



National Offender
Management Service

SENTENCE PLANNING		
This instruction applies to :-		Reference :-
Prisons NOMS HQ Providers of Probation Services		PSI 19/2014 AI 14/2014 PI 13/2014
Issue Date	Effective Date	Expiry Date
05 October 2015 (Revised)	24 October 2014	23 October 2018
Issued on the authority of	NOMS Agency Board	
For action by	<p>All staff responsible for the sentence planning and management of offenders</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Public Sector Prisons <input checked="" type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> National Probation Service (NPS) <input checked="" type="checkbox"/> NOMS managed services <input checked="" type="checkbox"/> NOMS Rehabilitation Contract Services Team <input checked="" type="checkbox"/> Community Rehabilitation Companies (CRCs) <input checked="" type="checkbox"/> Other Providers of Probation and Community Services <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service Improvement	
For information	Offender Managers, Offender Supervisors	
Provide a summary of the policy aim and the reason for its development / revision	<p>This Instruction sets out the expectations for staff with regard to sentence planning, including planning activities undertaken in respect of allocated persons by CRCs and highlights the mandatory nature of these processes for all offenders.</p> <p>Update October 2015 - Amendments made to the contact details on the front page.</p> <p>Update 24 October 2014 – This version replaced the original instruction which was temporarily withdrawn. This instruction was updated to accurately reflect the expectations regarding assessment and planning for CRCs and NPS in line with contractual requirements and National Standards, and to clarify the position with regard to responsibilities for sentence planning in custody. In a change to the instruction from 2012, responsibility for assessment and planning for the custodial phase of the sentence for Prolific and Priority Offenders who are <i>not</i> assessed as posing a high risk of serious harm will fall to prison staff. Previously, these were the responsibility of Probation Trusts.</p> <p>Update 1 February 2015 – Following a final round of consultation some minor amendments were made to clarify roles and the distinction between different types of plan.</p>	

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Associated documents	<p>PSI 52/2011 – Immigration, Repatriation and Removal Services PSI 14/2012 – PI 09/2012 - Implementation of the Service Specification for “Manage the Sentence: Pre and Post Release from Custody” (transitional version) PI 57/2014 – PSI 41/2014 Process for Community Rehabilitation Companies to refer cases in custody or the community to National Probation Service for Risk Review including Escalation. PI 01/2015 - PSI 04/2015 Rehabilitation Services Specification – Custody Manage the Custodial and Post Release Periods Service Specification National Standards for the Management of Offenders (2014) NOMS directory of service specifications (http://www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications/directory-of-services-forward-look) Transforming Rehabilitation Target Operating Model</p>
Replaces the following documents which are hereby cancelled: None	
<p>Audit/monitoring: The Director of NPS in England, Director of NOMS in Wales and NOMS Director of Rehabilitation Services for CRCs will monitor compliance with the mandatory requirements in this instruction.</p> <p>NOMS contract management will hold providers to account for delivery of mandated instructions as required in the contract.</p> <p>NOMS Deputy Directors of Custody and Controllers will monitor compliance with the mandatory actions set out in this Instruction.</p>	
Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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1. Executive Summary

- 1.1 This Instruction sets out the expectations for staff with regard to sentence planning. It encompasses sentence planning activity undertaken by National Probation Service (NPS) and prison staff as well as planning activity undertaken by Community Rehabilitation Companies (CRCs) in respect of allocated persons. It provides clarity regarding requirements in relation to the planning process, and highlights the mandatory nature of these processes.

Background

- 1.2 All offenders subject to a community order (except those with a single curfew or exclusion requirement), suspended sentence order, or a custodial sentence (where the offender will be supervised on release) are required to have an assessment of their criminogenic needs and associated risks, and a plan, the primary purpose of which is to address the identified needs and risks. It is also used to specify how the sentence of the court will be delivered. *The assessment and plan must be reviewed throughout the sentence.* The authority responsible for producing the assessment and plan will depend on the type of sentence, which provider the case has been allocated to, and, in the case of custodial sentences, may change at different stages of the sentence. For establishments holding young people, training plans will be developed and will be carried out by a person deemed appropriate by the Governor. Paragraph 1.9 explains further below.
- 1.3 All those in custody will receive a basic custody screening (BCS), carried out by prison staff as part of the reception and induction process, to identify immediate and resettlement needs. This may happen while on remand, or post-sentence, depending on whether the offender was on bail or remand prior to sentencing. The results from this will inform the resettlement plan created by the relevant CRC (part 2 of the BCS).
- 1.4 Whenever this Instruction refers to a 'plan' or a 'review' it is referring to the practice of engaging the offender and others, in discussion and information gathering, as well as the written plan or review that has resulted, as part of an assessment update. (In the case of NPS and prisons this will always be recorded within OASys.) In cases where the offender is assessed as posing a risk of serious harm that is medium or higher, a risk management plan will also be required and should be reviewed.
- 1.5 It is essential that the development of the plan involves the offender, so that the offender is engaged in the process and therefore involved in considering what actions might be needed to reduce the risk the offender poses, both in terms of causing serious harm and further offending.¹
- 1.6 Engagement in the planning review process can enable prisoners to demonstrate their understanding of what they will be required to undertake, their willingness or ability to change, ultimately, can show they have taken steps to reduce their risk of causing serious harm through reoffending during their sentence. This is particularly important for those subject to discretionary release.

Desired outcomes

- 1.7 This Instruction has been issued to:

¹ There is a body of research literature related to desistance from offending which provides evidence in support of this approach. For further reference see McNeil & Weaver, 2010

- ensure an assessment and plan is completed for all offenders (except where they will not be on supervision post-release from custody, and those with a single curfew or exclusion requirement managed by an EM contractor); and,
- ensure offenders are engaged in this process; and,
- ensure plans are reviewed for progress against objectives and actions or interventions in the plan are amended where needed
- support reductions in reoffending and risk of serious harm.

Application

1.8 Section 2 of this Instruction provides guidance on the planning process with offenders.

Mandatory actions

1.9 *Community Rehabilitation Company CEOs, Director of NPS in England and Director of NOMS in Wales must ensure that staff are aware of, and comply with, the mandatory requirements which are summarised below. These also apply to cases which are transferred to the adult estate from the juvenile estate:*

- *All offenders subject to a suspended sentence order, community order (except those with a single curfew or exclusion requirement), or subject to supervision following release from a custodial sentence must have a sentence plan (known as a 'plan' for persons allocated to CRCs), based on an assessment of their risks and offending-related needs. For young people who meet these criteria, the training plan must retain its emphasis on education as well as reducing risk*
- *NPS Offender Managers in the community must produce the assessment and sentence plan and oversee delivery for the following groups of NPS-allocated offenders, throughout the sentence:*
 - *All those subject to a suspended sentence order or community order*
 - *All those subject to IPP sentences*
 - *All those subject to extended determinate sentences introduced by the Legal Aid Sentencing and Punishment of Offenders Act 2012*
 - *Determinate sentence offenders who are assessed as posing a high or very high risk of causing serious harm to others*
- *For life sentence prisoners, the following applies:*
 - *NPS Offender Managers in the community must produce the initial assessment and sentence plan*
 - *Custody-based Offender Supervisors must oversee delivery and review the assessment and sentence plan during the custodial period*
 - *NPS Offender Managers in the community must prepare the assessment and plan in line with the Generic Parole Process timetable, prior to release, and complete them post-release*
- *Custody-based Offender Supervisors must produce the needs screening (using the basic custody screening tool (BCST)) for all those received into custody, whether on remand or sentenced*
- *Custody-based Offender Supervisors must produce the assessment and sentence plan and oversee delivery during the custodial period for those subject to a determinate sentence of 12 months or more, where the offender has been allocated*

to a CRC, or where the offender has been allocated to the NPS but is assessed as posing a low or medium risk of serious harm to others

- *CRC Offender Managers must produce the plan incorporating the identification of the present risk of serious harm of the allocated person and oversee delivery for the following groups of CRC-allocated offenders²:*
 - *All those subject to a suspended sentence order or community order*
 - *All those due to be released from a custodial sentence and who will be subject to supervision post-release (this must be prepared no more than 12 weeks prior to release, and completed post-release)*
- *Unpaid work providers must produce the assessment and plan and oversee delivery for offenders subject to a community order or suspended sentence order with a single requirement for unpaid work*
- *Offender Managers and Supervisors must take steps to ensure that offenders are actively engaged in the planning process*
- *Assessments and plans must be reviewed during the course of, and at the end of, the sentence whenever there is a significant change that impacts on the risk of re-offending and/or serious harm posed by the offender, which may include where a transfer has taken place, the offender has been released from custody, and/or one or more objectives in the sentence plan has been achieved.*

Resource Impact

1.10 The arrangements set out in this instruction are largely already in place and defined in the National Standards for the Management of Offenders (2014) and Manage the Custodial and Post Release Periods Service Specification. This instruction re-affirms the requirements first set out in the earlier specification 'Manage the Custodial Sentence' (transitional version) and accompanying [PSI 14/2012](#). The single change to previous policy relates to offenders sentenced to custodial terms of 12 months or more, who have been designated as 'Prolific and Priority Offenders' or eligible for Integrated Offender Management Schemes, and who are not assessed as posing a high risk of serious harm, and would therefore be CRC-allocated cases. The requirement to undertake assessment and planning during the custodial period for these cases will fall to prison staff, which is a change from previous practice. The cost of this additional requirement is being established.

(Approved for Publication)

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Director, NOMS in Wales

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² CRCs will also have responsibility for producing a Resettlement Plan as part 2 of the BCS, for all those received into custody. Where an offender allocated to a CRC is due to be released on licence, it is likely that the plan for the sentence and the Resettlement Plan will be revisited at the same stage, prior to release. The Resettlement Plan will address factors associated with supporting effective reintegration, and the plan for the sentence is likely to focus more on addressing issues of criminogenic need.

2. Sentence Planning

- 2.1 The sentence plan/plan is the key tool for identifying what an offender will do during their sentence, based on an assessment of the factors associated with their offending, to achieve the aims of the sentence. This is particularly important for reducing the likelihood of reoffending and, in custodial cases, promoting resettlement.
- 2.2 A further important aim of the plan is to reduce the risk of serious harm the offender poses, particularly for offenders subject to an extended determinate or indeterminate sentence, as they have received this sentence based on an assessment of their 'dangerousness'. A key consideration for the Parole Board in determining whether to direct release will be the offender's engagement with appropriate activities and interventions in order to reduce the risk posed. However, the main consideration will be whether there is clear evidence that the offender has demonstrated positive changes in behaviour, thinking and attitudes, and that there is a clear plan in place to manage any residual risk the offender poses on release from custody.
- 2.3 The focus of sentence planning should be on achieving outcomes supported by defined actions or activity. The plan should cover the whole of the sentence, and define clearly:
- the overall outcomes to be achieved through the plan
 - the activity needed to achieve the intended outcomes and expected timescales
 - how the activity will be delivered to meet individual offender need
 - what is expected of the offender in terms of the objectives they are aiming to achieve in support of an action or outcome, and
 - who will have overall responsibility for the continued review and updating of the plan as it is delivered.

Foreign national offenders

- 2.4 Sentence planning for foreign national offenders can be complex, especially if the offender is likely to be removed from England and Wales at the end of the custodial period of their sentence. Not all foreign national offenders will be removed and it is only possible to stop further sentence planning when a deportation order has been issued. It is important, however, that foreign national prisoners liable to deportation have a realistic understanding of their position from the outset. A foreign national offender who is likely to be removed from England or Wales by the Home Office Immigration and Enforcement section should be encouraged to consider actions aimed at preparing for their release in their home country as a consequence of their removal, alongside activities aimed at reducing their risk of reoffending or the harm they pose. They should be made aware of the availability of early removal under the Early Removal Scheme, the availability of assistance under the Facilitated Returns Scheme, and the possibility for transfer to their country of origin to serve their sentence under prisoner transfer arrangements (see [PSI 52/2011 – Immigration, Repatriation and Removal Services](#)). Establishing links with appropriate local charities or organisations representing their communities in England and Wales may also support effective resettlement. Foreign national offenders under supervision in the community should be treated as all other offenders and a plan should be put in place for this period.

Offender engagement

- 2.5 The officer preparing the plan should make efforts to engage the offender as an active participant, wherever possible. Research evidence suggests that, if the offender feels engaged in their sentence, and the plan is drawn up collaboratively, they will be more likely to identify, and take responsibility for, actions they need to undertake to address their offending behaviour. This may include asking the offender to identify what factors would support successful resettlement, where they are in custody, and what may need to be put in place to prevent protective factors being disrupted, such as family relationships, housing and employment. The offender manager and offender supervisor should encourage the offender to have a direct investment in their plan and in achieving its outcomes, in order to promote compliance.
- 2.6 *Where the offender is subject to an IPP, life or extended sentence with discretionary release, the offender must demonstrate to the Parole Board that their risk is manageable in the community, in order to obtain release on licence. If the offender is not fully engaged with the plan, the offender manager or offender supervisor must ensure the offender is aware that non compliance with the plan, where the offender cannot otherwise demonstrate a change in behaviour or attitudes associated with their offending nor demonstrate any work towards identified objectives, may affect their chances of being released.*

Setting objectives and actions

- 2.7 *Plans must be realistic and attainable in order to be effective in providing offenders with an opportunity to address offending related factors and reduce risk.* Objectives should be specific, measurable, achievable, realistic, and time-bound (SMART) and actions to support these should be set out in order of priority.
- 2.8 It is important that plans do not simply contain a list of interventions, programmes or activities that may be available, but that they comprise activities which are directly related to the outcomes or objectives to be achieved, based on the assessed risks and offending-relating needs. When considering an accredited programme, an offender's eligibility for the programme should first be considered; only when they have passed the assessments for the programme should the programme be added to the plan; where they will not be accepted onto a programme, e.g. due to a low OGRS score or their index offence, this should not be listed as a future action. Actions and objectives should be prioritised according to the level of risk the offender poses and in line with the areas most strongly associated with their offending. They should balance personal risk factors such as drug dependency or poor problem solving with social risk factors such as housing, employment and strengthening relationships and community ties. The services offered should be in keeping with PSI 04/2015 PI 01/2015 Rehabilitation Services Specifications – Custody.
- 2.9 It is also important that activities are not included in an offender's plan that are unachievable, either because the offender does not meet the suitability criteria for particular interventions, or where they are suitable but no intervention can be delivered within the timescale of the sentence (in the case of shorter determinate custodial sentences). In both cases, it will be essential to look for alternative activities or interventions that are achievable and that best target the risks and needs of the offender.
- 2.10 Throughout the course of a sentence it is likely that the actions will change, but the overall outcomes are likely to remain the same. Staff should consider setting incremental actions that will allow an offender to demonstrate change, and, therefore an impact on the risk they pose, over a period of time. This has the added value of setting out clear expectations, achievable in a shorter timescale, for the offender, which can aid motivation and give them a manageable goal to work towards.
- 2.11 Where an offender is not motivated to change it may only be possible to set limited outcomes and actions; in these instances, the focus may be on monitoring and risk

management, although it is important to note that motivation may increase and decrease over time and that offender managers and offender supervisors should seek to enhance motivation to change wherever possible. However, where the offender is subject to release at the discretion of the Parole Board, it will be important to ensure the offender is aware that unwillingness to engage with the sentence plan is likely to affect the Board's decision on suitability for release.

Sequencing

- 2.12 Actions required of the offender should be sequenced logically, according to what should take priority, bearing in mind both the offender's own priorities and the need to cross-reference with the risk management plan and parole eligibility and review dates. It may be important to provide services which stabilise and motivate an individual before providing an intervention targeted at reducing their risk of reoffending or causing serious harm. For example, an offender with a chronic substance misuse problem may need to address this before they are in a position to address their offending behaviour.
- 2.13 Actions should be set out in manageable steps for the offender, offender manager, offender supervisor and service providers. Where an offender is serving a custodial sentence, there may be some objectives and activities which could suitably be undertaken following release, and should be planned to follow on from earlier supporting activity. *This must be planned in consultation with the community based offender manager to ensure appropriate provision can be put in place.*
- 2.14 Adequate sequencing also involves ensuring sufficient continuity of services and support, in particular with regards to the transition from custody to community. Where resources are limited, it will be important to consider where and when such activities could take place. For example, where a prisoner is suitable and eligible for a particular accredited programme but this is not available within the establishment the offender is currently placed in, this may be set as an activity to be undertaken following transfer to a relevant establishment. Unless there are other interventions or activities required which can be delivered in the current establishment, transfer to the establishment running the relevant programme should be facilitated as soon as possible. Where other activities can take place, it will then be essential to plan these prior to the programme work commencing, in order to maximise the impact on the main risk factors. This will equally apply where an offender is waiting for a place on a programme to become available, but there are others with a higher priority in the queue. Planning shorter term activities will be especially important for demonstrating that the offender is addressing and reducing the risk they pose, where the Parole Board will be considering their suitability for release.

Appropriate activities

- 2.15 Education, employment and accommodation are prevalent problems for a high proportion of offenders. These are likely to be essential elements for the majority of plans. However, not all offenders will be suitable for or need offending behaviour programmes, even if they have committed a serious offence and they have been sentenced to an indeterminate prison sentence or an extended determinate sentence. These types of interventions are more suitable for offenders who are medium and higher risk of reoffending, while lower risk (of reoffending) offenders sentenced to custody will benefit from access to resettlement services, and those services available within the 'core offer' as described in PSI 04/2015 – PI 01/2015 Rehabilitation Services Specification - Custody. In these circumstances, the offender manager, offender supervisor, and interventions/rehabilitation services providers should work together with the offender to review the assessment and available activities and interventions and come to a joint agreement on how the objectives in the plan will be achieved. All alternative avenues for meeting recorded objectives and encouraging

sentence progression should be considered. This is particularly important for offenders whose release is at the discretion of the Parole Board.

- 2.16 Most of NOMS accredited programmes require a certain level of cognitive functioning, or literacy/comprehension of English for offenders to gain fully from participation. However, a sex offender programme has been adapted to be suitable for those with a lower IQ, and an adapted Thinking Skills Programme is being piloted. Where adapted programmes are not available, and appropriate activity is being considered for offenders with a learning disability or difficulty, a more individualised approach may be needed. Some offence-focused work to reduce risk of serious harm can be undertaken on a one-to-one basis using specially developed materials. Where English is not the offender's first language, consideration should be given to delivering such material through an interpreter. Offender managers and offender supervisors and psychology staff should discuss the full range of available options that will support offenders to address identified offending related factors and record this in the sentence plan.

Sentence planning reviews

- 2.17 *The assessment and plan must be reviewed whenever there is a significant change that impacts on the risk of re-offending and/or serious harm posed by the offender.* This will include where a transfer has taken place, the offender is due to be released or approaching a parole review, and/or one or more objectives in the plan has been achieved or conversely where progress is not being made and alternative options need to be considered. For information on the procedures to be followed where a CRC responsible officer considers that risk has escalated to high, they should follow the relevant risk escalation process (as set out in PI 57/2014 – [PSI 41/2014](#) 'Process for Community Rehabilitation Companies to refer cases in custody or the community to National Probation Service for Risk Review including escalation').
- 2.18 Where the offender is in custody, offender managers and offender supervisors are required to participate in sentence plan reviews for all NPS-allocated cases. *Where the prisoner is allocated to a CRC, there must be a handover between the offender supervisor in custody and the offender manager from the home CRC to support effective planning for release.* This will include input from the CRC providing resettlement services in the prison, where applicable. The home CRC will revisit the resettlement plan (contained within part 2 of the BCS) at this stage. This may not require attendance in person, but could be managed by video/telephone conference or by written correspondence. Where the prisoner is being released from an establishment that is not a resettlement prison, this pre-release handover will be particularly important.
- 2.19 The planning review process should be used to: review information (including information from other staff and agencies) that builds on existing assessments; verify changes in an offender's behaviour; adapt or change actions that are completed or no longer appropriate; and to explore the full range of available resources to meet outstanding offending related factors. It is also a critical opportunity to recognise and record progress, which is important for both the offender and for the Parole Board when assessing the prisoner's suitability for release.
- 2.20 *A review of the sentence plan/plan must be accurately recorded and documented. Where activities and interventions are no longer appropriate to address risk of serious harm and offending they must be removed from the plan at the earliest convenience.*

Termination

- 2.21 *A termination review of the plan must always take place, assessing the progress that has been made over the course of the sentence, drawing on the views of the offender and the*

judgement of the offender manager, offender supervisor and, where relevant, interventions staff. This provides an opportunity to document progress such as compliance with interventions and particularly changes in behaviour and attitudes. It should also consider what actions the offender could take in the future to maintain and develop any progress they have made or, where insufficient progress has been made, to take steps in future to avoid reoffending.