

Probation Circular



APPROVED PREMISES: STEPS TO BE FOLLOWED WHEN CONSIDERING TEMPORARY OR PERMANENT CLOSURE

PURPOSE

To provide clarification of the steps which must be taken when Probation Boards or Voluntary Management Committees are considering temporary or permanent closure of Approved Premises.

ACTION

Chairs and Chiefs of Probation Boards and Chairs of Voluntary Management Committees to:-

- Note that any proposal for the temporary or permanent closure of an Approved Premise requires the formal approval of the Director of Probation;
- Advise NPD at the earliest possible opportunity that closure is being considered, giving full details of the rationale for closure, together with an analysis of the options which have been explored to keep the service operating at the AP site;
- Note that in future, when Approved Premises are formally approved, the notification will indicate that the Secretary of State may withdraw approval at any time.

SUMMARY

All Approved Premises are subject to formal approval under Section 9 of the Criminal Justice and Court Services Act 2000. This approval is exercised by NPD on behalf of the Secretary of State, as is the implicit power to withdraw approval. Probation Boards do not therefore have the authority to agree the temporary or permanent closure of Approved Premises, but must seek approval of any proposals for closure from the Director of Probation. Similarly, because Voluntary Management Committees receive direct funding from the NPD, proposal for closure of voluntary managed Approved Premises require approval by the Director of Probation.

RELEVANT PREVIOUS PROBATION CIRCULARS

PC37/2005 – The role and purpose of Approved Premises

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TO:

Chairs of Probation Boards
Chief Officers of Probation
Secretaries of Probation Boards
Chairs of Voluntary Management Committees

CC:

Board Treasurers
Regional Managers

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ATTACHED:

N/A

Introduction

1. Approved Premises are a vital public protection resource and increasingly accommodate those who are assessed as high or very high risk of harm. Many residents are managed through local Multi-agency Public Protection Arrangements. The size of the Approved Premises estate is limited, and any reduction in the number of bedspaces available will adversely affect NOMS' capability to deliver public protection in the community. Equally, the timescales for opening new premises or extending existing ones mean that it is imperative that we maximise the use of existing provision.

2. Approved Premises are subject to formal approval by the Secretary of State under Section 9 (1) of the Criminal Justice and Court Services Act 2000 and are funded under Section (4) of the Act. Approval by the Secretary of State is given at a specified site for a specified number of bedspaces. Voluntary Management Committees operate services for which they are directly grant funded. Both they and Probation Boards are accountable to NPD for service delivery in Approved Premises. Approval and funding may be withdrawn by NPD/ NOMS, acting on behalf of the Secretary of State, if circumstances change. This would be the case in the event of temporary or permanent closure of an Approved Premise. Probation Boards do not have delegated powers to withdraw approval or authorise closure of premises.

Steps to be taken if closure is being considered

3. Probation Boards and Voluntary Management Committees are required to ensure that Approved Premises are staffed appropriately and have a duty of care to both staff and residents to provide a safe working and living environment. Probation Boards or Voluntary Management Committees who do find that they are facing severe operating difficulties at Approved Premises sites should, at the earliest possible opportunity, discuss the issues with regional colleagues and NPD. This may enable some possible solutions to be generated which would obviate the need for closure.

4. If, after such consultation, it remains the view of the Probation Board or the Voluntary Management Committee that temporary or permanent closure is advisable, then they must formally seek the Director of Probation's approval of closure in writing. Such requests should be accompanied by the following documents:-

- A formal resolution of the Board or Voluntary Management Committee to seek closure:
- An analysis of the factors leading to consideration of closure, the likely duration of closure and the options explored to resolve the situation;
- A risk analysis which will include the impact of closure on the capacity to deliver public protection locally, reputational risk of closure or of serious incidents if the operating difficulties are not resolved;
- Details of contingency arrangements including arrangements with other Approved Premises in the region to accept displaced residents or new referrals and arrangements to secure the site during closure;
- A financial analysis of the costs associated with closure such as additional night security and of the savings accruing during closure to enable the grant payments to be adjusted by NPD/NOMS;
- Details of arrangements for staff eg redeployment
- Advice on what communications are planned with key stakeholders such as police and courts about closure.

5. Probation Boards or Voluntary Management Committees should not proceed with arrangements for closure until such time as formal response is received from the Director of Probation.

Future notification of formal approval

6. Currently, the notification of formal approval of premises simply advises that the site has been approved for use and indicates the number of bedspaces approved. In future, notifications will clearly indicate that the Secretary of State may withdraw formal approval at any time.