

Probation Circular



PC08/2008 – NATIONAL RULES FOR TIERING CASES AND ASSOCIATED GUIDANCE

IMPLEMENTATION DATE: 1 July 2008

EXPIRY DATE: 30 June 2011

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards
CC: Board Treasurers, Improvement and Development Managers

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ATTACHED: Annex A: Rules and Guidance for Tiering Cases

Annex B: Pre-Sentence Tiering Indication

Annex C: Post Sentence Tiering Decision Grid

Annex D: The Authority for Delivering Punish, Help Change or Control

Annex E: Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

PC65/2005

CONTACT FOR ENQUIRIES

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PURPOSE

- To introduce revised mandatory minimum tiering rules for use in offender management
- To provide guidance on interpretation and implementation
- To provide areas with a recommended tiering Decision Matrix

ACTION

Areas are required to adjust their local tiering rules and processes by 1st July 2008 in order to bring them into line with the rules and guidance provided in the attached Annexes A, B, C and D.

SUMMARY

The concept and principles of case tiering were introduced as an integral element of the Offender Management Model in January 2005.

Rules and guidance for tiering individual cases were issued in PC 65/2005. These rules were permissive, not mandatory. Consequently, areas are now applying different rules for tiering cases. This has contributed to tier profiles between areas diverging to an extent which is simply too great to reflect underlying differences in the risk characteristics of the caseload.

Tiering determines the level of supervision required in Community Orders and Licences. Tiering is integrated into the Workload Measurement Tool and has become a common language for exchanging information between probation areas, prisons and other stakeholders. It is important that the tiering of cases is consistent across areas and complies with a transparent and defensible set of national rules.

This circular introduces those rules. It has been the subject of extensive consultation with providers.

Offender Management Model Implementation Rules and Guidance for Tiering Cases

1 Introduction and Context

- 1.1 Tiering is part of the NOMS Offender Management Model. It provides a nationally consistent way of giving operational effect to two of the principles in the Offender Management Model – “resources follow risk” and “least necessary¹”. It factors together the main risks, needs and complexities which drive the minimum necessary resource allocation for cases and breaks the whole offender caseload into four tiers. Different standards apply to cases in the different tiers. The NPS Workload Measurement Tool (WMT) (or its local equivalent) ensures that different levels of resource are allocated to offender managers in order to manage cases in each tier.
- 1.2 Tiering data is now collected through monthly probation caseload returns to RDS and through e-OASys. These show variations between areas which are considered to be too great to be the result of different underlying offender profiles.
- 1.3 This is not entirely surprising. The tiering decision rules originally issued under PC 65/2005 were permissive. Probation areas have evolved different versions of the rules. In addition, feedback from implementation of the model indicates differences in understanding of the whole concept of tiering and significant variations in its implementation within as well as between areas.
- 1.4 It is important that tiering is consistently applied because:
- different standards and expectations apply to offenders in different tiers. It is a matter of justice that offenders are allocated consistently and in accordance with a transparent, defensible national policy
 - from November 2006 Offender Management has been applied, in phases, to serving prisoners. Most prisons draw their populations from several different probation areas and the common language of tiering is proving useful in inter-agency communication. It is therefore important, as far as possible, to establish consistency in tiering if confusions are not to arise
 - tiering profiles are now used to support national resource planning so need to be a reliable representation of the resource demand created by the caseload
- 1.5 This document aims to assist practitioners and practice managers to achieve a better understanding of tiering and to implement a single set of national decision rules consistently. It is a direct response to one of the recommendations in the Offender Management Strategic Review (2008). Work is underway on the related recommendation to review the risk ranges for targeting for accredited programmes.

2 Consistent Understanding

- 2.1 In developing the Offender Management Model four distinctly different approaches to the management of offenders were identified. The one-word “labels” PUNISH, HELP, CHANGE and CONTROL were given to these four different approaches². Broadly speaking, the appropriate approach for any given offender increases in scale and complexity as the risks and needs of the offender, and the demands of the sentence, increase. The relationships are not neat linear ones. Neither are the different approaches mutually exclusive; rather, they

¹ “Resources follow risk” will already be familiar. “Least necessary” means that in an organisation in which demand has the potential, if not properly managed, to outstrip resources, then the resources allocated to any individual case should be the least necessary to do the job to the expected standard.

² These approaches are described in more detail in sections 13.3 and 13.4, pp 48 to 51 of Version 1.1 of the Offender Management Model, published in June 2006.

build one upon the last, increasing in complexity and therefore in the resources of time, competence and authority required by the offender manager to deliver them - hence "tiers".

- 2.2 Although reference is often made to "a tier 1 (or 2, or 3, or 4) **offender**", it is important to understand that tiers are **levels of intervention** not **categories of offender**. The colloquial term "a tier 1 (2, 3 or 4) offender" actually means two different things:
- at pre-sentence stage, it means "an offender whose risks, needs and circumstances indicate that a tier 1 (2, 3 or 4) approach is the most appropriate for reducing re-offending and protecting the public"; any proposal to a court should be such as to legally empower the offender manager to deliver that approach. Whether it is subsequently delivered will depend upon the sentence passed
 - post-sentence, it means "a case to which a tier 1 (2, 3 or 4) approach is to be applied".

3 Tiering in the Context of Commissioning

- 3.1 The combination of tiering, different minimum standards applying to those tiers and default workload weightings creates inescapable offender management costs. In the context of commissioning, these are set in this document at the minimum level considered necessary, given the current standards, methodologies and "tools", to achieve an acceptable degree of national consistency.
- 3.2 Areas may choose to *enhance* the level of intervention provided to any offender or group of offenders, in order to provide a better service or secure competitive advantage. It is recommended that this is done by increasing the workload weightings for those offenders or groups within the WMT (or local equivalent). There is obviously a cost to this which must be borne by areas.
- 3.3 ROMs/DOMs likewise may choose to commission a higher level of intervention for any offender or group of offenders, the funding for which will need to be agreed through contract or SLA negotiations.

4 Consistent Application

- 4.1 This document provides
- guidance for determining the tier of intervention an offender's risks, needs and circumstances indicate is desirable, and typical proposals for sentencing which map against them (Annex B)
 - a national set of decision rules to be applied after sentence (incorporated into Annex C), and a recommended tool for applying them (Annex C)
 - guidance on an Offender Manager's authority for varying the level of supervision (Annex D)
- 4.2 The guidance and rules set out in this document are for implementation by 1st July 2008. They replace those sections of PC 65/2005 which dealt with tiering decisions.
- 4.3 The post-sentence decision rules in this document must be incorporated into any local decision tools to be retained.
- 4.4 Briefing materials to support implementation are in the course of preparation and will be made available to providers shortly. A Frequently Asked Questions sheet will also be made available, to assist with interpreting the tiering rules in their application to individual cases.

5 How to Apply Tiering

- 5.1 There are two stages in the tiering process - pre-sentence and post-sentence

5.2 Pre-Sentence

The Pre-Sentence Tier *Indication*

- 5.2.1 Pre-sentence, the offender manager/report writer is aiming to establish, given the offender's risks, needs and circumstances, what level of intervention the case requires. At this stage tiering is about what the offender manager concludes *should*

happen, and what therefore *would* happen if the court were to pass the sentence proposed.

- 5.2.2 A provisional indication is made using the guidance at annex B. The flow chart in annex B associates the risk factors and tiers with typical sentence options which would, if passed, enable the right tier of intervention to be delivered.

Proposals in Pre-Sentence Reports

- 5.2.3 Within the parameters set by the court's indication of the seriousness of the offence and purpose(s) of the sentence, the report writer should propose a sentence which, if passed, would enable the Offender Manager to deliver the form and level of intervention he/she considers the case requires.
- 5.2.4 If a Community Order or SSO is to be proposed, the proposal should include a Supervision Requirement for any case requiring a tier 3 or 4 approach. A Supervision Requirement should also be included in the proposal for any tier 2 case where the work envisaged goes beyond simply securing compliance with the other proposed requirements.
- 5.2.5 Unlike the other requirements available under the Criminal Justice Act 2003, the Supervision Requirement provides *post-sentence authority and flexibility* for matching the demands of the Order to the rehabilitation risk/needs profile of the offender. It is discussed in more detail in annex D and in paragraphs 5.3.3. to 5.3.4 below.
- 5.2.6 Although the National Standards for the Management of Offenders establish minimum contact levels for different tiers, report writers should not refer to tiers in Pre Sentence Reports. Rather, proposals should indicate the level of contact that is envisaged and the nature of the work to be undertaken.

5.3 Post Sentence

- 5.3.1 Post sentence a decision must be made assigning the case to the tier which will **actually** apply. Again, the decision is driven by the assessment of the offender's risks, needs and circumstances, but now has to be set within the parameters of the sentence passed (or combination of sentences to be managed) (Annex C).

The tier to which the case is assigned must be recorded on the relevant case management and e-OASys systems.

Community Orders and Suspended Sentence Orders

- 5.3.2 Where the sentence passed follows the proposal in the PSR the post-sentence tier allocation will be the same as the pre-sentence indication.
- 5.3.3 There will be occasions when the sentence passed demands a higher investment in offender management and supervision than the offender's risks, needs and circumstances alone seem to indicate is necessary. This will most usually occur when a court includes a Supervision Requirement when there was no proposal for one, or a relatively low risk offender has committed a more serious offence. The flexibility inherent in the Supervision Requirement means that the offender manager can adjust its impact and focus (within the framework set by National Standards) to reflect the risks, needs and circumstances of the case. Thus:
- when a court includes a Supervision Requirement in a CO/SSO following consideration of a PSR which **did not** propose one, subject to a post-sentence review of the assessment, the presumption should be that the case will be managed at tier 1 (since it is assumed that the PSR author would have proposed a Supervision Requirement had the offender's risks and needs indicated the need for one)
 - when a court inserts a Supervision Requirement without having received a PSR, the tier should be established based upon the risks, needs and circumstances of the case as in annex C.

5.3.4 i There will be other occasions when the sentence passed by the court does not provide sufficient authority for applying the approach that the risks, needs and circumstances indicate is necessary. This will particularly be the case if a Community Order/SSO *does not* include a Supervision Requirement. This will most usually occur when:

- a court passes sentence without a report, or
- a higher risk offender who has committed a low seriousness offence is sentenced to a punitive requirements only, or
- after sentence the offender's circumstances change or new information comes to light which indicates an increase in risk level.

ii In these circumstances, the demands an offender manager can make of an offender are limited by Section 198 of the Criminal Justice Act 2003. The Offender Manager (in the Act, "Responsible Officer") has an explicit duty to *make arrangements* for the implementation of requirements, to *promote compliance* and to take *enforcement* action. The offender has a duty to keep in touch with the Offender Manager in accordance with instructions and to notify any change of address (Section 220). The offender manager can rely upon Sections 198 and 220 to require the offender's co-operation with appointments to:

- confirm or adjust arrangements for managing the requirement(s)
- promote compliance with the order when the level of compliance is not sufficient

iii The offender manager should take care that he/she does not try to use these sections to enforce a pattern, schedule, sequence or programme of appointments which could only properly be achieved through a Supervision or other specific Requirement.

iv There are two exceptions to this general principle. The offender manager should apply the tier indicated by the risks, needs and circumstances of the offender even when the court has not made a Supervision Requirement in the following cases:

a MAPPAs: Sections 325 to 327 of the 2003 Act create a duty and provide the authority for organising a more intensive approach for qualifying offenders. MAPPAs to be managed at MAPPAs level 2 or 3 should be assigned to tier 4. The additional resources thus allocated should be used to support intelligence sharing, monitoring and surveillance programmes and/or inter-agency working, even though the offender manager does not have the authority (without a Supervision Requirement) to make additional contact demands upon the offender

b PPOs: Similarly, where a court passes a community sentence on a PPO without including a Supervision Requirement, the case should be allocated at tier 4. The offender manager's authority for making demands upon the offender beyond what is required of the specific requirement(s) in the sentence is limited but s/he should construct and manage a programme which involves enhanced monitoring, intelligence sharing and inter-agency work.

v In either case, which should be rare, it is open to areas to reduce the workload weighting for such cases to reflect the absence of the level of offender manager-to-offender contact which would otherwise accompany the Supervision Requirement.

5.3.5 **Standalone Requirements other than for Supervision** In Community Order/SSO cases composed of a standalone requirement other than a Supervision Requirement, the case should usually³ be allocated at tier 1; there is no clear authority for anything else.

³ It is not possible to define an absolute rule here for all requirements. Some Accredited Programmes have mandatory pre and post sessions for delivery by the offender manager and there is a general expectation in the process of accreditation that offender managers will prepare, support and consolidate, hence the default in these cases at T3. The same may be true of

The overwhelming majority of these cases are for standalone Unpaid Work Requirements. If the offender in such cases is assessed as posing more than a low risk of serious harm particular care should be taken to ensure that the offender manager to whom the case is allocated is sufficiently experienced and trained in risk monitoring and management. The same principle applies to any combination of punitive requirements without an accompanying Supervision Requirement.

5.3.6 **Alcohol and Mental Health Treatment Requirements** Treatment requirements cannot be made by the court without the consent the offender, and without it being satisfied that arrangements can or have been made for the treatment to be so specified. It is not possible to be prescriptive about the tiering of cases which include treatment requirements since there is no standard length or content to a treatment requirement. In general, report writers should only make proposals for such requirements when the case has a risk/needs profile equivalent to tier 2 or above. It follows that all cases with a treatment requirement should be managed at tier 2 or above, and the treatment requirement should usually be accompanied by a Supervision Requirement.

5.3.7 **Managing Escalating Risk** It is unlikely that courts will decline to include a Supervision Requirement in a sentence for a higher risk (of re-offending or of serious harm) offender where one has been proposed. It is possible that post-sentence in cases without a Supervision Requirement the offender manager becomes aware of information causing the offender to be re-assessed as posing a higher risk than was believed to be the case at the pre-sentence stage.

Offender managers in these circumstances do not have unfettered discretion. Additional enforceable appointments may be made to review the arrangements for the implementation of the requirements of the sentence, or to promote compliance, and, if it is **necessary to do so**, to protect the public. MAPPA procedures should always be followed if they apply. Offender managers must take care that any additional appointments are not such as to constitute a programme of supervision for which a Supervision Requirement would ordinarily provide the authority since this may expose the offender manager to the possibility that the offender would be able to successfully defend an action for breach.

5.3.8 **Local court liaison** Through local liaison with the courts, probation managers should explain the limitation placed upon the Service's ability to respond flexibly to changes in risks post-sentence when Community Orders or SSOs do not include a Supervision Requirement.

Custodial Periods

5.3.9 The presumption is that the tier indicated at the pre-sentence stage will be the tier that initially applies for the custodial period of the sentence. This is true whether or not the prisoner is subject to offender management under Phase 2 or 3 of the implementation of the Offender Management Model. The tier should be recorded on the first post-sentence OASys (whether this is a first OASys or an update of a pre-sentence assessment) and as the tier at commencement on the case management system.

5.3.10 For cases falling within the roll-out of end-to-end Offender Management, within the context of the Sentence Plan, the tier allocation should inform the priority the offender supervisor gives to the case, and the level of resources deployed.

Licence Periods

5.3.11 The authority to supervise an offender is integral to all licences. This authority is wide, and at least equivalent to that bestowed upon an offender manager by the inclusion of a Supervision Requirement in a CO/SSO.

5.3.12 The approach adopted by the offender manager to the supervisory component of a licence can be as intrusive/intensive or as minimal as is required by the risks, needs and circumstances of the case, subject to the minimum standards applying to each tier. This is quite different to Community Orders and SSOs where authority is defined and limited by the requirements of the sentence.

Review

5.3.13 Since the tier allocation takes account of dynamic factors it follows that it may change during the course of the sentence. It should be reviewed, re-affirmed or amended at each formal review stage, or sooner, as defined by section 2e of the National Standards for the Management of Offenders (2007). The tier to which the case is assigned must be recorded on the relevant case management and e-OASys systems.

Clinical Adjustment

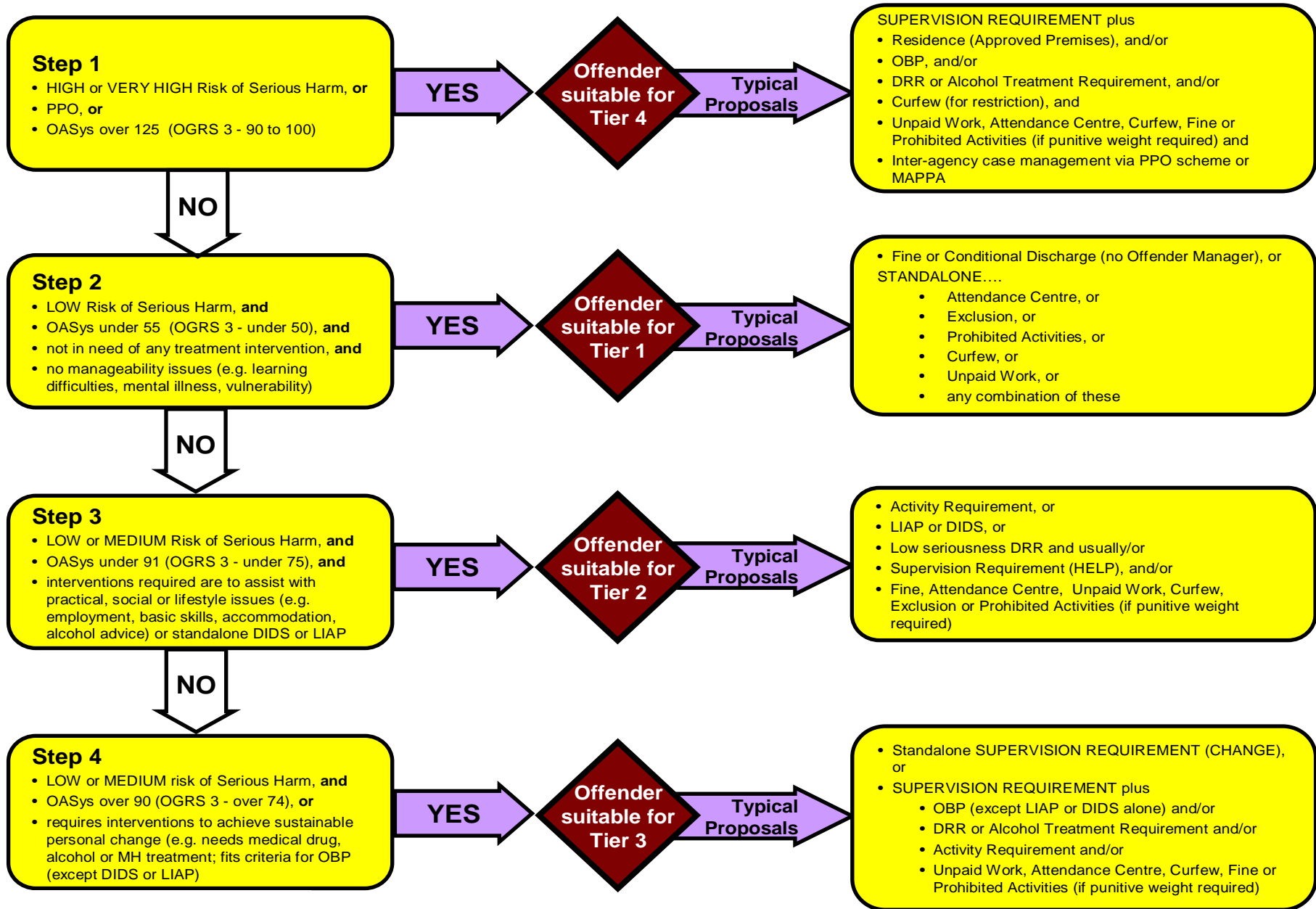
5.3.14 The tier indicated by applying the decision rules in this document will be right for most cases. There will however be a minority in which the assessor comes to a view that a different tier is needed. For example, re-offending predictors may provide a bad "fit" with the circumstances of the case or there may be significant factors to reflect in tiering which are not incorporated into the decision matrix. In such circumstances the assessor uses his/her judgement to adjust the tier. Areas should consider whether a line manager's endorsement is to be required in all or some of these cases and adapt the Decision Grid (Annex C) accordingly.

5.3.15 This facility should only be applied on a case-by-case basis. Areas may not reduce the tier level for whole groups of offenders, but may, in the circumstances described in para 3 above, enhance it.

6 Monitoring Implementation and Quality Assurance

- 6.1 Consistent tiering is essential to the effective implementation of the Offender Management Model. Tiering data for all probation areas is now available. This shows that virtually all cases are tiered. Emerging Offender Management Inspection reports show that the tiering of cases is not consistently accurate, but not grossly inaccurate.
- 6.2 Work is in hand to agree a routine flow of tier profiles by area and region. These will be made available to areas and ROMs/DOMs to enable any significant local variations from the national profile to be investigated.
- 6.3 Areas are encouraged to undertake local or regional tiering validation exercises to support consistency. The Offender Assessment and Management Unit in NOMS would welcome details of the methodology used for such validation exercises, and any resulting reports, and will undertake to summarise and disseminate the lessons learned. Please get in touch with Robin Dickens at robin.dickens@homeoffice.gsi.gov.uk or the Offender Management helpline at OMQueries@homeoffice.gsi.gov.uk or OMQueries@noms.gsi.gov.uk.
- 6.4 The validation of tiering allocations will be incorporated into the next iteration of the OASys Quality Assurance Framework. The accuracy and appropriateness of tiering decisions is already checked and scored as part of the ongoing programme of HMIP Offender Management Inspections.

Pre-Sentence Tiering Indication



Post – Sentence Tiering Decision Grid

In order to allocate the case to a tier, you will need the OASys or OGRS 3 (24 month predictor) score, the OASys Risk of Serious Harm categorisation and the sentence details

Address every question If the answer to a question is “YES”, tick the blank box to the right	T1	T2	T3	T4
CO or SSO with Standalone Unpaid Work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CO or SSO with punitive requirements only (e.g. UPW + curfew or AC)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CO or SSO inc Supervision Requirement or pre-release custody or licence				
....with Medium Risk of Serious Harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....with a High or Very High Risk of Serious Harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....with OASys 0 – 54 (OGRS 3 0 – 49)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....with OASys 55 – 90 (OGRS 3 50 – 74)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....with OASys 91 – 125 (OGRS 3 75 – 89)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....with OASys over 125 (OGRS 3 90 – 100)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CO or SSO or licence with current ¹ intervention.....				
DIDS, LIAP or (for local determination) ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Skills Booster?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accredited Programme other than DIDS, LIAP or Cog Skills Booster?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol Treatment Requirement (or licence equivalent)? (for local determination) ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity Requirement (or licence equivalent)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low intensity DRR?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medium or High intensity DRR?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PPO – any sentence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAPPA level 2 or 3 – any sentence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Now look down the 4 right hand columns; transfer the tick furthest to the right to the blank box at the bottom of the column. This is the indicative tiering				
Allocated tier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If allocated tier is different from indicative tier why is this the case: (Areas may populate this section with coded options if required) (Areas may determine whether this section should be signed by the OM only or needs line management approval)				

¹ “current” here means that the requirement is not yet complete or that the core programme, treatment or activity has been completed within the last 4 weeks

^{2 6} there is an assumption with DIDS and LIAP that the core programme is embedded in a medium term case management process. Where the local organisation of the components of this process require that the offender manager deliver them, then cases should be tiered at T2; where the components are delivered entirely by the programme provider, cases may be tiered at T1. For Alcohol Treatment Requirements, where the local design of the intervention is to be delivered entirely by a provider other than the offender manager, then the case should be tiered as T1; where there are expectations that the offender manager will complete work which complements the work of another provider, then the case should be tiered at least at T2 or higher dependant upon the scale of those expectations. The same principle applies to Activity Requirements, for which there is no standard template

The Authority for Delivering Punish, Help Change or Control

It is important that Offender Managers are clear about the source of their authority for requiring offenders to co-operate with the offender management/supervisory process. This varies depending upon the type of sentence:

- **Community Orders and SSOs.** The authority of an Offender Manager (in law, the Responsible Officer) is in section 198 of the Criminal Justice Act 2003. He/she has a duty – and hence the authority – to
 - make arrangements in connection with the Requirement(s) in the Order
 - to promote the offender's compliance, and
 - enforce as necessary.
- The offender has a commensurate duty, under section 220, to keep appointments related to these duties as though they were a specific requirement. The number and frequency of such appointments must be **necessary** and **reasonable** in relation to the duties.

Section 198 does not provide an open-ended authority to require the offender to keep appointments, either to pursue rehabilitation or to protect the public.

By contrast, the Supervision Requirement provides maximum flexibility and clear authority for delivering any of the four tier approaches. It is for the Offender Manager to determine the scale and nature of “supervision” delivered under a Supervision Requirement once one has been made, subject to the national minimum standards. Although the purpose of the Supervision Requirement is limited to rehabilitation, what activities can and cannot be categorised as “rehabilitation” for the purpose of the Requirement has not yet been defined.

- **In Custody.** The same process of “supervision” (motivating and encouraging, brokering and liaising, supporting and contextualising) can only be delivered in custody with the voluntary co-operation of the offender. The challenge is for the Offender Supervisor and Offender Manager to engage the offender in his/her assessment, in formulating his/her plan and in implementing that plan. There are some “levers” available through the Incentives and Earned Privileges Scheme, and discretionary release, but much will depend upon the Offender Supervisor's ability to form a relationship capable of influencing the offender.
- **Licences.** The legal framework of post-release licences is different again. Unlike the Community Order and SSO the authority of the Offender Manager (in law now the Supervising Officer) is not limited to securing compliance with any specific requirements. The authority to require and enforce co-operation with supervision at any tier, delivered by the Offender Manager or by any other person working under the direction of the Offender Manager, is inherent in the licence itself. This authority is limited only by the consideration that the demands imposed should be **necessary**, **reasonable** and **proportional**, and should not add up to such a restriction on liberty that they are the equivalent of being back in custody.

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	11 th April 2008.
Name of Policy Writer	Tony Grapes
Director General	Phil Wheatley

PC08/2008 – Offender Management Tiering Rules and Guidance		This is a new policy
	x	This is a change to an existing policy
		This is an existing policy

Policy Aims, Objectives & Projected Outcomes

This policy provides national rules to support a consistent approach to tiering across England and Wales along with guidance to support understanding and compliance with the CJA 2003

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:

Tiering guidance was originally issued to probation areas via PC65 2005. This circular updates that guidance, and establishes mandatory decision making components
The circular also assists staff in applying rules consistently and helps to clarify the obligations under the CJA 2003 (transparency in sentencing) and two principles of practice (least necessary resources and resources follow risk)
This is a component of the NOMS Offender Management Model which as a whole has been fully impact assessed

Under PC65 2005 some inconsistencies emerged across England and Wales in the way offenders were assigned to a service level (tier). Evidence showed that some probation areas had significantly fewer or more offenders in particular tiers than would be ordinarily indicated by the OASys profile. Extensive consultation and RDS/ ODEAT research on this informed the approach now adopted in this PC. Progress on the implementation of this PC will be tracked to ensure that any unintended consequences are responded to so that best practice is maintained.

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 16th April 2008. As a result of this screening, it has been decided that a full equality impact assessment is not required. “