



Probation Circular



PC19/2008 – DISTINCTIVE CLOTHING FOR OFFENDERS UNDERTAKING COMMUNITY PAYBACK (REVISED)

IMPLEMENTATION DATE: 1 December 2008

EXPIRY DATE: 30 November 2013

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

FOR INFORMATION: Secretaries of Probation Boards, Board Treasurers, Improvement and Development Managers, Regional Offender Managers, Director's of Offender Management

CONTAINS MANDATORY ACTIONS

AUTHORISED BY: Michael Spurr, Chief Operating Officer, NOMS

ATTACHED: Annex A – Reporting Template
Annex B – Equality Impact Assessment
Annex C – Resource Impact Assessment

RELEVANT PREVIOUS PROBATION CIRCULARS

This PC revises original PC19/2008 issued on 13 Nov 2008

CONTACT FOR ENQUIRIES

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PURPOSE

This Probation Circular introduces the requirement for offenders undertaking Community Payback work to wear distinctive clothing.

MANDATORY ACTIONS

Chief Officers and Chief Executives must bring this revised circular to the attention of relevant staff with immediate effect. Staff must ensure that the distinctive clothing identified in this circular is provided to, and worn by, all offenders undertaking Community Payback work (other than the limited exceptions outlined in paragraph 8 of this circular).

AUDIT AND MONITORING

Directors of Offender Management will monitor compliance in their region with the mandatory actions set out in this Probation Circular. Probation Areas and Trusts must demonstrate compliance with these actions when required to do so by the Director of Offender Management.

SUMMARY

BACKGROUND

1. Increasing public awareness and the visibility of the work done by offenders undertaking Unpaid Work has been a critical aim of Community Payback since it was launched nationally in 2005. Efforts have been made in probation areas to achieve this with the use of badges on vehicles and clothing, 'A' frames, plaques on completed worksites etc. As highlighted in the report "Engaging Communities in Fighting Crime", even greater impact can be achieved by the use of distinctive clothing for offenders so that the public will find it easier to identify where community payback work is taking place. It is crucial that justice is not only done, but seen to be done. It is fundamental to public confidence that the community is able to see Community Payback work taking place in their areas and the use of high visibility jackets is an important part of this. The general public will as a result be much more aware of the huge amount of positive work being carried out by offenders Irrespective of the specific clothing issue noted in this circular, probation areas should continue to work towards greater visibility across this broad range of methods.

THE DISTINCTIVE CLOTHING

2. The distinctive clothing, which will also meet health and safety requirements, should be orange high visibility vests (to EN471 class 2 standard) with the Community Payback logo on the front and the words Community Payback on the back. The Community Payback logo must be in the standard colours of purple and green with the wording Community Payback in purple beneath (or the bilingual version for Welsh areas) and should not be less than 9 cm high. On the back, the wording should be in purple with the letters not less than 30mm high. For Welsh areas Community Payback should appear in both English and Welsh with the lettering not less than 25mm high. The current practice for issuing clothing for supervisors varies around the country. Areas should ensure that members of the public can distinguish between offenders undertaking community payback and those supervising them. For offenders on projects where orange high visibility vests are the norm for beneficiaries staff (for example the railways) then offenders should wear a lime green jacket to prevent confusion. The logo and wording requirements remain the same as for the orange vests.

3. High visibility vests are already purchased and used by areas and funds are allocated by them to these items. A brief survey of current purchasing practice shows that the price paid by areas for high visibility clothing varies significantly. Sourcing this equipment collaboratively, perhaps on a regional basis, may well produce a more economic price. Given that the colour orange is a change of practice for most areas, as is the addition of logos, NOMS will provide the high visibility vests in the first instance but subsequent replacements will be expected to be funded locally.

APPLICATION

4. The purpose of distinctive clothing for offenders is to improve the visibility of the work to the public and their awareness of it. Consequently, orange high visibility vests with the Community Payback logo should be used on all placements where offenders' work is potentially in view of the public. Ensuring that they meet the standard outlined in paragraph 2 means that when there is also a Health and Safety requirement to use high visibility vests this is satisfied without the need for additional equipment.

5. Probation Circular 66/2005 has been withdrawn and this circular updates the principles of Visible Unpaid Work that it outlined. The safety of staff and of offenders is still paramount and Community Payback should still be responsive to local concerns. The intention not to humiliate or stigmatise remains the same but this circular creates a clearer association between the offenders and the work that they do through Community Payback. This is still only one strand of visibility and areas should continue to develop the excellent and imaginative work they do to bring the contribution of Community Payback to the attention of the public.

6. Probation Areas' responsibilities under section 11 of the Children Act 2004 mean that it is not appropriate for 16 and 17 year old offenders to be required to wear high visibility vests with the

UNCLASSIFIED

Community Payback logo. Those subject to Enforcement Orders under the Children and Adoption Act 2006 should also not be required to wear this distinctive clothing. It is not appropriate to have a situation where, in the same group, some offenders are required to wear distinctive clothing and some are not. It is not appropriate to have a situation where, in the same group, some offenders are required to wear distinctive clothing and some are not. This means that on projects where it is appropriate for high visibility vests bearing the Community Payback logo to be worn, 16 and 17 year old offenders and those subject to Enforcement Orders should not be included.

7. The presumption of this circular is that this distinctive clothing will be used unless the placement risk assessment specifically identifies that it would be unsafe to do so. In these circumstances the decision must be appropriately evidenced, endorsed by the scheme manager or higher, and the decision and the evidence must be recorded.

8. There may be cases where beneficiaries request that offenders not wear distinctive clothing. In every instance the beneficiary must make their reasons known in writing before any exemption is granted. Before exemptions are granted Probation Areas should at a minimum write to the beneficiaries concerned outlining the positive benefits of the policy and requesting that the beneficiary reconsider, a meeting might also be appropriate. If the local Probation Area decides to grant the request the reasons and attempts made to change the beneficiary's stance must be formally recorded and available for audit and monitoring purposes. It is important to note that exemptions must only be made where convincing evidence is provided on the basis of health and safety concerns, business risk to the beneficiary or suitability of the placement. Requests from Local Authorities for offenders not to wear the distinctive clothing must only be considered if made by the portfolio holder for the area of work in question or the elected leader.

9. Because this provision relates to public visibility in addition to health and safety, all offenders will be required to wear high visibility vests on work sites which are potentially in view of the public. Failure to wear a high visibility vest with the Community Payback logo in accordance with instructions will be a breach of the rules in the same way as a failure to follow other instructions and cannot be ignored. As such it should be responded to in the same way as any other wilful refusal to co-operate. Those areas that currently issue high visibility vests with the logo have not reported experiencing resistance from offenders. Explanations of their use in positive terms (e.g. smarter public presentation, celebrating/valuing the work being done by those offenders) are likely to promote compliance.

IMPLEMENTATION

10. The date for introducing distinctive clothing for offenders is **1 December 2008**. This will apply to all offenders required to undertake Community Payback in relevant projects.

11. A simple template for reporting the number of projects where distinctive clothing is used, and the number of decisions not to use it, is provided at Annex A. Although this is required quarterly, and the first full quarter is January to March 2009, figures for the month of December 2008 are also requested to provide an early indication of the levels of use and of exceptions. Returns should be submitted by the 15th of the month following the reporting period by email to David.Mead6@justice.gsi.gov.uk. If the local Probation Area decides to grant a request not to use the distinctive clothing the reasons and attempts made to change the beneficiaries stance must be formally recorded and available for audit and monitoring purposes

PC19/08 Annex A - MONITORING DISTINCTIVE CLOTHING - COMMUNITY PAYBACK

Probation area/trust:

	Jan-09	Feb-09	Mar-09	Apr-Jun 09	July-Sept 09	Oct-Dec 09
1 Total number of projects undertaken during the quarter where distinctive clothing was used	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>
1a Total number of hours worked in these projects	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>
2 Total number of projects undertaken where distinctive clothing was not used because a decision was made that its use would put offenders and/or staff at risk	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>
2a Total number of hours worked in these projects	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>
3 Total number of projects undertaken during the quarter where distinctive clothing was not used at the request of the beneficiary	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>
3a Total number of hours worked in these projects	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>

Notes

Monthly reporting should be made for the first quarter of 2009 so that a clear picture of the level of use of exceptions can be gained. Thereafter reports should be submitted quarterly. Additional guidance is provided as comments to the above cells.

Work projects are defined as a single distinct project. Projects operated over a number of days should be recorded as one project.

Currently, there is no requirement for routine reporting of the reasons and evidence for decisions not to use distinctive clothing on grounds of assessed risk. However, areas are asked to ensure that they record the reasons and evidence so that specific questions can be answered in the future. This is also likely to be needed during the course of future inspections.

Requests that distinctive clothing is not used must be made in writing before exemption is granted. If granted the reasons and attempts made to change the beneficiary's stance must be formally recorded and available for audit.

Please send completed return to David.Mead6@justice.gsi.gov.uk by 15th of the month following the reporting period.



PC19/08 Annex B – Distinctive Clothing for Offenders Undertaking
Community Payback

EQUALITY IMPACT ASSESSMENT FORM

Part 1 - INITIAL ASSESSMENT

1. Officer(s) & Unit responsible for completing the assessment:

Neill Martin
David Mead
Offender Employment and Skills Unit

2. Name of the policy, strategy, function or project:

Distinctive Clothing for Offenders Undertaking Community Payback

3. What is the main purpose or aims of the policy, strategy, function or project?

To inform Probation Areas that offenders undertaking unpaid work are required to wear high visibility vests, with the Community Payback logo on the front and the words Community Payback on the back of the garment.

4. Who will be the beneficiaries of the policy/strategy/function/project?

The general public. The use of high visibility clothing by offenders undertaking community payback will increase public awareness of where community payback is taking place in local communities.

5. Has the policy/strategy/function or project been explained to those it might affect directly or indirectly?

It will be the responsibility of probation areas to explain to offenders why they are to be required to wear high visibility clothing. Guidance in relation to this need can be found in the circular.

6. Have you consulted on this policy/strategy/function/ project?

The desirability of offenders sentenced to unpaid work or community payback being required to wear distinctive clothing has been discussed with various stakeholders

over the past 10 years. This circular is the result of discussion with Ministers, advisors and representatives from Probation Areas. The circular will be subject to the normal consultation procedure with unions.

7. Please complete the following table and give reasons/comments for where:
- (a) The policy/strategy/function/project could have a positive impact on any of the diverse groups or contributed to promoting equality of opportunity and improving relations between groups.
- (b) The policy/strategy/function/project could have a negative impact on a diverse group, i.e. disadvantage them in any way.

Diverse Group	E.g. of positive impact	E.g. of negative impact	Reason/comments
Men	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Women	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Asian or Asian British people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Black or Black British people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of	Negative impact may result from potential risk of offenders being identified. Visibility is not required if	

	community payback work	this would pose a risk to the health and safety of offenders and staff	
White people (including Irish people)	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Chinese people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Any other racial/ethnic group (please specify)	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Mixed Race people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Disabled People (please give details as to which group)	The circular is intended to have a positive impact on all diverse groups by increasing	Negative impact may result from potential risk of offenders being identified. Visibility	

	awareness of community payback work	is not required if this would pose a risk to the health and safety of offenders and staff	
Gay, lesbian and bisexual people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Transgender people	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Older people (50+)	The circular is intended to have a positive impact on all diverse groups by increasing awareness of community payback work	Negative impact may result from potential risk of offenders being identified. Visibility is not required if this would pose a risk to the health and safety of offenders and staff	
Younger people (17 – 25)	Younger people aged 16 and 17 will not be required to wear distinctive clothing when undertaking community payback work projects	Younger people aged 16 and 17 will not be required to wear distinctive clothing when undertaking community payback work projects	
Faith groups (please specify)	The circular is intended to have a positive impact on all diverse groups by increasing	Negative impact may result from potential risk of offenders being identified. Visibility	

Probation Resource Impact Assessment Template

A. SCREENING DETAILS

1. Title of Probation Circular (PC19 2008)

Distinctive Clothing for Offenders Undertaking Community Payback

2. Notes on the reliability of the costing.

The implementation of this PC will not necessitate the performance of any additional tasks. The cost of implementation will relate only to the cost of high visibility vests. This will be an initial cost to probation areas, because high visibility vests to the required specification will need to be purchased. Replacement costs would be expected to be met from area unpaid work equipment budgets.

It is possible to estimate the number required by probation areas by considering the number of unpaid days which were planned during the last quarter for which figures are available. Areas will require a sufficient number of high visibility vests for all offenders working on the most active unpaid work days, which are at weekends when approximately 50% of work takes place:

Number of unpaid work offender days planned January – March 2008	540897
Approximate number of unpaid work days planned in agency placements during quarter which are unlikely to require high visibility vests (23% of hours worked during March 2008)	124406
Approximate number of unpaid work group days planned at weekends during quarter	208245
Approximate number of unpaid work group days planned on each Saturday and Sunday during quarter	10,000

Cost of high visibility vests for all offenders working on most active unpaid work days of Saturdays and Sundays, at a cost of £2.12 for each high visibility vest = £21,200.

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) £

Total for PC	£21,200				