



## PC03/2009 – CONTINUITY IN OFFENDER MANAGEMENT

**IMPLEMENTATION DATE:** 09 April 2009

**EXPIRY DATE:** March 2014

**FOR ACTION:** Chairs of Probation Boards/Trusts, Chief Officers/Executives, Secretaries of Probation Boards/Trusts

**FOR INFORMATION:** Board/Trust Treasurers, Improvement and Development Managers, Regional Offender Managers, Directors of Offender Management

### CONTAINS MANDATORY ACTIONS

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**ATTACHED:** Annex A: Equality Impact Assessment Form  
Annex B: Resource Impact Assessment Form

### RELEVANT PREVIOUS PROBATION CIRCULARS

PC65/2005; PC12/2007; PC08/2008

### Contact for Enquiries

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## PURPOSE

To update the requirements of the NOMS Offender Management Model in relation to continuity pre-and post-release; and specialist teams.

## MANDATORY ACTIONS

*Chief Officers must ensure that local policies based on PC65 2005 PC12 2007 and PC08 2008 are amended where necessary to implement the contents of this circular. Directors of Offender Management will monitor compliance in their region with the mandatory actions set out in this Probation Circular. Probation Areas and Trusts must demonstrate compliance with these actions when required to do so by the Director of Offender Management.*

## SUMMARY

The Offender Management Strategic Review recommended the relaxation of pre- and post-sentence offender manager continuity in oral and fast delivery report cases. It supported specialist teams for prolific and priority offenders and drug treatment requirements so long as area structures did not build in discontinuity. This introduces a change from previous NOMS OMM policy.

## INTRODUCTION

The Offender Management Strategic Review reinforced the principle of continuity in offender management but recognised that probation boards and trusts were uncertain how to apply the principle: the review recommended the preparation of practice guidance on the matter.

The NOMS OM model made it clear that the offender manager is responsible for sentence planning, regardless of sentence, and that the offender manager should always be based in the community<sup>1</sup>. It also emphasised the importance of engaging offenders in the sentence planning process, advising that sentence planning be 'designed as a meaningful event for the offender and others involved in the implementation of the plan' [NOMM 2005 8.2.10]. The review reinforced the importance of the offender manager retaining responsibility for the sentence planning process and being accountable for the outcomes achieved as the most effective approach to practice.

Paragraphs 1 to 10 below apply the principle of continuity to specific offender management operational situations.

### Pre-sentence continuity

1. The continuity principle can be particularly impractical to apply when Oral or Fast Delivery Reports are prepared at the pre sentence stage. FDRs and ORs will be completed on the whole by court staff and, when receiving a community order, allocated to an appropriate level offender manager post sentence. The application of continuity is not required in these circumstances.
2. However, there should be a determined attempt to allocate Standard Delivery Reports (SDRs) on the basis of likely outcome so that the offender manager is in a position to engage the offender's motivation to commit to the sentence from the outset. Recent tiering guidance (PC08/2008) assists those allocating work to identify the likely tier level and therefore the appropriate offender manager to allocate reports to.

### Post-sentence continuity

3. The model aims to maximise post sentence continuity and avoid organisational discontinuity. The types of organisational arrangements which create discontinuity are those which break up the management of the sentence and the SDR preparation into separate processes and pass the offender from one process to another. Examples of that discontinuity include specialist SDR preparation; specialist teams for managing induction; specialist teams managing the offender for one requirement where several requirements are included in the sentence; and specialist teams for pre and post-release from custody. These arrangements institutionalise discontinuity and must cease.
4. Nothing about the principle of offender manager continuity should be read to imply that a transfer of offender manager should not take place where there are sound reasons for it. The model aims only to reduce discontinuity which is the product of organisational structure or operational routine. Acceptable reasons for transfer of offender manager may be:
  - incompatibility in offender/offender manager relationship
  - offender manager threatened or intimidated

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<sup>1</sup> The OM Model was prepared on the assumption that all offenders in custody would eventually have an external offender manager: at present it only applies to around 25% of offenders in custody.

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- collusion or loss of objectivity in long term relationships
  - loss of momentum; need for a fresh approach
5. The expectations regarding post-sentence continuity therefore remain as set out in National Standards: continuity of offender manager is maintained except where a change is necessitated by factors beyond the control of the provider organisation, or authorised and recorded by a line manager as being in the best interests of the effective and safe management of the case. Continuity should be prioritised for those who have already experienced a transfer of offender manager during the same period of continuous engagement.

### SPECIALIST PROBATION TEAMS

6. Specialist teams are acceptable provided that the principles of continuity are met, for example when they are based on the characteristics of an offender group, not on the sentence. Examples are specialist teams for PPOs so long as the offender manager retains the order should the offender's PPO status change for the better; drug treatment teams<sup>2</sup> also should offer continuity if a new consecutive sentence does not include a DRR – offenders who have needed this support are unlikely to suddenly have no further drugs support need simply because a new community order does not contain the requirement. Teams specialising in managing high risk of serious harm offenders can offer excellent practice, once again so long as continuity is maintained until the end of the sentence despite a change in status. Similarly the principle of continuity does not prevent the use of specialist unpaid work teams dealing solely with orders containing stand alone unpaid work requirements.<sup>3</sup>
7. Operational arrangements, in which mixed groups of offender managers, offender supervisors and case administrators operate to carry corporate responsibility for a single caseload in offender management units, provide a better environment for securing continuity in the face of change of risk of harm category. There are no simple, universal rules which can be applied: managers will have to make case-by-case decisions about how to balance the competing principles in the particular circumstances of the case (and in the light of the area's operational arrangements). Here are some outline examples:
- When a case with a PSO offender manager moves from low or medium risk of harm to high or very high. The PSO might retain some day-to-day responsibilities in the case, acting in the *role* of offender supervisor, but with oversight and support from a PO offender manager. In such arrangements it is essential that PSO offender managers are appropriately trained to monitor risk factors for changes and to know when to consult with the PO offender manager. In this way some continuity of relationship with the offender can be preserved
  - When a case with a PO offender manager moves from high or very high risk of harm to medium or low (and there are no other risk or sentence factors indicating high complexity), the PO offender manager might retain the case, scaling down his/her personal investment in it, and changing style of approach in accordance with the appropriate tier description. The PO offender manager might retain overall

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<sup>2</sup> Note that the generic description 'Drug Treatment Teams' is used; not the term 'Drug Rehabilitation Requirement (DRR) Teams'. DRR Teams can create discontinuity if the offender is transferred to a new offender manager once the DRR has completed but before other requirements of the order have finished.

<sup>3</sup> However, if an offender with a stand alone unpaid work requirement also has an offender manager for an existing order or licence then the management of the UW order should revert to the existing offender manager.

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oversight of the case but can delegate much of the day-to-day supervision to a PSO within a cluster, acting in the role of offender supervisor

**Managing Re-Allocation**

8. Given that changes of worker or poorly managed transfers may, in themselves, be risk factors, where a decision is reached that a case has to be re-allocated, a managed transfer offers the “second best” option to relationship continuity. Features of well-managed transfers could be:
- transfer within the unit
  - handover periods or meetings, involving the offender
  - transfer through review case conference, involving all members of the offender management team, and the offender where appropriate/possible

## **Equality Impact Assessment**

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

<b>EQUALITY IMPACT ASSESSMENT</b>
Offender A&M Group
C&O Policy Directorate
OMT Unit

**PRELIMINARY SCREENING**

<b>Date of Screening</b>	25/03/09
<b>Name of Policy Writer</b>	Karen MacLeod
<b>Director General</b>	<b>Phil Wheatley</b>

<b>Name of Policy</b>	<input type="checkbox"/>	This is a <b>new</b> policy
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input checked="" type="checkbox"/>	This is an <b>existing</b> policy

**Policy Aims, Objectives & Projected Outcomes**

**PC03/2009 Continuity in Offender Management** seeks to clarify and refine previous policy and is an approach to the shared task of offender management and the implementation of sentence plans

Will the policy have an impact on national or local people/staff?	YES/NO
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	YES/NO
Are there any aspects of the policy that could contribute to equality or inequality?	YES/NO
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	YES/NO
If this is an amendment of an existing policy, was the original policy impact assessed?	YES NO

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO to any particular questions**, please provide explanatory evidence. **The NOMS OM Model was subject to a full impact assessment and the OM policy is being refined in PC03 2009 without there being any conflict with the needs of minority groups or the promotion of good relations.**

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

**“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this**

**screening, it has been decided that a full equality impact assessment is not required. “**

## Probation Resource Impact Assessment Template

### A. SCREENING DETAILS

1. Title of Probation Circular PC03 2009 Continuity in Offender Management

2. Notes on the reliability of the costing below and issues for the Probation Coherence Group to consider.

This PC introduces flexibility and efficiency in the application of the OM model for offenders in scope. It should therefore provide some headroom for boards/trusts by introducing more efficient ways of sharing tasks across custody and community and offering more responsive approaches to the continuity principle whilst retaining overall commitment to the model.

#### 3. Method

Identification of Task	(a) Additional /Reduced Time to Perform Task (hours)	(b) Number of Times Task Performed Annually Nationally	(c ) National Increase /Decrease in Hours (a x b = c)	(d) Hourly Cost (determined by grade of staff) £	(e) National Annual Total Cost/Saving (c x d = e) £
There is no expectation of OM continuity in FDRs and OR cases. SDRs are anticipated to decrease in use	Reduction overall				
Specialist teams are accepted as providing effective practice to reduce re-offending and manage risk so long as they are able to offer continuity reliably	Minimal effect.				
OM requirement to travel to a prison in order to chair every sentence planning meeting for offenders in scope is re-prioritised. OM-OS dialogue is supported but at no extra cost	Reduction and efficiency				
<b>Total for PC</b>	<b>0</b>				