

Probation Circular



PC05/2008 – DETERMINING UNACCEPTABLE ABSENCES

IMPLEMENTATION DATE: 11 April 2008

EXPIRY DATE: April 2013

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

CC: Board Treasurers, Improvement and Development Managers

AUTHORISED BY: Sharon Robins, NOMS Programme Director

ATTACHED: Annex A: Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

PC43/2004

CONTACT FOR ENQUIRIES

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PURPOSE

To provide clarification to areas on the criteria to be used when determining whether an offender's absence is acceptable or unacceptable.

ACTION

Chief Officers should ensure that their staff are using the most recent national guidance provided in the National Standards for the Management of Offenders 2007 and that they update local guidance and policy accordingly.

SUMMARY

The National Standards for the Management of Offenders 2007 issued in September 2007 provides the relevant guidance to Offender Managers in relation to determining whether an offender's absence is acceptable or unacceptable.

Background

The Implementation Guidance provided in section 2f.4 (page 46) states:

The Offender Manager forms a view about the reasonableness or otherwise of any excuse provided by an offender for any apparent failure to comply. Judgements as to reasonableness take account of the nature of the failure, the circumstances of it and the circumstances of the offender.

This supersedes all previous national and local guidance issued to date, including PC43/2004. Probation Areas should develop local guidance to apply the principles that are outlined in section 2f.4 of the National Standards.

The findings of the recently published report: "The Supervision of Community Orders in England and Wales" by the National Audit Office suggests that these standards and accompanying guidance are not being followed by many offender managers.

"Supervision of Community Orders in England and Wales" published by the National Audit Office in January 2008 gave a detailed analysis of how offender management was operating in 5 probation areas across the country including London. Part 3.11 of the report entitled "Enforcement guidance on offender absence needs to be followed rigorously" commented that the NAO found local area variations in the number and type of absences accepted by Offender Managers, a lack of awareness of national guidance and the development of local directions.

The National Standards for the Management of Offenders 2007 was issued in September 2007 to all areas and placed on Epic. Sections 2f.3 to 2f.7 deal specifically with enforcement including how decisions should be made about whether absences are acceptable or unacceptable.

The standards can be found at:

Epic: http://npsintranet.probation.gsi.gov.uk/index/service_delivery.htm

NPS Website: <http://www.probation.justice.gov.uk/output/page32.asp>



Equality Impact Assessment

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

EQUALITY IMPACT ASSESSMENT
Group
Directorate
Unit

PRELIMINARY SCREENING

Date of Screening	27 March 2008
Name of Policy Writer	NOMS OMT
Director General	Sharon Robins: Head of OAMU

National Implementation Guide for the Criminal Justice Act 2003 community sentence provisions: Edition 2 version 5F	This is a new policy - N
	This is a change to an existing policy - N
	This is an existing policy – Y

Policy Aims, Objectives & Projected Outcomes

The purpose of this circular is to refer practitioners to the section of the National Standards for the Management of Offenders which updates practice on offender absences. The Standards were issued last year and are covered by a comprehensive EIA on Offender Management.

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

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 12 March 2008. The following evidence has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required.”

Evidence to Support Preliminary Screening

The circular refers practitioners to existing policy.

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

Equality Target Areas	How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts?
Race (consider e.g. nationalities, Gypsies, Travellers, languages)	
Disability (consider social access and physical access)	
Gender	
Gender Identity	
Religion and Belief	
Sexual Orientation	
Age	

What research have you considered commissioning to fill any data gaps?

For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy.

N.B Include any recommendations in your action plan

Who are the stakeholders, community groups, staff or customers for this policy area?

What are the overall trends and patterns in this qualitative & quantitative data?

Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

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GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	
Staff Networks & Associations	
Trade Unions	

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?

For example your policy may affect access to housing, education, health, employment services.

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What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

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Feedback the results of this internal consultation and use it as a basis for work on external consultation

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different communities?	
Voluntary Organisations	
Race	
Faith	
Disability Rights	
Gender	
Gender Identity	
Sexual Orientation	
Age	

Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

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What were the main findings of the engagement exercise and what weight should they carry?

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Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

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How does the policy promote equality of opportunity?

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How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

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How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

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Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

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ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

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How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

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How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

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Now submit your EIA and related evidence for clearance.

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection					
Publication Arrangements					
Monitoring & Review Arrangements					
List other recommendations that are required					

Please ensure that the action plan is agreed by your Director/ Minister

THE EQUALITY IMPACT ASSESSMENT REPORT

The EIA report is a concise summary of the results of your EIA work. You should ensure that you cover the topics described below.

Background:

- Context of policy/programme
- Link to strategic aims and objectives
- Scope of the EIA work (e.g. if linked to previous EIA or work delivered by another Government Department)

Methodology:

- Approach to data collection and analysis
- Results of consideration of existing evidence

Consultation & Involvement:

- Stakeholder/community involvement in developing proposals
- List of organisations engaged (optional)

Assessment & analysis

- Key Findings from the data collection and community engagement
 - Positive impacts: existing or potential
 - Adverse impacts: existing or potential

Recommendations

- Describe how you will respond to the key findings by:
 - strengthening the potential for positive impact,
 - removing areas that may exacerbate or engender adverse impact
 - including measures to mitigate any adverse impact that may occur
 - including measures that ensure ongoing compliance with statutory obligations
 - monitoring arrangements
 - ensuring continued public access to information about the policy/programme.
 - action plan (optional)

Date of EIA Report

Date of Publication of Results

Ensure that the EIA Report is published on the Home Office website before your policy/programme is implemented.