



## PC07/2009 – PROCEDURES IN APPROVED PREMISES

**IMPLEMENTATION DATE:** Immediate

**EXPIRY DATE:** April 2010

**FOR ACTION:** Chairs of Probation Boards/Trusts, Chief Officers/Executives, Secretaries of Probation Boards/Trusts, Chairs of Voluntary Management Committees for Approved Premises

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

### CONTAINS MANDATORY ACTIONS

**AUTHORISED BY:** Michael Spurr, Chief Operating Officer

**ATTACHED:** Annex A: Approved Premises Referral Protocol  
Annex B: Equality Impact Assessment Form  
Annex C: Resource Impact Assessment Form

### RELEVANT PREVIOUS PROBATION CIRCULARS

PC19/2007, PC26/2006, PC37/2005

### CONTACT FOR ENQUIRIES

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## PURPOSE

1. This Circular sets out mandatory actions to be taken by Areas, plus some advisory recommendations, following the Service Review of Approved Premises and the Joint Inspectorate Thematic Report on Approved Premises (APs).
2. 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 Directors of Offender Management.

## MANDATORY ACTIONS

### Waking night cover

3. *In all APs, there must be at least two members of staff on duty at all times. At night, there must be waking night cover. Double waking night cover will be the expected norm. However, Areas will be able to make alternative arrangements, so long as they provide*

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equivalent levels of public protection and staff safety, and the following steps have been carried out:

- (i) they have been risk assessed at ACO level or above;
  - (ii) the relevant DOM (or ROM) has been consulted;
  - (iii) local trade unions or staff representatives have been consulted; and
  - (iv) the arrangements are endorsed by the Public Protection Unit. On receipt of any application for alternative arrangements, the Head of PPU will consult experienced seconded staff in the PPU and the Chief Operating Officer, and will make an informed judgment as to whether the alternative arrangements should be permitted.
4. In considering whether arrangements other than double waking night cover might provide equivalent levels of public protection and staff safety, Areas are required to take the following factors into account:
- the size of the AP (though there is no hard and fast rule regarding the size of the AP and double waking night cover);
  - the layout of the AP (including whether security systems such as CCTV may be installed effectively in the AP to support the monitoring of offenders at night);
  - the location in the AP of the office for waking night cover staff;
  - any serious further offences (SFOs) committed by offenders whilst residing at the AP in the last 10 years, where the SFO was in any way attributable to deficiencies in the AP's night cover arrangements and other management processes;
  - any incidents of suicide/self-harm at the AP in the last 10 years; and
  - any incidents of assaults on members of staff or residents in the AP in the last 10 years.
5. Under all arrangements, at least one member of staff on duty during daytime hours must be a key worker or Offender Supervisor and at least one in the evening and at weekends must be employed by the Probation Board / Trust or Voluntary Management Committee and will be responsible for liaising with the duty manager in dealing with any immediate risks. Boards and Trusts are reminded, from previous guidance, that it is not acceptable for staff for night duty to be drawn solely from private security firms.
6. Arrangements other than double waking night cover must be sent to PPU for endorsement after steps (i) to (iii) above have been carried out (including the results of those steps) and must not be adopted until that endorsement has been received. Where permission for alternative arrangements is granted, the arrangements must be reviewed annually, following the steps (i) to (iv).

### Out-of-Area referrals and transfers between APs

7. Probation Boards and Trusts must follow the referral protocol set out in Annex A. Areas will see that it stresses the importance of resolving difficulties over referrals as near as possible to the operational level. We expect the need to refer cases to PPU to arise very rarely.
8. Where new local referral arrangements are devised as the protocol recommends, Boards, Trusts and Regions (as appropriate) may seek PPU advice on their design and must provide PPU with details of the arrangements that are adopted. New Regional arrangements must be in place within three months of the date of this circular.

### Approved Premises management information

9. APs must continue to use the amended H1 form that was issued in April 2008 (and revised in May) for the reporting of management information to Public Protection Unit.

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*The form has been amended to include information on numbers of IPP cases admitted, numbers of residents, who experience some form of disability, numbers of residents from outside the Area / Region, and residents' length of stay. PPU is collating data on length of stay and will consider, in consultation with DOMs, whether to set a target for average length of stay.*

### Information sharing with police, and contingency arrangements

10. *Information sharing has been written into contracts with Probation Trusts as follows:*

*The Trust shall ensure that its APs maintain effective links to the MAPPAs, including attendance of managers or deputy managers at relevant panel meetings and liaison and information sharing with other agencies (such as police, prisons and housing providers) that can assist APs with their public protection responsibilities.*

11. *Contingency planning has been written in as follows:*

*The Trust shall ensure that its APs establish contingency arrangements (including, where necessary, arrangements with other agencies) for dealing with major incidents requiring their full or partial closure.*

12. *This Circular applies the same requirements to Probation Boards that are not yet Trusts and to voluntary management committees. All information-sharing and contingency arrangements must be recorded in writing and must record which personnel in other agencies (not just the police) have been consulted and have agreed the arrangements on their behalf. We remind Areas that, while MAPPAs protocols for information sharing are essentially suitable for this purpose, the MAPPAs system cannot be relied on in all cases, since not all AP residents will be subject to MAPPAs.*

### Equality and diversity

13. *Each AP must develop and implement a strategy for promoting equalities and diversity; the strategy must be monitored and regularly reviewed.*

14. *Trust contracts and equivalent documents include provisions on this subject, and Trusts are reminded that APs are subject to those provisions. More widely, it is important that the APs themselves have matching policies that cater for the particular needs of their resident populations (including taking account of changes in the population) and the particular circumstances of living in the AP. Areas and voluntary management committees must therefore establish suitable policies for each of their APs, and keep them under periodic review.*

## SUMMARY

This PC sets out mandatory actions on APs in the following subjects: waking night cover; out-of-Area referrals; management information; information sharing and contingency arrangements; and equality and diversity. It also gives guidance about: residents' purposeful activity; residents' diary plans; and high-risk occupancy.

### **OTHER RECOMMENDATIONS - ADVISORY**

#### Residents' purposeful activity

15. All AP residents should engage in a minimum number of hours per week of purposeful activity, to be determined locally by offender managers and AP staff. PPU issued enhanced regime guidance about possible options and requirements in respect of purposeful activity in late 2008, in preparation for this Circular.

16. While one spur for purposeful activity was the child sex offender review, it is important for the resettlement and rehabilitation of all AP residents. As residents are being prepared for life outside the AP, it is legitimate to expect them to take part in structured

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activities while resident in the AP, since those activities are linked to the underlying purpose of residence.

### Resident's diary plan

17. All AP residents should be encouraged to produce a weekly diary plan, in advance, setting out their intended activities and whereabouts each day outside curfew hours.
18. A diary plan is not intended, of itself, to require more activities of residents, nor to require them to go anywhere against their will (apart from what is required under their sentence plans). The appropriate level of purposeful activity for each resident will be set in accordance as above, and residents will be undertaking offending behaviour and other activities as well which will be recorded in the diary plan. Nonetheless, a plan can help to encourage residents to consider ways to occupy themselves when not engaged in programmed activity. This can reduce opportunities for re-offending and help with residents' resettlement and rehabilitation.
19. Diary plans should not lead to significant new work for AP staff. Experience from Areas that already use them is that they are a useful addition to the available monitoring tools and can be integrated with little difficulty into sentence planning, offender management and purposeful activity. We recognise that a diary plan cannot guarantee a resident's whereabouts. Nonetheless, it does mean that residents are giving an undertaking to be in specific places at specific times, and opportunities can be taken to verify this selectively. This can be taken into account when considering a resident's overall compliance, and will allow breach to be considered in the event of non-compliance or discrepancies being discovered between plans and actual whereabouts.

### High-risk occupancy

20. Although a national target for the proportion of high / very high risk residents will not be set, Areas and Regions are free to set local targets. Targets can include higher proportions of lower-risk residents in female APs, as set out in PC 16/2008. Any such targets should be notified to PPU.
21. Areas should work within Supporting People commissioning bodies to establish appropriate supported housing resources to effect the planned move on of offenders from APs who pose a high risk of harm to others. We recognise that success in this respect is not down to the Probation Service alone, so we urge Areas to press on the relevant housing bodies their duties under the legislation and the part that move-on accommodation plays in reducing offending.

### Inspectorate Report

22. The Inspectorate Report made key findings in all chapters. For the most part they are positive findings about the operation of APs and the regime in them. We endorse them and would urge Areas and voluntary management committees to study them and the good practice examples where appropriate. However, some key findings are about the need to follow existing guidance and procedure, for example on drug testing. We remind Areas and voluntary management committees of the importance of doing so.

## PC07/2009 – Procedures in Approved Premises - Annex A

### Approved Premises referral protocol

1. Where it is determined that an offender needs to be housed in an AP **on release**, and the appropriate home Area has been identified, the relevant Probation Board / Trust (and, where appropriate, any voluntary body with responsibility for APs in the Area) must make every effort to ensure that the offender is placed in the home Area, if suitable accommodation exists.
2. Where an offender needs, for any reason, to be **transferred** from one AP to another, the relevant Board / Trust (and, where appropriate, voluntary management committee) must make every effort to ensure that the resident is placed in another AP in the same Area, if suitable accommodation exists.
3. If the offender cannot or should not be admitted to an AP in his or her home Area, or if an AP in a different Area appears (for any reason) more suitable, the relevant Board / Trust must agree a placement with another Board / Trust (and, where appropriate, voluntary management committee). Ideally this should be in the same Region, but Boards / Trusts should not be constrained by this and should also consider seeking placements in other Regions.
4. If they have not done so already, Regions must establish arrangements for resolving placements where they prove impossible to arrange by agreement between Areas. New arrangements must be agreed with the Regional Offender Manager or Director of Offender Management, and details forwarded to PPU for information. The senior manager responsible for these arrangements must determine to which AP in the Region the offender will be admitted, and must give reasons. The Board / Trust making the referral, and the Board / Trust responsible for the AP to which the offender is finally admitted, will be bound by this decision. **Where one of the APs identified as a possible location is voluntary-managed, the matter must be referred directly to PPU as at paragraph 6 below.**
5. If the senior manager is for any reason unable to identify a suitable AP in the Region for the offender to be admitted to, he or she must make every effort - in consultation with other senior managers as appropriate - to arrange a placement in another Region.
6. If this proves impossible, the senior manager must refer the matter to the Head of the Public Protection Unit in NOMS HQ for a final decision. In doing so the senior manager must notify PPU of any deadline by which the decision has to be taken. PPU will then decide, taking into account all the circumstances, to which AP the offender ought to be admitted, and will give reasons. Where possible, PPU will secure the agreement of the relevant senior managers to the final decision. In any event, the relevant Board / Trust / voluntary management committee and associated Area and Region will be bound by PPU's decision.
7. In all cases where a referral or transfer is needed, at any level, it must be accompanied by the fullest possible information about why the originally identified AP is unsuitable for the offender in question. This includes (but is not confined to):
  - the offender's details - offence(s), risk of harm assessment, any particular offender management problems, etc;
  - any pre-existing restrictions on admissions that influence the decision (such as the no-CSO rule - see PC 26/2006);
  - any circumstances in the AP in question, or in the local area, that make it unsuitable for housing the offender - for instance, the safety of other residents; the offender's previous record in the AP; proximity to victim(s); local notoriety; advice from the local police;
  - action that has been considered in order to resolve such problems - for instance, moving other residents to other APs; extra staff; extra security measures (including

any that could be funded by the Critical Public Protection Cases team); plus, where appropriate, the decision and reasons given by the Area and/or Region; and

- any other information that may be relevant.

8. Although the security and safety considerations are often less acute, this procedure must also be used for offenders on community sentences and for bailees whose placement causes problems.
9. In many cases the co-operation of **other MAPPA agencies** is, of course, vital to a successful placement. We would encourage Areas to continue to explore ways in which placements can be facilitated by meeting other agencies' concerns where they are reasonable. Examples include a commitment to take back the management and supervision of the resident on leaving the AP, and having firm move-on plans ready. It is of course true that taking in a resident from outside an Area can raise management problems, because the resident may not be familiar to Probation and other MAPPA agencies. Appropriate allowance may need to be made for this - for example, involvement of the home Area in MAPPA meetings. Nonetheless, it should be borne in mind by all agencies that most of the necessary resources will already be in place. Every AP's capacity is fixed and agencies' resources will be arranged on the assumption that each has its full number of residents, irrespective of their Area of origin. This should mean that, if more is needed to deal with particular problems, it will still be a relatively small proportion of the total. CPPC funding can be made available for particularly acute management problems. If cases need to be referred to PPU, the views of other MAPPA agencies (where relevant) must be included with the accompanying information.
10. We recognise that there may be cases where admission decisions have to be taken urgently, and it may not be possible to refer them to the next level in accordance with these arrangements. In those cases PPU will be able to take a final decision without all the prior stages being exhausted. All of the information outlined above will need to be provided, together with an explanation of why the case needs to be referred directly to PPU.

PPU references must in the first instance go to Seán Langley, Head of the AP Team ([sean.langley5@homeoffice.gsi.gov.uk](mailto:sean.langley5@homeoffice.gsi.gov.uk); tel 020 7217 8226).



# Ministry of **JUSTICE**

National Offender  
Management Service

<b>EQUALITY IMPACT ASSESSMENT</b>
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NOMS
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Probation Directorate
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Public Protection Unit
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## PRELIMINARY SCREENING

<b>Date of Screening</b>	25 April 2008
<b>Name of Policy Writer</b>	Seán Langley
<b>Director General</b>	<b>Phil Wheatley</b>

PC07 2009 – Procedures in Approved Premises	✓	This is a <b>new</b> policy
		This is a <b>change</b> to an existing policy
		This is an <b>existing</b> policy

### Policy Aims, Objectives & Projected Outcomes

The Approved Premises Service Review made a number of recommendations for improving the operation of Approved Premises (APs). We are implementing a number of them via a Probation Circular. The projected outcomes are:

- better arrangements for referring offenders to APs and transferring offenders between them
- greater use of purposeful activity as part of AP residents' sentence planning and resettlement
- improved security, giving improved public protection and staff safety in APs, particularly at night
- improvements to the working arrangements (Supporting People and MAPPA) for offender management and resettlement
- introduction of equality and diversity policies into APs where they are not already in place
- collection of new management information from APs

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?	n/a

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.

Impact: the policy outcomes will apply to staff and residents in APs but will have a neutral effect in equality terms, as explained below.

Different needs etc: no communities or groups are likely to have different needs in or experiences relation to the policy.

Referrals and transfers - decisions will be taken on the basis of individual offenders' circumstances in the context of the availability of AP places. Since

the presumption remains that offenders should be placed in their home Areas, the likelihood of unsuitable placements will not change, and the need to place offenders out-of-Area is equally likely to arise for offenders from any group.

Purposeful activity - the basic requirement applies to all offenders but the policy is to tailor purposeful activity to the individual offender's needs. It will not, therefore, affect different groups of offenders differently.

Improved security - double waking night cover is already a policy requirement. The policy in the draft Circular allows alternative arrangements but does not place any particular requirements on APs as to what those arrangements may be.

Better working arrangements - these are: requiring housing authorities to fulfil their statutory duties; and improving information-sharing between MAPPA authorities. They are not expected to have specific effects on particular groups.

Introduction of equality and diversity policies - although this policy will improve the way equality and diversity are taken account of in APs, it will not apply differently to different groups.

Management information - improvements to the types of information being collected and the way they are collected will have no effect on particular groups.

Contribution to equality or inequality: the policy will have neutral effects (see above), apart from improving the consideration of equality and diversity in APs.

Policy aims in conflict with equal opportunity etc: as above.

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 1 May 2008. The following evidence [as above] 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 (PC) PC07 2009 – Procedures in Approved Premises

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

The Approved Premises Service Review and a recent Thematic Review by HMIP made a number of recommendations for improving the operation of APs. This draft Circular is intended to implement 11 of them.

Some of these recommendations will have no effect on staff time. Others will, but in most instances costing that effect is impossible because there are no prescribed staffing models for the work in question - in particular, no specified grades - and practice is likely to vary from AP to AP. Quantified costings for one task are possible; otherwise, we have identified whether the effect is likely to be an increase or a decrease in cost.

As a result we are unable to provide a costing for the Circular as a whole. Details for individual tasks:

- **Task 1** requires no new action and so will have no resource implications.
- **Tasks 2 and 7** seek additional management information from APs. This will come from data that APs already have - the new task is to include the data in existing management information returns, which may require some extra staff time, depending on how APs hold the information at present. The costing in the table is for a PSO as suggested in the RIA guidance, but in practice it is likely to be lower because in many APs the preparation of management information returns is carried out administrative staff.
- **Task 3** formalises existing practice and so is not expected to add any new resource requirements. In effect, the task will be carried out by the issuing of the Circular. How often the referral protocol needs to be used will depend on the number of referrals requiring it, which cannot be predicted.
- **Task 4** restates a policy from the Child Sex Offender Review but may, nonetheless, add resource requirements where the policy is not being carried out. How great those are will depend on the number of AP residents concerned and the nature of the purposeful activity that they need to carry out. In addition, it is possible to carry this task out within existing offender management and AP resources - as is already happening in many APs - so the net effect should not be significant.
- **Task 5** is likely to require some extra staff time where diary plans are not already in use. However, the requirement to use a diary plan is effectively an extension of the current policy that AP staff should always be aware of residents' whereabouts, so it should not require a significant amount of staff time.
- **Task 6** will have no new effect on resources because audits were carried out in 2007/08 as well as being planned for 2008/09.
- **Task 8** is a slight relaxation of the existing policy on double waking night cover. Its effect on resources will depend on the arrangements that Areas adopt and so cannot be predicted, except that any new arrangements are more likely than not to reduce pressure on resources.
- **Tasks 9 and 10** reinforce existing policy and so should not impose significant new burdens.
- **Task 11** is likely to require new work in some APs but we cannot estimate how long it may take.

### 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) £
<p>1. Do not set a national target for the proportion of high- / very-high-risk offenders admitted to APs; but monitor admissions to ensure that APs are being used in line with the strategic purpose for the estate.</p> <p>Implementation: monitoring will be carried out using data that is already collected via the AP H1 form</p>					
<p>2. Introduce a national target for average length of stay (avlos) in APs, following collection of further management information to determine the appropriate level of the target and the reasons for the current variations.</p> <p>Implementation: information will be collected via amendments to the H1 form (as in task 7)</p>	see task 7				
<p>3. Establish national protocols for admissions and transfers between Areas within Regions and across Regions, and monitor the volume of such movement.</p> <p>Implementation: protocol set out in draft Circular; movements to be monitored via H1 form</p>	see task 7				
<p>4. Introduce a requirement for all AP residents to engage in a minimum number of hours per week of purposeful activity, to be determined locally by offender managers and AP staff.</p> <p>Implementation: instruction to Areas in draft Circular, to be followed up with detailed guidance</p>					
<p>5. Encourage all AP residents to provide a diary plan, in advance, of their intended activities and whereabouts each day between the hours of curfew.</p> <p>Implementation: instruction to Areas in draft Circular</p>					
<p>6. Introduce a new performance measure for 2008-09, with targets linked to the results, suitably validated, of the</p>					

<p>annual performance standards audits.</p> <p>Implementation: revision of standards followed by conducting audit</p>					
<p>7. Collect and report additional management information in relation to:</p> <ul style="list-style-type: none"> <li>• number of IPP cases admitted;</li> <li>• number of residents who experience some form of disability;</li> <li>• number of residents admitted from outside the Area/Region; and</li> <li>• average length of stay.</li> </ul> <p>Implementation: information will be collected via amendments to the H1 form</p>	+ 0.5	1212 (monthly in 101 APs)	+ 606	£22	£13,500
<p>8. Ensure that the service specification for APs includes a requirement that there must be at least two members of staff on duty at all times. At night, there must be waking night cover. This will usually be double waking night cover. Where Areas have alternative waking night cover arrangements, which provide for the same level of public protection and staff safety that would be provided by double waking night cover, they should submit an outline of the alternative arrangements to the Public Protection Unit for consideration. The arrangements should be supported by a proper risk assessment and should have involved consultation with local trade union representatives. Under either set of arrangements, at least one member of staff on duty during daytime hours should be a key worker or Offender Supervisor, and at least one of whom at nights and weekends must be employed by the Probation Board / Trust or Voluntary Management Committee and should be responsible for liaising with the duty manager in dealing with any immediate risks.</p> <p>Implementation: advice to Areas in draft Circular</p>					
<p>9. The probation service should in all areas work within Supporting People commissioning bodies to establish appropriate supported housing resources to effect the planned move on of offenders from APs who pose a high risk of harm to others.</p>					

Implementation: instruction to Areas in draft Circular					
10. Each area should have a clear formal agreement with the police about information sharing and other aspects of liaison and co-operation. These should include contingency arrangements outlining in detail: who should do what in the event that a AP has to be evacuated and its residents re-located; and what risk assessments have to be carried out and specify which police officers have been consulted.  Implementation: instruction to Areas in draft Circular; Areas to set out arrangements in writing where necessary					
11. Each AP should develop and implement a strategy for promoting equalities and diversity; the strategy should be monitored and regularly reviewed.  Implementation: instruction to Areas in draft Circular; Areas to draft strategy where necessary					
Total for PC					