



Ministry
of Justice

Target Operating Model

Rehabilitation Programme

September 2013

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**Transforming
Rehabilitation**



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of Justice

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This information is also available at 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 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 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 are legislating to introduce supervision after release for short sentenced offenders and to introduce a new Rehabilitation Activity Requirement 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 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 often be facilitated by some 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.

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 National Offender Management Service (NOMS);
- 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 the National Offender Management Service (NOMS) on behalf of the Secretary of State.¹ 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 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 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. CRC owners and the company itself will 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

¹ Some services are directly delivered by NOMS, for example Attendance Centres.

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 will account manage the contracts with CRCs and 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 local protocols in relation to engagement 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 additional 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. It is envisaged that a new Institute of Probation will promote professionalism and provide a forum for sharing best practice across the probation profession in the public and market sectors; the MoJ is in discussion with key stakeholders about the potential form and remit of such an Institute.

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

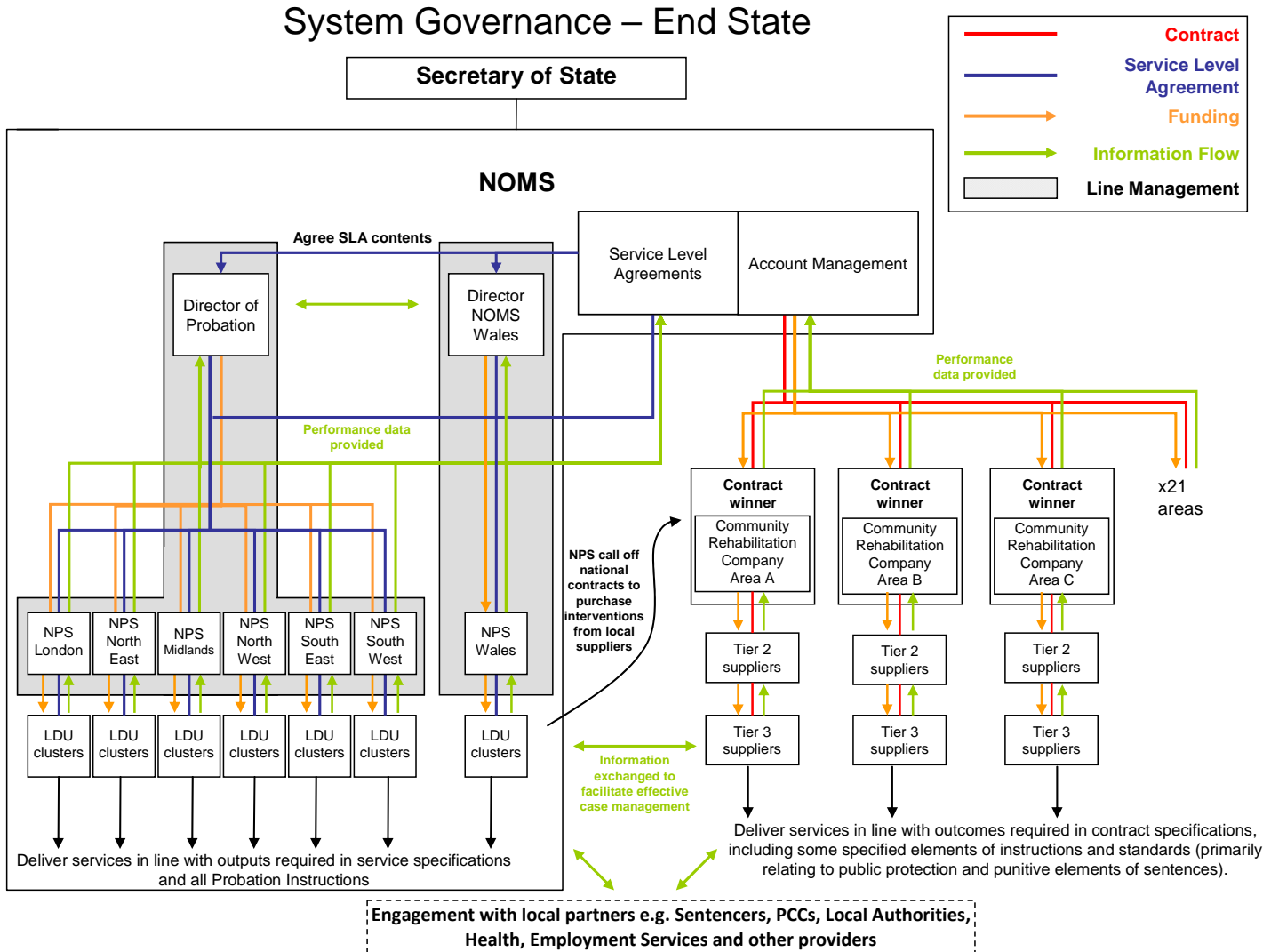
The new NPS will be responsible for advice to courts, management and rehabilitation of MAPPA cases, high risk of serious harm and other public interest offenders, and delivery of their sentences. The new NPS will also deliver those Approved Premises currently managed by Probation Trusts, Victim Liaison, 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.

Accountability

CRCs will deliver services under contract to NOMS and will be account 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:



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 court² 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. CRC owners and 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 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 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 Bill, will be included in the contract services specification. 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. 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 account management, audit and assurance purposes:

- basic planning for delivery of the sentence and/or licence and top-up supervision;
- adequate assessment 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 top-up 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 account 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,

² 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 supervision period. The various components of orders, licence conditions and supervision requirements are described in more detail in section 1.3.

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. 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.

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:

- All adult offenders sentenced to a **Community Order or Suspended Sentence Order**. They will be managed either by the NPS or by CRCs for the duration of their sentence (in the case of those receiving an order containing only an electronically monitored curfew requirement, this will be the existing Electronic Monitoring (EM) provider rather than CRCs);
- All adult offenders **released on licence from custodial sentences of more than one day**. They will be managed either by the NPS or by CRCs from the date of their release, which will generally be the midpoint of their sentence,³ until the end of their supervision period in the community. Provisions in the Offender Rehabilitation Bill (subject to its approval by Parliament) will require all such offenders in future to be supervised in the community for at least 12 months⁴ (either on licence or on a combination of licence and a new top-up supervision period). Following the introduction of the new system, there will continue to be offenders serving custodial sentences for offences committed before the relevant provisions come into force, who will not be subject to a period of top-up supervision. Those sentenced to less than 12 months for such offences will have no licence period. Those offenders subject to a licence period⁵ will need to be managed by the NPS or CRCs during those licence periods; the number of such offenders will diminish over time.
- Offenders sentenced as juveniles who subsequently **transition from the youth to the adult system** (see section 5.4); and
- 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).

³ The date of release will be earlier than the midpoint of the sentence for those released early on Home Detention Curfew.

⁴ Adult offenders receiving sentences of 24 months or more already serve a licence period of at least 12 months after release. The Bill 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 top-up supervision period, taking their total supervision period (including both periods on licence and top-up supervision) in the community to 12 months (or more if they are granted early release on Home Detention Curfew).

⁵ Offenders serving a sentence of 12 to 24 months for an offence committed before the Bill 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 Bill provisions come into force will have the current supervision period of 3 months.

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 Bill 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 an electronically monitored curfew requirement, who will be the responsibility of Electronic Monitoring providers.

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/top-up 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 top-up 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. Any rehabilitative activity undertaken outside the terms of the order or licence would be 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' 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 Bill will (subject to the approval of Parliament) make amendments to the existing statutory framework, in particular to create greater flexibility in relation to

rehabilitative requirements.⁶ Following the changes made by the Bill, the courts will be able to impose any combination⁷ of the requirements⁸ 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

It is envisaged that the “rehabilitation activity requirement” will be the primary mechanism through which CRCs are able to compel 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 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 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.

⁶ The changes introduced by the Bill will only apply to offences committed after it becomes law, 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.

⁷ 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.

⁸ Legislation providing for an alcohol abstinence and monitoring requirement and a standalone electronic monitoring requirement has not yet been commenced.

It will be for the court to decide whether to impose a “rehabilitation activity requirement” 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.⁹ Where there is no specific “rehabilitation activity requirement” 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 “rehabilitation activity requirement” will be delivered. 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. 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 reflect the terms of any 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.
- Drugs, alcohol and mental health treatment requirements – to ensure that offenders comply with their requirements to attend treatment, in liaison with health providers.

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 after the commencement of the Offender Rehabilitation Bill will (subject to Parliamentary approval of the Bill) 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 top-up supervision period. Those sentenced to a term that is at least

⁹ 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.

12 months but less than 2 years for an offence committed before the commencement of the Bill will serve half of the sentence on licence (with no top-up supervision). Those sentenced to a custodial term of 2 years or more will, as now, 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 set of licence conditions imposed by the Secretary of State (in practice an official acting on his behalf, usually a prison governor/controller) 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 conditions, also set by a prison governor/controller through the same process. Following the changes made by the Bill, governors/controllers will be able to impose the following licence conditions:

Licence period

The following **standard conditions** are imposed on every offender:¹⁰

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. 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. 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 6th January 2014 a requirement to be polygraph tested.

¹⁰ 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.¹¹

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 conditions 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 the drug testing and drug appointment requirements will need to be organised and agreed with co-commissioned treatment providers.

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. These are:

- For offenders on licence, the standard licence conditions supplemented where appropriate with discretionary licence condition 5 (programme requirement) and condition 8 (supervision requirement); and

¹¹ The full set of supervision requirements are set out in Schedule 1 to the Offender Rehabilitation Bill.

- During the top-up supervision period, the first 8 discretionary supervision requirements applied as a minimum, unless there is good reason not to.

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. Successful bidders, as owners of the CRCs, will be expected to deliver the rehabilitative services as set out in their bids, which will be written into the CRC contract 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).

Restorative Justice (victim-offender conferencing)

The Government's policy is to make Restorative Justice (RJ) available at all stages of the Criminal Justice System and that it should be victim-centred. There is evidence that RJ victim-offender conferencing¹² is associated with high levels of victim satisfaction and has the potential to reduce the frequency of reoffending, and it is therefore the MoJ's preferred model of RJ activity.¹³ There are several scenarios in which RJ victim-offender

¹² Victim offender conferencing aims to bring the victim and offender of the same offence together in a face to face meeting. However, if a face to face meeting is not appropriate for reasons of risk or participant wishes, an alternative form of RJ activity should be offered e.g. shuttle mediation.

conferencing could be delivered in the Transforming Rehabilitation context subject to the availability of provision:

- Where courts defer passing a sentence to allow for a restorative justice activity, including a victim-offender conference, to take place.
- Where courts impose a rehabilitation activity requirement as part of a Community Order or Suspended Sentence Order. The CRC or NPS (with the consent of the victim and the offender) may decide to use victim-offender conferencing as part of this. Similarly, this might take place where an offender is subject to post-custody licence/supervision.
- Where a victim asks to take part in an RJ activity, the offender agrees to participate, and the case manager considers it appropriate.

Given the future role of Police and Crime Commissioners (PCCs) in commissioning victim services, consideration is being given to whether PCCs should commission victim-offender conferencing in some of these scenarios.

The MoJ intends to build capacity and delivery of victim-offender conferencing. However, it may transpire that other RJ activities are more effective for certain types of offences and result in higher levels of victim satisfaction than RJ victim-offender conferencing. The commencement of the legislation on pre-sentence RJ¹⁴ and increased provision of RJ generally, as well as the evaluation of the outcomes of existing projects will provide further information. The system will be designed in such a way to enable PCCs to commission providers to deliver other types of RJ activity in addition to RJ victim-offender conferencing. This would be outside the remit of NOMS commissioned services and NOMS would not seek to mandate, specify or quality assure wider RJ activity.

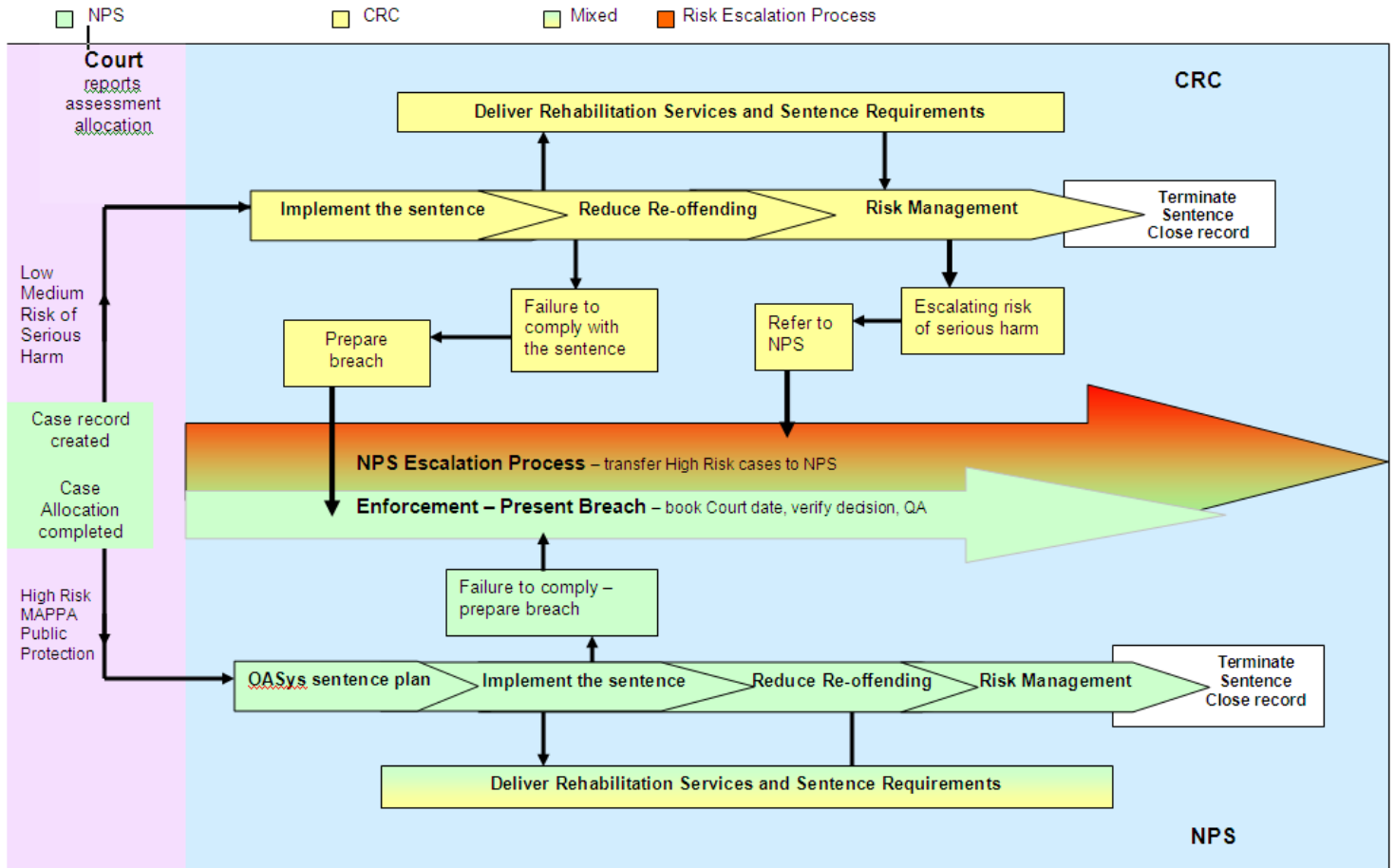
1.4 Offender Management

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.

¹³ Research by the Ministry of Justice of RJ pilots in London, Northumbria and Thames Valley showed that RJ has the potential to be associated with high levels of victim satisfaction. This is particularly so for the conferencing method of RJ, which was associated with **85% overall victim satisfaction**. The evaluation of the pilots found that overall there was **an estimated 14% reduction in the frequency of re-offending**. Evidence suggests that RJ victim-offender conferencing is most effective for people who have committed property and violence offences.

¹⁴ Amendments to the provisions on deferred sentences, to make it explicit that courts can use their powers to defer sentence to allow for a restorative justice activity to take place, were introduced by the Crime and Courts Act 2013. They are not yet in force.

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.

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;
- in the case of those sentenced to long custodial terms, an initial allocation will be carried out by the NPS at the point of sentence and it will be updated before their release from custody;
- 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 within an agreed timescale. 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
- Cases in which there is an exceptional public interest in management being retained by the NPS¹⁵
- Cases transferred back to the NPS due to an escalation to high risk of serious harm
- Cases where offenders are detained pending deportation, including those who are released from a designated prison for foreign national offenders or from an Immigration Removal Centre with leave to remain in the UK but with only a short period on licence remaining.

All other cases will be managed by CRCs.

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

¹⁵ 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.

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.

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 (OASys¹⁶) 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 risk of serious harm posed. 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 account 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.

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 have a set of responsibilities in relation to risk management and enforcement which are described in the following sections.

Risk Management

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.

¹⁶ A national system for recording a structured assessment of offending risk and needs and of risk of serious harm.

Risk Escalation

As a minimum requirement CRCs will be required to develop plans to deliver the sentence and manage any risk of serious harm presented by the offender. 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 confirm the risk status. New guidance in relation to risk management and escalation will be published.

The NPS can also, 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, 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 judges that the **risk of serious harm has escalated 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 required. 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 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 may have escalated to high, the NPS will pass on the information to the CRC who should instigate a reassessment of the risk posed.

Where responsibility for a case has been transferred to the NPS because the risk of serious harm 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 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 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.

Emergency Risk Escalation

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, or an organisation connected with the CRC having contact with the offender, assesses there is an immediate public protection concern, they will take all reasonable steps to discuss their concerns within their own management structure and the CRC will contact the NPS as soon as possible. However they will also act in a way that is likely to be most effective in responding to the situation. This may include direct contact with the police or other emergency services or the health services including GPs and Community Mental Health Teams. Guidance in relation to emergency risk escalation will be provided.

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 Electronic Monitoring and Attendance Centre requirements. This will include agreeing timescales at the point when a breach has occurred and a return to court 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 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 (subject to Parliamentary approval of provisions in the Offender Rehabilitation Bill) 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 supervision period that, subject to Parliamentary approval, will be introduced by the Offender Rehabilitation Bill.

The NPS will carry out these roles for those offenders it manages, and will also carry out the Enforcement Officer role, proposed by the Offender Rehabilitation Bill 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 all 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 the NPS with a recommendation on the action to be taken. The CRC will be responsible for submitting the breach report with a draft recommendation for recall for consideration by the designated part of NOMS which will take the final decision on behalf of the Secretary of State. In accordance with National Standards 2011, this needs to take place within 24 hours of the decision to initiate recall.

Breaches of supervision requirements following post-release licence 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).

Recalled Indeterminate Offenders

These offenders will be managed by the NPS and the arrangements for Parole Board or Oral Hearings during their recall period will remain unchanged.

Termination of Order or Licence or Supervision after End of Sentence

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

Once a Community Order or Suspended Sentence Order which includes a rehabilitation activity requirement or a licence/supervision period has been completed, the police and other key partners must be notified by the NPS or the CRC managing the case of the termination of supervision.

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

CRCs will be required to refer to the NPS for a decision on whether an application to transfer the supervision of a **licence and/or 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.

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, 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 CRCs would be required to manage the transfer.

Transfers between providers

Transfers between CRCs will be governed by contractual requirements to agree suitable arrangements. Fees will be agreed between the receiving and transferring CRC.

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 on reception into custody.

During the subsequent induction process, prison staff will complete the first part of a basic custody screening tool to determine the needs of an offender including his or her resettlement needs. They will also provide information on prison rules, regime and available services to the offender.

CRCs will have access to this basic custody screening assessment within 3 days of an offender being received into the prison and will complete the second part in order to develop a resettlement plan which will identify the means of meeting the resettlement needs of each offender. These needs might include, for example, accommodation services and debt management advice. The screening tool will be completed for remanded and sentenced prisoners.

Delivery of Resettlement Services

Following completion of the resettlement plans, CRCs will receive a fee for providing 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.

Resettlement services, as outlined in resettlement plans, may include providing direct support in custody and post release in helping offenders find accommodation, providing enhanced family support, assistance with retaining employment held pre-custody, financial 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 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 relating to accommodation, employment, training and education in order to reflect 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 have the flexibility to engage further in custody with prisoners and deliver additional interventions, for example mentoring support through the gate. The CRC would undertake this activity in pursuance of reducing reoffending which may lead to a subsequent payment under PbR.

Core Custodial Offender/Case Management

Core custodial offender management, (known as case management for low/medium 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. This could include planning for more comprehensive assessments and interventions for the offender on release.

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 top-up 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 will be set for most 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 in relation to appropriate additional licence conditions, including those which will help to manage any identified risk of serious harm. 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 requested 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.

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 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.

2.2 Designation of Resettlement Prisons

The Resettlement Prison Model

The majority of offenders will be located in prisons designated for resettlement purposes in their home location for the final months of their time in custody. This will enable closer relationships to be built between the offender and community support and, by concentrating these services in fewer prisons, focus resources where they are best deployed.

The resettlement prison model will aim to release at least 80% of adult male offenders from a resettlement prison designated to their 'home' CPA following a period of at least three months in a resettlement prison or a shorter period if an offender is sentenced to less than twelve months in custody. 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 but due to the fact that there are only eight across England and Wales, will necessarily serve

more than one CPA in most cases but will be assigned to the provider for the area in which they are situated; and

- all CPAs will be allocated one or more category C 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

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.

In the instances where an offender is located in a resettlement prison that is not allocated to their 'home' CPA, the CRC in that prison will contact the 'home' CRC and share a copy of resettlement plan. 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 supervisor will contact the CRC in the prisoner's 'home' CPA to 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 remain in place.

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 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 to support NOMS contingency plans.

Women and Young Adults

The women's estate is subject to a separate review which is due to report later in the year. Similarly, the future of the young adult estate is currently being considered. Proposals in relation to both of these groups will be brought forward in due course.

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.

Suitable arrangements within private prisons will be established. A mechanism will be developed together with private prison providers to ensure the new model for functional designation of prisons, and in particular the resettlement prisons, has the appropriate operational governance in place to ensure the services required for resettlement and the management of offenders through the gate are in place within private 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:

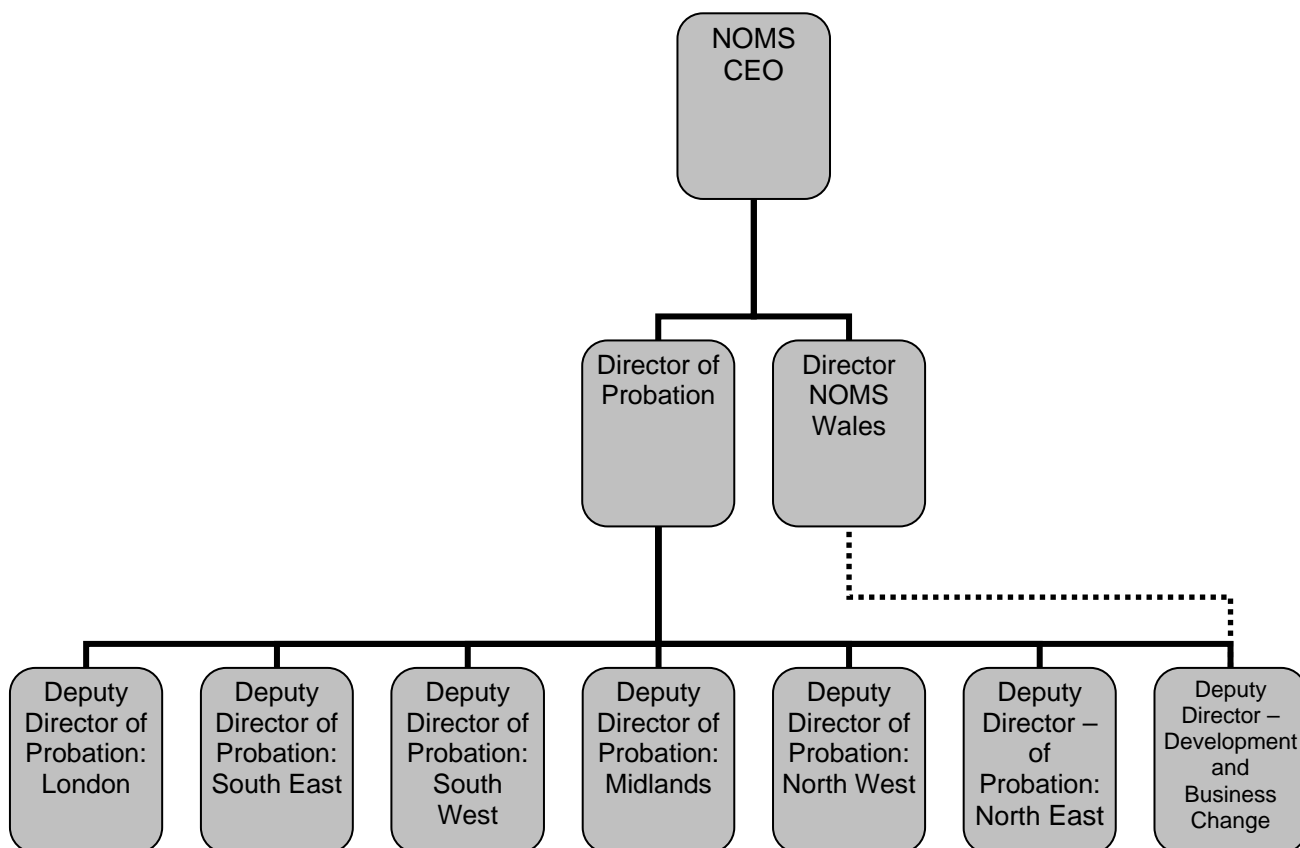
- It will be structured to allow for best alignment with existing local delivery and partnership structures. The basic building block of the NPS structure will be the local delivery unit (LDU), based on local authority boundaries. The structure aligns LDUs within police/PCC boundaries.
- It will allow 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.



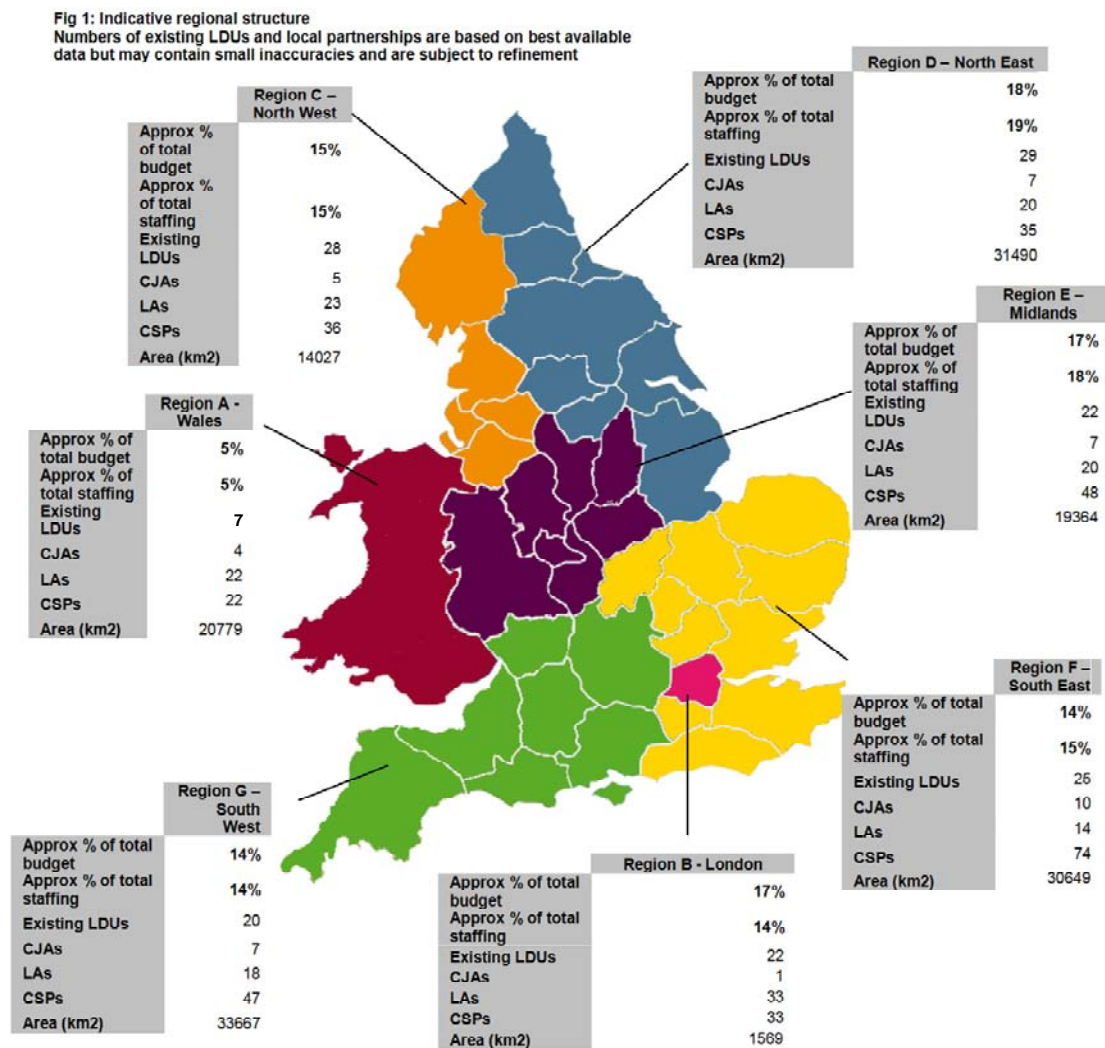
The precise boundaries of the geographic divisions will be reviewed following the transfer of CRCs in the various CPAs to bidders, to ensure the most appropriate alignment. The provisional areas for the English divisions are:

- **South East and Eastern** – to cover current Probation trust areas: Kent; Surrey & Sussex; Bedfordshire; Cambridgeshire; Northamptonshire; Essex; Hertfordshire; Norfolk & Suffolk
- **South West** – 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.

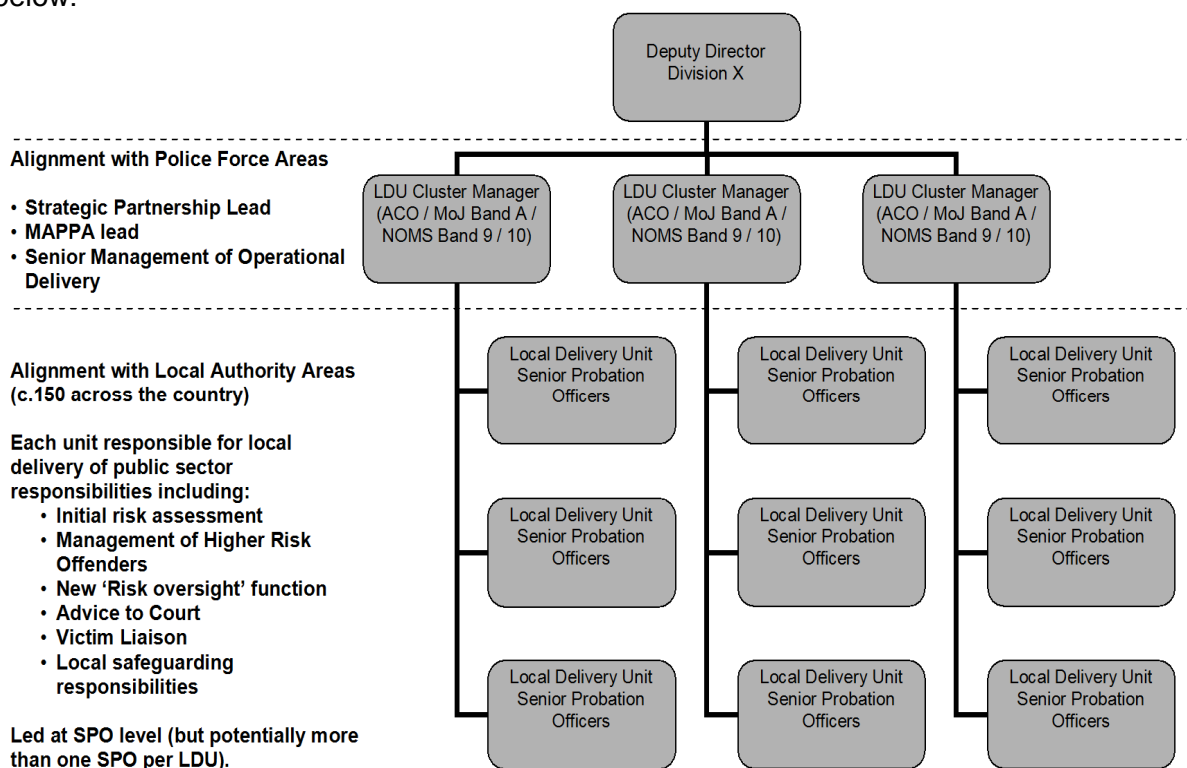
Fig. 1, below, sets out an indication of the approximate size and proportionate budgets and staffing for each area, along with the number of Local Delivery Units currently operating in each area, and the number of key local partners in each area (Local Authority Areas, Criminal Justice (Police Force) 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:



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 supporting 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 Community Rehabilitation Company (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.

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

Prior to the award of contracts and sale of the companies, each CRC will be governed by an executive team comprising a Chief Executive Officer, a Head of Corporate Services and, in most cases, a Head of Operational Services, appointed by the MoJ. This team will be responsible for the management of the CRC from creation until contract award and sale. It will ensure that service delivery, financial and operational governance are in place. On contract award and 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 sought views on the draft Articles of Association for CRCs. Under these draft Articles of Association, CRCs would be established in such a way that the Secretary of State can give operational freedoms to them, whilst ensuring that his statutory duties can be discharged. This would involve the Secretary of State retaining a “special share” in each CRC. This would not give the Secretary of State any right to share in the capital or profits of the company, but would give him certain limited powers. Significant feedback has been received on the draft Articles of Association. The MoJ is determining how best to achieve an appropriate balance between the need for proportionate safeguards and the freedoms and flexibilities that CRC owners required. The Articles will be updated to reflect this.

At the expiry of the initial contract the services will 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 in relation to:

- Police and Crime Commissioners and Integrated Offender Management (IOM)
- NPS and CRCs roles in statutory and non-statutory partnerships
- Youth Offending Teams
- The role of the Welsh Government and arrangements for Wales

5.1 Working with Police and Crime Commissioners, and Integrated Offender Management

To reduce reoffending, CRCs will need to work closely with other local partners, and in particular Police and Crime Commissioners. Bidders will need to evidence how they will engage with local partnerships, for example existing IOM arrangements. CRCs will be expected to work collaboratively with PCCs, with whom they are likely to engage through local Community Safety Partnership forums. As part of account management NOMS will require CRCs to provide assurance of their engagement in local partnerships where these are purposeful in maintaining performance, and will take into consideration feedback from stakeholders such as PCCs.

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.

5.2 The NPS and CRC role in statutory and non-statutory partnerships

There are many different local partnership working arrangements in which the NPS and CRCs might engage. The NPS and each CRC will be required to agree a protocol between them in relation to participation in these partnerships. NOMS will obtain assurance on delivery of the arrangements set out in this protocol as part of its account management.

There is, however, a small number of key statutory partnership working arrangements in which participation will be mandated in contracts for CRCs, for example appropriate participation in statutory child and adult safeguarding arrangements and Community Safety Partnerships. The final list of these mandatory requirements will be determined following discussion with stakeholders and practitioners.

5.3 Youth Offending Teams

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

Probation Officers will be seconded from the NPS to YOTs and senior managers in the NPS will contribute to YOT Management Boards.

The extension of supervision will apply to all offenders who are 18 or over at the point of release, including offenders sentenced to juvenile sentences. Provisions in the Offender Rehabilitation Bill will (subject to Parliamentary approval) enable either CRCs, the NPS or YOTs to supervise those aged 18 or over during the top-up period of supervision.

The YJB 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 transitioning 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 on whether an offender who is sentenced as a juvenile but is 18 or over at the point of release should be supervised by a CRC or the NPS or whether they should remain with the relevant YOT, and for making the arrangements for any transfer. The decision to transfer a case to the NPS or CRC (or not) will remain a local decision based upon the needs of the young person. 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.

5.4 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.

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 account management

The system will be regulated through a combination of independent inspection, audit and NOMS account 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 account 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.
- It is envisaged that commercial account management at national level will be supported by 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.

6.2 Performance and delivery assurance across the system

Delivery assurance will be achieved through:

- A **performance 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.

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 Key Performance Indicators (KPIs) to measure delivery. For CRCs these might include, for example:

- Reoffending rates (binary and frequency)
- Successful completions of a Community or Suspended Sentence Order
- Successful completions of licences and supervision following the end of a sentence

KPIs based on inspection scores may also be included subject to confirmation of the HMI Probation Inspection programme.

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 account management; this will include penalties for services not delivered to time or to quality.

The MoJ published an indicative payment mechanism Straw Man for discussion with the market. A significant amount of feedback was received through the market engagement process, and the MoJ is working to refine and update in light of both this feedback and further analysis. The intention is to publish a summary of the feedback and an update on the approach in early October.

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 to liaise with HMI Prisons in relation to pre-release provision.

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.

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.

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.

The NPS will continue to use the Probation Qualifications Framework (PQF) to ensure staff competence and CRCs will also be free to use the PQF should they choose to do so.

The Professional Quality Assurance Board (PQAB) will continue to provide quality assurance of the PQF and delivery of professional training. The membership of the PQAB will be expanded to include CRC representation.

All probation providers, whether NPS or CRCs, will be expected to make training/placement arrangements available to help maintain a cadre of suitably trained and professional individuals.

The MoJ is working with stakeholders to develop a proposal to form a body that gives professional leadership to those working in the NPS and CRCs. This would promote the development of innovation and the sharing of good practice.

6.8 Staff Security and Vetting

CRC staff will require a level of vetting expected of not-directly-employed (NDE) workers equivalent to the Government baseline security standard. This comprises identity checks, right to work checks, employment references, and checks for unspent criminal convictions. Existing probation staff transferred to CRCs can be assumed to meet those requirements. Staff subsequently joining CRCs must be subject to a basic level check equivalent to the Government baseline security standard and to a risk assessment proportionate to the nature of the role they will be undertaking.

In order to ensure that contractors and sub-contractors have sufficient freedom to employ or use as volunteers ex-offender mentors, the CRC may use its discretion, following a risk based judgement of the individual, 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. The CRC owner 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.

CRC staff and volunteers working in prisons will be subject to standard prison security procedures.

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.

This section outlines the key areas in which ICT will be supporting the new service to ensure all providers maintain an accurate core minimum data set in relation to the offenders with whom they work and to allow providers and their supply chain to access relevant offender data held on NOMS systems. This section goes on to set out how the ICT & Data Management arrangements will ensure the effective case management of offenders across organisational boundaries and describes the intention to put in place a secure method of sharing information between the NPS and CRCs.

7.1 Systems to support Offender Management

National Delius (nDelius) will be used as the case management tool by the NPS. It is intended that 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 keep the nDelius database updated and work is underway to establish the dataset that all providers will be required to maintain. This will need to include information on case allocation, all interventions carried out in custody, as well as those delivered in the community.

Prison NOMIS is the central data repository for all offenders in custody. Changes are also being made to this application, such as enabling licences and top-up supervision to be allocated to a CRC as well as the NPS.

7.2 Risk assessments

The NPS and prison service providers will use OASys as its risk assessment and sentence planning tool. CRCs will be responsible for carrying out their own risk assessments and planning and can use their own tool or OASys, which will be made available to them. There will be limited changes to the OASys application, mainly to ensure information is captured within the basic custody screening as well as to make any changes that are required as a result of new legislation, and which support a more efficient and user-friendly tool.

A suitable new business process is being implemented to handle data on the allocation of offenders to a CRC or the NPS, supported by the new case allocation process. The new operational system will build upon the current risk management processes and procedures to ensure the right information is available to the right people at the right time.

7.3 Provider access to national systems

It is essential that nDelius, OASys, Prison NOMIS and other national data repositories capture information about all of the offenders in scope for the new services, regardless of whether they are managed by the NPS or CRCs.

A mechanism to enable the secure exchange of offender case management and risk information between different providers across the offender management system is being introduced.

Providers will be expected to implement their own accredited ICT infrastructure to support the operating model and to provide secure access to Authority systems and data.

7.4 Enabling effective system governance

As the Management Information requirements for the new system are developed, performance data requirements will also be identified to ensure that the required data is made available and any additional reporting capability is in place.

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. The MoJ Information Assurance team will work with providers to ensure their systems are protected by the appropriate security and processes before providing accreditation.

8. Estates

In order to facilitate the delivery of rehabilitation services, the design will ensure any estates arrangement aligns with the service delivery model set out above. This section outlines the possibility of facilitating co-location between CRCs and the NPS as well as the proposed arrangements for existing MoJ property.

CRCs and the NPS will be expected to work collaboratively. It is very likely that this collaborative working would often be facilitated by some co-location.

In the first instance properties for the NPS and CRCs will be provided from the MoJ's existing estates. Property will be selected from those currently being used by Probation Trusts.

CRCs will be able to occupy these properties on a lease type arrangement and will be charged proportionally to their share of the property occupied.

Following a short transition period, CRCs will have the flexibility to develop their own property arrangements (which may include continued use of the MoJ provided property where that suits the CRC and the NPS operating models and is viable under MoJ's terms of tenure).

Annexes

Annex A: Glossary

Annex B: National Standards

Annex C: CPA Map with indicative values

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 interim term used to describe the organisations covering the 21 Contract Package Areas who will deliver offender management services in the community during the transition stage.</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. ¹⁷ Provisions in the Offender Rehabilitation Bill 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 top-up 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.

¹⁷ 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
Enforcement Officer	This is a function that will be introduced by the Offender Rehabilitation Bill, subject to its passage through Parliament. 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
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.

Service/Term	Description/Definition
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.
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 Bill	A Bill currently before parliament which, subject to parliamentary approval will provide 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.

Service/Term	Description/Definition
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.
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.
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 that will be introduced by the Offender Rehabilitation Bill 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 Day Release 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 Overnight Release 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 Purpose Licence 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 resettlement licence 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.

Service/Term	Description/Definition
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.
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.
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.
Top-up 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 top-up supervision period is the rehabilitation of the offender. As with licence conditions, requirements under the supervision period are imposed by the Secretary of State.

Service/Term	Description/Definition
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.
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

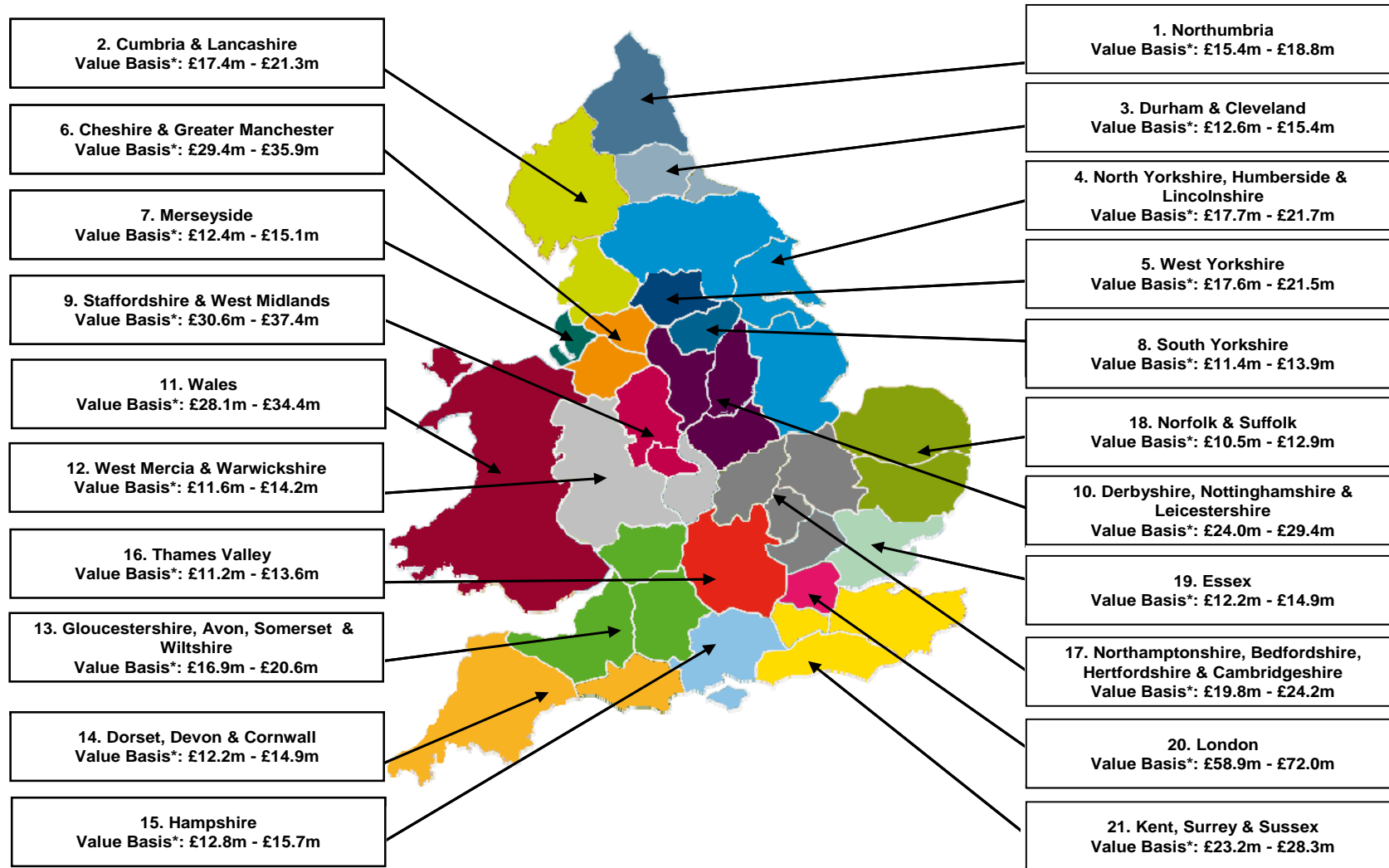
Supervision Requirement

- 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: Indicative Values



- * The value basis presented should be considered as indicative only and for use only in relation to the financial and economic standing tests and contract award restrictions set out in the PQQ. These figures are annual and based on steady state assumptions and 2013/14 prices. These figures reflect CPA volumes in 2011/12. Different volume baselines, commercial views and operating models could result in different contract values being awarded. These figures represent a possible total contract value inclusive of any payment that may be awarded for reductions in reoffending. Future annual contract values could be affected by changes to the requirement for services as well as the CRC operating models and workloads

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