



HM Prison &
Probation Service

Probation
Service



Probation Reset

Preventing victims by changing lives

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Agenda Item 10

Probation Reset

Probation Reset is an organisational policy that has been implemented to alleviate Probation workload pressures. The focus of these measures also aims to target our limited resources where they have the most impact i.e. at the start of the sentence.

- ❖ Probation Reset changes mandate that Probation Practitioner contact with an offender is suspended in the final third for all Community Orders and Suspended Sentence Orders with RAR and all licences.
- ❖ The changes also mandate the suspension of contact during the PSS period.
- ❖ There are some offenders who are exempt from these changes.
- ❖ This slide pack outlines what Probation work continues to be delivered in the final third and it is important to note that the Probation Service retains responsibility for the management of the case until the end of the sentence.
- ❖ As Probation Reset is a nationally mandated change, individual Probation Practitioners or managers are **not** accountable for the decision to stop seeing eligible offenders at the stipulated point in their sentence.



Probation Reset

Probation Reset has been informed by:



- ❖ Inspections which highlight that focused attention is needed where it will have the highest impact i.e. in the earlier stages of any requirement.
- ❖ Prison capacity measures e.g., ECSL changes to 70 days from 23rd May 2024, move to Fixed Term Recalls (FTR) for the majority of the under 12-month custody cohort.
- ❖ The need to alleviate the workload demands and to protect our staff time.
- ❖ Anticipating the further impact of the Sentencing Bill, which includes proposals for changes to the use of short custodial sentences and the extension of Home Detention Curfew (HDC) to the over 4-year custody cohort.
- ❖ There is a 9-week implementation phase between 29 April to 1 July 2024.

Sentence Management Contact during PSS and in the Final Third of RAR and Licence

Probation Reset will mean changes to operational delivery, stopping active Probation contact **in PSS and the final third of RAR or Licence** with individuals who do not meet the exception criteria below.

Changes will **NOT** apply to the following cohorts (contact continues):

Exemption Criteria

MAPPA cases (all categories and levels)

National Security Division (NSD) directly managed cases

Very High Risk of Serious Harm assessment of case

Child Protection Plan Register (*This exemption criteria does not include NDelius register for Child Concern nor cases involving children assessed as being a Child in Need*)

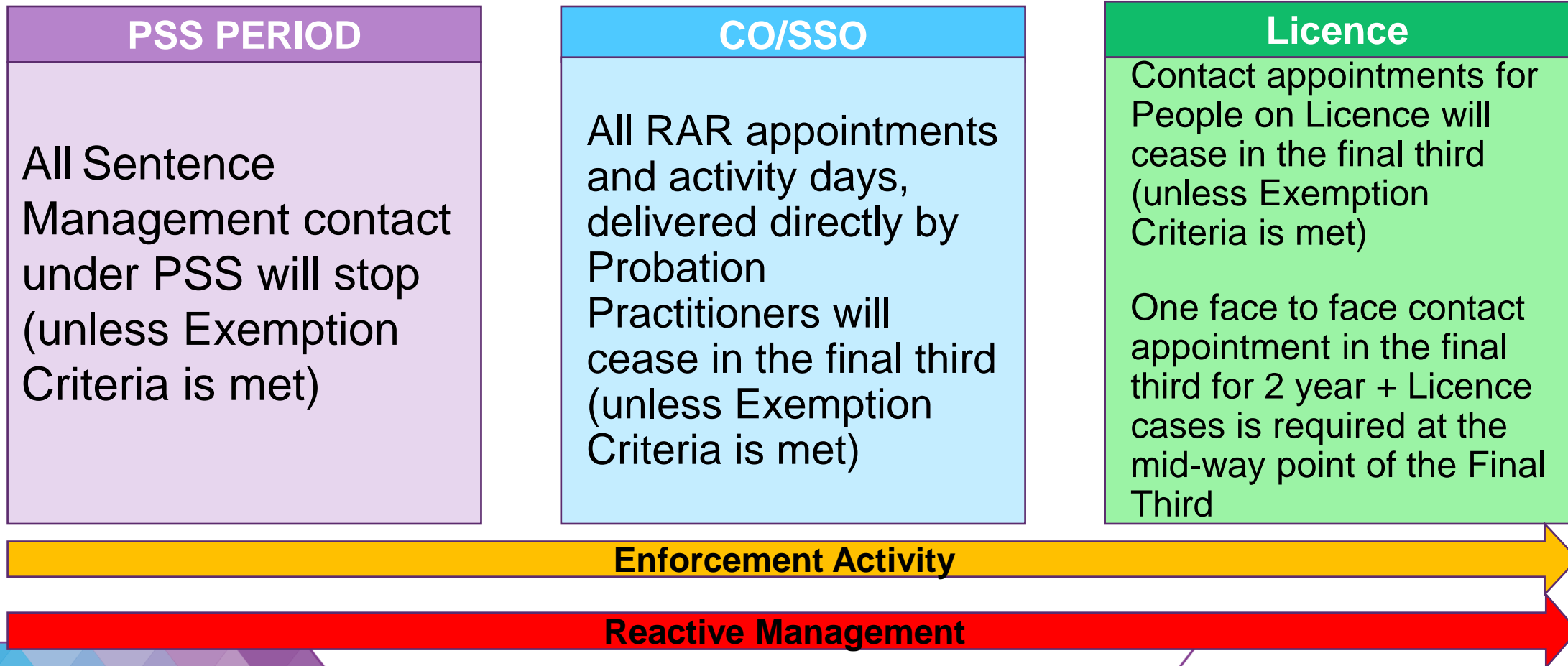
Intensive Supervision Court Pilot (ISC) (*until such time as the evaluation is completed*)

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Reinstatement of contact will only occur if the individual meets the Exemption Criteria

Changes to Probation Contact in for individuals subject to; Post Sentence Supervision (PSS), Community Orders (CO) and Suspended Sentence Orders (SSO) with Rehabilitation Activity Requirements (RAR), or Licence

The changes are mandated for all staff in all Probation Areas and will apply to both existing and new cases. In summary the changes include:



What doesn't stop?

Whilst Sentence Management contact will cease, there will be requirements/conditions/activities that must continue:

- ❑ All Licence conditions other than reporting to the Probation Practitioner – unless they are varied/removed
- ❑ Non RAR requirements within a Community Order or Suspended Sentence Order e.g. UPW will continue
- ❑ Accredited Programme (AcP) Delivery:
 - AcP as part of Licence/PSS conditions or a specified AcP requirement. This is enforceable.
 - AcP *may* continue in the final third as part of RAR activities if the offender has already commenced the AcP. This is not enforceable.
 - Where an AcP continues into the final third, post programme work will not be undertaken by the Probation Practitioner
- ❑ Drug Testing:
 - No changes to Drug Rehabilitation Requirement (DRRs).** Drug testing by Probation Practitioners continues where a DRR is in place.
 - Licence drug testing** by the Probation Practitioner continues if there is a specific drug testing Licence Condition. The Licence condition may be varied/removed if appropriate.
- ❑ Electronic Monitoring
- ❑ Community Sentence Treatment Requirements
- ❑ CRS only if part of a Licence condition

Reinstating Regular Probation contact

The only criterion for reinstating **regular** contact is if circumstances change which means that the case meets the **Exemption Criteria**. Therefore, reinstatement of contact in PSS or the final third or RAR or Licence may only occur in the following situations:

- The individual has become a **MAPPA** managed case
- The individual has been newly identified as a **National Security Division** case
- Information has been received indicating the individual's involvement in an active **Child Protection Plan**
- Significant changes **and or** notifications from Police or Children Social Care mean the individual is reassessed as **Very High Risk of Serious Harm**.



Managing cases during PSS and the Final third of RAR or Licence

Sentence management contact in PSS and the Final Third of RAR or Licence

- Planned Sentence Management contact will **stop** other than for individuals who meet the exemption criteria.
- All RAR appointments and activity days, delivered directly by Probation Practitioners will **stop**, as will all Sentence Management contact under PSS.
- Individuals who have received a custodial sentence of 4 years or more, and therefore have a licence period of 2 years or more, will require a **face-to-face appointment with Probation at the mid-way point** of the final third. This appointment is enforceable.
- Individuals on licence sentenced to under 4 years custody would have their final face to face appointment prior to the two-thirds point of the Licence.
- Individuals who are recalled, whether on a Fixed Term or Standard basis, are **required to attend a face-to-face appointment** on release. This appointment is enforceable.
- Individuals who were recalled on licence and re-released **at the end** of their licence period and start of PSS period are **required to attend a face-to-face appointment on release**. This appointment is enforceable.
- The purpose of the appointment on release is to go through the licence (or PSS if relevant) conditions, any barriers to compliance and how these may be overcome, and immediate resettlement needs.
- As both termination OASys and OASys at point of recall should have been completed, no Initial Sentence Plan (ISP) OASys is required on re-release.

Workload Overview for cases where sentence management contact is suspended

Activity which continues	Activity which stops	Activity which reduces
<p>Enforcement activity including:</p> <ul style="list-style-type: none"> - Electronic monitoring review & liaison - Breach / recall completion - Licence enforcement letters - Accredited Programmes as part of specific requirements (Licence/PSS/CO/SSO) – no post programme work completed. - Community Sentence Treatment Requirements. 	<p>Contact with PoPs:</p> <ul style="list-style-type: none"> - Mandatory monthly supervision - Additional supervision contacts - IOM supervision contacts - RAR 1:1 toolkit delivery - Pre-programme work / post-programme work 	<p>Contact with PoPs:</p> <ul style="list-style-type: none"> - One final appointment in final third for licence cases (sentenced to 4 years+) - Face-to-face contact for release cases (enforceable) following recall and release on PSS - Homeless PoPs 'check-in' contact - FNO initial contact if released from immigration detention during final third.
<p>Public protection / safeguarding / legislative duties (Reactive Supervision)</p> <ul style="list-style-type: none"> - Referrals and liaison with VLO's - MARAC referrals - Duty to refer (housing) - Child and adult safeguarding referrals - Social worker liaison – care leavers - Liaison with Police - Responsiveness to risk information - Case conference attendance* 	<p>All activity already completed:</p> <ul style="list-style-type: none"> - Activities relating to and including initial sentence plan and induction - Home visits - Referrals to CRS / Structured Interventions / Programmes - Approved Premises activities (3way, move-on plan) - Strategy meeting and core group attendance 	<p>Risk reviews – OASys: Responding to address checks for FNOs Liaison with Home Office</p>
<p>Case management</p> <ul style="list-style-type: none"> - Transfer out of area - Drug testing on DRR on CO/SSO & Licence/PSS - Licence variation request 		



IOM Cases

Version 1.0

Integrated Offender Management (IOM)

- **All IOM cases will cease having Probation contact in the last third, unless exemption criteria is met**
- Probation contacts with offenders subject to Integrated Offender Management (IOM) on Licence and RAR will cease in the final third (*unless they meet the exemption criteria*). IOM is a multi-agency arrangement, and the Multi-Agency Case Conference meeting (MACC) may decide that the person remains on the IOM cohort but is managed by a single agency (i.e. the Police).
- **IOM considerations**
 - Consideration should be given via the MACC meeting to migrating cases off IOM at the final third stage
 - Liaison with IOM partners should take place to confirm any ongoing contact for the offender with partnership agencies to support their journey in the last third and risk management plans updated at termination
 - Consideration of single agency non statutory engagement may also be considered at the MACC
 - where there is a Licence condition in place to engage with IOM, the practitioner must, in consultation with relevant IOM partners, decide whether to remove/vary this condition for the final third or whether the Police IOM team remain the single point of contact to provide ongoing contact arrangements with the individual



Reactive Management & Changes in Need or Circumstances

Version 1.0

Reactive Management

- Reactive management is the term used to define the expectation of Probation Practitioners during PSS or the final third of RAR or Licence to ***act in response to a situation or information received***.
- Information may be received from sources internal to Probation e.g., UPW, Accredited Programmes, VLOs, DASOs or from partners such as Police and Social Services etc.
- Whilst there is a requirement to assess changes in situation or new information received to determine appropriate next steps, Probation Practitioners are not required to proactively seek information in the final third or during the PSS period.
- Reactive Management Guidance includes what additional enquiries should be made, what information sharing should be undertaken, what to do if there are raised concerns regarding safeguarding or Domestic Abuse or if there is an indication of breach.
- In most cases, being reactive to a new situation or information received, **will not** require resumption of regular contact with the individual.

Reactive Management – Things to consider

- Does the information received require additional enquiries to be made?
- Does contact need to be made with partner agencies to obtain/verify information?
- Does contact need to be made with the individual and, if so, could this be over the telephone?
- Is information sharing required?
- Does this information raise **safeguarding** concerns?
- Do I need to contact the VLO/Domestic Abuse Support Officer (DASO)?
- Does this information raise concerns related to **Domestic Abuse**?
- Does the information received indicate a **breach** of licence conditions?
- Does the information received indicate a **breach** Community Order/Suspended Sentence Order?
- Does the information received indicate an increase in RoSH to **High**?
- Does the information received indicate the individual may now meet the Exemption Criteria requiring reinstatement of sentence management contact?
 - **MAPPA** eligible
 - Moved to **National Security Division** management
 - Involved in **Child Protection** case
 - Assessed as posing a **Very High Risk** of Serious Harm

Changes in need/circumstances

- Where information is received indicating there is a new need to be addressed, consider signposting the individual to relevant partner organisations to assist. Referrals to CRS would not be applicable.
- “Duty to Refer”/ “Application to Assist” in relation to accommodation issues remains a statutory requirement and should be undertaken.
- Due to the ongoing need for sentence management oversight, Approved Premises will not ordinarily accept referrals for individuals who are not subject to Probation Sentence Management contact. However, there may be some rare exceptions to this. Such rare exceptions would require discussion with the AP Central Referral Unit on a case-by-case basis.
- If the individual meets the relevant CAS 2 or 3 criteria, a referral can be undertaken as part of reactive management. A requirement of CAS 2 and 3 is that an identified Probation Practitioner will retain responsibility for referral, liaison with the provider and reactive management during the placement.
- Where there is a change of address, action to assess approval of the address should be taken by the Probation Practitioner based on the level of risk or concern relevant to the individual. For some individuals this may require safeguarding or police intelligence checks. An assessment of the proposed address via a home visit may also be required.
- Any requests for changes in employment or travel abroad should be considered in accordance with the existing Policy Frameworks.

Change in Risk

If information is received that indicates an increase in risk and reactive consideration is required;

Consideration needs to be given to sharing information with partners, arranging (but not resuming) contact, MARAC referrals, MAPPA Category 3 referral, Social Services referrals, VLO/DASO liaison, Referral to Domestic Violence Disclosure Scheme

- Update Risk Registers if required

Consideration should be given to;

- The use of further controls to manage risk. For licence cases, this may include varied or additional licence conditions.
- Where risk has escalated and additional controls are either unavailable or will not sufficiently strengthen risk management, enforcement action must be considered.
- This may be through use of the Consider a Recall Service or enforcement of Community Orders/Suspended Sentence Orders to ensure that appropriate and proportionate enforcement action is taken.

Enforcement

- There are no changes to Probation Practitioners' role in ensuring the sentence of the Court is delivered. Should information be received which indicates a breach of requirement(s), consider appropriate compliance and/or enforcement activity.
- Attempts should be made to both verify information, including with partner agencies as appropriate, and to contact the individual, prior to instigating enforcement action.
- **Recall thresholds remain unchanged**. Information received regarding licence breach or indications that recall threshold has been met require follow up and/or enforcement action.
- Where the recall threshold is not met and a lower-level sanction is required, Licence Compliance Letters remain applicable.
- Consider a Recall should be used for all cases where the Probation Practitioner believes that the recall threshold may have been met, resulting in either a decision to recall or the issuing of a Decision Not to Recall letter.
- In completing the updated Risk Management Plan required at the point of recall, consider other agencies which may be involved upon re-release and make necessary referrals to support the individual's return to the community. Licence conditions, including the addition of further restrictions, to manage risk, may need to be varied.
- The Community Offender Manager (COM) still needs to make contact with an individual in the preparation of a Part B or Part C Recall Report [Complete Part B of recall report \(Master\) \(justice.gov.uk\)](#) and attend an Oral Hearing where directed by the Parole Board.
- A face-to-face appointment, which is enforceable, must be provided on release to individuals who have been recalled/ are released at the end of the licence period and start of PSS. The purpose of the appointment on release is to go through the licence (or PSS if relevant) conditions, any barriers to compliance and how these may be overcome, and immediate resettlement needs.



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Implications for Court Teams

Version 1.0

Court Teams

- Probation Practitioners continue to be responsible for taking breach action on CO/SSO/ Post Sentence Supervision (PSS), when Probation Sentence Management contact has been suspended. Breach processes will be undertaken in the usual way.
- Breach proposals completed by Probation Practitioners will need to take account of whether Probation Sentence Management contact has been, or will be, suspended under Probation Reset e.g. proposing additional RAR activity days may no longer be appropriate.
- Court staff, presenting Breaches or prosecuting contested Breaches, may be required to respond to queries related to suspension of Probation contact under Probation Reset e.g. the relevance to progress made on the Order or proposals.
- Response to Supervision feedback can continue to be requested by Court staff, even if Probation contact with the offender has been suspended. The Probation Practitioner / Hub Officer responsible for the case in the final third of the sentence, will provide relevant available information including the details of suspended contact.
- Offenders sentenced to custody, who are released directly from Court on Licence (due to time served on remand), will continue to require a Licence/PSS and appropriate conditions be put forward to Governors for inclusion.
- Offenders sentenced to custody, who are released directly from Court on Licence (due to time served on remand), will continue to be instructed to attend an initial appointment at the Probation Office. They will then be told if they are eligible to have further Probation contact suspended.
- Court guidance documents will be updated to reflect the implications of Probation Reset.

End of Custody Supervised Licence (ECSL)

- a) ECSL is an administrative and operational scheme that enables the release of eligible prisoners for a period in advance of their Conditional Release Date. (Currently just male prisoners)
- b) Those prisoners released on ECSL will be subject to the full range of licence conditions (including good behaviour) following release.
- c) ECSL uses compassionate release powers to release prisoners and create essential prison capacity.
- d) On 23rd May the scheme was extended to the release of all eligible prisoners up to 70 days early.
- e) The Probation Service can ask for an exemption from early release only for very limited, specifically risk-related reasons

The following groups are not eligible for ECSL:

- Prisoners currently serving a sentence for any sexual offence or subject to the notification requirements of the Sexual Offences Act 2003 (sex offenders' register) on release
- Prisoners currently serving a sentence for a terrorist or terrorist connected offence*;
- Prisoners currently serving a sentence of 4 or more years for a violent offence; (see schedule 15 CJA 2003)
- Category A male prisoners (status of the prisoner, not the prison)
- Restricted Status female prisoners
- Prisoners currently serving a recall
- Prisoners currently remanded in custody on other matters
- Prisoners who are further than 18 days away from their release point

Home Detention Curfew & Recall

- There is an extension to the HDC scheme to include those on sentences of over 4 years
- Fixed Term recall of 14 days for most recalls

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