set out in "*Transforming Rehabilitation: A Strategy for Reform*", in which we said "*We have decided that the public sector will decide on action in relation to all potential breaches beyond a first warning, and will advise the courts or Secretary of State on sanctions or recall to custody.*"

All providers will be expected to engage in work to support offenders to comply with the requirements they are subject to as part of their sentence. CRCs will be responsible for collecting and preparing the evidence necessary to bring a case back to court or to enable a recall to be initiated. Their precise role will depend on which type of sentence they are managing.

CRCs will be contractually required to collaborate as necessary with the NPS and with those responsible for delivery of other requirements such as Electronic Monitoring. This will include notification when a breach has occurred and a return to court or custody is deemed necessary, within national minimum standards.

CRCs will be "providers of probation services" under the Offender Management Act 2007 by virtue of the fact that they have entered into a contract with the Secretary of State for probation provision. The contract (Services Agreement) will contain a provision that authorises the CRC "to authorise an individual to act as an officer of a provider of probation services". In relation to CRCs, individuals authorised to act as an officer of a provider of probation services will carry out the following roles:

- **Responsible Officer** – every Community Order and Suspended Sentence Order has a Responsible Officer, who will be responsible for: a) making arrangements that are necessary in connection with the requirements imposed by the order, and b) promoting the offender's compliance with those requirements.
- **Supervising Officer** – a similar role to that of the Responsible Officer above but for licence cases. This role is not defined in legislation, but operationally, the term Supervising Officer is used to describe the individual responsible for the supervision of an offender on licence and it is the term used in the licence document issued to offenders.
- **Supervisor** – a similar role to the Supervising Officer, but for the post-sentence supervision period that will be introduced by the Offender Rehabilitation Act 2014.

The NPS will carry out these roles for those offenders it manages, and will also carry out the Enforcement Officer role, introduced by the Offender Rehabilitation Act 2014 which involves enforcing requirements of a Community Order or Suspended Sentence Order. This includes the role of deciding whether or not to take an alleged breach of an order to court. The Enforcement Officer can only be an officer of a public sector provider of probation services.

For **Community Orders or Suspended Sentence Orders**, the decision as to whether a breach has taken place is ultimately a matter for the court, and the court decides what sanctions to impose. If the Responsible Officer believes that the offender has failed, without reasonable excuse, to comply with any of the requirements of a Community Order or Suspended Sentence Order, then they must either give the offender a warning or refer the breach to an NPS Enforcement Officer to determine if court action should be brought. The Criminal Justice Act 2003 provides that an offender can only be given a warning if

another warning has not been issued in the previous 12 months. In relation to all subsequent breaches, if a warning has already been issued in the previous 12 months, the CRC must refer the matter to an NPS Enforcement Officer to determine whether court action should be brought.

In such cases, the CRC will need to prepare pre-breach paperwork, and the NPS will review the case and discuss with the CRC as necessary. Where the NPS judges court action is appropriate, it will provide to the court the information necessary to commence enforcement proceedings.

Breaches of **licence requirements** are, and will continue to be, dealt with administratively. CRCs will be required either to issue warnings or to refer potential breaches to NOMS. The CRC will be responsible for submitting the recall request and supporting documentation direct to Public Protection Casework Section (PPCS) in NOMS which will take the final decision on behalf of the Secretary of State.

As noted above, in some cases the information or circumstances which lead the CRC to initiate recall will also lead the CRC to refer the case to the NPS due to potential risk escalation. In such cases, an NPS Senior Manager will usually review a request for recall by the CRC and will decide whether to endorse the recall. The only exception is in those cases where the potential risk of serious harm is so immediate that the CRC considers there is insufficient time to seek NPS endorsement without undermining public protection (as now with the emergency recall process).

NOMS PPCS continues to make the decision to revoke the licence but will only proceed with a revocation in a risk escalation case where there is NPS endorsement (unless the CRC have confirmed that the potential risk is so immediate that there is insufficient time).

Breaches of **post-sentence supervision requirements** will be a matter for the magistrates' courts. A similar process to that which will apply to breach of Community Orders and Suspended Sentence Orders will be followed. CRCs will have the discretion to warn an offender (and can do so more than once) or to refer an alleged breach to the NPS. The NPS will then decide whether to commence enforcement proceedings with the magistrates' court and, if so, will present the case to the court. This process will also apply in relation to breaches of the supervision default order (the order issued by a court to impose unpaid work or a curfew as a sanction following a breach of the supervision period).

In the case of alleged breaches of Senior Attendance Centre orders by fine defaulters, CRCs will notify the HM Courts and Tribunal Service of their intention to request enforcement action at court.

### **Recalled Offenders**

Indeterminate sentenced for public protection offenders will be managed by the NPS and the arrangements for Parole Board or Oral Hearings during their recall period will remain unchanged. Determinate sentenced offenders managed by the CRCs who are recalled to custody will continue to be managed by the CRCs unless their risk of serious harm increases to high. CRCs will need to provide information as appropriate to support the recall process and consideration of re-release. Where a CRC case is listed for consideration at a Parole Board oral hearing and the Board directs the attendance of a probation witness, it will be the responsibility of the NPS either to attend and give evidence on behalf of the CRC or request that the NOMS PPCS perform this task on its behalf. CRCs are able to appear before the Board to explain the facts that led to their

recall decision but cannot appear as a witness at an oral hearing to advise the Parole Board.

### **Termination of Order or Licence or Supervision after End of Sentence**

The offender must complete all requirements of the order or licence/post-sentence supervision period. Terminations will be entered on the approved case management system.

Once a Community Order or Suspended Sentence Order or a licence/post-sentence supervision period has been completed, relevant agencies such as the police and other key partners must be notified by the NPS or the CRC managing the case.

### **Case Transfers (within UK jurisdictions)**

There are a small number of cases that transfer within UK jurisdictions each year. The protection of the public and ensuring the delivery of the sentence of the court will remain the key principle to determine the management of case transfer.

#### **Transfers Out**

Where a case is allocated to the NPS, the NPS will be able to determine internally whether a case is suitable for transfer, with appropriate senior management approval. Where a case is allocated to a CRC, the CRC will be required to refer to the NPS for a decision on whether an application to transfer the supervision of a **licence and/or post-sentence supervision period** from England and Wales to another jurisdiction will succeed. Thereafter, the transfer process will be carried out by the CRC and the relevant authority.

CRCs will prepare the relevant paperwork including whether they think the transfer should be on a restricted/unrestricted basis, according to the relevant criteria; they will make initial contact with the receiving authority to complete the home circumstances check. Once the CRC is satisfied that the transfer is appropriate the CRC will pass the paperwork to the NPS who will make the final decision. The CRC will then liaise with the receiving authority to agree transfer and liaison arrangement for breach/recall for restricted cases.

Once agreed the CRC will be responsible for managing the transfer thereafter.

With respect to the transfer of **Community Orders and Suspended Sentence Orders** made in England and Wales to other jurisdictions, it is the court that makes the decision to agree transfer or not. As advice to court is a reserved function, all cases being considered for transfer will therefore need to be presented to the court. CRCs will be required to refer all applications to an NPS Enforcement Officer who will present the application to court for a decision. As with licence cases, once transfer has been agreed it will be the responsibility of the CRC and relevant authority to process the actual transfer.

#### **Transfers In**

For cases transferring in from other jurisdictions, the NPS will be the first point of contact for allocation purposes. Once allocation has taken place the relevant case manager from the NPS/CRC (to whichever the case has been allocated) would be required to manage the transfer.

### **Transfers between providers**

The potential receiving organisation will be required to complete location suitability assessments for transfers to inform the transferring organisation's decision making. E.g. if a case is currently managed by a CRC, the CRC offender manager will be required to undertake the assessment.

The number of offenders that transfer between CPAs will be monitored along with the volume of services provided or not required to be provided for transferred offenders. This will be reflected in the actual WAV (Weighted Annual Volume) recorded for each CPA. For the purposes of performance management, transferred offenders will be monitored as part of the CPA to which they have transferred, from the point at which they are transferred. Transferred offenders will continue to form part of the PbR cohort to which they were originally allocated. Providers are able to purchase services from other CRCs to be delivered to offenders that are in their PbR cohorts but have subsequently transferred to a different CPA. The prices for these services will be governed by a rate card, which is included in providers' bids and can be updated at any time through the usual contract change process. CRCs may also purchase services to be delivered to their offenders by other CRCs. The prices for these services are governed by a rate card, set by each CRC in their bid.

## 2. Through the Gate (TTG) Service Design and Prison Realignment

In “*Transforming Rehabilitation: A Strategy for Reform*” the Government set out its intention to put in place nationwide rehabilitation services which work “through the gate”, providing continuity of services for offenders in custody and the community. Under these reforms, in most cases the same provider will support induction of an offender into custody, provide them with resettlement services before release, meet them at the prison gates and continue work in the community. The following section sets out how Resettlement Services will be delivered by CRCs in custody to all prisoners, with the opportunity for them to begin rehabilitative work pre release with those they will manage post release. It explains how the process for setting licence conditions and supervision requirements will work. It also describes the Designation of Resettlement Prisons to facilitate the smooth transition from custody to community.

### 2.1 Delivery of Resettlement Services to all prisoners by CRCs

#### Needs Screening

Prison staff will be responsible for ensuring that the immediate needs of all offenders sentenced to custody, as well as those in prison on remand, are identified and addressed as part of the reception process.

During the subsequent induction process, prison staff will complete the first part of the basic custody screening assessment to determine the resettlement needs of all prisoners. They will also provide information on prison rules, regime and available services to the prisoner.

CRCs will have access to this basic custody screening assessment within 3 days of a prisoner being received into the prison and will complete the second part in order to develop a resettlement plan within five business days, which will identify the means of meeting the resettlement needs of each prisoner. The screening assessment will be completed for all new receptions into prison custody, including all remanded, sentenced and recalled prisoners. CRCs completing resettlement plans on a prisoner will share resettlement plans with CRCs to which prisoners are allocated, if different, or the NPS, as appropriate, within one business day. Prison staff will also have access to the resettlement plan throughout a prisoner’s time in custody in order to support case management.

#### Delivery of Resettlement Services

Following completion of the resettlement plan, CRCs’ fee for service will cover provision of a resettlement service focussed on the beginning and the end of the custodial period (or throughout the custodial period for short sentenced offenders/remand prisoners). This service will be for all prisoners. A further component of CRCs’ fee for service will cover co-ordination of release planning and/or delivering pre-release resettlement services.

Resettlement services, as outlined in resettlement plans, must include providing direct support in custody in helping offenders find accommodation, providing assistance with

retaining employment held pre-custody and gaining employment or training opportunities post-release, finance and debt advice, and support for prisoners who have been subject to domestic or sexual abuse and those who may have been sex workers. Resettlement services may also include signposting prisoners to relevant services offered by other service providers both in custody and in the community post-release and so will complement prisoner access to other mainstream/co-commissioned services i.e. those addressing health needs, substance misuse, employment, education and training.

Prison providers will retain an important role in enabling the delivery of resettlement services in custody. Revisions to Service Level Agreements with public sector prisons will be made and the intention is to amend contracts with private prisons to set out the requirements of the prisons to enable the delivery of resettlement services by CRCs in custody. Prisons will continue to have scorecard outcome measures reflecting the shared resettlement objectives and ambition to reduce reoffending. Prison providers will therefore be incentivised to engage positively with CRCs through the prisons' reducing reoffending committees and other such existing vehicles.

### **Delivery of Additional Services**

The CRC will, with the agreement of Prison Governors, have the flexibility to engage further in custody with prisoners and deliver additional interventions, both within the 12 week pre-release period and in advance of this, for example mentoring support through the gate. The CRC would undertake this activity in pursuance of reducing reoffending, in co-ordination with the prison which may lead to a subsequent payment under PbR.

It is for CRCs to decide what additional rehabilitative activities they will provide to the offenders allocated to them, regardless of which prison they are in, and, where appropriate, within the context of the work of the OMU in managing the individual during the core custodial period. CRCs must provide a rate card for the delivery of those activities in any prisons designated to their CPA in order that other CRCs will have the option of being able to pay them to deliver those activities to any of their Allocated Persons in those prisons.

### **Core Custodial Offender/Case Management**

Core custodial offender management, (known as case management for low/medium level risk of serious harm offenders sentenced to less than 12 months) will continue to be completed by the prison staff for all offenders, regardless of whether they will be managed by the NPS or CRCs on release. This includes, for example, carrying out sentence calculations, early release assessments, and making licence preparations, as set out below. Prisons will remain responsible for delivering against the requirements of the Manage the Custodial and Post Release Period specification, including the assessment, sentence planning and implementation of the sentence, for sentences of 12 months and over.

### **Setting licence conditions and supervision requirements**

Post-release licence conditions will be set by the prison governor/controller (on behalf of the Secretary of State) or the Parole Board in the case of indeterminate sentence prisoners or prisoners released from some extended sentences under section 226A or 226B of the Criminal Justice Act 2003. Supervision requirements will always be set by the prison governor/controller (on behalf of the Secretary of State). Conditions and requirements on release from recall will be set by either the Secretary of State or the

Parole Board depending on who sets the conditions and requirements on initial release. Conditions for the licence and post-sentence supervision period will generally be set at the same time (so that an offender can be issued on release with a single document setting out both), although the conditions for each period could differ.

Section 1.3 sets out the standard licence conditions which are set for all offenders, and also the combination of additional discretionary licence and supervision conditions which may be set for offenders, giving CRCs the flexibility to require them to engage in appropriate rehabilitative activities. The views of CRCs or the NPS (dependent on allocation) should be sought on whether there are reasons why these additional conditions should not apply, and on any appropriate additional licence conditions, including those which will help to manage any identified risk of serious harm. CRCs will be contractually responsible for contributing to any prison's preparation of licence conditions for any of their Allocated Persons. The Governor/Controller will take into account information provided from the home circumstances report prepared by the NPS or CRC.

Some offenders are released directly from court having served their time on remand in custody. In these circumstances the custody officer in court will be responsible for contacting the holding prison, confirming whether the offender can be released and obtaining a copy of the licence/supervision conditions document. Current arrangements mean that an offender is not released until the licence/supervision document has been received from the releasing prison. Once received, it will be the responsibility of NPS court staff to give a copy of the licence/supervision document to the offender and explain the conditions/requirements.

In cases where additional rehabilitative needs or public protection issues are identified post-release, it will, as now, be possible to request additional discretionary licence conditions from the prison governor/controller. Such requests should be proportionate and commensurate with the significance of the identified concerns.

### **Home Detention Curfew (HDC) and Release on Temporary Licence (ROTL)**

Decisions on HDC and ROTL for individual offenders will continue to be taken by prisons with input from both the NPS and CRCs (depending on post release case allocation). The Governor/Controller will take into account information provided from the home circumstances report prepared by the NPS or CRC in order to inform their assessments, as for all licence conditions. CRCs will be contractually responsible for contributing to any prison's preparation of HDC and ROTL paperwork for any of their Allocated Persons and can choose what contact they have with an offender during any temporary release.

### **Confirmation of Case Allocation**

As set out in section 1.4, the NPS will carry out an initial allocation for each offender at the point of sentence. This allocation will determine whether an offender will be retained by the NPS or managed by a CRC on release. The original allocation might change if the risk of serious harm level an offender poses is deemed to have escalated to high, in which case the same process as for risk escalation, also set out in section 1.4, will be followed.

### **Risk Escalation in Custody**

Whilst CRCs will be primarily responsible for resettlement activity in the custodial period, both the Home and Host CRC are also required to respond to any information they receive in relation to risk of serious harm during the custodial period. This will include

ensuing information is passed to the prison and, in the case of the Home CRC, may also involve consideration of risk escalation. For offenders serving over 12 months, this should always involve discussion with the prison offender supervisor.

In each of the following cases, risk escalation to the NPS (where it is believed that the risk of serious harm level may have increased to high), will be via the same risk escalation referral process as for community cases, instigated and led as follows:

- Offenders sentenced to under 12 months – the Home CRC will undertake the referral. Prison staff will be responsible for alerting them to any significant concerns.
- Offenders sentenced to 12 months or more – The Prison Offender Supervisor (OS) or, when they are best placed to do so, the Home CRC will undertake the referral. This will, on all occasions, require a discussion between the Prison Offender Supervisor and the Home CRC.
- Offenders sentenced to 12 months or more – in the 12 week pre-release period, responsibility for undertaking the referral will move to the Home CRC.

All cases where Risk of Serious Harm level is confirmed as high will be re-allocated to the NPS.

## 2.2 Designation of Resettlement Prisons

### The Resettlement Prison Model

All CRCs will be allocated a number of resettlement prisons within which they will be contracted to deliver resettlement services. The majority of offenders will be located in resettlement prisons designated to their home area for the final months of their time in custody. This will enable closer relationships to be built between the offender and community support. By concentrating these services in fewer prisons, we can focus resources where they are best deployed.

For the majority of prisoners, the CRC that provides resettlement services for them in the prison from which they will be released will be the same CRC that will provide statutory rehabilitation support to them upon release. To facilitate this, a small number of adult male resettlement prisons will serve more than one CPA. In each shared prison there will be a lead provider of services as well as one or more other providers with access to their own cohort of prisoners. Most resettlement prisons for women prisoners and young adult prisoners will also serve more than one CPA.

For the remainder of prisoners, pre-release resettlement services will always be provided by the CRC responsible for providing statutory rehabilitation support upon release; however, resettlement services upon reception may be provided by a different CRC.

The models, and the responsibilities of providers, are covered in more detail below.

The design of the resettlement estate is subject to normal population pressures; in the event of a significant and/or sudden rise in population alternate arrangements will be required as part of NOMS contingency plans.

## Adult Male Prisoners

The resettlement prison model for adult male prisoners will aim to release at least 80% of adult male offenders from a resettlement prison designated to the CRC to which they are allocated, following a period of at least three months in a resettlement prison. Designated resettlement prisons have been identified for each CPA as follows:

- all adult male **local prisons** will be designated resettlement prisons so that offenders sentenced to less than 12 months in custody can generally be assessed in the same prison from which they will be released (usually by the same CRC that will provide TTG services);
- all adult male **open prisons** will also be designated as resettlement prisons which will be assigned to the provider for the area in which they are situated but will continue to accommodate offenders from more than one CPA in most; and
- all CPAs will be allocated Category C provision in one or more prison(s). These are typically training prisons where prisoners arrive from other prisons, not from court, and are therefore well suited to be designated as resettlement prisons

Each CRC will be the 'host: lead provider' CRC for a number of resettlement prisons designated to its CPA. In this capacity, CRCs will be responsible for delivering resettlement services upon reception to most or all prisoners, as well as delivering pre-release resettlement services to many prisoners, as explained in more detail below.

NOMS is realigning the prison estate so that for the final months of their time in custody the vast majority of prisoners will be held in a resettlement prison, and most of those in one designated to the area to which they will be returning on release. Many of those serving short sentences will serve the entirety of their sentence in a resettlement prison for their home area. This means that many of the offenders to whom the CRC delivers a resettlement service will be its own Allocated Persons (i.e. the offenders that it will manage in the community on release).

Due to the uneven distribution of prison establishments across England and Wales resulting in an imbalance of supply and demand for prison places in some areas, not all resettlement prisons will be geographically located within CPAs. In some cases, CPAs will be allocated prisons in neighbouring areas, usually maintaining current court / prison links.

## Resettlement services on reception into custody

Resettlement services will involve the completion by the 'host: lead provider' CRC of a resettlement plan for each prisoner shortly after reception into custody which addresses: any immediate resettlement needs resulting from his or her reception into custody. The resettlement plan will identify which of the mandatory resettlement services provided by the CRC are required to be delivered to the particular prisoner; employment retention/brokerage; accommodation; finance and debts. The resettlement plan will also identify other support as appropriate. Other support must include what is appropriate to address the needs of those offenders who have previously been sex workers or victims of domestic abuse or sexual violence when this need is identified. The 'host: lead provider' CRC will deliver all immediate requirements set out in the resettlement plan. Generally, the 'host:lead provider' will deliver these services to all offenders received into custody, including offenders on remand, offenders who will be managed by NPS on release and offenders who will be managed by different CRCs on release. However, in shared prisons the position is more complex, and is described in the section on shared prisons below.

In the instances where an offender is located in a resettlement prison in which their home CRC does not provide resettlement services, the 'host: lead provider' CRC in that prison will contact the 'home' CRC and share a copy of resettlement plan within one working day of completion. They may also give the 'home' CRC a schedule of services available in the prison and they will ensure that the 'home' CRC is able to make contact with the offender in custody.

Those prisons that are not designated as resettlement prisons will not have resettlement services. However, the prison Offender Management Unit will contact the CRC in the prisoner's 'home' CPA and that CRC will arrange for the provision of a resettlement service. The existing provision and funding of mainstream and co-commissioned services (i.e. those addressing health needs, substance misuse, employment, education and training) and provision of offending behaviour courses will be appropriate to the population of the non-resettlement prison.

It is envisaged that the creation of resettlement prisons will present opportunities to create better continuity of service for offenders, in relation to wider mainstream and co-commissioned services. For instance, MoJ is testing, with the Department of Health, an 'end-to-end' approach to tackling addiction from custody into the community.

The 'host:lead provider' CRC will also have the option of delivering additional rehabilitative services to its Allocated Persons while they are in custody, and will provide a rate card for the provision of such services, which can be purchased by the NPS and other CRCs for their Allocated Persons in the prison.

### **Pre-release resettlement services**

Shortly before the release date of an offender (i.e. not more than 12 weeks), CRCs will engage in pre-release planning with their Allocated Persons to identify and then undertake any identified resettlement activities required in preparation for release.

For those offenders who are not its Allocated Persons, the 'host: lead provider' CRC will engage with either their 'home' CRC or the NPS (for those offenders who will be managed by the NPS). Some of the pre-release resettlement activity may then be undertaken by the 'host: lead provider' CRC, but pre-release activity which relates to accommodation or employment needs on release will usually be undertaken by the 'home' CRC or the NPS respectively. The NPS might choose to purchase the delivery of these accommodation and employment services from the 'host: lead provider' CRC (given that many of the Retained Persons in the prison will also be returning to the CPA in which the CRC operates); the 'host: lead provider' CRC must therefore provide a rate card for delivery of these services. 'Home' CRCs will, in relation to any of their Allocated Persons who are held in a non-resettlement prison, engage in pre-release planning with the offender and relevant prison staff and then deliver pre-release resettlement activity which relates to accommodation or employment needs on release.

### **Shared Adult Male Prisons**

In some adult male resettlement prisons, in addition to there being a 'host: lead provider' CRC, there will be one other CRC operating as a 'host' CRC: such prisons are described in this document as "shared prisons".

In such cases, these additional 'host' CRCs will be responsible for preparing resettlement plans for all offenders who are their Allocated Persons and all remanded prisoners with

home addresses in their CPAs. They will also be responsible for delivering the immediate requirements identified in resettlement plans for the same cohorts. The 'host:lead provider' CRC will deliver these services for all other prisoners (ie. its own Allocated Persons, prisoners on remand with home addresses in its CPA, offenders allocated to the NPS, offenders allocated to CRCs not operating as 'host' CRCs in that prison and all other prisoners on remand).

So, for its Allocated Persons, each 'host' CRC will complete the resettlement plan on reception into custody and deliver the immediate requirements identified in the resettlement plan. It will then go on to deliver the pre-release activity, and will have the option of providing additional rehabilitative support to its Allocated Persons while in custody.

The 'host: lead provider' will be the only CRC completing resettlement plans for prisoners who will not be its Allocated Persons on release and who are not part of any other 'host' CRCs cohort within that establishment. It will share the resettlement plans for those offenders with the offenders' 'home' CRCs, and those allocated to the NPS with the NPS, within one working day of completion. The 'host: lead provider' will also offer the option of further rehabilitative work to 'home' CRCs and the NPS on a rate card basis. For those offenders, the 'host: lead provider' CRC will engage in pre-release planning with either their 'home' CRC or the NPS as appropriate. In shared prisons, the NPS might choose to purchase the delivery of pre-release services from the 'host: lead provider' CRC or a 'host' CRC; each 'host: lead provider' CRC and 'host' CRC must therefore provide a rate card for delivery of these services.

The 'host: lead provider' will also be responsible for co-ordinating access to those facilities granted by the Governor to facilitate resettlement such as computer terminals, interview rooms etc for 'host' CRCs in shared prisons.

### **Women Prisoners**

The resettlement prison model for women prisoners follows on from the NOMS review of the women's custodial estate. All women's prisons (including those which are dual-designated as prison and Young Offender Institution) will be designated resettlement prisons in order to ensure that women prisoners in every establishment have access to resettlement services. TTG delivery in most women's prisons will follow a very similar operating model as that described above for shared adult male prisoners as set out below:

- all women's prisons will have a 'host: lead provider' (usually the CRC for the area in which the prison is situated or in some cases the CRC with the largest cohort of prisoners within the establishment, where they are different);
- in most prisons, up to three other providers will be given access to their cohort of prisoners (and remanded prisoners with home addresses in their CPA) pre-release as 'host' CRCs – this access will be facilitated by the 'host: lead provider';
- the 'host: lead provider' will be responsible for preparing resettlement plans, delivering immediate requirements and engaging in pre-release planning with the 'home' CRC for any women offenders allocated to neither their CRC nor any of the 'host' CRCs, or the NPS as appropriate.

### **Young Adult Male Prisoners**

Most Young Offender Institutions (YOIs) will be designated as resettlement prisons for the purpose of provision of resettlement services to young adults in custody. A large number

of establishments are currently dual-designated to accommodate young adults and adult male prisoners and many of these will be resettlement prisons. Additionally, a small number of further YOIs will be designated as resettlement prisons in respect of the young adult population only for these purposes. This will ensure that young adult prisoners are able to benefit from the same level of TTG service as adult prisoners. These proposals are about the designation of establishments for the purpose of accessing resettlement services rather than whether young adults should be held in prisons or YOIs in the longer term, an issue which is the subject of a separate consultation, *Transforming management of young adults in custody*, the outcome of which is yet to be decided.

Based on the existing young adult estate, resettlement services will be delivered along the same lines as proposed for the women's estate with some establishments serving more than one CPA.

### **Private prison model**

The contracted estate accounts for a significant proportion of the prison estate and the use of some private prisons will be necessary under the resettlement prisons design; this is particularly relevant where contracted prisons function as 'local' prisons servicing the courts.

Private prison providers have agreed to deliver the initial activities around the resettlement needs screening and private prison staff will complete the first part of a basic custody screening assessment to determine the resettlement needs of all prisoners.

The majority of the contracted estate will cease contractual delivery of mandated resettlement services in its establishments; however some contracted establishments' resettlement interventions form an integral part of their contract, and consequentially cannot be extracted. CRCs will therefore need to develop proposals that align with the delivery of these existing services within some contracted prisons.

The controllers in private prisons will continue to ensure delivery of agreed performance on behalf of NOMS and this function will be aligned in the new structures with the NOMS account management of CRCs.

### 3. The New National Probation Service (NPS)

In “*Transforming Rehabilitation: A Strategy for Reform*” we said that we would create a new National Probation Service that will carry out the critical roles of providing advice to court, assessing the risk an offender poses to the public and directly managing those subject to MAPPA and those who pose the highest risk to the public.

The section below provides further detail on how the NPS will operate as a new organisation and sets out the proposed management structure, indicating where overall responsibility for the delivery of service will lie. This section also sets out how we will create a system which includes Local Delivery Units designed to allow appropriate alignment with local authority areas, and an effective corporate service structure that supports local needs.

#### 3.1 Future management and operational delivery structure

The NPS will be a new organisation, which will deliver the necessary focus on the exercise of public interest decisions and issues of public protection. It will be a Civil Service organisation, sitting within NOMS, with a distinct identity for Wales within the service.

Four key principles have been followed in developing the detailed design for the NPS:

- It will be structured to allow for best alignment with existing local delivery and partnership structures. The basic building block of the NPS structure will be the local delivery unit (LDU), based on local authority boundaries. The structure aligns LDUs within police/PCC boundaries;
- It will allow for best alignment with CRC delivery arrangements. The final regional structure will be reviewed if necessary once CRCs have been transferred to successful bidders;
- There will be clearly defined levels of accountability and responsibility throughout the organisation, with appropriate management resource focused at each level. This means that there will be four delivery levels: front line operations, LDU clusters, divisions, and a national directorate.

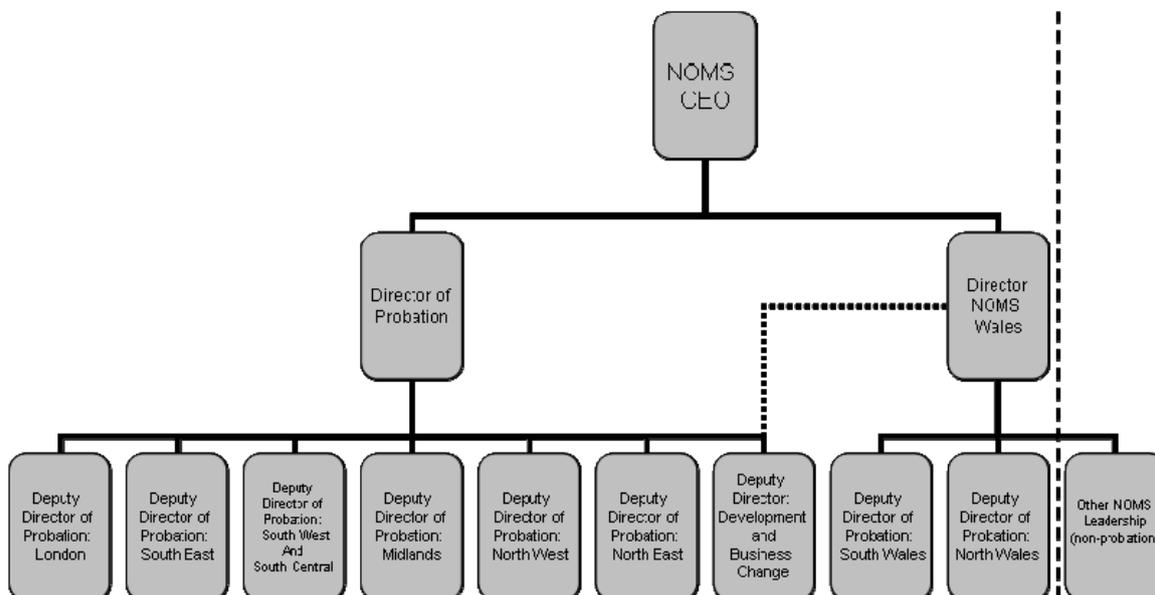
#### 3.2 Management Structure

The NOMS CEO will oversee the entire delivery structure. The Director of Probation and the Director NOMS Wales will report to the NOMS CEO, will be responsible for the delivery of services, and will represent the NPS nationally to ministers and in other strategic forums.

There will be a distinct identity for Wales within the national structure to reflect the very different local landscape in which the service needs to be delivered (with both Health and Education being devolved matters for the Welsh Government).

In England, there will be six divisions, as set out below. There will also be a Deputy Director portfolio covering “Development and Business Change” – focusing on the detailed design and delivery of operational activity, ensuring that operational practice in

England and in Wales is properly co-ordinated, and focusing across the service on the continuous improvement of service delivery.

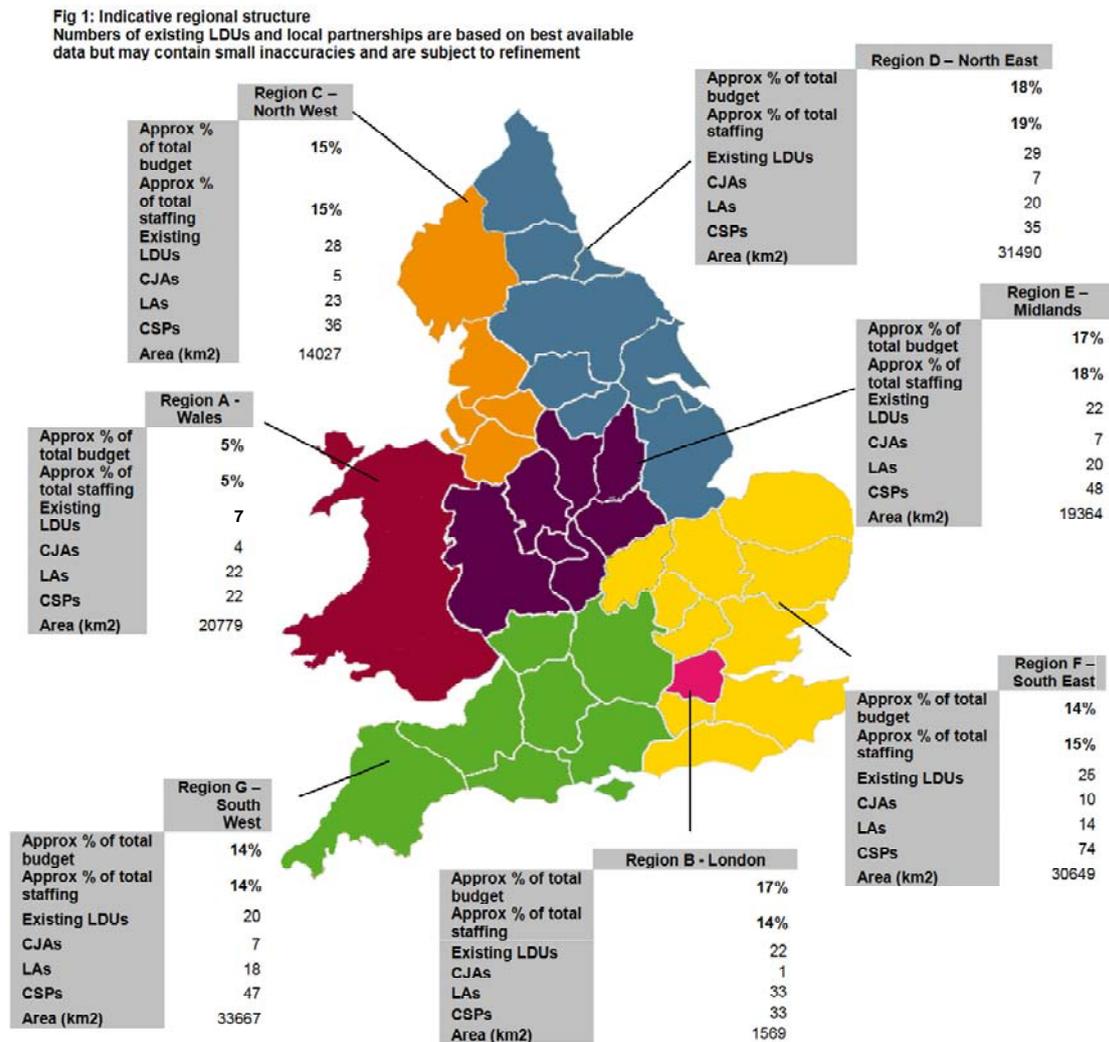


The precise boundaries of the geographic divisions will be reviewed following the transfer of CRCs in the various CPAs to bidders, to ensure the most appropriate alignment. The provisional areas for the English divisions are:

- **South East and Eastern** – to cover current Probation trust areas: Kent; Surrey & Sussex; Bedfordshire; Cambridgeshire; Northamptonshire; Essex; Hertfordshire; Norfolk & Suffolk
- **South West and South Central** – to cover current Probation Trust areas: Thames Valley; Hampshire; Devon & Cornwall; Dorset; Avon & Somerset; Gloucestershire; Wiltshire
- **North West** – to cover current Probation Trust areas: Merseyside; Cumbria; Lancashire; Cheshire; Greater Manchester
- **North East** – to cover current Probation Trust areas: Northumbria; Durham Tees Valley; York and North Yorkshire; Humberside; West Yorkshire; Lincolnshire; South Yorkshire
- **Midlands** – to cover current Probation Trust areas: Derbyshire; Leicestershire; Nottinghamshire; Staffordshire & West Midlands; Warwickshire; West Mercia
- **London** – to cover current London Probation Trust area.

At this level the structure will provide overall accountability for public sector outputs and outcomes, give internal leadership to the staff within the Division, and provide the Deputy Director level representation for issues that require strategic and policy input. The Deputy Directors will combine to form the senior management team of the NPS and collectively own the responsibility for developing best practice and implementing efficient systems of work. Wales will be structured as a separate Directorate linked to England at NOMS Board level.

Fig. 1, below, sets out an indication of the approximate size and proportionate budgets and staffing for each area, along with the number of Local Delivery Units currently operating in each area, and the number of key local partners in each area (Local Authority Areas, Criminal Justice (Police Force) Areas and Community Safety Partnerships). The indicative figures are for guidance only and therefore do not account for service developments or potential efficiencies that may be implemented. Nor do they reflect final staff allocations.

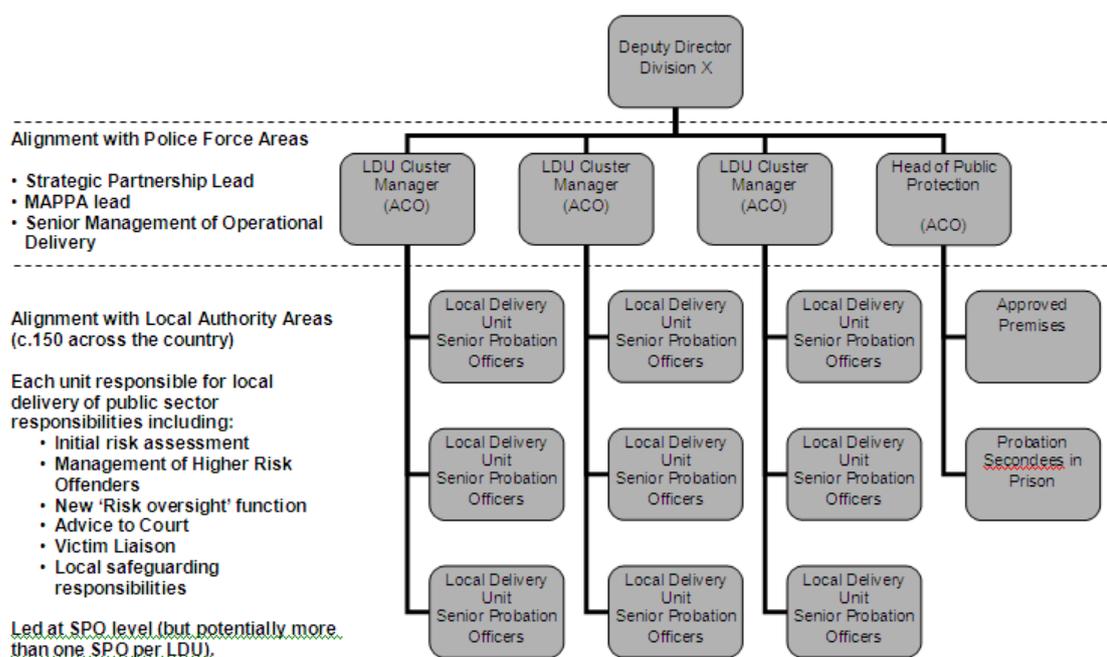


### 3.3 Operational Structure

There will be approximately 150 LDUs within the new structure of the overall system. This will allow appropriate alignment with local authority areas, and 'map up' to larger local partnership arrangements; each local authority Chief Constable and PCC will have a named point of contact in the local operational structure. At that level public sector staff will service all courts with advice on sentencing based on an assessment of risk of serious harm and risk of reoffending. These LDUs will undertake supervision of those offenders falling within the public sector caseload, resource the reassessment of cases referred to

them by the CRCs, and ensure that public sector local responsibilities, such as victim liaison and local adult and child safeguarding responsibilities, are discharged.

The structure and responsibilities at each level are summarised in the diagram below, though the detailed structure in each Division may vary to reflect specific local factors:



### 3.4 Corporate Service Structure

The NPS will utilise the existing support structure that is in place for NOMS. This will include support functions within NOMS and the MoJ, including HR, Finance, Procurement, ICT, Estates, Communications and Legal Services. These functions will provide support to the National Probation Service but will not be part of the NPS organisational structure.

In line with NOMS and MoJ the NPS will move to use the MoJ shared service model for delivery of HR Services, Payroll Services, Finance Services, Customer Contact Services and Learning Services.

To ensure effective integration of corporate support functions, there will be divisional corporate teams within the NPS to support the delivery for each division. These teams will be multi-functional, focussing on supporting the divisional team and will, where appropriate, include Business Partners providing specialist expertise to support local needs.

## 4. Constitution of Community Rehabilitation Companies

In “*Transforming Rehabilitation: A Strategy for Reform*” the Government set out its intention to commission services across 21 different Contract Package Areas. This section provides further detail by setting out how Community Rehabilitation Companies covering the proposed 21 Contract Package Areas will be established and constituted.

### 4.1 Constitution of Community Rehabilitation Companies (CRCs)

There will be a CRC in each of the 21 Contract Package Areas in England and Wales. The map attached at Annex C shows the geographic boundary and indicative annual value basis for each CPA. A number of these CRCs cover areas currently covered by a single Probation Trust, but nearly half of them (10 out of the 21) are ‘multi-Trust’ CRCs. The most Probation Trust areas within one CRC is 4.

CRCs have been formed by the Ministry of Justice (MoJ) as companies limited by shares, which the MoJ will wholly own until contracts are awarded.

Prior to the award of contracts and sale of the companies, each CRC will be governed by a Board of Directors comprising a Chief Executive Officer (CEO), a second executive Director (likely to be a finance or corporate services Director), and two non-executive Directors. There will also be an executive management team comprising the two executive directors and, in some cases a number of corporate directors, and, in most cases, a Head of Operations. This team will be responsible for the management of the CRC from the date on which CRCs become responsible for providing services, and will ensure that service delivery, financial and operational governance are in place. On sale, the new directors/shareholders of the CRCs will be able to determine the appropriate board structures, and membership, subject to normal legal minimum requirements.

The MoJ has drafted a form of articles of association (the Articles) that will be adopted by each CRC at the point that it is acquired by a successful bidder. The Articles set out the basic management and administrative structure and internal affairs of each CRC.

The share capital of each CRC will comprise ordinary share capital and a special share. The successful bidder will acquire the ordinary share capital in each CRC from the Secretary of State for Justice (the SoS) under the Sale and Purchase Agreement (SPA). The SoS will continue to hold the special share after completion of the SPA. The special share gives the Secretary of State certain limited special shareholder rights.

Under the Articles, a CRC must not, amongst other things, (a) transfer, assign or grant any security interest in relation to the Services Agreement except as permitted by the Services Agreement, (b) reorganise or change the nature or scope of the CRC’s activities in a way that may, in the reasonable opinion of the SoS, have a detrimental effect on the management of offender services in the community pursuant to the Services Agreement or (c) sell, transfer, lend or otherwise dispose of (other than by way of security) the whole or any material part of its business, employees or assets which would materially affect the ability of the CRC to perform its obligations under the Services Agreement, without the written consent of the SoS.

In addition, through weighted voting rights attached to the special share, the SoS can block the following events in relation to a CRC:

- i) the CRC proposing the voluntary winding up or dissolution of the CRC or any subsidiary of it (from time to time);
- ii) the CRC applying for the appointment of an administrator over its assets;
- iii) the CRC creating, issuing, purchasing, reducing, buying-back or redeeming shares in the capital of the CRC or any subsidiary of it (from time to time) or otherwise reorganising its share or loan capital, except for the redemption of the special share; or
- iv) the CRC varying any voting rights attached to any shares in it.

In relation to ownership of the CRCs, the SoS has the following influence:

- an ordinary shareholder cannot transfer their shares without written consent of the SoS if the transferee is a 'prohibited person'; and
- the SoS can require a prohibited person to transfer its shares in a CRC (prohibited person if, amongst other things, subject to sanctions or a genuine and sufficiently serious threat to the security interests of the community).

Management, financial and operational responsibility for the CRCs will rest with successful bidders. Specifically, this includes the CRCs' responsibility for developing their own internal processes and operating policies which will be incorporated in their Annual Service Plan. Furthermore, the CRCs have the ability to operate independently and generate alternative revenue streams outside of those contracted with the SoS on the condition that it does not have a detrimental effect on the provision of offender management services. Whilst the SoS will retain limited powers under the Articles, these are restricted to specific circumstances in order to ensure that the safety of society is protected through the ongoing provision of offender management services.

At the expiry of the contract (Services Agreement) the services may be retendered. The current CRCs and their owners will have obligations to help transition the services.

## 5. Integration and Partnership working

In “*Transforming Rehabilitation: A Strategy for Reform*” we said that providers would need to engage with statutory and non-statutory partnerships and that the NOMS account management function would monitor local partnership working as part of its role in obtaining assurance of the delivery of services, liaising with Police and Crime Commissioners (PCCs) and other relevant partners as necessary.

This section outlines our approach to integration and partnership working with partners such as Police and Crime Commissioners, local authorities, Clinical Commissioning Groups, the Youth Justice Board and local Youth Offending Teams. It covers:

- Statutory partnership working arrangements, such as child safeguarding boards
- Non-statutory partnership working arrangements such as Integrated Offender Management (IOM)
- Co-commissioning
- Youth Offending Teams
- The role of the Welsh Government and arrangements for Wales

### 5.1 Statutory and non-statutory partnerships

CRCs will need to work closely with other local partners. They will do so both at a strategic level, with Police and Crime Commissioners, and commissioners of other public services such as local authorities and Clinical Commissioning Groups, and at an operational level, through participation in effective partnership working arrangements. CRCs will be required to work collaboratively with their partners to develop an integrated service, and to develop strong functional relationships to target shared local priorities and meet local needs.

CRCs will be contractually required to participate in the relevant statutory partnerships. These are set out in the *Statutory Partnerships and Responsibilities* paper. A summary is provided below, and the full version is available at: <http://www.justice.gov.uk/downloads/publications/transforming-rehabilitation/statutory-partnerships.pdf>.

CRCs will be designated as a responsible authority under section 5 of the Crime and Disorder Act 1998 and as such will be subject to the associated statutory requirements with regard to Community Safety Partnerships. CRCs will have a contractual duty to co-operate in relation to Multi-Agency Public Protection Arrangements.

CRCs will be expected to have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children and will be designated as “board partners” for child safeguarding boards in their CPA (although there is nothing precluding them from participating or being board partners in child safeguarding boards outside of their CPA).

CRCs will be required to support the NPS to ensure the continued effective implementation of both the statutory Probation Victim Contact Scheme and associated statutory responsibilities, and also the established good practice in relation to discretionary victim contact including identifying and providing key information about offenders to NPS staff so that they can then communicate this to victims and, if applicable, allow them to make representations.

CRCs will be contractually required to engage in non-statutory partnership working arrangements aimed at protecting the public from harm, safeguarding vulnerable adults or potential victims of domestic abuse and promoting service integration. They will have the flexibility to decide how they engage in such arrangements and with whom. If they are to succeed in reducing reoffending, it will be essential for CRCs to work with partners at a local level to manage offenders, for example through integrated offender management schemes.

## 5.2 Co-commissioning

Whilst MoJ will be responsible for commissioning CRCs to deliver rehabilitation services, effective engagement and co-commissioning with partners at a national, PCC and local authority level is important to ensure commissioning is responsive to local needs.

In order to create the most holistic and integrated rehabilitation services, PCCs and other commissioners such as other Government Departments will be able to commission CRCs to deliver additional services in line with their own priorities with agreement from the MoJ.

To effectively facilitate co-commissioning,<sup>23</sup> certain other commissioners as set out in the OJEU notice including Police and Crime Commissioners and other government departments will be entitled to commission the full range of discretionary services set out in part 2 of the NPS rate card (Attendance Centres,<sup>24</sup> Home Resettlement Services, and Victim Offender Conferencing) without having to procure these through a normal open competition tender process. This includes the delivery of rehabilitative interventions.

These commissioners will also be able to request that CRCs provide additional 'elective' services. MoJ will monitor the provision of these services which must be delivered to the same cohort of offenders managed by the CRC and are restricted to services which support and enhance the rehabilitative services already being delivered by the CRC.

Payment for services will be made directly by other commissioners to CRCs, unless required otherwise by MoJ. Other commissioners will be able to enforce rights directly against CRCs under the Contracts (Rights of Third Parties) Act 1999.

Outside of this, and as Probation Trusts are free to do now, CRCs will have the flexibility to enter into local agreements and arrangements with other agencies involved in

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<sup>23</sup> **Co-commissioning** Two or more commissioning agencies aligning strategies but retaining responsibility for their resources Source: An Introduction to NOMS Offender Services Commissioning).

<sup>24</sup> CRCs would be required to deliver Senior Attendance Centres only where required to by the sentence of the court or a Senior Attendance Centre Order, leaving them flexibility to change Attendance Centre provision over time, in consultation with sentencers.

delivering services to offenders if they consider it will help them in achieving their overarching objective to reduce reoffending.

### **5.3 Provision of services in the community for offenders**

CRCs will be commissioned to deliver core offender services as set out in statute to ensure the legal, safe and decent delivery of the sentences of the court and will have a clear remit to reduce reoffending which they cannot do alone.

CRCs will therefore not be funded to duplicate existing mainstream local services which are already available to offenders, who should access the same services that are available to the general public. For example, whilst required to ensure the delivery of a sentence that includes a Drug Rehabilitation Requirement, CRCs would not be responsible for delivering the drug treatment and testing element that forms part of that requirement. This would be the responsibility of locally available drug treatment services.

As levels of provision of local services such as health and accommodation are at the discretion of bodies such as Clinical Commissioning Groups and local authorities, CRCs will want to establish relationships and integrate with the wide range of local partners which commission and provide services to allow them to demonstrate the mutual interests in providing services for offenders which contribute towards reducing reoffending (such as housing, healthcare, substance misuse treatment services, employment and education, benefits and debt etc).

### **5.4 Youth Offending Teams**

The priorities of the Youth Justice Board (YJB) and local Youth Offending Teams (YOTs) will be taken into account to inform commissioning decisions at CPA level.

Probation staff from the NPS will continue to be seconded to YOTs and senior managers in the NPS will contribute to YOT Management Boards. Financial contributions to YOTs for 2014/15 will be agreed through the existing process of annual local negotiations. For future years we will consider adopting a national formula based approach.

The extension of supervision after release to twelve months will apply to all offenders sentenced to custody who are 18 or over at the point of release, including offenders sentenced to juvenile sentences. Provisions in the Offender Rehabilitation Act 2014 will enable either CRCs, the NPS or YOTs to supervise those aged 18 or over during the post sentence supervision period following both Detention and Training Orders and section 91 sentences.<sup>25</sup>

The YJB, with NOMS, has set out a transitions framework for the management of cases transferring from YOTs to adult probation services. It is also rolling out the Y2A portal, which, where available, ensures smooth transition of information for an offender turning 18 transferring to the adult estate/services and this route will be retained in the new system.

The NPS and the YOT will be responsible for making the decision about whether an offender who is sentenced as a juvenile but who turns 18 during their sentence should

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<sup>25</sup> Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.

transition to the adult system once he/she is over 18 or remain with the YOT, and for making the arrangements for any transfer. The decision to transfer a case (or not) will remain a local decision taking into account the needs of the young person, their maturity and risk factors in order to minimise risk to the public, safeguard the young person and aim to reduce reoffending. Once a decision has been made to transfer a case from the YOT, the NPS will work with the seconded Probation Officer within the YOT to establish the appropriate allocation and will apply the case allocation system prior to the point of transition from youth to adult justice services, to allocate those offenders who will be managed either by the NPS or the CRC. It will be the responsibility of the NPS to inform the CRC of a new case being allocated to them.

In the longer term, arrangements will be kept under review, including in light of the Government's response to the Transforming Youth Custody Green Paper consultation.

## **5.5 The role of the Welsh Government and other Wales-specific structures**

There will be a distinct CPA for Wales, matched by a distinct identity for NPS as part of NOMS in Wales. This will support the close partnership working already taking place between the range of agencies which work with offenders in Wales, and to take into account the different governance landscape in Wales where health and education issues are devolved for the Welsh Government.

In the Wales Contract Package Area (CPA 11), drug and alcohol treatment provision [Drug Rehabilitation Requirement (DRR) and Alcohol Treatment Requirement (ATR)] will be procured separately via the Director of NOMS Wales, whereas in England these services are commissioned by local authorities. A Wales integrated approach will be jointly commissioned with Police and Crime Commissioners to include the Drug Intervention Programme (DIP) and Prison based treatment which will align with the 'Wales Reducing Reoffending Strategy' which has been developed jointly by Welsh Government, NOMS in Wales and ACPO Cymru. It is intended that the new service will be operational as of April 2015. The procurement timeline will allow for the CRC provider to bid for this service.

## 6. System Governance

In “*Transforming Rehabilitation: A Strategy for Reform*” we said that the MoJ through NOMS would be responsible for commissioning and contract management of CRCs, through an account management structure, as well as agreeing the delivery responsibilities captured within the SLA with the NPS. The model will have providers, both CRCs and NPS, held to account by NOMS, who will ensure the overall system performs in line with the objectives and priorities set out by ministers and the department. This chapter sets out how this account management will be combined with appropriate audit arrangements and inspections by HMI Probation to regulate the system. It describes the measures that will be in place to provide delivery assurance, and briefly summarises the funding flows through the system and the payment mechanism for CRCs.

This chapter also describes how professional standards will be maintained in the new system, and sets out what will be expected of CRCs and the NPS in relation to staff training and security vetting.

### 6.1 Inspection, audit and contract management

The system will be regulated through a combination of independent inspection, audit and NOMS contract management of CRCs and SLA oversight.

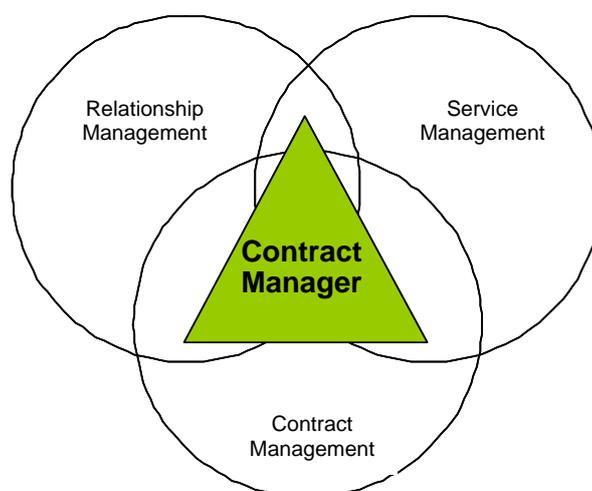
- An **inspection** function will be provided by HMI Probation – an independent body. HMI Probation will inspect service across the NPS and contracted sectors. Inspection findings and recommendations will be followed up through contract management, and may inform decisions about the application of remedies;
- An **audit** function will provide assurance that reported data is accurate. CRCs will be contractually obliged to develop their own internal audit processes that they will share with NOMS. NOMS will also have the right to audit CRC delivery and will utilise external audit to examine elements of service delivery where appropriate. The National Audit Office (NAO) may also require access to CRCs’ financial systems where there is a need for public assurance, and this will be reflected in the contract (Services Agreement).
- It is envisaged that commercial contract management at national level will be supported by operational contract management at CPA level. Operational contract management will differentiate between the need for NOMS to have higher levels of assurance about delivery of sentences of the court and public protection, where there will be specific minimum standards and metrics, compared to the substantial freedom providers will be given to determine how they rehabilitate offenders and reduce reoffending. NOMS will adopt a proactive risk-based approach to checking how local systems are working. NOMS will be able to analyse management information to identify inconsistencies between areas, for example in the profiles and volumes of cases being allocated, escalated, transferred, and breached or recalled, and will use this to address any potential problems.

## Commissioning and Contract Management

Contract management of the services commissioned by the Rehabilitation Programme will be delivered by a new Rehabilitation Services Contract Management (RSCM) function being established within NOMS. This function will be developed in line with the MoJ/NOMS response to the cross Government and MoJ Reviews of Contract Management, and will be responsible for commissioning and contract management of the CPA contracts in England, the setting of NPS SLAs (performance management for NPS will be via the Director of Probation and the Director of NOMS in Wales), and engagement with stakeholders at national and local levels. The contract management function is an essential component of the new system as it will be responsible for ensuring that the objectives of the reforms are delivered, and that year on year improvements in value for money are achieved through the new supply chain.

The new contract management function will be led at NOMS Board level by a Director and supported by the MoJ Director Procurement for the commercial contract management function. The NOMS Director will be supported by three Deputy Directors each responsible for a geographic area covering a number of CPAs and aligned with the NPS Divisions. They will lead the new Community Contract Management teams covering each of the CPAs, while the Director of NOMS in Wales will deliver contract management in Wales. Contract management teams will have a highly developed understanding of the management and delivery of offender services (community and custody) and of the challenges involved in managing large commercial contracts. They will be experienced in building and maintaining strategic partnerships with other Government departments, agencies, suppliers and other stakeholders. Contract management will involve multi-disciplinary teams provided by the relevant corporate functions across the department such as finance, commercial contract management, legal, audit and performance analysis. The dedicated commercial contract management function will work closely within the operational contract management teams and may be resourced with capability and capacity from external partners.

It is envisaged that the contract management function will encompass a combination of relationship management, service management and commercial/contract management expertise.



The appropriate models and the level of investment required in the new approach will be informed by industry benchmarks comparing how other public and private sector organisations manage large complex supply chains.

**Supplier relationship management** – recognises the commercial nature of the contractual relationship and emphasises a collaborative approach for mutual benefit in the development of an effective working relationship between the MoJ and the contractor. The new contract management function will be led by senior business owners with both expertise in offender services and who would have the MoJ and organisational status to manage key providers, supply chains and broader market relationships, accessing appropriate expertise from within and outside the MoJ/NOMS. These business owners would be aided by specialist support functions, organised in the most efficient manner to ensure access to professional expertise, and also allowing sharing of best practice across the contract management function. These business owners will work closely with the broader MoJ and cross-Government approaches to supplier relationship management to ensure a coherent and consistent approach to the Government's relationship with key providers who are delivering services under contract to a number of departments and agencies.

**Service management** – within the context of a collaborative approach to the relationship between the MoJ/NOMS and the contractor, service management focuses on monitoring performance against the contract (Services Agreement) and engaging with the provider and other stakeholders to assure delivery of the services and contract compliance, and identifying areas for improvement and service development. Service managers will have a good understanding of the operational delivery of the services and the requirements of commercial contract management, and the skills to build effective working relationships with providers and stakeholders. In view of the critical nature of the operational interfaces between the CRCs and the NPS, and with prisons, service management will have a key role in overseeing and assuring that these interfaces work effectively and efficiently.

**Commercial Contract management** – technical commercial contract management, payments, remedies and change management will be provided as a service by MoJ Procurement with external support.

Contract management will obtain assurance and hold providers to account for delivery of their stakeholder engagement commitments, and will assure they are working effectively with the NPS, prisons and other key local stakeholders to deliver integrated services.

Contract managers will also work with local stakeholders within each CPA including PCCs, local authorities, health, the NPS, prisons, the CRC and other providers to agree local arrangements to review how probation services are working with a view to identifying areas for improvement and opportunities to align service planning for mutual benefit.

### **Governance arrangements for CRCs and the NPS**

In addition to the CRC constitution arrangements set out in section 4 above, a Services Agreement will be in place between each CRC provider and NOMS setting out the contractual obligations, including governance and contract management requirements, Market Stewardship Principles and an Industry Standard Sub Contracting Agreement.

NOMS contract managers will convene a Service Integration Group including the CRC provider, the NPS and the relevant Resettlement Prisons for each CPA to oversee the interfaces between them to ensure that the services they deliver work together efficiently and effectively.

The NPS will be a directly managed delivery function within NOMS, with a Director of Probation and a Director of NOMS Wales. Both Directors are members of the NOMS

Board and accountable to the NOMS CEO for delivery of Service Delivery Requirements (SDRs) and operational budgets which will be reflected in the SLA for each of the 6 NPS Divisions and for Wales.

In line with the Prisons SLA approach, a NPS Service Level Agreement (SLA) will identify the processes for setting and managing SDRs, budgets, and commissioning processes. SDRs will reflect the key outcomes for the NPS to deliver the sentences of the court, protect the public and reduce re-offending.

## 6.2 Performance and delivery assurance across the system

Delivery assurance will be achieved through:

- A **performance and assurance framework**;
- A specified **mandatory dataset** which will define information required from providers and to be used to identify triggers for rewards and penalties – financial and contractual; and
- A **requirement for providers to develop assurance systems** which ensure quality and sustainable services are delivered.

For CRCs the performance framework will include a set of service levels that define the expected delivery outputs and provide assurance that mandated services, paid for on a fee for service basis, are being delivered. The measures will focus on areas of Sentence Delivery, Enforcement, Public Protection and Through the Gate services.

To provide assurance that sentences are being delivered we will measure how successfully providers are completing Community and Suspended Sentence Orders, Licences and individual Requirements attached to Community Sentence and that they are commencing Unpaid Work Requirements in a timely fashion.

To demonstrate that the public is being protected through effective risk management we will measure whether providers are seeing offenders at the start of their Community Order or Suspended Sentence Order and following release from prison, are identifying risk of serious harm and offender needs and developing a Plan for each offender they manage.

Providers will be measured to ensure they make the right referrals to the NPS for (a) enforcing breaches of Community Orders and Suspended Sentence Orders and (b) making appropriate Recall decisions. They will also be held to account for referring offenders to and delivering resettlement services in prisons, preparing offenders for release and contributing to assessments for Release on Temporary Licence and Home Detention Curfew.

The measures will be used through contract management processes to trigger financial contractual remedies if not delivered. The service levels, measures and consequences will be set out within the CRC contract (Services Agreement).

For the NPS there will be measures to assure delivery of the services they are commissioned to deliver. Again there will be a series of service requirements against which performance will be measured. Some of these measures will mirror those used for the CRCs but for their own cohort of offenders (Sentence Delivery and Enforcement) and some will reflect their differing responsibilities on Public Protection, court work and working with victims.

The NPS will also be measured to ensure they complete Community Order or Suspended Sentence Order and Licences, take appropriate breach and recall decisions, meet and assess offenders at the start of their order or following release from prison. They will also need to demonstrate how satisfied victims are with their services, that they are providing advice to sentencers in a timely fashion, are referring the correct offenders to CRCs in a timely manner and are responding to breach, recall and risk escalation referrals from CRCs.

The measures for both CRCs and NPS will support the contract management relationships and assist appropriate decisions are made to provide assurance that value for money services are delivered and will be used in conjunction with broader contract management tools including the audit and inspection regime.

As part of the contract management arrangements, the NPS and CRCs will be required to show that they have in place their own processes to assure the quality of services they deliver and to comply with inspection and audit arrangements. They will also be encouraged to work with the Ministry of Justice and NOMS on research and evaluation, particularly in investigating evidence of effectiveness in reducing reoffending. They will be required to provide access and data and information for the purpose of research and evaluation, and follow the research application process where they wish to conduct evaluation.

### **6.3 Management Information (MI), Data Management and Transparency**

The management information and data requirements of the new system will be set out in contracts. Accurate and timely management information will be needed to support delivery and monitoring of the system.

#### **Transparency**

There will be two new performance reporting systems to objectively and transparently compare provider performance across the system: the CRC performance reporting system and the new NPS performance reporting system to replace the existing Probation Trust Rating System.

Each performance reporting system will include appropriate measures to provide assurance relating to service delivery and these will be published and reported in line with the MoJ/NOMS commitment to transparency and the Open Data Strategy.

#### **Freedom of Information requirements**

The Government's position on extending the Freedom of Information Act 2000 to non-public sector providers of public services is set out in its response to the Justice Committee's July 2012 report, *'Post-legislative scrutiny of the Freedom of Information Act 2000'*. In line with the recommendation of the Justice Committee, it is the MoJ's intention that contracts with CRCs should be used and enforced to ensure that the MoJ's Freedom of Information obligations are met.

A Code of Practice will be issued to guide public authorities and their contractors in ensuring an appropriate degree of transparency beyond the minimum requirements of FOIA.

## 6.4 Funding Flows

NOMS will determine an interim NPS budget settlement during the transition based on resources transferred from Trusts, with scope in subsequent years to update alignment of resourcing to delivery requirements. In-year volume variations which impact on the NPS cost base will be managed through the monthly financial reporting cycle.

Budget-setting for CRCs for the period prior to share sale will be determined on the same basis as for the NPS, with monthly adjustments to manage volume variations in the cost base. The price to be paid for services provided following the sale of CRCs will be determined through the competition process and negotiation with bidders.

## 6.5 Payment Mechanism for CRCs and Performance Incentives

CRCs will be paid for managing the cases allocated to them, and a proportion of their payment will be at risk and dependent on their performance in reducing reoffending. Where requirements have been placed on CRCs under contract in relation to the delivery of services, these will be monitored through NOMS contract management; this will include penalties for services not delivered to time or to quality.

The payment mechanism for services provided to the offender allocated to the provider is comprised of two elements: Fee For Service (FFS) and Payment by Results (PbR). The FFS is primarily paid for mandated activities that deliver the sentence of the court and licence conditions and includes Through the Gate (TTG) services and Rehabilitation Activity Requirements (RAR). PbR is paid for the achievement of statistically significant reductions in reoffending against the baseline historical level.

The total available funding in any year, known as the Maximum Annual Payment (MAP), has been set on a Contract Package Area (CPA) basis for each year of the contract. Providers are required to bid a FFS for each year of the contract. The difference between the FFS bid and the MAP will form the basis of the amount available for PbR, relating to the quarterly cohorts and annual cohort that are established in that year.

Key features of FFS are outlined below and further detail can be found in section 3 of the design overview document to be published at <http://www.justice.gov.uk/transforming-rehabilitation/competition>:

- FFS covers the delivery of sentence requirements and includes TTG and RAR.
- Providers will bid against a predicted annual volume range, weighted for sentence type and, in the case of Unpaid Work, the length of the requirement. This is known as the Weighted Annual Volume (WAV).
- Providers' FFS bids are expected to include a 'learning curve discount' to drive continuous improvement.
- The FFS for the predicted WAV will be an annual amount paid in twelve equal payments made monthly in arrears.
- At the end of each contract year, the FFS paid on the predicted WAV is reconciled to the actual WAV recorded, with a retrospective payment or deduction applied if the actual WAV is shown to have been outside of a set tolerance range around the predicted WAV.

- Service credits will be applied for failure to deliver the mandatory services to a specified time and quality, in line with the performance framework.

Key features of PbR are outlined below and further detail can be found in section 6 of the design overview document to be published at <http://www.justice.gov.uk/transforming-rehabilitation/competition>:

- PbR will be paid based on a binary metric (the reoffending rate, i.e. the percentage of offenders in a cohort that reoffend) and a frequency metric (the frequency of reoffending, i.e. the average number of reoffences per re-offender).
- The offenders allocated to a provider will be grouped in quarterly cohorts for the binary metric.
- Payments on the binary metric will be made only for achieving statistically significant reductions in reoffending, with deductions applied to the FFS for underperforming (i.e. increasing the rate of reoffending beyond a statistically significant point) and higher payments for further improvements in reducing the rate of reoffending.
- Annual top-up payments will be available on the binary metric for statistically significant improvements against annualised targets.
- The offenders allocated to a provider will be grouped in annual cohorts for the frequency metric.
- There is a “hurdle”, set at the binary reoffending baseline, which must be achieved in order for any payment to be made on the frequency metric.
- Payment on the frequency metric will be made if there is any reduction in reoffending (provided the binary hurdle is also passed) and deductions will be applied for any increase in reoffending.
- There will be significant financial deductions to the FFS and/or a termination right for MoJ for large or repeated increases in reoffending rates.

Providers may purchase services for offenders within their cohort from other providers. A rate card, using the prices stated in their bids, will govern the prices for these services.

The NPS will purchase delivery of certain services from providers for offenders that the NPS manages. Payment will be made on a Fee for Use (FFU) basis. Prices for these services will be governed by a rate card. Prices for any elective services (i.e. those not already included on the rate card) will be agreed between the MoJ and the provider. The same approach will be taken by commissioning bodies, such as other government departments, which also wish to purchase services from CRCs.

Payment for senior attendance centre provision for fine defaulters will be made by charging the MoJ by reference to the rate card attendance centre price. Fine defaulters given an Attendance Centre order will not form part of the PbR cohort.

## **6.6 Role of HMIP in system governance and quality assurance**

There will continue to be an independent Inspectorate of Probation with the same statutory remit as now. The Inspectorate will inspect the system as a whole, covering both the NPS and CRCs, though minimising bureaucratic burdens, and liaise with HMI Prisons in relation to pre-release provision. The work of the Inspectorate will provide an insight

into the quality of practice and an important source of learning about good practice, which will continue to be promoted through staff working with the Inspectorate as local assessors and practice assessors. This will support the quality assurance arrangements put in place by the NPS and CRCs.

The NPS and CRCs will be required to cooperate with HMI Probation inspections and, where necessary, to produce and implement an action plan in response to inspection findings and recommendations. In relation to CRCs, this will be monitored through contract management. There will be a requirement for staff to act as local assessors on an inspection team within the CPA, and provision for staff to be seconded to HMI Probation as practice assessors.

HMI Probation will continue to work with HMI Prisons in inspecting work undertaken with prisoners during the course of their sentence, including in resettlement prisons.

The Secretary of State will continue to have the power under the Criminal Justice and Courts Services Act 2000 to direct HMI Probation to investigate probation provision where there are particular concerns.

### **Prison and Probation Ombudsman**

The Prisons and Probation Ombudsman (PPO) investigates complaints from prisoners, those under probation supervision and those held in immigration detention. The Ombudsman also investigates all deaths that occur among prisoners, immigration detainees and the residents of Approved Premises (formerly known as probation or bail hostels).

The current probation responsibilities to send complaints on and to co-operate fully in any investigation regarding a complaint or a death will be mapped over to both the NPS and CRCs. CRCs will be required to review each recommendation which the PPO makes which relates to their services and set out how it will respond to those recommendations. This will not necessarily mean CRCs must accept recommendations but they will be required to give justifiable reasons why they are not accepting them.

## **6.7 Professional Standards**

For the new CRCs there will be a contractual requirement to have and maintain a workforce with appropriate levels of training and competence. Bidders for CRCs will need to demonstrate in bids how they will deliver this, both in the short term (when they take over the existing CRC) and in the longer term when they recruit new staff. The CRC will be expected to assure the account manager that this requirement has been met.

Section 10 of the Offender Management Act 2007 imposes a duty on the Secretary of State to publish guidelines about any qualifications, experience or training required in relation to work involving the supervision of, or other direct contact with, offenders and in due course we will publish new guidelines.

CRCs will need to demonstrate that all staff employed to supervise offenders and conduct work requiring direct contact with offenders are competent within the Core Skills in

Probation Practice<sup>26</sup> that underpin the National Occupational Standards for Probation. These are:

- Assessing and responding to Risk of Harm to others;
- Responding to diverse needs of individuals;
- Communicating with a range of different people in different settings;
- Tactical skills for working with others as part of a team and/or with other agencies;
- Engaging individuals to change; and
- Any technical or specialist skills required for their specific work setting.

As previously set out, contracts will empower CRCs to authorise individuals to act as an officer of a provider of probation services and consequently carry out the statutory roles of responsible officer, supervising officer and supervisor. CRC contracts will require those staff to have the necessary skills to manage the delivery of the sentence of the court and to identify, respond to and manage changes in an offender's behaviour that indicate the risk of serious harm is increasing.

The PQF will continue to be used to train new officers within the NPS and CRCs will be free to use it should they choose to do so. The existing PQF academic contracts run until 2016 and the period between CRC contract award and then will be used as an opportunity to develop a revised qualification route in partnership with new providers.

A National Probation Training Scheme will be created to manage the qualification training process and ensure a throughput of sufficient qualified staff for the NPS. It will be nationally funded and take responsibility for all learners and the associated resources to support the learners such as tutors and assessors.

Part qualified learners will transfer from Trusts into the scheme and be managed via a locally delivered programme through to the completion of their PQF qualification.

Reciprocal placement arrangements with CRCs will be established from June 2014. These will permit PQF learners to gain experience of work with offenders at different risk levels during the programme and enable CRCs to make use of PQF arrangements, if they wish.

## **Institute**

On the 3 December the MoJ announced the establishment of the Probation Institute, which opened its doors on 21<sup>st</sup> March. This pioneering new independent organisation will deliver professional expertise and promote skills for those working to drive down reoffending in the community.

The Institute will be an independent, not-for-profit Company Limited by Guarantee. It is being established by a partnership of the Probation Chiefs Association (PCA), the Probation Association (PA), Napo and UNISON working with the Ministry of Justice.

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<sup>26</sup> "Core Skills in Probation Practice" competence framework can be found here – <http://www.sfjuk.com/wp-content/uploads/2013/06/Core-skills-in-probation-practice.doc>

It is aiming to become a recognised centre of excellence in probation practice, applying rigorous standards to the assessment of research and other evidence and its implications for the delivery of services that protect the public and rehabilitate offenders. It will develop a strong probation profession across private, public and voluntary sectors.

The Institute will support the development of the probation profession through a voluntary register of practitioners, capturing the qualifications, skills and experience of the workforce, and supporting continuing professional development, promoting events that contribute to skills growth and knowledge in this area. This will help facilitate the movement of workers and skills transfer within the rehabilitation sector.

The development of the Institute will take place in stages over the next two years. We expect it to help bridge the transition from public ownership to a wider range of provision.

## **6.8 Staff Security and Vetting**

### **Providers of probation services in the community**

CRC staff who are authorised as officers of providers of probation services and those involved in the delivery of interventions who will have one-to-one contact with offenders and access to offender records will require a level of vetting expected of not-directly-employed workers equivalent to the government baseline personnel security standard. This comprises identity checks, right to work checks, employment references and checks for unspent criminal convictions. In addition a Disclosing and Barring Services (DBS) check will also be required for most job roles.

Case Administrators will require a government baseline personnel security standard CRCs will be able to employ, or use as volunteers, ex-offender mentors. The baseline personnel security standard will still need to be carried out and a DBS check. The CRC may use its discretion, following a risk based judgement of the individual and the role using the amended standard plus – community template, as to whether unspent criminal convictions and/or an inability to provide a satisfactory employment reference should prohibit an individual from working for the organisation. (There is a list of ‘relevant offences’ which is a guide to indicate spent convictions which indicate unsuitability for working with offenders).

The CRC will need to be able to demonstrate, on request, that the required checks and an appropriate risk based judgement have been carried out for all appointments.

NOMS wants to avoid placing any unnecessary restrictions on the use of (ex)offenders both in the community and custodial setting and has developed checks and systems appropriate to the level of risk. These take into account the desire to use the knowledge and skills of (ex)offenders, their backgrounds, where they may be required to work within prisons and the particular risks associated with having contact with prisoners. The Governor/Contoroller will work with CRC providers to facilitate access but will maintain ultimate authority in relation to decisions made concerning individual offenders and the implementation of any mentoring schemes linked to their establishment.

CRCs will need to be compliant with revised Prison Service Instructions relating to security vetting, including the policy for the use of ex-offenders vetting. An instruction will

also cover the use of offenders still subject to statutory supervision<sup>27</sup> as mentors of other offenders.

### **Arrangements for vetting for providers of probation services in the community**

CRCs will be required to take responsibility to develop and implement their own security vetting checks for their staff and workers, or to use the NOMS Shared Services Centre.

Where CRCs develop and implement their own security vetting checks, CRCs will carry out initial identity and UK right to work checks in all cases. NOMS Vetting Contact Point training will be provided for all nominated staff at cost. Criminal record and employment references must also be completed by the CRC prior to appointment at the CRC's expense.

Where CRCs use the NOMS Shared Services Centre, CRCs will carry out initial identity and UK right to work checks in all cases. NOMS Vetting Contact Point training will be provided for all nominated staff at cost. The NOMS Shared Services Centre will carry out criminal record checks and employment references under a service level agreement and will invoice for the costs of the service. All checks must be completed prior to appointment.

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<sup>27</sup> The NOMS working definition of an offender is currently an individual who is serving their sentence, whether a Community or Suspended Sentence Order or a licence post release from custody. Following the introduction of the post-sentence supervision period under the Offender Rehabilitation Act 2014 this working definition will also include a person who is serving their post-sentence supervision period

## 7. ICT & Data Management

In “*Transforming Rehabilitation: A Strategy for Reform*” the Government indicated that the Programme is in the process of designing data sharing systems and ICT which will support delivery under the new system. The *Strategy* also outlined that providers will be required to hold a core minimum data set for the cohort of individuals in their geographic area, to enable effective system governance.

From 1 June 2014, CRCs will take ownership of a range of local legacy Probation Trust ICT. In addition, to enable effective delivery of rehabilitation services, the MoJ will provide CRCs with access to the MoJ applications for offender management as well as other related ICT services and infrastructures. These services (referred to as Authority Provided ICT in the published ICT Landscape document) will be provided for a period of 12 months from share sale unless a longer transition period is negotiated. CRCs will be charged for Authority Provided ICT services based on a charging structure set out in Schedule 19.

As part of the Transforming Rehabilitation Programme, the CRCs will occupy existing Probation Trust properties until at least 31 December 2015 (in some cases co-located with the NPS) and, during that period, ownership and responsibilities for ICT assets and services will be appropriately split between CRCs and the MoJ (in the shape of the NPS). CRCs will need a flexible approach to their ICT requirements within MoJ buildings due to space limitations and lease constraints.

During the transition and transformation phase CRCs must develop and implement their end state ICT solution, known as Contractor Provided ICT (CPICT). CRCs must implement an end state ICT solution to enable them to improve their business processes and adopt technological innovations. Following approval of their ICT Transition Plan, CRCs will have considerable freedom to introduce an end state ICT solution that supports their chosen target operating model and replaces much of the ICT in place at the time of share sale, should they wish to do so.

CRCs will also be expected to have a presence in resettlement prisons and will be required to engage with offenders in custody. A limited number of terminals and user accounts will be provided to access OASys and Prison-NOMIS within prisons. This service will be provided to the CRCs independent of their end state ICT solution. Any plans by CRCs to implement their own ICT within prisons as part of their transition to end state ICT solution will need to be agreed by the MoJ in advance and must meet security and operational requirements.

The MoJ will mandate that CRCs maintain the agreed datasets held on the MoJ’s applications which will be used to manage information flow across the wider justice system as well as support the payment mechanism and performance management of CRCs. A critical aspect of the Transforming Rehabilitation Programme is maintaining the integrity of the data held on the MoJ applications and ensuring that information relating to offender management can be accessed and exchanged with the CRCs in a secure and effective manner. The MoJ will require CRCs to maintain an agreed set of data held on its applications that will be used for performance management, operational reporting, legislative and payment purposes.

## 7.1 Authority Provided ICT (APICT)

The MoJ will provide and support the following services to CRCs from share sale. Unless an extension to this period is agreed with the MoJ, these services will be provided to all CRCs for a period of 12 months from share sale for a fixed charge:

- **National Delius (nDelius)** – nDelius is the national case management system used for the probation service. This system is currently used by all Probation Trusts for the management of offenders in the community and will be used by the NPS
- **Prison-NOMIS** – Prison-NOMIS is the national case management system for the prison service, used in both public and private prisons, to manage offenders in custody
- **OASys** – OASys is the national application for recording an offender's risk assessment events. This system is used by both prison and probation staff.
- **Integrated Accredited Programmes System (IAPS)** – Integrated Accredited Programmes System used for the allocation and placement of offenders on programmes.
- OMNI end user device – Wyse Interface Device/desktop PC/laptop/assistive technology laptops/Blackberry;
- NICTS devices – a limited number of secure laptops issued for use by Attendance Centre staff;
- shared Local Area Network (LAN)/Wide Area Network (WAN) connectivity;
- access to MoJ applications;
- OMNI secure Lotus Notes email;
- Shared file and OMNI print services; and
- Where applicable, telephony and offender management video conferencing facilities.

CRCs will be provided with access to the nDelius, OASys and IAPS applications via terminals and user accounts provided by the MoJ. These will be located within probation buildings used by the CRCs at the Completion Date.

National Delius (nDelius) will be used as the case management tool by the NPS. This application will be used as the central repository for information about all offenders who will be subject to supervision in the community. CRCs will therefore be required to maintain the core offender and risk dataset independent of whether they continue to use APICT via a number of MoJ provided laptops or transition to a different end state ICT solution.

## 7.2 Local CRC ICT

CRCs will take ownership of a range of legacy Probation Trust ICT, including:

- local Business Support Applications (**BSAs**);
- local ICT third party contracts;
- local Area Data Centres (**ADCs**);
- non-OMNI assets, including local print services; and
- Fixed line telephony on a CRC by CRC basis.

CRCs will take ownership of local BSAs including human resources and finance systems, local reporting engines and small IBM Domino based applications that are provided on legacy hardware. CRCs may choose to use these applications or make alternative arrangements as necessary to ensure continuity of service. Should a CRC choose to use the BSAs provided, they may propose further rationalisation activities subject to agreement with the MoJ. Local BSAs vary considerably by CPA.

Fixed line telephony varies considerably by CPA. Broadly speaking, fixed line telephony that has been locally procured by the legacy Probation Trusts and is independent of the MoJ will be transferred to the CRCs. Fixed line telephony that has been procured through an MoJ contract will not be transferred to the CRCs. Where this is not the case, CRCs will be required to provide fixed line telephony services to co-located NPS staff until the MoJ has implemented its own telephony solution.

Local ADCs contain equipment currently used to support particular local operations for Probation Trusts of differing sizes and with differing management and ICT strategies. As a result, there is much variation in the equipment and resulting ICT services that exist within each of the CPAs.

Each CRC will be required to establish an accreditation strategy within three months of share sale and ensure that all equipment processing government data managed by the CRC becomes accredited to the defined standard and within the timescales set out in Schedules 18 (Information Assurance) and 19 (ICT) of the draft Amended and Restated Services Agreement.

Local ICT support teams currently in Probation Trusts will be transferred to the CRCs. These teams currently provide a range of services to support ICT in the Probation Trusts including providing second line support for local applications and services. For an interim period up to 12 months from share sale, CRC ICT support may be required for local NPS users, such as in acting as a resolver group and providing second line support for local BSAs.

### **7.3 Access to MoJ Data**

In order for CRCs to manage offenders and conduct rehabilitative services they will need access to and maintenance of relevant offender data held within core MoJ data sets. From share sale, this data will be made available to the CRCs via the use of the existing MoJ infrastructure and access to the MoJ applications.

Within 12 months from share sale, two options will be made available to enable CRCs to meet the data exchange requirements of the MoJ following transition from APICT. These additional options will be to use Authority provided secure laptops or implement their own accredited system and access the dataset via the NOMS Strategic Partner Gateway (NSPG).

The options that will be available to the CRCs can be summarised as below:

Option	Notes
Option 1 Access to MoJ applications from MoJ infrastructure	CRCs will be provided access to nDelius, IAPS and OASys from legacy Probation Trust locations that they operate from for the duration of the Amended and Restated Services Agreement. This is only available for a negotiated transition period.
Option 2 Remote access to MoJ applications	CRCs that wish to access the MoJ applications remotely from their own infrastructure may do so via the provision of MoJ provided Remote Access Service devices.
Option 3 Access to MoJ data from CRC infrastructure	System to system data exchange will be made available for nDelius, OASys and IAPS for CRCs that want to use their own applications for offender management. In the event of any discrepancy between the data on the MoJ applications and the CRC applications, the dataset on the MoJ applications will take precedence.

#### 7.4 Enabling effective system governance

The ICT for the payment mechanism will, where possible, make use of current NOMS and MoJ systems, data sources and processes and will provide:

- Reporting of the provider’s caseload to establish what services have been delivered, using data to be held on the nDelius case management system ;
- Analytical tools with the capacity to support the management of the fee for service and payment by results (PbR) elements of the payment mechanism;
- Data extracted from the Police National Computer (PNC) to establish:
  - a. that the identity of the offender is correct and a PNC reference number is held on the case management solution to improve matching with PNC.
  - b. re-offending rates and determine whether PbR payments are due;
  - c. re-offending data that may be made available to CRCs;
- A system to manage Fee for Service and PbR payments

The NOMS ICT systems will capture the information required to establish if an offender should be included in or excluded from the PbR cohort.

## 7.5 Information Assurance

In “*Transforming Rehabilitation: A Strategy for Reform*” we said we would work with the Information Commissioner, providers and other interested groups to ensure that data sharing is done in a way that is secure and protects the rights of those whose data is shared (including victims) in an environment where information needs to be shared easily.

Core offender records must be maintained by CRCs and the confidentiality, integrity and availability of information across the offender management supply chain preserved.

CRCs will have contractual obligations on data control throughout their supply chain, and also with other agencies, ensuring that all parties comply with all data protection legislation and Government policy. Data sharing agreements will be required and appropriate roles of Data Processor and Data Controller agreed. It is envisaged that CRCs will be considered Data Controllers of the core data of offenders in their cohort.

CRCs will be bound through the contract to meet the requirements of the MoJ and HM Government information assurance standards. Each CRC will be responsible for managing data across its supply chain and ensuring that its ICT systems meet the required information assurance accreditation level, regardless of where within the supply chain the offender information is processed. The MoJ Information Assurance team will work with providers to ensure their systems are protected by the appropriate security and processes before providing accreditation.

CRCs must ensure that their staff has the appropriate security approvals for accessing MoJ’s services and data, while security risk assessments of the information assets must be undertaken as soon as reasonably practicable after share sale. Thereafter, CRCs must undertake risk assessment on at least an annual basis and when there is a material change in security risk.

The timetable for CRCs’ full compliance with security and IA requirements is as follows:

<b>Within 3 months of share sale</b>	CRC to identify and notify the MoJ of all CRC ICT that requires Accreditation in order to process government data
<b>Within 24 months of share sale</b>	<ul style="list-style-type: none"> <li>• Accreditation obtained for CRC ICT that processes data classified at IL3 for confidentiality and where availability is IL3 or above</li> <li>• Accreditation obtained for CRC ICT that processes data classified at IL2 for confidentiality and where availability is IL2 or above</li> <li>• Obtain and maintain an information security management system in accordance with ISO 27001</li> </ul>

## 8. Estates

In order to facilitate the delivery of rehabilitation services, the estates arrangement will align with the service delivery model set out above. This section outlines the proposed arrangements for existing MoJ property and describes the importance of co-location in any future estate arrangements proposed by the CRCs.

### Outline of Estate solution

In June 2014, when the NPS and the CRCs are created, staff will all remain in the properties within which they currently work. It is expected that in many cases this will mean properties are shared between the NPS and CRCs.

In the longer term future arrangements will depend on the operating models of the future CRC owners as selected through the competition. To aid transition, the CRCs will be provided with (and required to pay for) space in the existing MoJ probation properties until end December 2015. The space they will be provided will be equal to that allocated to the CRCs in June 2014.

Notwithstanding the above, many of the MoJ probation properties have a lease event (end or break) before December 2015. For these properties MoJ is required to comply with the Government's Property Controls which require such properties to be vacated unless a business case can be demonstrated to remain. These business cases need to be provided to Government Property Unit (GPU) for approval. MoJ Estates Directorate is working with GPU to consider all these properties in the light of the TR programme. GPU have provided an 'in principle' approval for all such properties to be retained until December 2015. It is still necessary for MoJ to negotiate revised terms with Landlords and it is possible that landlords will not agree to the proposed changes to the leases and in consequence, MoJ may need to vacate some properties and will not then be in a position to provide them to the CRCs.

As now, properties will remain the responsibility of MoJ Estate Directorate. The costs of occupation by the NPS and CRCs will be calculated by MoJ Estate Directorate on the basis of total costs for each property split between each organisation pro rata to the number of staff allocated at 1 June 2014.

Where MoJ's own terms of occupation allow, the CRCs will be provided their space in MoJ properties under a formal contractual arrangement. This will be a licence for shared properties and a lease for properties occupied solely by the CRC.

After share sale, the CRCs will be charged for their use of the MoJ properties. The charge will aim to achieve full cost recovery. For each property, the charge will be calculated pro rata to the number of FTE allocated to the CRC at June 1<sup>st</sup> 2014. The charge will cover all day to day property running costs, such as rent, utilities, facilities management services and also property ownership costs incurred by MoJ. For leased properties, the rent component of the estates' charge to CRCs is the greater of estimated market rent of passing rent; for freehold properties it will be the estimated market rent as there is no other option.

After December 2015, CRCs will be free to make their own property arrangements, or to continue to use MoJ provided properties where MoJ's own occupation arrangements would allow this. Collaborative working between NPS staff and CRC staff is considered to be critical to the successful delivery of the Services and should the CRCs elect to make their own property arrangements they will be required to make accommodation space available to key NPS staff to enable co-location on an on-going basis.

The MoJ requires a contractual right for NPS staff to co-locate on CRC premises a minimum of three staff per NPS Local Delivery Unit (Annex D sets out the NPS Local Delivery Units within each CRC). The CRC premises will not be required to align with the Local Delivery Units geographically. This right is to apply from January 2016 onwards by the MoJ giving at least two months' notice and will apply for the duration of the contract. A greater degree of co-location may be arranged, subject to local agreements and where this is mutually beneficial.

In addition to this, the MoJ requires a contractual right for MoJ staff to be provided with office space in CRC premises for contract management purposes. The CRC will be required to facilitate and enable MoJ staff to fulfil their contract management responsibilities. The MoJ will require office space (i.e. a desk, telephony, internet access for use by a Remote Access Service (RAS) laptop or a PC with access to MoJ ICT systems where these are available in the premises, access to a secure space and/or meeting rooms, and freedom of movement around CRC premises) for a minimum of three MoJ staff (the number of staff and relevant location(s) for each CPA will be confirmed by the MoJ prior to the Completion Date). The MoJ staff will have the right to visit other CRC premises. The MoJ staff may not be permanently based on CRC premises. This contractual right will apply for the duration of the contract and the co-location of MoJ staff within CRC premises will be kept under review by the MoJ and may decide to withdraw staff from co-location arrangements, or to exercise this right again at any time during the term of the Amended and Restated Services Agreement, in either case by giving at least one months' notice.

The MoJ will also require a right to appoint an authorised representative to attend CRC board meetings as an observer.

The current probation trusts deliver their services out of approximately 900 properties, provided by and managed by the MoJ. The properties generally fall into one of the following types:

- **Offender Contact Centres (OCCs)** – 'office' type properties, that permit public caller access, that are used predominantly for interviews with offenders, supervision activities and provision of group training and accredited programmes;
- **Admin (or HQ) space** – properties used entirely for administrative type work;
- **Unpaid work / community payback properties** – used entirely as equipment stores and small classrooms used to manage and deliver community payback services;
- **Approved premises** – hostel type properties used to accommodate some high risk offenders when first released from prison. As management of the approved premises will be with the NPS, they are not relevant to the CRC from an estate perspective;
- **Court advice space** – space in courts provided specifically for probation staff providing services to the courts.

MoJ holds the probation properties on a mixture of freehold and leasehold arrangements. A small number are held on a Memorandum of Terms of Occupation (MOTO) arrangement with other government departments.

## **Annexes**

**Annex A: Glossary**

**Annex B: National Standards**

**Annex C: CPA Map with indicative values**

**Annex D: National Probation Service LDUs in each CRC**

## Annex A: Glossary

Service/Term	Description/Definition
Accredited/offending behaviour programmes	<p>A structured programme that is evidence-based. Programmes are designed to address specific offending related factors which are identified as leading to offending behaviour. The programmes vary in length and complexity and are targeted according to the risk and offending related needs of the offender.</p> <p>Examples include; domestic violence, thinking skills, sexual offending and substance misuse. Many programmes are nationally defined and accredited by the Correctional Services Advice and Accreditation Panel (CSAAP)</p>
Approved Premises (AP)	<p>Residential accommodation which provides enhanced supervision and control as a contribution to the management of offenders who pose a significant risk of serious harm. They also provide a structured environment to support rehabilitation and resettlement in the community.</p> <p>Residence in Approved Premises can be implemented as a condition of a post-release licence, a residence requirement in a Community Order or Suspended Sentence Order, or a bail condition.</p>
Pre Sentence Report	<p>An oral or written report produced for a court about an offender's circumstances and pattern of offending as an aid to sentencing decisions. Defined in section 158 (1) of the Criminal Justice Act 2003.</p>
Community Payback (formally known as an unpaid work requirement) as part of a community order or suspended sentence order	<p>This may be imposed by a court under section 199 of the Criminal Justice Act 2003 as part of a community order or suspended sentence order. It is referred to in the 2003 Act as an unpaid work requirement but is generally known as community payback.</p>
Community Rehabilitation Companies	<p>The term used to describe the organisations covering the 21 Contract Package Areas who will deliver offender management services in the community.</p>

Service/Term	Description/Definition
Community Safety Partnership (CSP)	A statutory partnership which requires key agencies to work together at a strategic level to protect local communities from crime. Community Safety Partnerships take action against problems such as anti-social behaviour and drug and alcohol misuse.
Community Order	A sentence served in the community and made under powers in section 177 of the Criminal Justice Act 2003. As part of the order the court can currently impose one or more of 13 possible requirements. <sup>28</sup> Provisions in the Offender Rehabilitation Act 2014 will merge the current activity and supervision requirements into a single rehabilitation activity requirement. See page 16 for further details.
Contract Package Area (CPA)	The individual geographic area under which new services will be commissioned nationally. There will be a total of 21 areas.
Curfew requirement or Electronic Monitoring (EM)	An electronic monitoring requirement can currently be imposed by the court for the purposes of monitoring other community order or suspended sentence order requirements. In practice it is currently only used for monitoring a curfew requirement. Provisions introduced but not yet commenced in the Crime and Courts Act 2013 will enable electronic monitoring to be used for the purpose of monitoring the location of an offender. Electronic monitoring can also be imposed as a licence condition and is always imposed when an offender is released on Home Detention Curfew. Electronic monitoring cannot be imposed as part of post-sentence supervision.
Data Room	Web-based portal containing statistical, policy, procedural and operational information, which potential new providers will be able to access to inform their contract bids.
Drug Rehabilitation requirement (DRR) as part of a Community Order or Suspended Sentence Order	DRRs can be imposed under section 209 of the Criminal Justice Act 2003 as part of a community order or suspended sentence order. They comprising structured treatment and regular drug testing for offenders whose offending arises from a dependence on or misuse of illegal drugs. Their purpose is to rehabilitate the offender by reducing or eliminating the use of illegal drugs.
Enforcement Officer	This is a function that was introduced by the Offender Rehabilitation Act 2014. The Enforcement Officer will be responsible for deciding whether or not to present an alleged breach of a community order or suspended sentence order to court, and arranging for presentation of breaches before the court. The Enforcement Officer can only be an officer of a public sector provider of probation services

<sup>28</sup> Amendments to the 2003 Act providing for an alcohol abstinence and monitoring requirement and a standalone electronic monitoring requirement have not yet been commenced.

Service/Term	Description/Definition
Ethical wall	An information barrier put in place to create a separation between two parts of the same organisation in order to avoid any conflicts of interest.
Home Detention Curfew	Home Detention Curfew (HDC) is a statutory scheme that allows the Secretary of State to release certain prisoners earlier than would otherwise be the case. It applies to prisoners who are serving sentences of between three months and under four years. It is designed to assist prisoners to resettle into the community. Prisoners released on HDC are required to comply with an electronically monitored curfew by wearing a tag and remaining at a curfew address (normally for 12 hours per day).
HMI Probation	HM Inspectorate of Probation is an independent Inspectorate, funded by the Ministry of Justice, and reporting directly to the Secretary of State on the effectiveness of work with adults, children and young people who have offended.
Integrated Offender Management (IOM)	Overarching framework under which local partners including probation and the police, work together to manage those offenders who are the most prolific. It is for local partners to identify which offenders are managed in this way. Local integrated offender management approaches differ from area to area, reflecting local priorities, but all involve local partners working together.
Licence	The period in which a prisoner is released from prison to serve the remainder of their sentence in the community. Offenders subject to post-release licence are required to adhere to specific conditions as part of their licence. Conditions for offenders released from determinate sentences are set by the governor/controller (on behalf of the Secretary of State) from the releasing prison for determinate sentences. Where the sentence is indeterminate, licence conditions are set by the Parole Board.
Local delivery unit (LDUs)	Probation Trusts currently deliver their services in a number of Local Delivery Units, who work closely with key local partners to deliver probation services. Under the new system, we will keep these Local Delivery Units as the core unit of delivery for probation services, and they will support the gathering of intelligence on needs and priorities at a local level, including from key partners, to feed into the MoJ/NOMS commissioning process.

Service/Term	Description/Definition
Multi-Agency Public Protection Arrangements (MAPPA)	Partnership working led by police and probation to secure active, multi-agency oversight of a small number of dangerous offenders in the community. These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. Other agencies, including Her Majesty's Prison Service, local authorities and health services are also required to participate. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner.
National Delius	National case management system for the national probation service.
OASys	A national system for recording a structured assessment of offending risk and needs and of risk of serious harm.
Offender management and Offender Manager	Offender management provides an end-to-end process of supervision by a named Offender Manager throughout a sentence. The Offender Manager is responsible for the overall management of the offender and discharges this by; determining and implementing the sentence plan and liaising with all agencies involved in delivering the requirements of the sentence to ensure it is delivered effectively and public protection is maximised. NOMS Offender Management Model 2005.
Offender Rehabilitation Act 2014	An Act recently passed by parliament that made changes to the current legislative framework to support these reforms including ensuring offenders released from custodial sentences of over 1 day will be subject to spend a minimum of 12 months supervision in the community, and making available a new 'Rehabilitation Activity Requirement' as part of a community order or suspended sentence order.
Parole Board	The Parole Board is an independent body that works with its criminal justice partners to protect the public by risk assessing prisoners to decide whether they can be safely released into the community.
Police National Computer	The primary national police computer system in the United Kingdom, it is used for facilitating investigations and sharing information of both national and local significance. The system provides intelligence to police and other criminal justice or law enforcement agencies by holding extensive information on people, vehicles, crimes and property.
Probation Qualification Framework	Qualifying training arrangements for probation practitioners.

Service/Term	Description/Definition
Probation Trust Rating System	A quarterly report prepared by the Performance Unit at the National Offender Management Service (NOMS) which produces a Probation Trust Rating System (PTRS). The four main categories the PTRS monitor are: public protection, offender management, interventions, operational capability, resource use and strategy. These categories are calculated into performance bands separately and give each probation trust an overall achievement banding.
Probation Instructions (PI)	Formal process produced by NOMS for communicating mandatory actions that implement service specifications and policy.
Prison Service Instructions (PSIs)	Outline the rules, regulations and guidelines and are issued to prison governors and directors of contracted prisons.
Payment by results	A mechanism which pays providers of services according to the outcomes they achieve, rather than simply the tasks they may undertake.
Police and Crime Commissioners (PCCs)	A directly-elected local role with the primary aim to reduce crime and deliver an effective and efficient police service within their force area.
Post-sentence supervision	Provisions in the Offender Rehabilitation will (subject to Parliamentary approval) create a new supervision period to be served by offenders released from custodial sentences of more than 1 day but less than 2 years. The supervision period will follow the licence period, and tops up the licence so that the total period under supervision in the community is 12 months. For example, an offender subject to a licence period of 4 months would then be subject to a supervision period of 8 months. The purpose of the post-sentence supervision period is the rehabilitation of the offender. As with licence conditions, requirements under the supervision period are imposed by the Secretary of State.
Recall	The process of returning an offender to custody if he or she fails to comply with any licence condition.
Rehabilitation Activity Requirement	A new requirement introduced by the Offender Rehabilitation Act 2014 and will replace the existing Supervision Requirement and Activity Requirement. The intention is to create a requirement that will enable providers to work with offenders with sufficient flexibility to meet their needs and more effectively rehabilitate them.

Service/Term	Description/Definition
Release on Temporary Licence (ROTL)	<p>Release under temporary licence conditions for specified purposes by eligible offenders passing a specific risk assessment. There are 4 categories of ROTL.</p> <p>Resettlement <b>Day Release</b> allows for a prisoner who has already served at least half the custodial period to be let out during the day to, for example, attend a training course to help them find work once they are released; participate in paid or voluntary work; attend an interview; or to maintain/re-establish links with their family.</p> <p>Resettlement <b>Overnight Release</b> allows a prisoner towards the end of the custodial period to spend time overnight at their release address, re-establishing links with family and the local community.</p> <p>A Special <b>Purpose Licence</b> allows prisoners to be released from prison for specific situations of a short duration, often at short notice; for example, to attend a funeral or to receive medical treatment. May be taken when required during the sentence, subject to risk assessment.</p> <p>Childcare <b>resettlement licence</b> may be considered where it is established that the prisoner was the sole carer of a child under 16 immediately prior to their imprisonment, and would be so if they were not in prison. May be taken in addition to ordinary resettlement release and earlier in the sentence where required, subject to risk assessment.</p>
Resettlement Prisons	Designated prison establishments that locate offenders in establishments that are supported by the resettlement services in their home location for the final months of their time in custody and which, in most cases, will allow the same provider to work with offenders in custody and continue their rehabilitation work in the community.
Restorative justice (Victim Offender Conferencing)	The process of bringing together those who have been harmed by crime or conflict, with the individual(s) responsible for that harm. The aim of RJ is to find a positive way forward for both parties.
Responsible Officer (RO)	Section 197 of the Criminal Justice Act 2003 defines the role of Responsible Officer (RO) with regards to Community and Suspended Sentence Orders. The RO is responsible for: a) making arrangements that are necessary in connection with the requirements imposed by the order, and b) promoting the offender's compliance with those requirements. The RO can be either an officer of a provider of probation services, or in the case of a Community Order or Suspended Sentence Order where the only requirement is electronic monitoring, the person responsible for monitoring the electronic monitoring requirement.

Service/Term	Description/Definition
Risk of Serious Recidivism (RSR) measure	An actuarial tool designed to identify those offenders who represent the highest risk of committing a seriously harmful re-offence within 12 and 24-month period.
Senior Attendance Centres	Attendance Centres are a cost effective means of punishing offenders through the restriction of liberty within a controlled environment as well as seeking through a regime of social education, life-skills training and reparation, to maximise the potential of this short intervention to support the development of lifestyles and associations that encourage desistance from offending.
Serious Further Offences (SFOs)	The list of SFO offences is detailed in Annex C of PI 10/2011 and is based on Schedule 15a of Criminal Justice Act, 2003. The commission of such an offence by an offender subject to statutory supervision.
Suspended Sentence Order	A court can impose a suspended sentence order under section 189 of the Criminal Justice Act 2003. It is a custodial sentence which is suspended from being served immediately. The court can impose requirements to be served in the community for a period of between 6 months and 2 years, from the same group of 13 requirements that can be imposed under a community order. The court must set a period of between 6 months and 2 years, during which if the offender commits a further offence or breaches a requirement, there is presumption that the custodial part of the sentence is activated. This is in addition to any sentence the offender may receive for a further offence.
Through the Gate (TTG)	The means by which a greater number of offenders are given continuous support from custody into the community.
Transforming Youth Custody	Consultation document published on 14 February 2013 outlining government plans to put education at the heart of detention and proposals to break the cycle of reoffending among young offenders (under 18) and drive down costs.
Victim Contact Scheme	Operates where an offender has received a prison sentence of 12 months or more for a violent or sexual offence. This includes cases where a life sentence has been passed. It enables victims to receive information about an offender's progress through the prison system. It also allows the feelings of victims to be represented, via a victim contact team, when cases are discussed at multi-agency meetings and when offenders are being considered for parole or release from prison under licence.
Victim liaison and Victim Liaison Officers (VLOs)	Victim Liaison Officers provide victims of violent and sexual offences where the offender has received a prison sentence of 12 months or more, or certain mental health disposals, with timely information about key stages of the offender's sentence. Victim Liaison enables eligible victims to make representations about which licence conditions they would like to see attached to any licence in order to protect and reassure them.

Service/Term	Description/Definition
Youth Justice Board	An executive non-departmental public body. Its board members are appointed by the Secretary of State for Justice. It oversees the youth justice system in England and Wales, works to prevent offending and reoffending by children and young people under the age of 18 and ensures that custody for them is safe, secure, and addresses the causes of their offending behaviour.
Youth Offending Teams	A multi-agency team that brings together staff from Police, Probation, Education, Health, Housing, CAMHS and Social service to tackle youth crime. They tackle offending by children and young people aged between 10 and 18, by working with them to reduce and prevent offending, intervening early and helping young offenders make amends for their behaviour through a range of community-based reparation projects

## **Annex B: National Standards for the Management Offenders 2011**

National Standards for the Management of Offenders (2011) provide a practice framework for practitioners and managers. They are published by the Secretary of State under the provisions of the Offender Management Act 2007 (Chapter 21: Part1 paragraph 7).

One of their functions is to relate those activities covered by the Standards to the objectives of implementing sentences of the court in accordance with one or more of the purposes of sentencing:

- The punishment of offenders
- Reducing crime
- The reform and rehabilitation of offenders
- The protection of the public
- The making of reparation by offenders to persons affected by their offences

### **Record keeping**

- Contacts with or with reference to the offender are recorded using designated recording systems
- Records are kept safely and securely, and are accessible to appropriate parties

### **Court Services**

- Courts are provided with information to support their decision making
- Sentencing decisions and information from court proceedings are communicated to all relevant parties

### **Assessment**

- An assessment is completed and information shared
- A report is prepared for decision making bodies

### **Allocation of offender manager**

- The identity of the offender manager is unambiguous at all times

### **Plan the sentence**

- A written sentence plan is prepared post-sentence

### **Implement the sentence**

- Purposeful contact is maintained during a custodial element of the sentence
- Purposeful contact is made with the offender promptly after order commencement/release on licence
- The sentence plan is implemented
- Engagement with community resources is promoted as an integral part of implementing the sentence plan
- Transfer is administered to maintain effective management of the offender and the sentence
- The sentence is enforced

### **Review**

- The assessment is reviewed and updated
- The sentence plan is reviewed and updated

### **Evaluate**

- An evaluation of the extent to which the objectives of the sentence have been achieved is undertaken
- Termination of the order/licence is managed

### **Victims**

- The statutory duties in respect of victims are undertaken

### **Approved Premises**

- Prospective residents are identified and referred
- A residence plan is prepared
- Residents undertake a planned programme

### **Community Order Requirements**

#### **Activity Requirement**

- The offender is prepared for the activity requirement
- The offender undertakes the activity requirement

#### **Alcohol Treatment Requirement**

- The offender is prepared for the alcohol treatment requirement
- The offender undertakes the alcohol treatment requirement

**Attendance Centre Requirement**

- The offender is prepared for the attendance centre requirement
- The offender undertakes the attendance centre requirement

**Curfew Requirement**

- The offender is prepared for the curfew requirement/licence condition/Home Detention Curfew (HDC)
- The offender undertakes the curfew requirement/licence condition/Home Detention Curfew (HDC)

**Drug Rehabilitation Requirement**

- The offender is prepared for the drug rehabilitation requirement/drug treatment licence condition
- The offender undertakes the drug rehabilitation requirement/drug treatment licence condition

**Exclusion Requirement**

- The offender is prepared for the exclusion requirement
- The offender undertakes the exclusion requirement

**Mental Health Treatment**

- The offender is prepared for the mental health treatment requirement
- The offender undertakes the mental health treatment requirement

**Programme Requirement**

- The offender is prepared for the programme requirement
- The offender undertakes the programme requirement

**Prohibited Activity Requirement**

- The offender is prepared for the prohibited activity requirement
- The offender undertakes the prohibited activity requirement

**Residence Requirement**

- The offender is prepared for the residence requirement
- The offender undertakes the residence requirement

**Supervision Requirement**

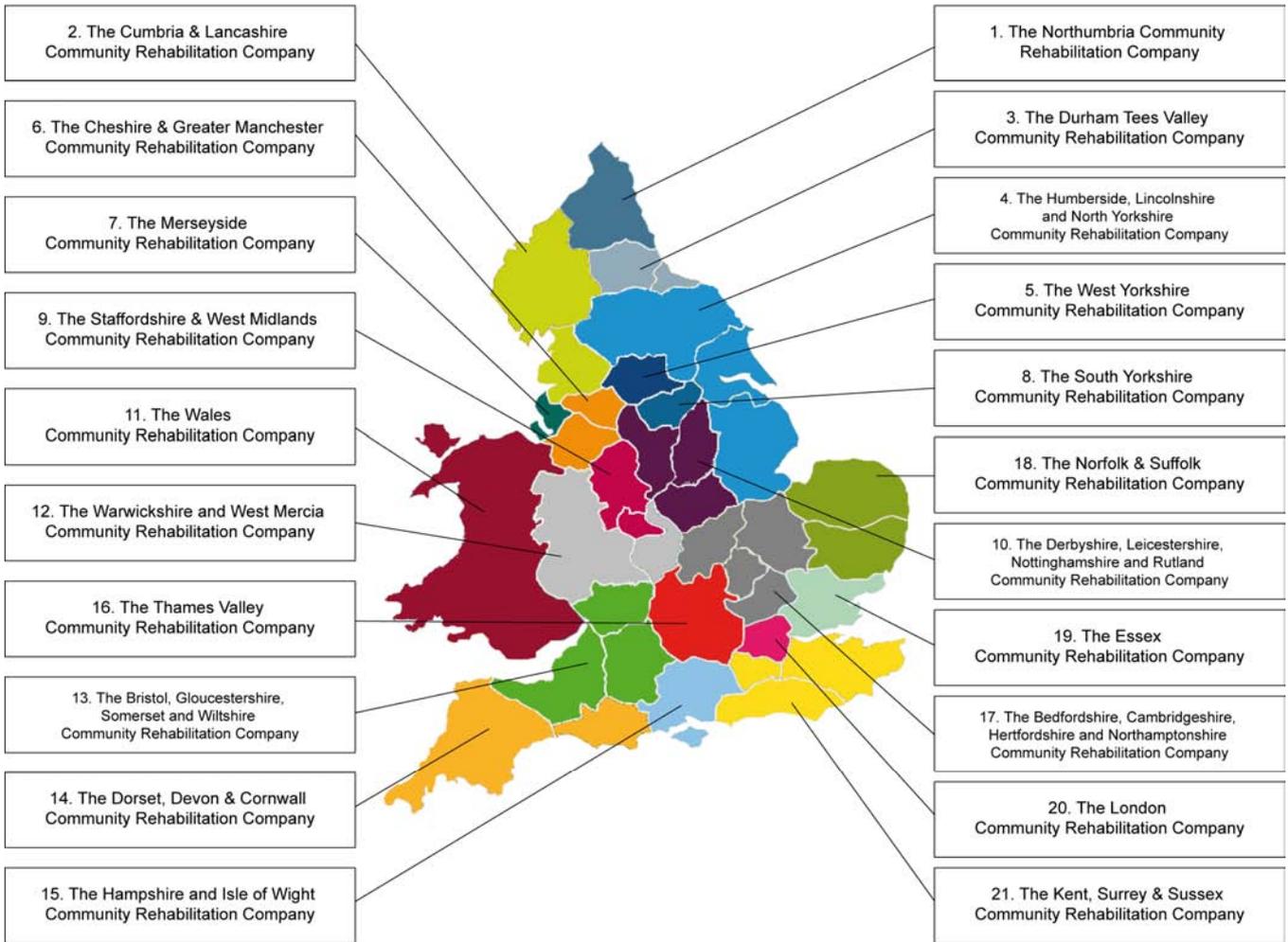
- The offender is prepared for the supervision requirement
- The offender undertakes the supervision requirement

**Unpaid Work Requirement**

- The offender is prepared for the unpaid work requirement
- The offender undertakes the unpaid work requirement

## Annex C: CPA Map

### 21 CPAs



## Annex D: National Probation Service LDUs in each CRC

CRC	NPS LDUs	LDU Cluster Name	NPS DIVISION
<b>1 – Northumbria</b>	North Tyneside	North of Tyne	North East
	Newcastle		
	Northumberland		
	Sunderland	South of Tyne	
	Gateshead		
	South Tyneside		
<b>2 – Cumbria and Lancashire</b>	North & West Cumbria	NW Lancashire & Cumbria	North West
	South Cumbria		
	NW Lancashire		
	Central Lancashire	Central & East Lancashire, Blackburn, Darwen & Ribble Valley	
	East Lancashire		
	Blackburn with Darwen and Ribble Valley		
<b>3 – Durham Tees Valley</b>	North Durham	Durham	North East
	South Durham		
	Middlesbrough	Tees Valley	
	Redcar Cleveland		
	Stockkton		
	Hartlepool		
<b>4 – Humberside, Lincolnshire and Noth Yorkshire</b>	East Lincolnshire	Lincolnshire, Grimsby & Scunthorpe	North East
	West Lincolnshire		
	Grimsby		
	Scunthorpe		
	Kingston-Upon-Hull	Hull, York, North and East Yorkshire	
	York		
	North Yorkshire		
	East Yorkshire		
<b>5 – West Yorkshire</b>	Bradford	Bradford & Calderdale	North East
	Calderdale		
	Leeds	Leeds	
	Wakefield	Wakefield & Kirklees	
	Kirklees		

<b>CRC</b>	<b>NPS LDUs</b>	<b>LDU Cluster Name</b>	<b>NPS DIVISION</b>
<b>6 – Cheshire and Greater Manchester</b>	East Cheshire	Cheshire	North West
	West Cheshire		
	Halton		
	Warrington		
	City North	Manchester City & Salford	
	City Central		
	City South		
	Salford		
	Tameside	Tameside, Stockport & Trafford	
	Stockport		
	Trafford		
	Bolton	Wigan & Bolton	
	Wigan		
	Rochdale	Rochdale, Bury & Oldham	
Oldham			
Bury			
<b>7 – Merseyside</b>	Knowsley	Knowsley, Sefton & St Helens	North West
	Sefton		
	St Helens		
	South Liverpool	Liverpool & Wirral	
	North Liverpool		
	Wirral		
<b>8 – South Yorkshire</b>	Doncaster	Doncaster & Rotherham	North East
	Rotherham		
	Sheffield	Sheffield & Barnsley	
	Barnsley		
<b>9 – Staffordshire and West Midlands</b>	Birmingham	Birmingham	Midlands
	Coventry	Coventry, Solihull & Warwickshire	
	Solihull		
	Walsall	Walsall, Wolverhampton, Dudley and Sandwell	
	Wolverhampton		
	Dudley		
	Sandwell		
	Stoke	Staffordshire	
Staffordshire			

<b>CRC</b>	<b>NPS LDUs</b>	<b>LDU Cluster Name</b>	<b>NPS DIVISION</b>
<b>10 – Derbyshire, Leicestershire, Nottinghamshire and Rutland</b>	Leicestershire City	Leicestershire	Midlands
	Leicestershire and Rutland		
	Nottingham City	Nottinghamshire	
	South Nottinghamshire		
	Mansfield and Ashfield		
	Bassetlaw, Newark & Sherwood		
	Derby	Derbyshire	
	Derbyshire		
<b>11 – Wales</b>	North Wales	North Wales	Wales
	Dyfed Powys	Dyfed Powys	
	Gwent	Gwent	
	South Wales 1 (Swansea, Neath, Port Talbot, Bridgend, Merthyr and Rhondda Cynon Taff)	South Wales 1	
	South Wales 2 (Cardiff and The Vale)	South Wales 2	
<b>12 – Warwickshire and West Mercia</b>	Warwickshire	Coventry, Solihull & Warwickshire	Midlands
	Shropshire	Shropshire & Herefordshire	
	Herefordshire		
	Telford		
	Worcestershire		
<b>13 – Bristol, Gloucestershire, Somerset and Wiltshire</b>	Bristol	Avon & Somerset	South West
	Somerset & North Somerset		
	Bath, North East Somerset and South Gloucestershire		
	Gloucestershire	Wiltshire & Gloucestershire	
	Wiltshire		
	Swindon		

<b>CRC</b>	<b>NPS LDUs</b>	<b>LDU Cluster Name</b>	<b>NPS DIVISION</b>
<b>14 – Dorset, Devon and Cornwall</b>	South Devon	Devon	South West
	North and East Devon		
	Plymouth	Plymouth, Cornwall and Isles of Scilly	
	Cornwall & Isles of Scilly		
	Bournemouth & Poole	Dorset	
	Dorset County		
<b>15 – Hampshire and Isle of Wight</b>	Hampshire	Hampshire	South West
	Southampton	Southampton, Portsmouth and Isle of Wight	
	Portsmouth & Isle of Wight		
<b>16 – Thames Valley</b>	West Berkshire	Berkshire	South West
	East Berkshire		
	Buckinghamshire	Buckinghamshire & Oxfordshire	
	Milton Keynes		
	Oxfordshire		
<b>17 – Northamptonshire, Bedfordshire, Hertfordshire and Cambridgeshire</b>	Central Herts	Hertfordshire	South East and Eastern
	Eastern Herts		
	Western Herts		
	Broxbourne		
	Luton	Bedfordshire	
	Bedford and Central		
	North Northants	Northamptonshire	
	West Northants		
	Peterborough	Cambridgeshire & Peterborough	
	Cambridgeshire		
<b>18 – Norfolk and Suffolk</b>	Ipswich & Bury St Edmunds	Norfolk & Suffolk	South East and Eastern
	Norwich & Kings Lynn		
	Waveney		
<b>19 – Essex</b>	South Essex	Thurrock, South & SE Essex & Southend	South East and Eastern
	Thurrock		
	SE Essex and Southend		
	Mid Essex	Mid, North and West Essex	
	North East Essex		
	West Essex		

<b>CRC</b>	<b>NPS LDUs</b>	<b>LDU Cluster Name</b>	<b>NPS DIVISION</b>
<b>20 – London</b>	Lewisham	Lewisham & Southwark	London
	Southwark		
	Lambeth	Lambeth & Wandsworth	
	Wandsworth		
	Bexley & Bromley	Bexley, Bromley & Greenwich	
	Greenwich		
	Hammersmith & Fulham	Hammersmith, Fulham, Kensington, Chelsea & Westminster	
	Kensington, Chelsea & Westminster		
	Camden & Islington	Camden & Islington	
	Haringey	Haringey, Redbridge & Waltham Forest	
	Redbridge & Waltham Forest		
	Croydon	Croydon, Merton & Sutton	
	Merton & Sutton		
	Barking, Dagenham & Havering	Barking & Dagenham, Havering & Newham	
	Newham		
	West Brent	Barnet, Brent & Enfield	
	Barnet & Enfield		
	Hackney & City	City, Hackney & Tower Hamlets	
	Tower Hamlets		
	Ealing	Ealing, Harrow & Hillingdon	
Harrow & Hillingdon			
Kingston & Richmond	Hounslow, Kingston & Richmond		
Hounslow			
<b>21 – Kent, Surrey and Sussex</b>	Surrey	Surrey	South East and Eastern
	North Kent	Kent	
	East Kent		
	Central and West Kent		
	East Sussex	Sussex	
	Brighton		
	West Sussex		

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