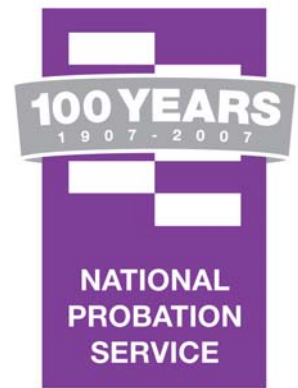


Probation Circular



PC30/2007 – HEALTH AND SAFETY CONSIDERATIONS WHEN DELIVERING UNPAID WORK

IMPLEMENTATION DATE: 1 October 2007

EXPIRY DATE: 30 Sept 2010

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards
CC: Board Treasurers, Regional Managers

AUTHORISED BY: Sarah Mann – Head of Interventions and Substance Abuse Unit
ATTACHED: Annex A – Health and Safety considerations when delivering Unpaid Work
Annex B – Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS
PC39/2006

CONTACT FOR ENQUIRIES

Jill Shaw – jill.shaw5@homeoffice.gsi.gov.uk or 020 7217 0673
Neill Martin – neill.martin33@homeoffice.gsi.gov.uk or 020 7217 8877
David Mead – david.mead6@homeoffice.gsi.gov.uk or 020 7217 5120

PURPOSE

To provide probation areas with additional health and safety guidance relating to the delivery of Unpaid Work.

ACTION

Chief Officers are asked to ensure that this circular is distributed to relevant members of their staff and that they take this additional guidance into consideration in the planning, delivery and review of Unpaid Work in their area.

SUMMARY

The Manual on the Delivery of Unpaid Work was issued in 2006 for implementation by 1st April 2007. Following discussions with NAPO and UNISON about health and safety issues, the attached joint guidance has been produced for consideration in the delivery of Unpaid Work. This document is intended to complement the guidance already in the manual, not to replace it.

Health and Safety considerations when delivering Unpaid Work.

The Unpaid Work Manual launched at the beginning of November 2006 replaced the Enhanced Community Punishment (ECP) Manual. The practice guidance in the Manual should be adopted by Areas no later than April 2007. Section E of the manual refers specifically to health and safety issues.

This paper has been prepared in consultation with NAPO and UNISON and summarises guidance on health and safety risk assessments for unpaid work. It complements the guidance in the manual.

The national management guidance* for risk assessments on unpaid work (or community punishment projects as they were then called) needs to be read in conjunction with the additional advice, as detailed below.

Health and safety issues that need further consideration on unpaid work projects are as follows:

- **Visibility.** Sections G1 and G2 of the unpaid work manual cover the visibility requirements of Community Payback, particularly the use of badged supervisor clothing, marking of vehicles and the use of “A” frames on work sites. All suitable unpaid work placements must be made visible to local communities. However, Section G2 of the unpaid work manual notes that there have been some instances of offenders and unpaid work staff being abused or attacked whilst on unpaid work sites. Local managers have a responsibility for the safety of staff and offenders engaged in unpaid work and must take this into account when deciding which sites to badge as Community Payback. When considering what form of visibility is appropriate for the project there may be circumstances where concerns about safety suggest that visibility could best be achieved through the use of plaques or publicity following the completion of the project.
- **The number of offenders allocated to an unpaid work group and the number of supervisors required.** Particular attention must be paid to the advice in the unpaid work manual on group sizes (sections C 34 and E 5) and the impact that may have on the number of supervisors required to manage projects safely. Large, high risk or remote groups are those most likely to require higher levels of project supervision.
- It is important to differentiate between health and safety risks and level of risk to the community in relation to individuals’ offences and likelihood of re offending. For instance a group of young people who may have been assessed as “low risk” to the community in terms of the offence and likelihood of re offending may become more of a health

and safety risk when together in an unpaid work group.

- A safe and effective level of supervision must be provided on unpaid work projects: risk assessments must be suitable and sufficient and appropriate health and safety control measures must have been put in place in order to ensure the safety of the supervisor(s) and the group. There are circumstances where supervision and support by two or more persons will be most appropriate. Additional supervision and support may be provided by many varied approaches such as:
 - i) combining groups, where the work is suitable, so that more than one supervisor is present.
 - ii) setting up projects through CDRPs etc. to involve Community Wardens or Community Support Officers on site.
 - iii) commissioning a Health and Safety monitoring service from a third party provider.

The risks identified at the end of this note are amongst those that should be addressed. Local risk assessments will determine the standard of cover required.

Further guidance for working safely on unpaid work projects can be found in the National Health & Safety Policy*. Of particular interest may be the following arrangements:

Risk Assessment (NPS/HS/3)

Lone Working (NPS/HS/21)

Driving & NPS Transport Vehicles (NPS/HS/17)

First Aid (NPS/HS/6)

Manual Handling Risk Assessments (NPS/HS/22)

Outdoor Working (NPS/HS/29)

Personal protective Equipment (NPS/HS/25)

Use of Equipment and Machinery in the Workplace (NPS/HS/27)

*These documents can be found on EPIC.

Risks and contingency plans to be considered:

- in the event of accident, injury or illness relating to a member of staff or a group member, to ensure that health and safety is properly managed when dealing both with the person involved and the remainder of the group
- to manage safe working with materials and tools
- to enable the safe transport of offenders and equipment, taking account of written procedures and practices that promote safe driving

- to cater for the possibility of violence towards NPS staff members, either internally from within the group or from outside the group and enable best practice in dealing with such violence when it occurs
- to provide for the induction of new offenders without loss of control of the group
- to provide for the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their gender, race or ethnicity, religion, sexual orientation, disability or age, or any other matter
- to provide for the control of members of the unpaid work group when they are spread over a large area
- to meet the health and safety responsibilities for young people (16 and 17 year olds), particularly in balancing their confidentiality with the visibility of unpaid work
- to provide for unpaid work projects that are undertaken out of office hours or on isolated sites
- to maintain effective communication with unpaid work staff bearing in mind that mobile phones may not on their own be a sufficient control measure where there is an inadequate signal.

This is not an exhaustive list.

4 May 2007



Equality Impact Assessment

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

EQUALITY IMPACT ASSESSMENT
Group
Commissioning and Partnerships
Interventions and Substance Abuse

PRELIMINARY SCREENING

Date of Screening	15 August 2007
Name of Policy Writer	Neill Martin
Director General	

Health and Safety Considerations when Delivering Unpaid Work		This is a new policy
	X	This is a change to an existing policy
		This is an existing policy

Policy Aims, Objectives & Projected Outcomes
To ensure that Unpaid Work is delivered with due regard to Health and Safety issues.

Will the policy have an impact on national or local people/staff?	YES
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?	YES
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?	YES

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO to any particular questions**, please provide explanatory evidence.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

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

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

Equality Target Areas	How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts?
Race (consider e.g. nationalities, Gypsies, Travellers, languages)	This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their race is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work. It is not anticipated that this policy will have an adverse impact on race equality.
Disability (consider social access and physical access)	This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their disability is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work. It is not anticipated that this policy will impact adversely on individuals with disabilities.
Gender	This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their gender is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work. It is not anticipated that this policy will impact adversely on people of either gender.

<p>Gender Identity</p>	<p>This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their gender identity is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work.</p> <p>It is not anticipated that this policy will impact adversely on individuals with different gender identities.</p>
<p>Religion and Belief</p>	<p>This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their religion is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work.</p> <p>It is not anticipated that this policy will impact adversely on any religion or belief.</p>
<p>Sexual Orientation</p>	<p>This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their sexual orientation is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work.</p> <p>It is not anticipated that this policy will impact adversely on individuals or groups as a result of their sexual orientation.</p>
<p>Age</p>	<p>This policy will impact positively by safeguarding the health and safety of any individuals who may become targets of bullying, harassment or victimisation on the grounds of their age is a requirement of this guidance. There is no data to identify the current level of bullying, harassment or victimisation in Unpaid Work.</p> <p>There is also a specific requirement to meet the health and safety responsibilities for young people (16 and 17 year olds), particularly in balancing their confidentiality with the visibility of Unpaid Work. It is not anticipated that this policy will have any</p>

	adverse impact on any age group.
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<p>What research have you considered commissioning to fill any data gaps?</p> <p>For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy. N.B Include any recommendations in your action plan</p> <p>This policy has been developed following consultation with stakeholders, including representatives from relevant trade unions. The ongoing impact of the policy will be monitored by NOMS.</p>
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<p>Who are the stakeholders, community groups, staff or customers for this policy area?</p> <p>Stakeholders in this policy area include probation areas, other potential providers of unpaid work, staff, trade unions, community groups and other beneficiaries of unpaid work.</p>

<p>What are the overall trends and patterns in this qualitative & quantitative data?</p> <p>Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.</p> <p>Implementation of the policy is intended to reduce variations in the level of supervision of unpaid work groups between different providers of unpaid work. The ongoing impact of the policy will be monitored by NOMS.</p>
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<p>Please list the specific equality issues that may need to be addressed through consultation (and further research)?</p> <ul style="list-style-type: none"> • It will be necessary to monitor the impact of the policy on the provision of unpaid work to ensure that unpaid work continues to benefit a wide range of organisations and groups in the community and to ensure that as a result of the implementation of the policy no groups of individuals are excluded from the unpaid work community sentence.
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GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

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

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	This policy arises from concerns expressed by staff in relation to the need to provide for the safe and effective supervision of offenders undertaking unpaid work.
Staff Networks & Associations	
Trade Unions	Trade Unions were involved in the formulation of this policy.

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

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

This policy was developed following consultation with internal stakeholders. It is not anticipated that the policy will impact on other public policies and services.

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

The policy is intended to complement and add to existing health and safety guidance relating to the supervision of offenders undertaking unpaid work, the overall impact of the policy is therefore intended to provide additional guidance to providers of unpaid work and add to the consistency of standards which are applied by different providers.

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

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different communities?	
Voluntary Organisations	No anticipated impact.
Race	No anticipated impact.
Faith	No anticipated impact.
Disability Rights	No anticipated impact.
Gender	No anticipated impact.
Gender Identity	No anticipated impact.
Sexual Orientation	No anticipated impact.
Age	No anticipated impact.

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

ASSESSMENT & ANALYSIS

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

No.

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

To date no significant negative findings have emerged.

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

No. It is not anticipated that the policy will have a negative impact on any group of people.

How does the policy promote equality of opportunity?

The policy promotes equality of opportunity by requiring that unpaid work groups are provided with safe and effective levels of supervision. This is designed to ensure that the safety of offenders and staff is adequately met and both offenders and staff are protected from oppressive or violent behaviour.

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

Unpaid work promotes community cohesion by enabling offenders to make reparation to the community and gain skills which will reduce the likelihood of further offending.

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

No revisions are required. It is not anticipated that the policy will have any adverse impact.

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

Please justify and explain the reason for your decision.

No concerns have arisen from consultation which has taken place.

ENSURING ACCESS TO INFORMATION

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

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

- This EIA will be available on the Epic intranet.

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

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

- It is intended that the impact of the policy will be monitored and stakeholders will therefore have ongoing engagement with the implementation of the policy.

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

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

- The impact of the policy will be monitored via the Unpaid Work Project Board and National Reference Group, both of which include representatives from stakeholders.

Now submit your EIA and related evidence to the Equality & Diversity Unit for quality assurance and clearance.

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection	Policy Owner	Collation of feedback from stakeholders represented at the UW Project Board and National Reference Group	Stakeholders not reporting any potential negative impact on any specific group	September 2007	Draft circular to submitted to Project Board
Publication Arrangements	Policy Owner	Issue of Probation Circular	General expression of satisfaction by stakeholders	October 2007	Draft circular to be submitted for clearance
Monitoring & Review Arrangements	Policy Owner	Review and revision of circular as required	Revision or re-issue of circular	No later than 31 st October 2010	Implementation of circular to be monitored
List other recommendations that are required					

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

THE EQUALITY IMPACT ASSESSMENT REPORT

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

Background:

- This Probation Circular has been issued in order to provide probation areas and other organisations with responsibility for the delivery of unpaid work with additional guidance for the management of health and safety on unpaid work projects.
- Probation areas and other organisations involved in the delivery of unpaid work have responsibility for the safety of staff and offenders engaged in unpaid work.
- The scope of this EIA relates only to the safe management of unpaid work sites.

Methodology:

- This circular has been prepared following consultation with unpaid work staff representatives from NAPO and UNISON.
- As a result of this consultation process, it is not anticipated that the Probation Circular will have any negative impact on any equality groups.

Consultation & Involvement:

- Stakeholders will be involved in an ongoing process of consultation, which will be conducted using the Unpaid Work Project Board and Reference Groups.

Assessment & analysis

- Key Findings from the data collection and community engagement
 - Positive impacts: It is anticipated that this circular will impact positively and enhance the safety of staff and offenders on unpaid work projects
 - Adverse impacts: It is not anticipated that this circular will have any adverse existing or potential impact on any equality groups.

Recommendations

- Describe how you will respond to the key findings by:
 - The impact of this circular will be monitored in consultative forums and as part of inspection visits to probation areas.
 - As a result of this monitoring it will be possible to mitigate any adverse impact that may occur

Date of EIA Report **21st August 2007**

Date of Publication of Results

This EIA Report will be published on the Probation Service Epic website.