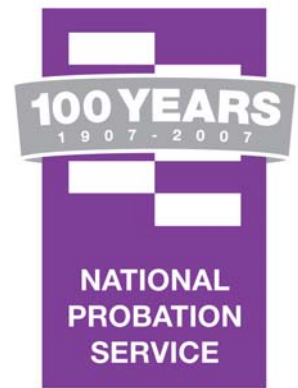


Probation Circular



PC33/2007 – NEW ACCOMMODATION AND SUPPORT SERVICE FOR BAIL AND HDC

IMPLEMENTATION DATE: 26 September 2007

EXPIRY DATE: 31 December 2010

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

CC: Board Treasurers, Regional Managers

AUTHORISED BY: Ruth Allan, Head of Rebalancing Sentencing and Women's Policy Unit

ATTACHED: Annex A – Full description, roles and responsibilities

Annex B – Brief description of service

Annex C – Process for Bail Cases

Annex D – Bail Cases Booking Sequence

Annex E – Process for HDC Cases

Annex F – HDC Information Request

RELEVANT PREVIOUS PROBATION CIRCULARS

PC44/1998, PC19/2005

CONTACT FOR ENQUIRIES

NOMS HQ

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For bail policy: chris.marsh6@justice.gsi.gov.uk or 0207 035 1766

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ClearSprings Central Point of Contact: 0845 273 2225

PURPOSE

To ask Areas to support and use this new accommodation and support service for bail and Home Detention Curfew. The service, provided to ROMs by ClearSprings Ltd., aims to provide Courts with alternatives to remand in custody in appropriate cases for adult defendants who are currently unable to provide an acceptable bail address, or who could not be bailed without support. The focus is on those already remanded in custody but defendants may be referred at first appearance where probation are able to process such cases. It is also available to offenders eligible for release under Home Detention Curfew who have no suitable place to live and who would otherwise continue to be held in prison.

ACTION

It is a top priority for NOMS that we make the fullest possible use of this service as soon as possible, to reduce the use of remand in appropriate cases and to maximise and expedite release on Home Detention Curfew. This Circular is therefore for immediate implementation (and the service is already available).

Chief Officers are asked to

- (i) Note the contents of this Circular and to make sure it is distributed immediately to all relevant members of staff, drawing their attention to the operational guidance available on EPIC,
- (ii) Champion the service through existing arrangements for liaison with sentencers and in the context of the ROMs' regional oversight of the service, and ensure that probation court staff are able to advise sentencers about the service, and the mechanics of using it,
- (iii) Ensure that where a bail information service is provided at first appearance, either with dedicated staffing or on an *ad hoc* reactive basis, probation court staff maximise the use of the new service in cases where the defendant will otherwise be remanded in custody,
- (iv) Ensure that probation court staff liaise effectively with prison bail information staff in respect of cases where bail information work or applications to ClearSprings are commenced at court or where prisons request help with cases being returned to Court,
- (v) Ensure that probation staff engaged in considering Home Detention Curfew are aware of the procedures set out in Prison Service Instruction 29/2007 (on EPIC) in relation to the use of ClearSprings accommodation for HDC and process suitability checks as quickly as possible (in line with National Standards 2005 SS5.10) in cases identified as going to ClearSprings' accommodation, and
- (vi) Ensure that Offender Managers liaise with ClearSprings support workers where the latter are providing, or have provided, a service to an offender.

SUMMARY

This Probation Circular describes a new accommodation and support service for bail and Home Detention Curfew. The service is considered appropriate for adults who are or would be remanded in custody who could be bailed if accommodation and/or support is made available. It is also available to sentenced prisoners eligible for Home Detention Curfew.

This PC confirms information on a service that has been available since June. This is reflected in the immediate implementation.

ClearSprings accommodation and support service: description, roles and responsibilities

The service provided by ClearSprings

1. The ClearSprings guidance pack on EPIC sets out what is provided and includes answers to some basic questions that defendants and prisoners are likely to ask about the service.
2. ClearSprings can provide accommodation and support, or, for those who already have suitable accommodation, they can provide support only.
3. The **accommodation** provided will be mainly shared accommodation in the community in small houses or flats – with up to 5 sharing. Single accommodation will be available for a small number of cases. Court staff who are engaged in bail information or otherwise making referrals should ensure that defendants are aware of the type of accommodation, that it will usually be shared, and that they will have to pay the rent and a contribution to utilities either themselves or through Housing Benefit, and that failure to do so will result in termination of the accommodation agreement and licence and probably a remand in custody. (Prison staff will do the same for defendants already remanded in custody and for prisoners who may be released on HDC). ClearSprings support workers will help those released to make claims for housing and other benefits as quickly as possible following release. Housing Benefit will be paid direct to the landlord, not via the prisoner.
4. The accommodation is dispersed across England and Wales at locations requested by ROMs. ClearSprings are required to consult probation, police and local authorities about the locations of addresses.
5. Those provided with accommodation will be given help by the ClearSprings support worker to move-in and to maintain occupancy as effective licencees (the accommodation is held on licence not tenancy). They will also get help to find move-on accommodation beyond the end of the bail or HDC period. The defendant/offender will be able to remain at the accommodation for up to 7 days beyond the end of the period of bail or HDC.
6. A defendant or prisoner who is a parent may be provided with family accommodation where he or she can be joined by **dependent children**. However, in recognition of the need to protect children, such a request should only be made where a check has been made and Social Services have confirmed in writing that there is no reason why the named child or children should not join the parent. Where a parent and child or children are accommodated there will be no other occupants in a shared house.
7. Partners will not be permitted to stay at accommodation provided by ClearSprings. With the exception of parents and dependent children there will be no mixed gender sharing of houses.
8. Defendants on bail and prisoners on HDC may be accommodated in the same house. ClearSprings do have other client groups but nobody who is neither a

defendant on bail nor a prisoner on HDC will share the accommodation used by NOMS.

9. ClearSprings can provide probation staff with sample accommodation licences and compacts so that staff can explain the commitments defendants will be making.
10. Where **support** is provided it will consist of
 - a. For those on bail, 3 'breachable' one hour contact sessions a week for 3 weeks then 1 session a week
 - b. For those on HDC, 1 session a week.
11. The support worker provided by ClearSprings Ltd. will help defendants to comply with bail, and will remind them to attend court. For HDC cases the support worker will help to support compliance with the HDC licence. ClearSprings will help all those in the service to address issues such as self management, home management, and drug, alcohol or substance dependency. ClearSprings will also help access benefits, housing, education or employment, and will refer users to existing specialist public and voluntary services as appropriate.
12. Support, other than the move-in and move-on support mentioned at paragraph 5, will not be available from ClearSprings for those on HDC who have Offender Managers.
13. ClearSprings are required to liaise with Offender Managers for those on HDC and (where allocated) on bail, and to share information with OMs.
14. ClearSprings are required by the contract to establish good liaison with the police and with other stakeholders including probation and the electronic monitoring suppliers. They have clear guidance on when to initiate breach procedures, and set procedures to follow. For those on bail ClearSprings will report breaches to the police. For those on HDC failure to arrive at the accommodation, or absconding, will be reported to the Post Release Section in NOMS HQ. And if the support worker or a landlord is unhappy with a defendant's behaviour ClearSprings can withdraw the accommodation service for the individual.

ClearSprings website and Forms

15. ClearSprings has provided a dedicated web-based knowledge site for operational users of the scheme available at <https://secure.clearspringsbass.co.uk>. It will contain information about the service, processes supporting the service, guidance for referral staff and access to the referral and order forms. Passwords are available for prison and probation staff to access this site and can be obtained from: BASSCPOC@clearsprings.co.uk.
16. In the Prison Service a request has been made for the ClearSprings website to be added to the list of websites that can be accessed by all Intranet users with standard internet access. HDC staff should seek access to the ClearSprings website where they will be able to access a secure area of the site – to download forms and to identify what accommodation and support is provided. It

is hoped that prison and court staff will in due course be able to lodge requests/book accommodation and support directly through the website.

Eligibility

17. The main focus of the scheme is defendants who have already been remanded and who can be bailed at second appearance. However there are three groups of potential Service Users:

- a. **Remanded in custody:** those prisoners who have already been remanded in custody but who the Courts may decide to bail if provided with suitable accommodation and/or support;
- b. **Home Detention Curfew:** prisoners who are primarily serving custodial sentences of 3 months to less than 4 years and who are eligible for release on Home Detention Curfew and who prison governors may agree to release if provided with suitable accommodation and/or support;
- c. **Defendants in Court:** those appearing in court whom the Courts would remand in custody unless they are provided with suitable accommodation and/or support.

18. The service is aimed at a lower risk group than those who would be appropriate to Approved Premises, but it is not limited to those who, if formally assessed, would be 'low risk' in OASys terms, and PPOs are not excluded. ClearSprings cannot accept sex offenders or those currently charged with sex offences, and cannot provide accommodation for those convicted of arson within the last 10 years, or currently charged with arson. They are also likely to reject cases where the applicant would pose a significant risk to their staff or other users. Eligibility will be reviewed after the service has been running for a few months.

19. ClearSprings will not accept transfers of defendants from Approved Premises.

ROMS' Regional oversight

20. The Regional Offender Managers, and for Wales the Director of Offender Management, have commissioned the service and are responsible for managing it regionally. There is an operational lead for each ROM engaged in establishing and ensuring coordination between providers. Probation areas should ensure that they make contact with these leads and work within their overall strategy. The leads and Commissioning Managers can also provide advice and support.

Championing the scheme with Courts

21. NOMS HQ are liaising with sentencer organisations and other stakeholders at national level and ROMs are doing the same at regional level. ClearSprings also have a programme of engagement with stakeholders. A brief description of the service that may be useful to courts and others is at Annex B to this Circular.

22. Probation are asked to support ROMs in championing and explaining the scheme to sentencers and courts in the context of existing court and sentencer liaison arrangements and day to day business. It will be helpful if probation can promote the scheme in Court User Groups, LCJBs, the local sentencer liaison

fora, with defence solicitors and defendants and in any other events or meetings that provide such an opportunity.

23. ClearSprings are ready to support such events with presentations on what they can provide and how the service works.
24. NOMS HQ will follow up this Circular with a note to Chief Officers with Question and Answer briefing to help probation staff promote the scheme and answer frequently asked questions.

Bail Information work – first appearance cases

25. The main focus of the scheme is defendants who have already been remanded and who can be bailed at second appearance. NOMS are concerned about the risk, and costs, of net-widening if first appearance cases become a substantial proportion. It is recognised too that most probation areas do not have dedicated bail information schemes in courts and can handle only a small proportion of requests from Courts for the provision of bail accommodation on the same day. In the majority of such cases the defendant will be remanded in custody, perhaps with pre-release conditions set by the Court, and consideration of and referral to the ClearSprings service will fall to the prison Bail Information Officer.
26. Nonetheless, first appearance cases are not excluded from the scheme. And, where Bail Information or other probation court staff do process referrals (as for example they do for requests for Approved Premises placements) they should follow the guidance set out at Annex C.
27. Courts have been advised that the accommodation and support service is focussed on second appearance but that some probation areas may be able to provide a proactive or ad hoc reactive service for first appearance cases. Chief Officers should ensure that Courts in their Areas are advised about the local approach.
28. The probation areas in the Yorkshire and Humberside region also have access to the ISB funded Effective Bail Scheme provided by Nacro in partnership with SOVA and Foundation Housing. Local guidance has been issued to probation, prisons and courts by the ROM for that Region defining which courts should make referrals to the ClearSprings scheme and which to the EBS.

Liaison with prison bail information schemes

29. Where Courts identify defendants who the Court would be ready to bail if accommodation is provided, or if probation staff do commence action at Court but are unable to complete it in time for the order to ClearSprings to be placed by the court by 3 p.m., probation should ensure that the relevant prison is aware that an initial request has been made to ClearSprings, and should pass any relevant paperwork to the prison BIO.
30. Some prisons have arrangements with probation court teams to support connection at court in respect of bail information work generally. Probation are asked to maintain and adjust these arrangements as necessary to cover the ClearSprings involvement, in consultation with prison contacts and/or the ROMs lead.

31. Prison bail information staff have been issued with PSI 29/2007 setting out the processes to be followed for accessing the ClearSprings service. Probation staff involved in bail applications at court are asked to familiarise themselves with the relevant parts of that PSI which is available on the HMPS website.

Home Detention Curfew

32. The ClearSprings service is available for those who are eligible for release from prison on Home Detention Curfew. HDC staff in prisons have been issued with PSI 29/2007 setting out the process to be followed. Probation staff involved in HDC are asked to familiarise themselves with the relevant parts of that PSI which is available on the HMPS website.
33. The only change to the normal process is that probation are not required to do address checks for those offenders being released to ClearSprings accommodation – because ClearSprings will have consulted probation, and police and local authorities, about the addresses. Probation will still need to do the suitability checks in respect of the issues particular to the individual offender. The amended form HDC (3b) that will be sent from the prison to probation is at Annex E. It will be helpful if these checks can be expedited. The HDC3b should be returned to the prison within the National Standards target of 10 days.

Offender Management

34. The majority of those on bail, and those on HDC with sentences of less than 12 months, will not have Offender Managers. However for those cases where an Offender Manager is allocated ClearSprings is required to liaise with Offender Managers about cases and to share information from induction and contact sessions which may support effective offender management. For those on bail ClearSprings will be able, on request, to provide relevant information to PSR writers.
35. ClearSprings will not provide support services to those on HDC who have Offender Managers, but will still provide move –in and move-on services.
36. Offender Managers are asked to ensure that they have established liaison arrangements with ClearSprings regional managers. The Central Point of Contact for ClearSprings is 0845 273 2224.

ClearSprings contract / ROMs' regional management, and concerns

37. The contract with ClearSprings Ltd. is being managed on a regional basis by ROMs and for Wales by the Director of Offender Management. Each ROM has an Operational Lead / contract manager, and ClearSprings have regional managers. Concerns about the operation of the contract which cannot be resolved locally or with ClearSprings regional managers should be referred to the regional Operational Lead in the ROM's/DOM's team.

38. At national level the contract is overseen by NOMS Commercial and Competitions and by the Rebalancing Sentencing and Women's Policy Unit (which holds the policy lead on bail in NOMS.)

Equality Impact Assessment

39. The Equality Impact assessment of the Bail Accommodation and Support Service is currently being undertaken. The EIA will be completed and published as soon as possible.

Annex B**BRIEF DESCRIPTION OF CLEARSPRINGS ACCOMMODATION AND SUPPORT SERVICE****BAIL ACCOMMODATION AND SUPPORT SERVICE**

A new Bail Accommodation and Support Service was introduced by the National Offender Management Service (NOMS) on 18 June 2007 to enable the courts to make greater use of bail.

The service is considered appropriate for adults who are or would be remanded in custody who could be bailed if accommodation and/or support is made available. (The service is also available to sentenced prisoners eligible for Home Detention Curfew (HDC)).

This service is provided on a regional basis to NOMS' Regional Offender Managers by ClearSprings Ltd, an established provider of housing and support to vulnerable people. A booking system is provided by ClearSprings for operational staff in prisons and courts to make arrangements to access the service. Bail Information Reports will be prepared for the most part by prison-based staff.

The accommodation is not in hostels but in dispersed community settings and meets the standards of the relevant Local Authority. The mix in each property will be carefully managed and will be single gender, with up to five people sharing. Accommodation capacity will increase and will become more widely available over the next three months.

Defendants will be met at the address by a support worker and will be given an induction and advice on local services.

Support for those bailed will be provided by trained staff giving three one-hour contact sessions in the first three weeks of occupancy and at least one hour per week during the person's time in the bail accommodation. One session will be at the weekend. Through these contact sessions a support officer will help the individual to comply with the conditions of bail, to maintain the 'tenancy' and address any offending-related needs in collaboration with existing specialist public and voluntary services. Help in finding more stable accommodation will also be given. Those who are not re-remanded or sentenced to custody will be allowed to remain at the accommodation for up to 7 days after completion of bail.

Defendants will be reminded to attend Court.

Support-only services will be available to those who have accommodation but could not be bailed without such support.

Behaviour will be monitored with breach procedures initiated as necessary with the police.

Operational Guidance and forms, has been issued to Bail Information Officers, Prison Governors, Court Managers and Probation Chairs and Chiefs to cascade and through a range of sector specific channels.

The court, CPS and defence will be sent a bail information report by the Bail Information Officer together with the proposal from ClearSprings setting out the accommodation address and support arrangements offered. If the Court grants bail court staff must send a Service Order and a copy of the Bail Order to ClearSprings. The Bail Order should set a time of arrival at the address and this needs to allow for journey time and (in cases where the hearing is on video link it needs to allow for time to discharge the prisoner at the prison). If the Order cannot be placed with ClearSprings by 3 p.m. the accommodation will not be available until the next day. And if the Order can be placed earlier but the defendant would not be able to get to the address by 7 p.m. the Court should consider overnight remand in custody. Travel warrants are available from the Court Escort Contractor for those produced in custody.

For further information contact sue.nickson3@justice.gov.uk at NOMS HQ.

ACCOMMODATION AND SUPPORT SERVICE – HOW IT WORKS IN BAIL CASES

1. Bail Information Officers (which in this Circular is deemed to include probation staff delivering bail information/accommodation functions) should seek to identify those for whom the CPS are opposing bail who may be bailable if they had the accommodation and/or support that ClearSprings Ltd. provides. They should, as set out in PC 19/2005, prioritise women, BME and vulnerable prisoners.
2. Both **untried and convicted unsentenced** remand prisoners are eligible to apply for bail and may be referred to ClearSprings. Those for whom bail is opposed because of an abscond risk, especially if they are without accommodation, are most likely to get bail into the new service. Convicted unsentenced prisoners who have no address and who might be remanded into custody to facilitate probation or medical interviews may now be bailable.
3. Defendants who already have suitable accommodation but who seem unlikely to get bail without support can be offered **bail support only** with ClearSprings. They should not be offered ClearSprings' accommodation.
4. Defendants who are appropriate to an Approved Premises place should be referred to an Approved Premises if a place is available. Such defendants are unlikely to be suitable for referral to ClearSprings, except where Approved Premises do accept medium or lower risk defendants.
5. It is expected that those bailed will be located near to their place of origin, unless there are reasons why they need to be located elsewhere – e.g. for the protection of witnesses or victims or otherwise to reduce the risk of offending.
6. BIOs may wish to consult the ClearSprings guidance pack, on the ClearSprings website, which includes answers to some basic questions that defendants are likely to want to know about the service. The pack will be updated from time to time.

PNC – pre-convictions

7. BIOs should ensure that they have accessed pre-convictions data off PNC before completing any request to ClearSprings or before completing any bail information report – whether or not it is a case involving ClearSprings services.

Referrals

8. Annex D to this Circular sets out the process for using the ClearSprings forms for bail cases.
9. BIOs should make **referrals** to the ClearSprings contact point by fax or e-mail – using the form provided by ClearSprings (which builds on the BIO interview form). These requests should allow as much time as possible for ClearSprings to consider availability – although ClearSprings will try to turn round requests from courts very quickly to enable orders to be placed the same day. Orders

from the Court to ClearSprings must be placed by 3.00 p.m. to ensure that accommodation is available on the same day. Courts may need to remand overnight if the release and travel would mean that the defendant cannot reach the address by 7 p.m.

10. The request to ClearSprings should be completed as fully as possible. In completing requests BIOs must identify risk factors – from the pre-convictions, available records and the interview - and ensure that relevant information is included in or supplied with the referral to ClearSprings. They should summarise pre-convictions and also identify any constraints as to location – e.g. ASBOs or witness/victim issues. Where an OASys risk of harm screening or a risk of harm assessment has been conducted and is available the BIO should draw on that assessment in identifying risk factors. The Screening or Assessment document itself should not be copied to ClearSprings.
11. BIOs should ensure that prisoners are aware of the type of accommodation, that it will usually be shared, and that they will have to pay the rent and a contribution to utilities either themselves or through Housing Benefit, and that failure to do so will result in termination of the accommodation agreement and licence and probably a return to custody. (Housing Benefit will be paid direct to the landlord, not via the prisoner.)
12. Similarly BIOs should ensure that defendants are aware that they will get help from support workers, that they will (normally) have 3 contact sessions a week for 3 weeks then 1 a week, and that they will be required to sign a compact covering compliance with bail and behaviour.
13. It is important that BIOs ensure that Courts and the defendant have the information necessary to make contact with ClearSprings if bail is granted.
14. BIOs should ensure that defendants understand that they are expected to make their own way to the bail accommodation – where they will be met. They should ensure that defendants are aware of the availability of travel warrants from the court escort contractor or from the prison (if they have to be remanded in custody pending the arrangement of an address). BIOs should identify any defendants who will need transport to be provided – e.g. because of disability or journey difficulty - and should include this on the request to ClearSprings where necessary.
15. If there is doubt about whether a parent should be permitted to be joined by a dependant child, or if investigation through the appropriate authorities would cause delay, the BIO can invite the defendant to go for bail and make the request to be joined subsequently. If following release the relevant authorities agree that the defendant can be joined by the dependant(s) then ClearSprings may need to arrange a new address - and will help the defendant make any variation of bail required.
16. Witness statements must not be copied to ClearSprings.
17. ClearSprings cannot accept sex offenders or those charged with sex offences. They cannot provide accommodation to those convicted of arson in the last 10 years, or those charged with arson. ClearSprings will also be likely to refuse requests in respect of defendants who are likely to pose a significant risk of harm to the public, ClearSprings staff or others sharing the same accommodation.

18. The referral form allows BIOs to identify the degree of importance of particular needs that the defendant has, that ClearSprings support workers will need to help the defendant with. (ClearSprings will also make their own assessment of needs through the contact sessions during the ensuing bail period). It is appropriate to mention mental health needs, but without breaching any medical confidentiality.
19. BIOs should request only the standard 3 contact sessions unless the Court has already indicated that more, or less, should be provided. (For cases where 3 are requested the Courts may subsequently ask ClearSprings to vary the number).
20. BIOs are encouraged to discuss cases with ClearSprings, through the Central Point of Contact, if unsure about the forms, or to clarify procedures or the handling of cases.
21. ClearSprings will respond to the formal Referral with a **proposal** – with details of an address and support worker. ClearSprings will take account of any issues around location and the sharing of accommodation. If ClearSprings are unable to meet the request they may offer an alternative.
22. BIOs should complete and submit any **bail information report** in the usual way, but identifying the availability of accommodation and support as set out in the ClearSprings' proposal should the Court wish to use it in the case. The BIR should also identify the needs and risks posed and draw attention to the help with these that the ClearSprings' support worker will provide, and that they will seek to deliver compliance. ClearSprings forms 2 and 2a should be provided with the BIR. It may help too if the Court can also be shown a copy of the brief description of the ClearSprings service at Annex B to this Circular.
23. BIOs should identify cases where the timing of release and travel may mean an overnight remand is appropriate to avoid the risk of the prisoner being unable to reach the address in time on the day of the hearing. They should alert the Court to such cases.

Orders and release

24. The Court, if it grants bail into the ClearSprings services, will send a firm Order **direct** to ClearSprings, and will record the service as a condition on the Bail Order.
25. The defendant must be made aware of the following information - all of which will have been provided by ClearSprings:
 1. The accommodation address details
 2. Travel directions to the address
 3. The name of the ClearSprings contact
 4. ClearSprings CPOC telephone number
 5. Details of the 24hr police station nearest to the address
26. The BIO must also ensure that the defendant is aware of the required arrival time, which should have been set by the Court, and knows how to obtain a travel warrant from the escort contractor. This may need to be sought before the contractor formally releases the defendant from their care.

27. The Courts may choose to impose (or may ask the BIO to request) more support sessions than the standard of 3 a week, followed by 1 a week after three weeks.
28. It is recognised that most probation areas do not have dedicated bail information staff and that, although in some courts probation will be able to make requests of ClearSprings, in the majority of such cases the defendant may have to be remanded in custody, perhaps with pre-release conditions set by the Court. Where probation staff do commence action they must ensure that the relevant prison is aware that an initial request has been made to ClearSprings, so that they can prioritise completion.

ClearSprings referral and order forms

29. The forms are issued as a separate document on EPIC as well as on the ClearSprings website. The forms should be read in conjunction with this Annex C and, in particular, Annex D.

CLEARSPRINGS' BAIL ACCOMMODATION AND SUPPORT SERVICE

BOOKING SEQUENCE FOR BAIL

Please note that full process maps are appended to the BASS Operational Guidance

SEQUENCE (a)	ACTIVITY and ACTION REQUIRED (b)	BY WHOM (c)	
		Remand Prisoner	1 st Appearance
1	<p>Form 1 – Service Referral Fax or email this form to ClearSprings.</p>	Prison BIO	Probation
2	<p>Form 2 - Service Proposal</p> <p>1. A completed Section 2 and 2a* form will be returned to the person named at 1c above to offer an address and/or support worker. Note: If an address needs to be changed Section 2b will be completed by ClearSprings to advise a new address. This must be accepted [Section 2c] or rejected [Section 2d] by person named at 1c above in consultation with the Service User.</p> <p>2. <i>Service Proposal Section 2 and 2a must be forwarded with BIR to relevant Court, CPS and defence solicitor.</i></p> <p>3. Form to be submitted with defendant's papers to Court for a bail order to be granted. Consideration to be given to time needed to travel to address, and arrival <u>must</u> be before 7pm.</p>	<p>1. ClearSprings</p> <p>2. BIO</p> <p>3. Court staff</p>	<p>1. ClearSprings</p> <p>2. Probation</p> <p>3. Court staff</p>
3	<p>Form 3 – Service Order</p> <p>1. This form is the formal acceptance of the Service Proposal and must be sent <u>immediately</u> to ClearSprings to ensure provision of the accommodation identified once the proposed address is accepted by the Court. It must be accompanied by the Bail Order.</p> <p>2. Bailee provided with bail conditions and completed ClearSprings Form 2a.</p> <p>Ensure that s/he is aware of the content of the form:</p> <ul style="list-style-type: none"> ○ Accommodation address details ○ Travel instructions to address ○ Named ClearSprings contact ○ ClearSprings telephone number ○ Required arrival time at property – must be before 7pm (may need to be agreed with prison) ○ Details of nearest 24 hr police station <p>Bailee should be in possession of personal belongings and travel warrant if required (from PECS if released from Court).</p>	<p>1. Court staff</p> <p>2. Court staff or BIO/Prison staff if a) court appearance is by prison video link b) defendant in prison with pre-release conditions.</p>	<p>1. Court staff</p> <p>2. Court staff</p>

FORMS REFERRED TO ABOVE AND OPERATIONAL GUIDANCE ARE LOCATED AT:

1. <https://www.secure.clearspringsbass.co.uk> (please email the address below if you need log in details)
2. EPIC (Probation Service)
3. HMCS intranet site
4. Forms have also been distributed by email to Courts and Prisons.

CLEARSPRINGS ACCOMMODATION AND SUPPORT SERVICE – HOME DETENTION CURFEW

1. Accommodation and support services are available from 18 June 2007 through a national contract with ClearSprings Ltd. The service is called the Bail Accommodation and Support Service (BASS) but the accommodation and support is available for Home Detention Curfew as well as for bail.
2. This Annex sets out the process and variations from the normal HDC process. The forms to be used for making requests and orders to ClearSprings, the procedures and the contact details are set out in a guidance pack issued by ClearSprings to prisons, probation and courts and are available on the ClearSprings website.

Process

3. The process in prisons - set out in Prison Service Instruction 29/2007 - now requires prisons to offer the possibility of accommodation through the contract with ClearSprings to a prisoner who cannot provide an accommodation address, but who otherwise meets the basic eligibility criteria.
4. The prisoner may reject this offer, therefore opting out of consideration for HDC.
5. If the prisoner accepts the offer a member of prison staff will interview the prisoner to determine the potential needs of the prisoner including: whether there are any dependants, the area the prisoner wishes to be curfewed to or, in the case of prisoners sentenced to 12 months or more, the prisoner's chosen locality in the probation area responsible for his/her resettlement.
6. A modified version of form HDC3 (HDC (3B) attached below at Annex F will be sent to the home probation area to provide an 'in principle' report on the assumption that suitable accommodation will be found from ClearSprings. The form asks the probation service to comment on the suitability of the proposed area the prisoner wishes to be released to, any victim issues and the general suitability for the prisoner to be released on HDC.
7. Probation are asked to process such cases as soon as possible and within the 10 day target set in National Standards.
8. On receipt of the completed form if probation do not support the release the prisoner will still be considered under the enhanced risk assessment process. If probation support the proposed release, account will be taken by prisons of any requests for additional licence conditions (in the case of prisoners subject to supervision on release), and areas to avoid taking victim issues into account. The prisoner will then be assessed under the standard/enhanced procedure and HDC either refused or granted, subject to a suitable address being provided. Consideration must be made as to whether Support Services will be required for the prisoner, although they will not be available from ClearSprings for prisoners who will be supervised by an Offender Manager on release.

9. The prison will then complete the ClearSprings Referral form and send this to ClearSprings' Central Point of Contact (CPOC) by fax providing the prisoner's details, whether only accommodation is required or Support Services as well, the area of preference for the prisoner to be released to, if there are dependants who also need to be considered and the date for when the accommodation is required, including the end date of HDC. The Referral form will be sent no earlier than one month prior to the expected HDC release date and no later than 14 days before the expected HDC release date.
10. ClearSprings will reply offering an address/support package for the prison to consider. If the Governor decides the package is unsuitable a further request can be placed with ClearSprings. However, if the Governor considers the package to be suitable and the prisoner also agrees the terms of the compact the prison must send a Service Order using the form provided by ClearSprings to the Central Point of Contact (CPOC) confirming the package is suitable. This will/should be done no later than 7 calendar days before the date of release.
11. The HDC7 will be faxed as normal to the EM supplier, home probation, NIS and local police up to 14 days in advance of the release and never without at least 24 hours notice.
12. On the day of release on HDC a copy of the signed licence will be faxed to all the above parties and to ClearSprings before 12 noon. All copies of the licence will be clearly annotated to show that the accommodation address is supplied by ClearSprings. (This will provide NOMS Post Release Section with the information required to notify ClearSprings of the termination of the service requirement if necessary in due course).
13. Unless specified otherwise on the licence the prisoner must be at the accommodation by 3 p.m. on the day of release. The ClearSprings support worker will be there to meet the prisoner from 2.45pm to 3.30pm. However, if ClearSprings has been informed by the prison that the prisoner has been unavoidably delayed the support worker shall be available until 7pm to meet the prisoner from 15 minutes before to 30 minutes after the revised arrival time.
14. Once the prisoner arrives at the accommodation ClearSprings will confirm the arrival to the prison and to the EM supplier.

Action following release and if licence is revoked

15. If upon induction it becomes clear the accommodation is not suitable, ClearSprings will ask the prison for approval before moving the prisoner to a new address. They will also advise the EM supplier if it is necessary to change the address. The Governor may approve the new address if the Governor is satisfied that there is no information held that would indicate the proposed address is unsuitable. The licence will be amended and faxed to all relevant recipients without delay.
16. Where a prisoner fails to arrive at the accommodation by 3.30 p.m. and no reason has been provided, ClearSprings will contact the EM supplier and the offender manager (if there is one), to report the failure to arrive. The Post Release Section (formerly the Release and Recall section) in NOMS HQ will decide whether to instigate recall proceedings. If a decision is taken to recall the prisoner the Post Release Section will send ClearSprings a service termination.

17. Where ClearSprings wishes to terminate the service to an individual they will inform the police by telephone and shall notify the prison, the EM supplier, the Post Release Section and the offender manager if there is one. ClearSprings may terminate the service if the prisoner breaks the terms of the agreement, fails to engage with a support officer at contact sessions, if these were requested by the prison, or with other support services to which they had been referred, fails to sign the Accommodation agreement or indulges in unacceptable behaviour towards other occupants of the premises or neighbours or the support worker. However, ClearSprings will continue to provide accommodation pending a response from the Post Release Section.
18. If a variation is made to the HDC licence and it impacts on the service provision, the prison will fax a Service Variation to ClearSprings.

Forms

19. Annex F contains the revised form HDC (3b). The forms for referrals and orders to ClearSprings for HDC are completed by prison staff and are not included in this Circular. They are available on the ClearSprings website and on the HMPS website, together with a booking sequence chart.

FORM HDC (3b) (PSO 6700)

This document may be disclosed to the prisoner. Please refer to guidance in the relevant Probation Circular [33/2007 issued on 26 September 2007]

REQUEST FOR INFORMATION ON PROPOSED HOME DETENTION CURFEW (for prisoners whose accommodation will be provided through the ClearSprings Bail Accommodation and Support Service)

To:	From:
Address:	HM Prison:
Date for reply:	Date:

OFFENDER'S DETAILS	
Re Surname	Forename(s)
DoB	Prison Number
Dates of Sentence	Court
Sentence	Offences
HDC Eligibility Date	

The above named prisoner is being considered for Home Detention Curfew.

If considered suitable for release on HDC the prisoner will be found accommodation by ClearSprings.

The proposed area for release for the prisoner is:

Your views are sought on the suitability of the offender for Home Detention Curfew, and on the suitability of the proposed area for release.

N.B. Prisoners will normally be released on HDC unless there are substantive reasons for retaining the prisoner in custody until his or her automatic release date. Only where there are clear and substantive grounds to indicate the prisoner is unlikely successfully to complete the period on HDC will release normally be refused. Guidance on the role of the Probation Service in the risk assessment process for Home Detention Curfew is given in Probation Circular 44/98 and Probation Circular 33/2007 issued on 26 September 2007.

Factors on which you may wish to comment include:

- (i) domestic circumstances;

- (ii) the position of known victims;
- (iii) evidence concerning the prisoner's suitability for Home Detention Curfew including:
 - a) potential risk to the victim(s) or to members of the public;
 - b) risk of re-offending during the Home Detention Curfew period; or
 - c) probability of complying with the conditions of the curfew.

You should also comment where there are any other factors of relevance to the prisoner's suitability for Home Detention Curfew, or the suitability of the proposed release area.

The Prison Service would be particularly grateful for any comments you may have in relation to the items at (i) – (iii) above *

Comments on prisoner's suitability and/or suitability of proposed release area (Please continue your comments on a separate sheet if necessary).

Any special curfew hours recommended:-

Signed _____ Name _____

Date _____ Grade _____ Tel _____

*Delete as appropriate