### Service Specification for Support Delivery of Mental Health Treatment Requirement

#### Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of an SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

|-----------------------------------|--------------------|-----------------------------------------------|---------------------|

## Version Control Table

<table>
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<tr>
<th>Version No.</th>
<th>Reason for Issue / Changes</th>
<th>Date Issued</th>
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<tr>
<td>P1.0</td>
<td>Preview Publication</td>
<td>12-08-2011</td>
</tr>
<tr>
<td>P2.0</td>
<td>Go live publication: minor editorial amendments made. References unchanged as this specification is not accompanied by a supporting instruction.</td>
<td>09-01-2012</td>
</tr>
<tr>
<td>AFP1.0</td>
<td>Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with the Rehabilitation Programme. Key changes made to the specification: <strong>Definition of Service</strong>: reference to LASPO Act 2012 added. <strong>Final paragraph</strong>: new text added about basis for treatment and treatment options in the community. <strong>Dependent Services Elements</strong>: Reference to Manage the Sentence for CO or SSO added. <strong>Strategic Context</strong>: Standardised wording relating to the Transforming Rehabilitation programme, equalities and female offenders added. Historic information (including ‘current’ strategic issues) removed, as out of date. New text added about changes to mental health commissioning responsibilities. <strong>Non-mandatory guidance</strong>: references added to 2012 NOMS Commissioning Group guidance. <strong>Changes to service outputs</strong>: No new outputs inserted or existing outputs deleted. Some outputs amended: Outputs 2, 3 and 9 reworded to make offender manager role in active tense. Output 1: “The offender commences further in depth assessment…” amended to “the offender is...”</td>
<td>10-03-2014</td>
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<tr>
<td>Service</td>
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provided with a full post-sentence assessment…”
Output 5: Example measurement column: inserted reference to local agreements between offender management and mental health commissioners. Output 7: minor redrafting, including “care plan on risks” amended to: “care plan regarding the risk of harm”.

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| Service elements: | “Offenders access and attend treatment which meets their needs” amended to: “Offenders are provided appropriate support to enable them to access and attend treatment which meets their needs”.

Output changes:
Former output row 1 (which read: “The offender is provided with a full post-sentence assessment to inform the development of a Treatment Plan within the timescales indicated to the court at the time of sentence”) is deleted, on the basis that this activity is covered in broad terms in the specification for 'Manage the Sentence for a CO/SSO'. Remaining outputs renumbered.
Output row 1: “in accordance with the treatment schedule” amended to: “in accordance with the provision of treatment by the treatment provider” to avoid reference to a treatment schedule that the OM may not have access to.
Output rows 2 & 3: reference to treatment plan replaced by “provision of treatment by the treatment provider”, as above.

Out of scope service elements:
Reference to ‘Supervision Requirement’ deleted, as the Offender Rehabilitation Act replaced the Supervision and...
Activity Requirements with the new Rehabilitation Activity Requirement.

‘Manage the Sentence for a CO or SSO’: bullet point moved to ‘Dependent Service Elements’. Additional text added to detail the service elements in ‘Manage the Sentence for a CO or SSO’ and to clarify that this specification covers ‘additional’ tasks only.
Introduction to Support Delivery of Mental Health Treatment Requirement specification

1. **Service Name**
   Support Delivery of Mental Health Treatment Requirement

2. **Key Outcome(s) for Service**
   - Successful completion of treatment
   - Improvement in mental health
   - Reduction in offending by those under the Mental Health Treatment Requirement

3. **Definition of Service**
   Under section 207 of the Criminal Justice Act 2003, a Mental Health Treatment Requirement (MHTR) is available to the courts as a sentencing option for offences committed on or after 4 April 2005. The requirement directs an offender to undergo mental health treatment as part of a community sentence or suspended sentence order.

   Treatment may be provided in an independent hospital or care home (within the meaning of the Care Standards Act 2000), a hospital (within the meaning of the Mental Health Act 1983), as a non-resident patient at a place specified in the order.

   The Legal Aid, Sentencing and Punishment of Offender (LASPO) Act 2012 removes the requirement in the Criminal Justice Act (2003) and the Mental Health Act (1983) that the evidence of need for mental health treatment given in assessments to the court is given by a Section 12 registered medical practitioner. This change means that the court may seek views and assessments from the broader mental health community, such as Community Mental Health Teams, Community Psychiatric Nurse or National Probation Service staff for example, on the mental health treatment needs of the defendant.

   Before making the order, the court must be satisfied that:
   - The mental condition of the offender requires treatment and may be helped by treatment, but does not warrant making a hospital or guardianship order (within the meaning of the Mental Health Act 1983)
   - Arrangements can be made for the offender to receive treatment as specified in the order
   - The offender agrees to undergo treatment for their mental health condition
The MHTR can be used in relation to any mental health issue including personality disorders. The type of treatment is not defined and can cover a wide range of interventions. Treatment should be based on the offender being assessed as able to be treated for their mental health problem either in a community setting or as an out patient in a non-secure setting. Options in community should include Community or Forensic Mental Health Teams and GP Practices as well as voluntary organisations.

4. **Service Elements In Scope**
   - Offenders are provided appropriate support to enable them to access and attend treatment which meets their needs
   - Information is shared
   - Offenders are supported through treatment

5. **Out of Scope Service Elements**
   - The delivery of the treatment by Mental Health providers commissioned by Clinical Commissioning Groups

6. **Dependent Service Elements**
   - The overall process of management of the offender, including sentence planning and enforcement, is contained in the 'Manage the Sentence for a Community Order (CO) or Suspended Sentence Order (SSO)' service specification. The service elements in 'Manage the Sentence for a CO or SSO', which are all dependent with this specification, are:
     - A plan is prepared
     - The plan is implemented
     - The plan is implemented by referral to specialist services
     - The offender is monitored and compliance is promoted
     - Risk is managed
     - The sentence plan is reviewed and the sentence is terminated
     - Inter-agency public protection procedures
     - Engagement of specialist advice
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- Case transfer
- Enforcement action

This specification ('Support Delivery of Mental Health Treatment Requirement') covers work specific to delivery of the Mental Health Treatment Requirement (that is, tasks undertaken because, and only because, the requirement is in place) and is therefore additional to the offender management processes covered in 'Manage the Sentence for a CO or SSO'.

### 7. Strategic Context

The specification aligns with the Ministry of Justice (MOJ) *Transforming Rehabilitation: A Strategy for Reform* document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.

The National Probation Service holds responsibility for advice to courts, and offender management of MAPPA and high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider and staff working in prisons that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.

This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.

This specification is interdependent with the specification ‘Manage the Sentence for a Community Order or Suspended Sentence Order’ which contains the core requirements relating to offender management, including preparing and implementing a plan; MAPPA work; enforcement and appointments in line with National Standards. This specification covers only those ‘additional’ tasks, which are undertaken because the Mental Health Treatment Requirement is in place, such as: liaison with the treatment provider to monitor attendance and engagement, and discuss failures to attend; and providing joint feedback, identifying further work to be done and planning for treatment needs to be met after the requirement has finished. See ‘Dependent Service Elements’ for more detail.

In April 2013 responsibility for commissioning mental health services in England became the responsibility of NHS Clinical Commissioning Groups under changes introduced in the Health and Social Care Act 2012. In Wales the Welsh Government has responsibility for Mental Health services. Together for Mental Health (2012) provides its strategic direction for improving mental health and wellbeing and incorporates the Mental
Health (Wales) Measure 2010 to improve services in Wales.

Mental Health Service Providers may come from a range of settings including Community Mental Health Teams, Mental Health Trusts, GP Practices and the voluntary sector.

**Equalities**

Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay ‘due regard’ to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.

**Female Offenders**

Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives for Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.

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<th>8. <strong>Flexibility</strong></th>
<th>All the outputs in this specification are mandatory – referred to as the National Minimum.</th>
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<tr>
<td>9. <strong>Reference to Supporting Documents</strong></td>
<td>Supporting documents to be determined.</td>
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</table>
10. **Example Measurement/Assurance Method for Commissioners**
   Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.

11. **References for Detailed Mandatory Instructions**
   - Criminal Justice Act 2003, Section 207
   - Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

12. **References for Non-Mandatory Guidance**
   - NOMS Risk of Serious Harm Guidance (June 2009)
   - Compliance Best Practice Guide: Performance Improvement Unit (2008)
   - Advice on Implementing Changes to ATR, DRR and MHTR (NOMS Commissioning Group, November 2012)

13. **Review Cycle**
   Review cycle to be determined.
## Specification

### National Minimum

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<th>References for Non-Mandatory Guidance</th>
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<tr>
<td>1.</td>
<td>Supporting offenders to enable them to access and attend treatment</td>
<td>The offender is instructed to attend for treatment by the offender manager, in accordance with the treatment provider’s agreed schedule.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
<td>Criminal Justice Act 2003, Section 207</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Supporting offenders to enable them to access and attend treatment</td>
<td>The offender manager ensures that the plan ¹ is in accordance with the provision of treatment by the treatment provider.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
<td></td>
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<tr>
<td>3.</td>
<td>Supporting offenders to enable them to access and attend treatment</td>
<td>The offender manager contributes to continuous assessment and care planning to ensure that the offender accesses treatment in accordance with the provision of treatment by the treatment provider.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
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¹ The activity of creating the plan is within the scope of the specification ‘Manage the Sentence for a Community Order or Suspended Sentence Order’.
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<tr>
<td>4.</td>
<td>Information is shared</td>
<td>Attendance and engagement at treatment sessions are monitored in accordance with a consistent framework agreed between the offender manager and the treatment provider.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
<td>Local agreements between offender management and mental health commissioners are agreed</td>
<td>NOMS Risk of Serious Harm Guidance (June 2009)</td>
</tr>
<tr>
<td>5.</td>
<td>Information is shared</td>
<td>The offender manager's assessment of compliance is informed by the treatment worker's view of the significance of a failure to attend or engage in the light of the offender's medical condition and treatment regime.²</td>
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<td>6.</td>
<td>Information is shared</td>
<td>There is prompt liaison between the offender manager responsible for the Community Order and the treatment worker who is responsible for the care plan regarding the risk of harm presented by the offender and any changes to these.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
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</table>

² This refers to discussions on whether an offender’s failure to attend or engage should lead to enforcement proceedings. Taking the decision to enforce and instigating proceedings lies within the scope of the specification ‘Manage the Sentence for a Community Order or Suspended Sentence Order’.
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<tr>
<td>7.</td>
<td>Offenders are supported through treatment</td>
<td>The Offender Manager ensures that offenders are given comprehensive information about arrangements for treatment.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
<td></td>
<td>Compliance Best Practice Guide: Performance Improvement Unit (2008)</td>
</tr>
<tr>
<td>8.</td>
<td>Offenders are supported through treatment</td>
<td>The Offender Manager ensures that the offender is provided with feedback on their response to treatment during and at the end of treatment and assisted to consider options for future treatment provision after the Treatment Requirement is ended.</td>
<td>Offenders subject to MHTR</td>
<td>Mental Health</td>
<td>Contract Management and/or Audit</td>
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