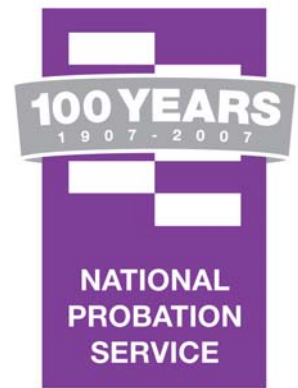


# Probation Circular



## PC19/2007 – IMPLEMENTATION OF NATIONAL RULES FOR APPROVED PREMISES

**IMPLEMENTATION DATE:** 1 July 2007

**EXPIRY DATE:** 31 March 2009

**TO:** Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards, Chairs of Voluntary Management Committees

**CC:** Board Treasurers, Regional Managers

**AUTHORISED BY:** Gordon Davison, Acting Head of Public Protection and Licensed Release Unit

**ATTACHED:** Annex A: Core Approved Premises Rules

Annex B: Guidance for Managers and Staff

Annex C: Equality Impact Assessment Form

**RELEVANT PREVIOUS PROBATION CIRCULARS**

N/A

**CONTACT FOR ENQUIRIES**

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### PURPOSE

1. To introduce a set of core rules for use in all Approved Premises
2. To provide managers and staff with guidance on implementation and interpretation of the rules

### ACTION

Chief Officers and Chairs of Voluntary Management Committees are asked to ensure that the rules are introduced into all Approved Premises with effect from 1 July 2007, and that Approved Premises managers and staff are provided with copies of the guidance notes.

### SUMMARY

The national rules set out the basic requirements that should be placed on all residents of Approved Premises. The guidance notes are designed to promote consistent application and interpretation of the rules. From 1 July 2007 the national rules should replace the existing rules currently in use in each Approved Premises, and residents should be asked to sign the rules during the admission and induction process. Probation Boards and Voluntary Management Committees are free to add to the national rules any supplementary rules necessary to meet local needs and circumstances.

### **1. Background and rationale**

The national rules and associated guidance notes have been developed as part of the Approved Premises work stream within the Home Office Child Sex Offender Review. Their introduction will promote greater consistency, in that all Approved Premises residents will be subject to a set of core national rules setting out the requirements and restrictions governing their placement. The rules and guidance notes have been cleared with the Home Office Legal Affairs Bureau. In their final version they have benefited from very helpful feedback provided by colleagues in Probation Areas and the Voluntary Managed Approved Premises.

### **2. Process**

The national rules should be introduced with effect from 1 July 2007, or as soon as possible thereafter, replacing the existing rules in use in each Approved Premises. Residents admitted on or after 1 July will be required to read and sign the rules during the admission and induction process. Existing residents should be asked to sign the national rules in lieu of the local rules they will already have signed, but if they are unwilling to do so then their residence must continue to be governed by the local rules to which they agreed. Staff may need to help some residents to read and understand the rules. It is important that managers and staff are confident that residents do understand the rules, since by signing them they are accepting them as a condition of residence.

### **3. Local rules**

Probation Boards and Voluntary Management Committees retain the freedom to introduce any supplementary rules necessary to meet local needs and circumstances. In some cases it would be wise to seek legal advice before introducing additional rules. If challenged, Boards and Management Committees may need to be able to demonstrate that any supplementary rules are reasonable, necessary and proportionate. Residents should be asked to sign any supplementary rules at the same time as they sign the national rules.

### **4. Ongoing reviews**

A number of pieces of work are currently in hand which may affect the national rules. These include the review of in-possession medication and the work on regime development. Additionally, there is a Judicial Review currently underway which may deliver a ruling on whether there is a maximum curfew period to which an Approved Premises resident can reasonably be subject. Further guidance, incorporating any necessary amendments to the rules, will be issued as required.

**NATIONAL OFFENDER MANAGEMENT SERVICE**  
**CORE APPROVED PREMISES RULES**

As a resident of .....Approved Premises you must:

1. Be in the building during the standard hours of curfew, which are 11pm to 6am; comply with any additional curfew and other conditions imposed by the Court or contained in your Licence; and comply with any additional curfew hours, imposed by the Approved Premises manager and/or your Offender Manager, which they consider to be necessary in your case.
2. Pay rent and other maintenance charges as instructed by staff and notified to you in writing.
3. Undergo drug and/or alcohol testing if required to do so by staff.
4. Give all prescribed medication to staff, and take medication as prescribed by your doctor.
5. See a medical practitioner, health professional or psychiatric worker if reasonably required to do so by staff.
6. Participate in the hostel programme as instructed, including meetings, key working sessions, group work and any other activities specified in your sentence/supervision plan.
7. Allow staff to search your room and personal belongings at any time without interference.
8. Pay attention to your personal hygiene and keep your room clean and tidy for health and safety reasons.
9. Not smoke on the premises, except in designated smoking rooms as notified to you by staff.
10. Not bring onto the premises (including the grounds), or have in your possession, any weapons, dangerous items, alcohol, solvents, illegal drugs or drugs paraphernalia.
11. Not steal, attempt to steal or damage anything that belongs to the Approved Premises, staff, contractors, visitors or other residents.
12. Not behave in a violent, threatening, disruptive, racist, sexist or other discriminatory way which could cause offence to staff, other residents, the local community or members of the general public.

13. Not bring anyone under the age of 18 onto the premises (including the grounds) at any time.
14. Not bring visitors aged 18 or over onto the premises (including the grounds) without the permission of staff, ensure that your visitors remain in the communal areas of the hostel at all times and that they leave by the time standard curfew begins, or earlier if required by staff.
15. Not bring onto the premises, without the prior written permission of staff, DVD or video recorders/players, combined TV with DVD/video player, personal computers or laptops, cameras or other photographic equipment, games consoles with DVD readability or mobile phones with cameras or Internet access.
16. Not act in a manner that is inconsistent with the aims and objectives of the Approved Premises; that may bring the Approved Premises, its staff or residents into disrepute; that may reasonably be regarded as a nuisance to the local neighbourhood; or that may jeopardise the health and safety of staff, other residents or members of the general public.
17. Comply with any reasonable instruction given to you by staff, which may include the requirement to undertake routine domestic chores.

I have read (or had read to me) these rules. I understand and agree to abide by them. I am aware that if I fail to comply with any of the rules consideration will be given to immediate enforcement action, which might result in recall to prison, return to Court or withdrawal of my place at the Approved Premises.

I understand that my residence in the Approved Premises is temporary, and that I will not acquire any rights of tenancy.

I understand that staff will report to the police any offences committed by, or suspected of being committed by, residents of the hostel, regardless of whether they were committed on the premises.

Name of resident:

Signature:

Witnessed by (name and role):

Signature:

Date:

## **NATIONAL OFFENDER MANAGEMENT SERVICE**

### **CORE APPROVED PREMISES RULES: GUIDANCE FOR MANAGERS AND STAFF**

This guidance should be read in conjunction with the national rules. The numbers below relate to each of the rules.

1. The standard 11pm-6am curfew applies to all residents. It can be relaxed only in exceptional circumstances and with the permission of the Approved Premises manager, in consultation with the Offender Manager. The most likely reason for relaxation will be where a resident holds paid employment requiring early departure or late return; in these circumstances written proof of the employment must be obtained. The curfew hours may be extended by the Approved Premises manager, in consultation with the Offender Manager, in order to manage specific, identifiable risks. The additional curfew must be necessary and proportionate to the management of those risks.
2. At present, maintenance charges are set nationally and notified to Areas and VMCs when the annual grant allocations are confirmed.
3. Guidance on drug and alcohol testing is set out in PC 5/2006. Particular attention should be paid to paragraphs 2.1-2.4, specifying which residents should be tested and on what grounds, and paragraph 4.1, which provides guidance on the range of enforcement options available in the event of a resident testing positive. Refusal to submit to a test is a clear breach of the rule, but may not automatically warrant expulsion from the Approved Premises. As with other enforcement matters, the decision on how to deal with a refusal will be made in conjunction with the Offender Manager, taking into account the particular circumstances of the case.
4. Current policy on storing and issuing medication is set out in PC 33/2004. As indicated in PC 26/2006, this policy is presently under review. Any new arrangements will be piloted on a limited number of sites before any decision is taken to proceed to national roll-out. For the current arrangements to work well, close and effective working relationships are needed with local GP surgeries and pharmacies. Areas and VMCs are strongly encouraged to review existing liaison and information sharing arrangements with GPs and pharmacies to ensure they are robust and fit for purpose. In circumstances where staff are concerned that a resident may not be in a fit state to take medication (for example, if s/he appears to be under the influence of alcohol or other substances), medical advice must be sought before any decision is made to withhold medication. This reflects the fact that prescribed medication remains the property of the person to whom it is dispensed, and that Approved Premises staff are not medically qualified to make judgements about withholding medication.
5. Managing bodies have a duty to ensure that all residents have access to the necessary medical treatment. Whether all residents are registered with the same GP, or with a number of different practices, is best dictated by local

circumstances and needs. Residents should be expected to attend appointments made for them by staff. However, a refusal to seek medical advice should not necessarily lead to exclusion, unless there are grounds for believing that, in the absence of appropriate medical intervention, the resident represents a risk to self or others.

6. Managers should ensure that the Approved Premises has in place an active, interventionist regime, capable of occupying residents in constructive activities for the maximum number of hours feasible within current resources. The regime should combine a number of elements, with the programme for each individual resident reflecting the objectives contained in the Sentence Plan. Typically, the regime might include: one-to-one key working; in-house group work; delivery of, or access to, the suite of accredited programmes; skills for life/preparation for independent living; vocational training or employment; other purposeful activities. During the course of 2007 work will be commissioned to produce further guidance on regime development, including attention to the particular needs of women offenders in the female estate. Drawing on existing good practice, the guidance will provide examples of the types of activities and interventions that might be put in place, and will propose a minimum number of hours during which residents should be actively occupied.
7. Room searches should be conducted on both a random and intelligence-led basis. Where appropriate and feasible, the resident should be informed that the search is about to take place and invited to observe its conduct. More detailed guidance on room searches is contained in Section 11 of the Approved Premises Handbook.
8. Regular room searches are one of the ways in which this rule can be enforced. Issues of personal hygiene are, of course, sensitive and will require delicate handling. In extreme cases it may be diplomatic to seek medical advice.
9. Under the provisions of the Health Act 2006, new regulations on smoking in public places will come into effect during the course of 2007. The regulations will apply to probation buildings, including Approved Premises, and specific guidance has already been issued on this matter. There is a limited exemption for Approved Premises, in that residents may be permitted to smoke in designated bedrooms. The decision as to how many bedrooms should be so designated remains a matter for local discretion.
10. Local judgements will need to be made about what constitutes a dangerous item. This may vary from case to case, depending on the known risk indicators. For example, a screwdriver in the possession of an unemployed offender with a history of random violence may be viewed differently to the same object owned by a trained, working electrician with convictions for Internet sex offences.
11. In addition to reporting these matters to the police, a breach of this rule should normally lead to immediate enforcement action. Exceptions to that course of action – for example, in a case of minor damage to the fabric of the building – should require the endorsement of the Approved Premises manager, in consultation with the Offender Manager.
12. Enforcement action should be considered in response to any of the behaviours listed here. Less serious breaches can appropriately be dealt with by verbal or written warnings. The definition of behaviour should be widely drawn, to include actions, language and conduct in general. The possession of pornography or

racist literature, for example, would be captured by this rule. Some residents may require help to understand why certain types of language or behaviour are regarded as discriminatory or oppressive, and why they are taken so seriously.

13. This rule reinforces the existing policy set out in Section 10 of the Approved Premises Handbook. It must be applied rigorously across the estate.
14. This rule will be most easily enforced in premises where access to the building can be controlled by staff, either electronically or by line of sight. Where this is not the case, vigilance and routine tours of the building become even more important. Local judgements will need to be made about which areas of the buildings or grounds are deemed suitable for visitors. It is quite acceptable for individual Approved Premises to impose tighter restrictions on visiting hours than the minimum set out here.
15. The list of prohibited items should be applied to all residents unless there are very strong grounds to make an exception – for example, in the case of an offender with convictions only for violence or property crime, and who holds employment that requires possession of one or more of the banned items.
16. This is a widely drawn rule and will require sensible interpretation on a case by case basis. It is intended to cover a wide range of antisocial or potentially undesirable activities, including contacts with external individuals and organisations (perhaps for payment) that might jeopardise the safe and efficient operation of the Approved Premises. Responding appropriately to contact between a resident and the press or other media will require particular care, taking into account the qualified right to freedom of expression enshrined in Article 10 of the European Convention on Human Rights. Whether such contact will constitute a breach of the rule will depend on the extent to which it could be said to be intended to bring the Approved Premises into disrepute, and whether it could be said to be in the public interest. In situations where managers are unsure it would be sensible to seek legal advice before deciding how best to proceed.
17. The extent to which residents are asked to do domestic tasks will, quite properly, vary between premises. As a general rule of thumb it would be reasonable to expect residents to keep their own rooms and clothes clean, to clear dining tables after meal times or to tidy up communal areas (for example, the lounge or games room) after they have been used; it would not be reasonable to ask them to hold responsibility for regular cleaning or garden maintenance. If residents are to be asked to undertake tasks that involve the use of any implements, equipment or machinery, an activity risk assessment must first be undertaken.

Enforcement action in response to any breach of the rules, whether major or minor, needs to be reasonable and proportionate. Where possible, residents should be afforded the opportunity to explain their actions before a decision is made, though in cases of more serious breach this may be neither possible nor appropriate. Close liaison with Offender Managers, and the involvement of senior managers where necessary, should ensure that enforcement decisions are defensible and able to withstand subsequent challenge. In exceptional circumstances senior managers may wish to consult with the NOMS Public Protection Unit before reaching a decision.

**NPS EQUALITY IMPACT ASSESSMENT TEMPLATE****A. INITIAL SCREENING****1. Title of function, policy or practice (including common practice)**

*Is this a new policy under development or an existing one?*

- **PC19/2007 – Implementation of national rules for Approved Premises**
- New policy

**2. Aims, purpose and outcomes of function, policy or practice**

*What is the function, policy or practice addressing? What operational work or employment/HR activities are covered? What outcomes are expected?*

The Circular introduces a standard set of core house rules that all Approved Premises residents will be required to sign at the point of admission. The national rules will replace the various sets of local rule currently in use, though Probation Areas and Voluntary Management Committees retain the right to supplement the core rules with any extra rules necessary to meet local needs and circumstances.

The Circular also contains detailed guidance notes for managers and staff, to promote consistent application and interpretation of the rules. The rules and associated guidance have been cleared by LAB to ensure that they are lawful, reasonable and fair.

**3. Target groups**

*Who is the policy aimed at? Which specific groups are likely to be affected by its implementation? This could be staff, service users, partners, contractors. For each equality target group, **think about possible positive or negative impact, benefits or disadvantages, and if negative impact is this at a high medium or low level.** Give reasons for your assessment. This could be existing knowledge or monitoring, national research, through talking to the groups concerned, etc. If there is possible negative impact a full impact assessment is needed. The high, medium or low impact will indicate level of priority to give the full assessment. Please use the table below to do this.*

<b>Equality target group</b>	<b>Positive impact – could benefit</b>	<b>Negative impact - could disadvantage</b>	<b>Reason for assessment and explanation of possible impact</b>
Women	NA	NA	
Men	NA	NA	
Asian/Asian British people	NA	NA	
Black/Black British people	NA	NA	
Chinese people or other groups	NA	NA	
People of mixed race	NA	NA	
White people (incl Irish people)	NA	NA	
Travellers or Gypsies	NA	NA	
Disabled people	NA	NA	
Lesbians, gay men & bisexual people	NA	NA	
Transgender people	NA	NA	

Older people over 60	NA	NA	
Young people (17-25) & children	NA	NA	
Faith groups	NA	NA	

**4. Further research/questions to answer**

As a result of the above, indicate what questions might need to be answered in the full impact assessment and what additional research or evidence might be needed to do this.

None required.

**Initial screening done by: Mike Tennant**

**Position: Head of Approved Premises**

**Date: 20 March 2007**