Probation Board for Northern Ireland
Best Practice Framework Incorporating
Northern Ireland Standards

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# Probation Board for Northern Ireland

## Glossary of Terms Relevant to PBI Practice

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<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACE</td>
<td>Assessment- Case Management - Evaluation</td>
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<tr>
<td>AD</td>
<td>Assistant Director (PBI)</td>
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<td>ADR</td>
<td>Actual Date of Release</td>
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<tr>
<td>CED</td>
<td>Custody Expiry Date</td>
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<td>CJNI</td>
<td>Criminal Justice Inspection Northern Ireland</td>
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<td>CMS</td>
<td>Case Management System (PBI)</td>
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<td>CPO</td>
<td>Custody Probation Order</td>
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<td>CSO</td>
<td>Community Service Order</td>
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<td>CSCP</td>
<td>Cognitive Self Change Programme</td>
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<td>CSOGP</td>
<td>Community Sex Offender Group work Programme</td>
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<td>CRV</td>
<td>Criminal Record Viewer</td>
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<td>DCS</td>
<td>Determinate Custodial Sentence</td>
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<td>DoJ</td>
<td>Department of Justice</td>
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<td>DPA</td>
<td>Data Protection Act</td>
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<td>DRM</td>
<td>Designated Risk Manager</td>
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<td>ECS</td>
<td>Extended Custodial Sentence</td>
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<td>EM</td>
<td>Electronic Monitoring</td>
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<td>FAQ</td>
<td>Frequently Asked Question</td>
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<td>FOI</td>
<td>Freedom of Information</td>
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<td>HCR</td>
<td>Home Circumstances Report</td>
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<td>ICOS</td>
<td>Integrated Court Operations System.</td>
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<td>ICS</td>
<td>Indeterminate Custodial Sentence</td>
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<td>IDAP</td>
<td>Integrated Domestic Abuse Programme</td>
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<td>JJC</td>
<td>Juvenile Justice Centre Order</td>
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<td>LAPPP</td>
<td>Local Area Public Protection Panel</td>
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<td>LED</td>
<td>Licence End Date</td>
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<td>LSU</td>
<td>Life Sentence Unit</td>
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<td>LMU</td>
<td>Lifer Management Unit</td>
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<td>MARAC</td>
<td>Multi Agency Risk Assessment Conference</td>
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<td>MODV</td>
<td>Men Overcoming Domestic Violence</td>
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<td>NIACRO</td>
<td>Northern Ireland Association for the Care and Resettlement of Offenders.</td>
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<td>NIcts</td>
<td>Northern Ireland Court Service</td>
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<td>NIPS</td>
<td>Northern Ireland Prison Service</td>
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<td>NSCC</td>
<td>Northern Ireland Social Care Council</td>
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<td>NOMS</td>
<td>National Offender Management Service</td>
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<td>NPS</td>
<td>National Probation Service</td>
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<td>OMM</td>
<td>Offender Management Model</td>
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<td>OMG</td>
<td>Offender Management Group</td>
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<td>OMU</td>
<td>Offender Management Unit</td>
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<td>ORU</td>
<td>Offender Recall Unit</td>
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<td>PBI</td>
<td>Probation Board for Northern Ireland</td>
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<td>PCNI</td>
<td>Parole Commissioners Northern Ireland</td>
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<td>PCO</td>
<td>Probation Community Officer</td>
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<td>PDU</td>
<td>Programme Delivery Unit</td>
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<td>PED</td>
<td>Parole Eligibility Date</td>
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<td>PO</td>
<td>Probation Order</td>
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<td>PPANI</td>
<td>Public Protection Arrangements Northern Ireland</td>
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<td>PPS</td>
<td>Public Prosecution Service</td>
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<td>PPT</td>
<td>Public Protection Team</td>
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1<sup>st</sup> April 2011
PRD               Parole Referral Date
PYOP              Priority Youth Offending Team
PRIVIS             Prisoner Release Victim Information Scheme (NIPS)
PRISM              Prisoner Records Information System Management
PSNI              Police Service of Northern Ireland
PSO               Probation Service Officer
PSR               Pre-Sentence Report

RA1               Risk of Serious Harm assessment (pro forma)
RMM               Risk Management Meeting
RM1               Risk Management (meeting minutes)
RMP               Risk Management Plan
RoSH              Risk of Serious Harm (to others)

SAO               Supervised Activity Order
SFI               Sentencing Framework Implementation
SPOC              Single Point of Contact
S-PSR             Short-Pre-sentence Report
TED               Tariff Expiry Date

YJA               Youth Justice Agency
YOC               Young Offenders Centre
UNOCINI           Understanding Needs of Children In Northern Ireland
VIS               Victim Information Scheme (PBNI)
VISOR             Violent and Sex Offender Register.
VLO               Victim Liaison Officer (PBNI)
Probation Board for Northern Ireland

Glossary - Sentences imposed in Northern Ireland and Supervised by the Probation Board for Northern Ireland

**Probation Order** - a sentence of the court which can be made for between 6 months and 3 years. The Probation Board supervises the implementation of the order in the community and enforces order compliance.

**Community Service Order** - a sentence of the court which can be made when the offender, aged 16 or over, is found guilty or pleads guilty to an offence punishable by imprisonment. Where offenders consent they will be required to carry out unpaid work in the community. A community Service An Order can be made on an offender, aged 16 or over, for at least 40 hours and not more than 240 hours and shall be performed during the period of 12 months from the date of sentence.

**Combination Order** - a sentence of the court which combines a Probation Order and a Community Service Order. The period of Probation supervision can last from 1 to 3 years. The Community Service part of the Order can range from 40 to 100 hours.

**Custody Probation Order** - a sentence of the Court requiring an offender to serve a period of imprisonment (offence must justify 12 months or more) followed by a period of supervision in the community (the period of supervision will be 1 to 3 years commencing on date of release), and is unique to Northern Ireland. This sentence has been repealed and now only available for offences committed prior to 1st April 2009.

**Juvenile Justice Centre Order** - a sentence of the Court requiring a young offender (aged between 10 and under 17 years) to spend time, normally three months, in a Juvenile Justice Centre and then be supervised in the community by a probation officer, normally for three months. This sentence may be up to a maximum of two years.

**Life Sentence Licence** - any person serving a life sentence may be released from custody on licence. An offender must comply with the conditions of his/her licence in order to remain in the community.

**Sex Offender Licence** - Article 26 of the Criminal Justice (Northern Ireland) Order 1996 makes provision for all offenders convicted of a sexual offence to be released on licence under the supervision of a Probation Officer. Available for relevant sexual or violent offences committed prior to 1st April 2009 or after 1st April 2009 for sentences of less than 12 months.

**Sentences under the Criminal Justice (Northern Ireland) Order 2008 which are supervised on release by the Probation Board for Northern Ireland**

**Indeterminate Custodial Sentence.**
Where an offender has been judged by the Court to be dangerous and has been convicted of a serious sexual or violent offence Specified in Schedule 1 committed on or after 15th May 08 with a maximum penalty of 10 years or more the court can impose an Indeterminate Custodial Sentence where the court considers that an Extended Custodial Sentence would not be adequate to protect the public from serious harm. The court will set a minimum tariff of at least two years. Release is by the Parole Commissioners and the licence remains in force for life unless revoked. Failure to comply with the licence conditions may result in a recall to custody.

12th April 2011
Extended Custodial Sentence.
Where an offender has been judged by the Court to be dangerous and has been convicted of a sexual or violent offence specified in Schedule 2 committed on or after 15th May 08 with a maximum penalty of less than 10 years, the court can impose an Extended Custodial Sentence. The court sets the sentence in custody for at least one year with the offender becoming eligible for consideration for release on licence by the Parole Commissioners at the half way point of the custodial sentence. The Court will set extended supervised licence periods of up to eight years for sexual offences and five years for violent offences. Failure to comply with the licence conditions may result in a recall to custody.

Determinate Custodial Sentence.
Where an offender has been convicted of an offence committed on or after the 1st April 2009 and passes the threshold for custody the court may impose a Determinate Custodial Sentence. The Court will specify both the custodial and the community supervision part of the sentence. Standard and, if appropriate, additional licence conditions will apply. Failure to comply with the licence conditions may result in a recall to custody.
Probation Board for Northern Ireland

Section 1
Overview of Best Practice Framework
Best Practice Framework

Introduction

- The Probation Board for Northern Ireland (PBNI) works with a broad range of offenders within the community and within each of the custodial establishments and, in addition to working closely with other Criminal Justice organisations, works in and through local communities throughout Northern Ireland. The framework outlined below seeks to identify key components which, both individually and combined, will enable and support PBNI to deliver best practice. The framework also aims to continuously improve the quality and effectiveness of practice and service provision by enabling supporting professional judgement of managers and practitioners. The framework detailed in diagram 1 below shows:

Core components:
1. Organisational Purpose- (and guiding principles and values)
2. Knowledge and Skills-
3. Northern Ireland Standards (and best practice guidance), and

Supporting components:
4. Leadership and Management-
5. Corporate Risk Management
6. Accountability
7. Communications
8. Inter-agency Working- partnerships and collaboration.

The Best Practice Framework is designed to promote and support best practice in the achievement of PBNI’s purpose.
# Core Components - Best Practice Framework

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<thead>
<tr>
<th>Assess</th>
<th>Review</th>
<th>Case Manage- Plan</th>
<th>Intervene</th>
<th>Evaluate</th>
</tr>
</thead>
</table>
| 1. Organisational Purpose | • Risks, Needs, Responsivity  
• Desistance  
• Clarity about purpose  
• Offender capacity to change  
• Purposeful engagement  
• Services based on assessed risks, needs, strengths and capability  
• Prioritise community safety and victim's interests  
• Hold offenders responsible for behaviour and harm caused  
• Knowledge skills and commitment of staff  
• Partnerships  
• Contribution of colleagues essential  
• Diversity and treating others with respect  
• Equality, Openness, Fairness, Honesty. | • Review covers:  
  o assessment  
  o risk assessment  
  o case plan  
  o risk management  
• Integrity of the sentence  
• Change to likelihood of reoffending?  
• How well Risks related to harm, including serious harm, have been minimised?  
• Opportunities integration and responsible citizenship  
• Contribution from and active involvement of offender and relevant others  
• Recognition for changes and capacity to continue to change. | • Ensures sentence compliance  
• Targeting reduction in reoffending and minimises Serious Harm.  
• Supports offender integration and responsible citizenship  
• Victim and restorative element as appropriate  
• Partnership involvement  
• Demonstrates staff commitment to support and assist offenders to change  
• Interventions to minimise and manage risks which are  
  o necessary,  
  o proportionate  
  o legal and  
  o ethical  
• Targets supports and addresses barriers to desistance  
• Maintains the integrity of the sentence and offender's compliance with it.  
• Holds offender responsible for their offending behaviour | • Effectiveness in achieving PBNI’s purpose at:  
  - Individual  
  - Team' and  
  - Organisational level  
• Effectiveness in application of guiding principles and values  
• Outcomes  
• Outputs  
• Quality Processes and procedures |
| 2. Knowledge and Skills | • Performance Standards/Best Practice Guidance  
• Outcomes/Outputs  
• Policies, Procedures, Protocols  
• Research, theory and best practice: | • Recognition for and reinforcement of, progress, success and achievement  
• Adequate preparation  
• Providing constructive feedback  
• Structuring, supporting and contracting skills  
• How plans achieve desired changes  
• Making plans Individualised with clear  
• Delivering, sequencing and coordinating the plan as intended  
• Co working and working in partnership  
• Research | • Evaluating and providing summary feedback on offenders |
<table>
<thead>
<tr>
<th>2, Knowledge and Skills Cont.</th>
<th>3. Northern Ireland Standards</th>
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<tr>
<td>o What Works? Desistance. Effective Practice</td>
<td>Application of Standards and Best Practice Guidance to:</td>
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<td>o Change Process</td>
<td>• Quality Assessment of:</td>
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<td>o Quality Engagement</td>
<td>o Likelihood of reoffending</td>
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<td>o Legitimate use of Authority</td>
<td>o Risk of Serious Harm</td>
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<td>o Procedural Fairness</td>
<td>- Screening</td>
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<td>o Consistency</td>
<td>- Levels of application</td>
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<td>• Dynamic and static Risk Factors</td>
<td>- Professional Judgement</td>
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<td>• Legislation</td>
<td>- Quality Risk Management Meetings</td>
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<td>• Imprisonment</td>
<td>- Quality Assessment Reports</td>
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<td>• Resources and Services</td>
<td>- Quality Induction Assessments</td>
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<td>• Victim issues.</td>
<td>- Partnership arrangements- NIPS, PSNI, Youth Justice.</td>
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<td>• Alertness to ‘significant changes’ requiring earlier review</td>
<td>• Quality interventions which:</td>
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<td>o maintain integrity</td>
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<td></td>
<td>- Targeted to reduce risks</td>
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<td>- Graduated recognition, reinforcement and sanctions including breach and recall where required</td>
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<td></td>
<td>• Outcome and solution focused</td>
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<td>• Personal development, strengths and opportunities</td>
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<td>• Quality Planning</td>
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<td>• Prioritised and proportionate to Level of Application and Risks</td>
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<td>• Victim and Community Safety</td>
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<td>• Appropriate level of contact</td>
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<td>• Quality interventions which:</td>
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<td>- Targeted to reduce risks</td>
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<td>- Graduated rewards and sanctions including breach and recall where required</td>
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<td></td>
<td>• Effective enforcement</td>
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<tr>
<td>• Communication</td>
<td>• Monitoring</td>
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<td>• Effective offender engagement</td>
<td>• Gatekeeping</td>
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<td>• Building positive working relationship</td>
<td>• Key Performance Measures</td>
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<tr>
<td>• Evaluating effectiveness of programme and other interventions</td>
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<td>• Alertness to ‘significant changes’ requiring earlier review</td>
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<tr>
<td>• Effective Interventions related to Level of Application</td>
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<td>• Offender Engagement</td>
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<td>• Increasing offender belief that change is possible.</td>
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<td>• Quality interventions which:</td>
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<td>• are multi modal</td>
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<td>• Graduated rewards and sanctions including breach and recall where required</td>
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<td>• Effective enforcement</td>
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12th April 2011
1. Organisational Purpose

1.1 Probation Board for Northern Ireland

- The Probation Board for Northern Ireland (PBNI) has the status of an executive Non-Departmental Public Body. The functions of PBNI are set out in the Probation Board (Northern Ireland) Order 1982 and further responsibilities are outlined in the Criminal Justice (Northern Ireland) Orders 1996, 2005 and 2008. The main strands of PBNI’s work are to:
  - assess convicted offenders and prepare reports for Courts, Parole Commissioners and others;
  - supervise court orders and licences in the community;
  - provide a range of services and interventions to prisoners;
  - provide a Victim Information Scheme to any person who is the direct victim of a criminal offence where the offender has been put under probation supervision;
  - work alongside the police, prison service and other agencies to manage risks posed by the most serious offenders as part of the Public Protection Arrangements Northern Ireland (PPANI).

- PBNI is permitted to fund organisations that provide hostels for offenders, and various projects in the community which address the offending behaviour of offenders who are under probation supervision.

1.2 Statement of Purpose

- The Probation Board contributes to reducing offending and making local communities safer through supervising offenders subject to court Orders and Statutory Licences and engaging with individuals to challenge and positively change their behaviour.

- PBNI works with a broad range of offenders within the community and within each of the prison establishments and, in addition to working closely with other Northern Ireland Criminal Justice organisations, works in and through communities throughout Northern Ireland. The work of the Probation Board is often complex and multi-faceted but can be summarised by the elements outlined in Diagram 3 below.

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Diagram 3

Elements of PBNI Purpose

- i. Ensure sentence compliance
- ii. Challenging offending
- iii. Minimise harm
- iv. Develop responsible citizenship

Reducing Offending

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1 Adapted form model provided by Andrew Bridges, Chief Inspector of Probation and amended by Professor Fergus McNeill University Of Glasgow September 2010
i. **Ensuring sentence compliance** means that PBNI will hold offenders to account in terms of keeping to the requirements of a court order or conditions of a licence and will take appropriate enforcement action where there is evidence of non-compliance.

ii. **Challenging offending** means PBNI will engage with offenders in order to produce positive changes in attitudes and behaviours which will impact on and reduce the likelihood of them offending in the future. This involves supporting the offender to commit to change through constructive and effective interventions.

iii. **Minimising harm** means that PBNI will contribute to community safety through the appropriate and proportionate use of constructive and restrictive measures and controls to minimise the risk of harm to others and promote the safety of victims. This work is undertaken within multi-agency risk management arrangements.

iv. **Promoting responsible citizenship** means that PBNI will support offenders to become more responsible citizens and better integrated into the community. This work involves PBNI in enabling offenders to access appropriate services, promoting social inclusion of offenders and assisting them to make positive choices about their own behaviour.

**Reducing offending.** The focus of all of the work undertaken by the Probation Board is to reduce offending.

- The elements of PBNI’s purpose outlined above are separate but also very much interrelated. For example, an offender’s compliance with the court sentence can, at the same time, both influence and be influenced by the offender reducing his/her likelihood of reoffending. Additionally by helping offenders develop positive attachments to employment and/or constructive voluntary activities, social isolation can be reduced and the offender’s motivation to avoid reoffending increased.

- It is also important to highlight that these elements provide not only the foundation upon which probation practice is structured but also link directly to the Performance Standards and Best Practice Guidance detailed in each section. It is important for staff to consider, at periodical intervals, how a role, task or decision contributes to and impacts on PBNI’s stated purpose and related elements.

### 1.3 Guiding Principles and Values

**1.3.1 Challenging and Changing Offender Behaviour**
- People have the capacity to change for the better; some may need help to do so
- PBNI will engage purposely with offenders, always prioritising public protection and victim’s interest
- Services are delivered to offenders based on individually assessed risks, needs and capability
- PBNI will hold offenders responsible for their actions and, where possible, they should make good the harm they have caused.

**1.3.2 Improving PBNI Performance**
- The knowledge, skills and commitment that PBNI staff demonstrate is fundamental to success
- PBNI practice is more effective when working in partnership with other departments, agencies, service providers and local communities
- Respect for one another and the recognition and acknowledgement of the contribution of colleagues is essential
- PBNI values diversity and difference and treating people with respect
- Everything we do will be underpinned by equality, openness, fairness, honesty and integrity.
- PBNI Staff shall demonstrate their commitment to adhering to these values including fulfilling requirements under Section 75 Northern Ireland Act 1998 and the Human Rights Act 1998.
- The work of all PBNI staff, and all others who work in partnership with PBNI, shall be free from discrimination in terms of all groups set out in Section 75: age; marital status; gender; dependants; disability; racial group; religious belief; sexual orientation; and political opinion.
1.4 Offender Risk Management

- Risk Management in relation to managing offenders is the process of addressing the identified risk of serious harm and formulating and implementing a Risk Management Plan which targets each identified risk factor through lawful, necessary, adequate and proportionate actions.
- Effective Risk Management is founded on a Risk Assessment process which is dynamic and in which the changing features of an offender’s circumstances, and new or, updated information, are constantly appraised to evaluate whether they indicate that the offender is more or less of a threat to others.
- It is not possible to predict or eliminate risk completely. It is, however, critically important that all reasonable steps are taken to complete the initial and subsequent assessments, including risk assessments, as fully and accurately as possible so as to manage and minimise the likelihood of reoffending and, where required, the risk of serious harm to others.
- It is essential for the assessment /risk assessment to be accurate and defensible. Defensible assessments shall always be based on principles of legality, necessity, accountability, proportionality and ethical practice requiring a solid evidence base (as far as is possible and practical) to support necessary restrictions on liberty to protect the public.
- The strategies used within Risk Management Plans will likely combine both external strategies, such as curfews, restrictions, sanctions, enforcement, and electronic monitoring as well as internal control factors targeting motivation, attitudes, and promoting pro social contacts and activities.
- PBNI is committed to the provision of effective interventions targeted to reduce and manage the risks posed by offenders, including the use of approved programmes.
- The risk management of offenders requires all Criminal Justice organisations to work together and, where appropriate, in co-located teams.
- Learning from Serious Further Offence and other reviews, both and external internal to PBNI, is valuable in trying to reduce and/or manage risk.

1.5 Victims

- The impact of crime on victims and the prevention of further victimisation is central in PBNI’s engagement with offenders.
- In the application of Standards PBNI staff shall encourage and appropriately challenge offenders to take responsibility for the impact of their offending on victims and on the wider community including:
  - maintaining a victim perspective during assessments, risk assessments and assessment reports, supervision and programme interventions;
  - engaging offenders in victim awareness work;
  - using appropriate restorative interventions and practices;
  - taking victims’ views into account, when given, to help determine work instructions for those subject to Community Service.
- The PBNI Victims’ Unit:
  - provides an information service to victims;
  - offering the opportunity to discuss concerns which may inform the management of the offender;
  - facilitates the attitudes and concerns of victims to be presented within Assessment Reports to the Parole Commissioners Northern Ireland;
  - offers the opportunity to be involved on a voluntary basis in direct or indirect restorative contact with the offender;
  - provides Information on how to contact victim organisations.

2. Knowledge and Skills

- PBNI is committed to working effectively with offenders to reduce their opportunity and motivation to commit crime. The framework takes into account existing models of practice and research findings, including those from research into desistance and what is effective practice.
2.1 Effective Practice Principles

- Research has highlighted three important principles which underpins effective practice with offenders: Risk; Need and Responsivity.

**Risk Principle**

- The **Risk** Principle states that the level of intensity and duration of intervention should be matched to the level of ‘Risk’ with more intensive and extensive interventions targeted at those offenders who have been assessed as posing the most ‘Risk’. Assessing ‘Risk’ in the context of PBNI practice refers both to the likelihood of reoffending and to the Risk of Serious Harm to Others that an offender may pose.

**Need Principle**

- The **Need** Principle requires the distinguishing between those needs which are related to offending (criminogenic) and those which are not linked to offending (non-criminogenic). Interventions that target criminogenic needs are likely to be more effective in reducing reoffending.

**Responsivity Principle**

- The ‘Risk’ and ‘Needs’ Principles, when properly assessed, will determine the level, intensity and duration of intervention, the targets and objectives for change and the content of a supervision and, where required, a risk management plan. The **Responsivity** principle introduces the need to take into account individual characteristics including:
  - preferred learning style
  - gender, age, culture, maturity and development
  - motivation and readiness to change
  - offender’s views and perspectives.

- Assessments and plans need to be individualised whilst interventions should be delivered in ways that are appropriate to the offender’s preferred approach to learning and which maximises the opportunity for the offender to engage and actively participate.

- The Best Practice Framework extends the Responsivity principle to incorporate other findings and key messages from desistance and other research regarding effective practice. Responsivity links more directly, but not solely to reducing the likelihood of reoffending. PBNI’s approach includes positively and purposefully engaging with the offender to reduce the likelihood of re-offending while at the same time ensuring that where appropriate, risks relating to serious harm are minimised.

2.2 Developing positive working relationship

- A positive working relationship with an offender needs to be developed with supervision contacts not just focusing on the coordination of interventions and services. The following are important elements in the development of a positive working relationship with offenders:
  - adequate preparation for contacts with offender
  - developing mutual trust
  - demonstrating genuine interest, support and commitment and
  - active and reflective listening.

2.3 Legitimate use of authority

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The courts give PBNI a legal mandate to work with offenders under their supervision. This relates directly to the first core element for PBNI which is to ensure completion of the sentence which does require the offender to comply with the sentence requirements. Probation interventions and measures used to minimise risks and to secure compliance need to be necessary, proportionate, ethical, legal and applied in a fair and just manner. There is evidence that offenders are better motivated by clear, transparent and legitimate use of authority within a positive relationship working relationship. The Legitimate use of authority can be promoted by:

- role clarification and clarification of expectations and consequences for non compliance
- offering offenders the opportunity to participate in important decisions
- showing respect and dignity
- consistency of approach
- impartiality
- competence
- right to complain.

### 2.4 Procedural Fairness

How offenders view and experience the legitimacy and fairness of actions and expectations placed upon them can have a significant impact on how they respond. It is important for staff to be aware of the need to operate with legitimacy and fairness especially when actions and expectations are not in accordance with what the offender wishes or desires, as may be the case when breach or recall actions are initiated. In addition to the legitimate use of authority ‘Procedural Fairness’ has two elements:

- Informational fairness: Offenders need to be given appropriate information about the expectations relating to their engagement with PBNI and information concerning key decision making in their case (unless exceptions apply as for example concerns about serious risk of harm); and
- Interpersonal fairness: Offenders need to be treated with dignity, respect, courtesy and consideration.

### 2.5 Managing offender through change process

“People don’t resist change they resist being changed” (Peter Senge)⁵.

PBNI works with, and not on, offenders to help bring about change. Change is a process and the decision to change is often accompanied by uncertainty, ambivalence and in some instances fear. Effective practice requires PBNI staff to have an understanding of the Stages of Change model⁶ and the range of approaches, skills and techniques that can be employed at the different stages of change. For change to take place the offender needs to have:

- motivation to change
- the capacity (skills) to be able to change; and
- the opportunities (resources) to bring about the desired changes.⁷

Determining the offender’s readiness to change is important at the initial and subsequent assessment review stages and to the development of a case plan, its implementation and the review of how successful the intervention has been in bringing about and maintaining change.

Staff are also signposted to the related skills and techniques suggested by:

- **Motivational Interviewing**; and
- **Pro Social Modelling/ Practice**.⁸

Offenders are more likely to engage positively with a change process which:

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⁵ webpage at [http://www.leadershipnow.com/changequotes.html](http://www.leadershipnow.com/changequotes.html)


Dowden and Andrews 2004
2.6 Desistance

- There are important findings from research\(^9\) into why and how offenders cease offending which are relevant to PBNI’s Best Practice Framework. While there is not an agreed ‘operational definition’ of the term desistance, it is used within this Framework to refer to the ‘absence of criminal behaviour’\(^{10}\) and is directly linked to PBNI’s purpose. The following are key messages from research on desistance:

  - staff need to be aware of what supports desistance
  - assessment, case plans and interventions need to individualised; each offender has a unique combination of risk, needs, strengths and responsivity issues
  - include offender and social network strengths and opportunities for offender to develop, practice and demonstrate new learning and skills
  - opportunities for change have to be seen as such by offenders e.g. how work will help reduce likelihood of reoffending
  - need for practical support to deal with social problems
  - initial stages may require more active role for supervising officer in supporting desistance- to carry and sustain the belief and hope that change is possible
  - as supervision and desistance progresses offender can be helped to take on more responsibilities
  - ‘personal redemption’ in the sense of making amends can be an important element to desistance and can include helping others to stop offending and positive offender reparation opportunities;
  - importance of generating, enhancing and sustaining motivation-tapping in to what they are motivated to do (approach goals) as well as what they are not motivated to do (repel goals)
  - importance of incentives to reinforce and sustain change
  - importance of the relationships in supporting desistance including that between offender and worker
  - importance of significant others and resources to support desistance including engaging families.

2.7 Principles underpinning effective interventions.

- The successful delivery of interventions flows from effective case management including accurate assessment and case planning which have identified and prioritised the interventions required to effect positive change. The principles relating to effective interventions are consistent with the principles outlined above in relation to Risk, Need and Responsivity but also include three additional elements:

  - **Multi modal** approaches which take account of an offender’s preferred ways of learning, readiness to change, motivation, and strengths.
  - **Community oriented**- effectiveness increased if interventions are within community context and use family and social network supports. Interventions within custody need to link back to the community situation, family and supports offenders will face on release from custody.
  - **Programme integrity** has been associated with effective interventions and requires that programmes be delivered.
- by appropriately trained staff
- in accordance with the theoretical model, methods, style detailed in the specific programme manual
- to target specific participants and group size-includes one to one interventions
- for the required duration and frequency of sessions.

This principle also relates to the integrity of the implementation of the case plan as a whole and to the consistency of the interventions and elements of the case plan.

2.8 Levels of Application.

- Not every case requires the same degree of assessment, planning, intervention and review. Adhering to the 'Risk' principle stated at 2.1 above, the application of these Standards and Best Practice Guidance requires the appropriate Level of Application i.e. Lower Standard- Higher (See Diagrams 4, 5 and 6 below) to be determined for each case based on:
  - professional judgement
  - clear criteria relating to the level of application and
  - minimising risks to the community and to others.

- A Screening process has been developed to help determine the level of application in each of these areas of practice. The different Levels of Applications apply to and are integrated into the Standards relating to the following areas of practice:
  - Assessment and Assessment review.
  - Assessment Reports-Pre Sentence Reports.
  - Induction
  - Case Planning and Review
  - Interventions
  - Level of Contact
  - Monitoring
  - Evaluation
## Diagram 4: PBNI Levels of Application - Community

### Lower Level Application

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Assessment Report</th>
<th>Induction</th>
<th>Case Planning</th>
<th>Intervention</th>
<th>Level of Contact</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
</tr>
</tbody>
</table>

#### Lower Level Application

- **Lower Level Application ACE**
  - Offender Self Assessment
  - Risk of Serious Harm
  - Screening Filter
  - RA1 not triggered

#### Induction

- **First Induction Interview within 5 Days of Sentence**
- Short, focused
- Small number needs targeted
- Using offender and community strengths and opportunities
- Victim Awareness
- Use of PSO

#### Case Planning

- Refer to use of community family resources
- Advocacy and brokering
- Awareness raising
- Brief interventions
- Encourage offender compliance
- Increased use of PSO role

#### Intervention

- **Weekly for 1st 12 months**
  - 1 Home visit

- **Fortnightly for next 12 weeks**
  - 1 in 4 weeks with approval including 1 as a home visit
  - Thereafter depending on progress. Not less than 1 in 4 weeks – with approval can be 1 in 6 weeks

- **at 16 weeks** subsequently at 26 weeks interval and/or within 8 weeks prior to end of order

### Standard Level Application

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Assessment Report</th>
<th>Induction</th>
<th>Case Planning</th>
<th>Intervention</th>
<th>Level of Contact</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening</td>
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<td>Screening</td>
<td>Screening</td>
<td>Screening</td>
</tr>
</tbody>
</table>

#### Standard Level Application

- **Standard Level Application ACE**
  - Offender Self Assessment
  - Risk of Serious Harm
  - Screening Filter
  - RA1
  - RMM not required
  - Additional Assessment Tools as Required

#### Induction

- **First Induction Interview within 5 Days of Sentence**
  - As appropriate for Lower +
  - Targeting criminogenic needs
  - Victim Awareness focus
  - Use of Approved Programmes
  - Addresses risk issues - child protection, domestic violence
  - Use of family and others
  - Clear Agreemnt enforcement

#### Case Planning

- As Appropriate for Lower +
- Target attitude & offending
- Approved programmes
- Victim & restorative focus

#### Intervention

- At Least weekly for the 1st 16 weeks, 1 as a home visit per 4 week period
- At least fortnightly during 2nd & 3rd 16 weeks
- 1 as a home visit
- Subsequently, not less than 4 weekly

- **at 16 Wk intervals** Final review 4 Wks prior to Order/Licence ending

### Higher Level Application

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Assessment Report</th>
<th>Induction</th>
<th>Case Planning</th>
<th>Intervention</th>
<th>Level of Contact</th>
<th>Review</th>
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<td>Screening</td>
<td>Screening</td>
</tr>
</tbody>
</table>

#### Higher Level Application

- **Higher Level Application ACE**
  - Offender Self Assessment
  - Risk of Serious Harm
  - Screening Filter
  - RA1 Validated
  - RMM Convened
  - Risk of Serious Harm Yes/No?
  - Additional Assessment Tools as Required

#### Induction

- **First Induction Interview within 1 Day of Sentence**
  - As appropriate for Lower & Standard
  - Integrated Risk Management Plan (RMP)
  - Victim Awareness focus
  - Multi agency approach
  - Use of additional requirements/conditions
  - Restrictive measures and controls
  - Enhanced contact and home visiting

#### Case Planning

- Targeted Intensive interventions / Approved Programmes
- Multi agency risk Management Monitoring & Review
- Unannounced home visits, Responsive enforcement

#### Intervention

- At least weekly for 1st 4 months, 1 as a home visit per month + 1 unannounced home visit per month
- Safety of others priority
- Contact not reduced until safe and appropriate to do so.

- **+ RMM Review at 16 Wk intervals unless shorter interval agreed.**
  - Final review 4 Wks prior to Order/Licence ending

### Additional Notes

- Normal Adjournment

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11
### Diagram 5  PBNJ Levels of Application - Custody

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Assessment Report</th>
<th>Induction</th>
<th>Case/Sentence Planning</th>
<th>Intervention</th>
<th>Level of Contact</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening</td>
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</tbody>
</table>

#### Standard Level Application
- **PSR Standard Level**
  - Reports to PCNI and Licensing/ Home Leave panel to agreed content
  - Reflect level of assessed Risk
  - Not Risk of Serious Harm
  - No RMM
  - Additional Licence conditions as necessary and proportionate
  - **Comittal on 1st day**
  - **Induction within 5 Days of Sentence**
- **As for Community Case Plan where appropriate**
- Targeting criminogenic needs
- Clear Victim Awareness focus
- Use of Approved Programmes
- Addresses risk issues – child protection, domestic violence
- Use of family and others

#### Standard Level Application
- Field PO allocated within 5 days of sentence-predictive EDR 3 years or less
- Or allocated at 3 year pre-tarif/release stage for those with predictive EDR of more than 3 years
- Field PO involved as required e.g. reports to PCNI and Licensing/ Home Leave Panel
- Prison Case Manager at least 1 contact in each 4 Wk period.
- Pre release meeting at least 15 days prior to release.

#### Higher Level Application
- **PSR Higher Level**
  - Reports to PCNI and Licensing / Home Leave panel to agreed content
  - Reflect Higher level of assessed Risks/ Concerns relating to Serious Harm
  - RMM/RMP
  - Additional Requirements/ Conditions
  - Multi agency
  - **Comittal on 1st day**
  - **Induction within 5 Days of Sentence**
- **As for Community where appropriate**
- Integrated RMP
- Multi agency approach
- Use of additional requirements/ conditions
- Restrictive measures and controls

#### Higher Level Application
- **As for Community where appropriate**
- Targeted Intensive interventions /Approved Programmes
- Effective sequencing
- Victim & restorative focus
- Community Safety Priority
- Multi agency risk Management/Monitoring & Review
- As for Standard Level above + Enhanced level of contact where appropriate and necessary at relevant stages in sentence especially in pre release and phased release stage of sentence

#### Additional Assessment Tools as Required
- Offender Self Assessment
- Risk of Serious Harm Screening Filter
- RMM/RA1
- Additional Assessment Tools as Required

#### Annualy for Life Sentence and other Prisoners Serving 5 years or more in custody
- Prior to consideration for release by PCNI at 26 Wk intervals.
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Report Writing</th>
<th>Induction</th>
<th>Work Contract</th>
<th>Intervention</th>
<th>Level of Contact</th>
<th>Review</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Screening</strong></td>
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<tr>
<td><strong>Lower Level Application</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Lower Level Application ACE</td>
<td>Suitability Assessment determined by PSR Writer unless Medical Assessment Required or other issue requires</td>
<td>Induction Interview within 5 working days of Sentence</td>
<td>Contract agreed at First Induction Interview</td>
<td>Community Placement or PBNI Supervised Placement Work rate—Min 6 hours per week Unemployed to attend minimum of twice per week Victim’s view taken into account—where received and appropriate Restorative Element where available and appropriate</td>
<td>Community Placement or PBNI Work Squad Work to commence within 10 days of sentence</td>
<td>Placement supervisor completes and returns Time and Performance Sheets on weekly basis. PSO—1 contact with offender per 4 week period at work site Contact as per case plan where offender subject to Combination Order or to an Order or Licence Supervised by PBNL</td>
</tr>
<tr>
<td><strong>Standard Level Application</strong></td>
<td></td>
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<tr>
<td>Standard Level Application ACE</td>
<td>Consultation with Probation Service Officer</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender Self Assessment Risk of Serious Harm Screening Filter RA1 not triggered</td>
<td>Additional Assessment Tools as Required</td>
<td>Volunteer</td>
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<tr>
<td><strong>Higher Level Application</strong></td>
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</tr>
<tr>
<td>Higher Level Application ACE</td>
<td>Suitability Assessment requires consultation with Probation Service Officer</td>
<td>Induction Interview within 1 working day of Sentence</td>
<td>Contract agreed at end of Induction Use of PBNI Supervised Placements Individually tailored placement e.g. to manage risks Min Rate 5 hours per week Unemployed to attend min of twice per week Victim’s view taken into account where received. Restorative Element where available and appropriate</td>
<td>PBNI work squad or Individually tailored placement supervised by PBNL Work to commence within 10 days of sentence</td>
<td>PSO 1 contact per month at placement Site Contact to review ACE/RA1/RMM where appropriate Contact as per case plan where offender subject to Combination Order or to an Order or Licence Supervised by PBNL</td>
<td>Review ACE, RA1, and Work Contract at 16 week intervals unless period of review has been agreed at shorter intervals and/or the review is brought forward due to a significant change.</td>
</tr>
</tbody>
</table>

12th April 2011
3. Northern Ireland Standards

3.1 Context

- The Northern Ireland Standards will be issued by the Probation Board for Northern Ireland (PBN) having been agreed with the Department of Justice. The Standards replace in totality, the Northern Ireland Standards 2006 and together with the other two core components of the Best Practice Framework identified above, are central to PBNI achieving its stated purpose and the continuous improvement in the service delivery.

3.2 Why have Standards?

- At the most basic level Standards provides a clear expectation of what must be done when. They set out the levels and service required of PBNI in relation to its assessment, management and supervision of persons who are, or will be, subject to supervision either on Community Sentences or Statutory Licenses as well as for the provision of a range of reports including those provided to courts and the Parole Commissioners Northern Ireland (PCNI). The Standards also provide Best Practice Guidance, monitoring practices together with key outcomes and outputs for each area of practice.

- Standards provide a framework for safe and effective practice with offenders and to continuously improve the quality of practice and service provision by:
  o setting clear requirements for supervision which are understood by all concerned;
  o enabling the professional judgement of managers and practitioners to be exercised within a framework of accountability;
  o contributing to community safety through taking appropriate steps to ensure that Risk of Serious Harm is minimised and likelihood of reoffending reduced;
  o underlying the importance of the effects of crime on victims; and
  o ensuring that sentencers and the public can have confidence that PBNI supervision of offenders is an effective means of helping those offenders become more responsible citizens.

3.3 What is the Relationship between Performance Standards and Best Practice Guidance?

- Each section of the manual provides a Performance Standard which is a brief statement of what has to be done alongside Best Practice Guidance, which provides additional information, specific and general guidance to support professional judgement, decision making and best practice.

3.4 Application of Standards

- The application of Performance Standards should not be a mechanical exercise but should be applied in conjunction with the Best Practice Framework and within the context of a probation officer’s legal duty to ‘advise, assist and befriend’ offenders placed under his/her supervision. This duty is central to a professional relationship which is based on mutual trust and respect.

- The Best Practice Framework incorporating Northern Ireland Standards provide an ordered and disciplined approach to offender assessment and supervision and have the potential to produce a credible and high quality delivery of service.

- If circumstances prevent a practitioner from meeting a routine requirement, a full explanation of those circumstances shall be entered in the case record.

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11 Article 14A Probation Board (Northern Ireland) Order 1982
• If an inability to carry out any Performance Standard has the potential to compromise the safety of the public including victims, potential victims and staff or the safety of the offender then the Area Manager or Assistant Director (AD) shall be consulted without delay.

• Within the bounds of public, staff, victim and/or offender safety Area Managers may exercise professional discretion and judgement and permit variance from a Standard where circumstances indicate that it is appropriate in a particular case. Where variance from a Standard is approved the Area Manager shall enter the reasons into the case record.
4. Leadership and Management

4.1 Leadership and Management

- Delivering best practice depends upon having the right people, doing the right things and being in the right places.
- PBNI leadership and management are committed to developing the right culture, structure and systems, and provide the resources, to ensure effective implementation and monitoring of the Framework and Standards.
- PBNI leadership and management shall demonstrate this commitment in how they communicate, listen and interact with others whilst carrying out their respective roles and responsibilities.
- It is important for staff at all levels to understand the priority given to the Framework and Standards and their contribution to PBNI’s aims and objectives.
- Leadership and management is also required to:
  - support defensible decision making
  - provide appropriate structures and processes to monitor effectively the implementation of Standards and
  - plan strategically for future delivery of probation services.

4.2 Human and Financial Services

- PBNI can only deliver best practice if there are sufficient and appropriately trained staff in place.
- Standards apply to all aspects of probation practice and therefore their success relates directly to PBNI having a competent and confident workforce.
- In relation to the implementation of the Standards, PBNI shall ensure the efficient and effective allocation of resources in accordance with the level of risk, needs and complexity of cases.
- Targeting resources at those who show the greatest likelihood of reoffending or present at the greatest risk of causing serious harm.
- PBNI shall provide a range of interventions to meet the assessed needs of offenders.
- PBNI is committed to the retention and continuous development of staff.
- Adequate financial resources shall be allocated to support the implementation of Standards within budget constraints.

4.3 Learning and Development

- An effective probation service values knowledge and the ability to use knowledge.\(^\text{12}\)
- PBNI is committed to developing a learning organisation and nourishing a culture of excellence which supports and provides opportunities for the continuous learning and development of all staff and the sharing of best practice and experience at individual, team, organisational and wider contexts.
- PBNI is committed to providing appropriate and effective training, including Induction training, to staff in a timely manner which supports and enables staff to carry out their tasks and responsibilities, thereby, contributing towards best practice.
- The integration of this knowledge into PBNI practice is central to its delivery of services.
- PBNI is committed to using research and evidence based practice to inform its work with offenders which includes key messages from:
  - local, national and international research relevant to probation practice;
  - examples of good practice within PBNI and from other relevant sources; and
  - learning from audits, inspections and evaluations of PBNI practice.

\(^{12}\) Evidence Based Practice A Guide to Effective Practice by Tim Chapman and Michael Hough on behalf of HM Inspectorate of Probation 1998
4.4 Supervision and Performance Management

- The supervision of staff is central to ensuring accountability, support, learning and staff development.
- PBNI is responsible for creating a working environment in which a high standard of performance is encouraged, made possible and recognised.
- PBNI accepts that ongoing supervision, performance reviews and access to performance feedback, are important in ensuring staff:
  - deliver a high standard of service
  - carry out their duties according to Standards, policy and procedures
  - identify and address training and other development needs and
  - meet organisational/team and personal objectives.
- PBNI shall provide effective and consistent levels of supervision along with performance and development reviews for staff at all grades.

4.5 Responsibilities

- It is important that PBNI staff are aware of how their respective roles and responsibilities contribute to supporting the effective implementation of Standards and ultimately combine to deliver safe and effective practice by PBNI.
- It is the responsibility of all practitioners and their managers to familiarise themselves with the Standards and to apply them consistently in assessing, planning and carrying out all work with offenders for whom they have supervisory or management responsibility.
- Where relevant and applicable to their role within PBNI each staff member is responsible for or, contributes to:
  - understanding and working to Best Practice Framework and Standards
  - organisational outcomes
  - recording
  - communicating, sharing, storing and security of information
  - risk assessment and management
  - the safety of self and others
  - adherence to policies and procedures;
  - registering with the Northern Ireland Social Care Council (Social Care Staff only)
  - adherence to PBNI Values and Guiding Principles
  - supervision and annual appraisal[13]
  - identifying where practice needs to improve or be appropriately challenged, holding both self and others to account.
  - active engagement with their line manager in discussion about their performance;
  - their own learning, knowledge, skills, values and continuous professional development;
  - sharing good practice[14]
  - monitoring and evaluation of their own work and performance;
  - individual, team and organisational monitoring, evaluation and audits.

5. Corporate Risk Management

5.1 Corporate Risk

- The management of risk is a key organisational responsibility. Members of the Board and employees all have a major role to play in identifying and minimising inherent risks. The responsibilities for risk management for different roles within the organisation are set out in the PBNI Risk Management Guidance[15] which sets out a framework to enable staff and managers to identify, control, and eliminate, or reduce to an acceptable level, all risks that may adversely affect:
  - The quality of services, programmes and projects
  - The ability of PBNI to provide services, programmes or projects
  - The health, safety and welfare of staff, contractors, offenders and others

[13] See current PBNI Supervision of Staff Guidance and current PBNI Performance Management/Appraisal Procedures
The ability of PBNI to meet its legal and contractual commitments
- Timeliness of recording and updating information systems and the security of that information is essential if risk is to be managed effectively.
- PBNI will maintain a Strategic Risk Register which is reviewed and updated.

5.2 Health and Safety

- The Probation Board for Northern Ireland recognises that the provision of a safe and healthy work place and working environment is the responsibility of the Board and that the health, safety and welfare of all employees at work should be safeguarded as far as is reasonably practicable.\(^\text{16}\)
- The achievement of this objective requires the full commitment of all levels of management and all employees irrespective of grade or position.
- Whilst it is recognised that the majority of the people PBNI deals with do not pose a threat to staff it is important that appropriate safeguards are in place to reduce risks.
- All staff need to be aware of the relevant guidance in relation to Health and Safety matters as outlined in the respective policies.\(^\text{17}\)
- Consistency of practice both within teams and across PBNI will help to reduce such risks.
- A Case Management System is in place allowing access to up to date risk assessments on each offender under PBNI supervision. This assessment process allows employees to make informed decisions and/or seek management advice in making these decisions thereby reducing the risk of violence to employees.
- The timeliness of recording and updating of the Case Management System are important to safe effective practice.
- To work safely staff must:
  - adhere to relevant policies and procedures
  - follow safe procedures and systems of work
  - ensure risks are assessed
  - report problems and concerns to the line manager
  - work in a safe and responsible manner

6. Inter agency Working

6.1 Community

- Crime and the harm it does affect everyone in society. Working with offenders means working in, with and through communities.
- PBNI has a responsibility to engage with the public and their representatives at all levels and to ensure that communities:
  - understand the importance of their involvement, support and co-operation in successfully managing offenders
  - are consulted with respect to key developments in service provision and
  - have their concerns and priorities recognised.
- Through its Community Development budget PBNI will fund community and other groups to provide relevant services to offenders to manage identified needs and risks.

6.2 Contribution to making Local Communities Safer

- In its work with offenders, PBNI helps to prevent re-offending by assessing offenders, challenging their offending behaviour, changing their attitudes and behaviour and thereby contributes to making local communities safer.

\(^{16}\) See current PBNI Policy on Health and Safety at Work (Main) and PBNI Policy on Health and Safety at work (Personal Safety).
\(^{17}\) As for footnote 19.
The assessment and management of Risk of Serious Harm includes where relevant, multi agency/disciplinary co-operation and engagement, including the sharing of information through the PBNI Risk Management Meetings and Local Area Public Protection Panels (LAPPPs) in terms of relevant violent and serious sexual offenders, as well as Child Protection arrangements and community inputs where appropriate.

PBNI’s co-operation and compliance with the relevant multi agency arrangements, protocols and practices is central to its contribution to community safety.

It is important that all relevant agencies engage appropriately to effectively manage the risk posed by offenders who pose a Significant Risk of Serious Harm to others.

Victims will be prioritised through the PBNI Victim Information Scheme and the interface of this work with offender supervision.

6.3 Partnerships

PBNI shall promote and play a full part in the delivery of an integrated approach to reduce offending behaviour.

Many offenders have serious physical and mental health problems—including:

- alcohol and substance abuse
- low levels of literacy and skills
- poor employment record and opportunities
- housing needs
- personal relationship and
- behavioural difficulties.

Addressing these factors through developing partnership arrangements is crucial to the reduction of reoffending.

PBNI believes that more effective action to reduce levels of offending and risk depends upon greater joined up thinking and action across all parts of the public, interested voluntary and community sector organisations.

PBNI will work in partnership, within Public Protection Arrangements Northern Ireland (PPANI), with the Police Service Northern Ireland (PSNI), Health and Social Care Trusts and the Northern Ireland Prison Service (NIPS) to assess and manage the risks posed by individuals who are suspected of, charged with or convicted of relevant sexual and/or violent offences.

Where appropriate PBNI will work with statutory, voluntary and locally based organisations in providing services to reduce and manage risk and/or levels of offending and will comply with any applicable protocols and/or Service Level Agreements in place to support and maintain these partnerships.

Protocols shall be in place to ensure that staff from different organisations working together are clear about:

- roles and responsibilities
- accessing, sharing and security of information and
- lines of communication, accountability and management.

The work of all PBNI staff, and all others who work in partnership with PBNI, shall be free from discrimination in terms of all groups set out in Section 75: age; marital status; gender; dependants; disability; racial group; religious belief; sexual orientation; and political opinion.

7. Communications and Information

7.1 Communication

A key to providing best practice is to ensure that clear structure, systems, procedures and protocols are in place for sharing information and issues relating to Standards appropriately and that Standards are clearly communicated and available:

- across PBNI as a whole;
- to sentencers, statutory criminal justice agencies, relevant voluntary agencies, victims, victim agencies and community partners of PBNI.

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18 Refer to current PPANI Manual of Practice
Arrangements should be made for ease of access to the Best Practice Framework Incorporating Northern Ireland Standards by offenders supervised by PBNI and the wider public including ensuring their availability on the PBNI website- www.pbni.org
A structured process should be in place to review and amend the Standards and where required to communicate amendments.
A clear complaints procedure is in place.
PBNI staff shall understand the importance of clear, timely and unambiguous communication of information to protect the public, including children, vulnerable adults, victims and potential victims, in accordance with its legal obligations and in compliance with relevant policies, procedures and protocols for the sharing of such information.
Communication with and feedback from offenders and service users should be in place.
PBNI should provide clear communication with communities and the wider public regarding its work and seek feedback.

7.2 Information Management

- The proper management of all information is central to the delivery of a high quality and effective service and in demonstrating accountability and defensible decision making.
- All information held by PBNI will be managed effectively and held securely in accordance with statute, common law and regulatory requirements, and in keeping with the related policy and supporting guidance and procedures, thereby contributing to public confidence in the work of the Probation Board.
- PBNI is committed to creating, storing and managing information that documents its principal activities and its corporate functions.
- All information held by PBNI, including the personal information of employees and service users, will be fairly and lawfully processed to enable PBNI to comply with its legislative responsibilities in this area including compliance with the Freedom of Information Act 2000, Data Protection Act 1998 and the Human Rights Act 1998. There is a need for staff to be aware of the important legal and ethical implications of communicating information, including risk assessments, to courts, prisons and other organisations in reports, such as Pre Sentence Reports (PSRs), that in turn inform sentencing and release decisions.
- Good recording is essential to evidence compliance with Standards at an individual level as well as providing information for PBNI as a whole in terms of demonstrating organisational compliance and effectiveness.

7.3 Data Protection

- The Probation Board holds all personal information in accordance with the Data Protection Principles as required by the Data Protection Act 1998 which requires personal information:
  - to be processed fairly and lawfully
  - to be obtained only for one or more specified and lawful purposes
  - be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
  - be accurate and, where necessary, kept up to date
  - not to be kept for longer than is necessary
  - be processed in accordance with the individual’s rights
  - be kept secure
  - not to be transferred to a country without adequate level of protection for the rights of the individual

7.4 Policy and Procedures

- PBNI shall ensure that its Policies and Procedures
  - are clearly communicated and available to staff and relevant others;
  - reviewed and revised and updated;
  - screened against the applicable Equality and Human Rights legislation.
- PBNI staff shall take responsibility for ensuring they have read and understood PBNI’s Policies and Procedures as they apply to their respective roles and responsibilities.
8. Authority and Accountability

8.1 Authority
- This Best Practice Framework, incorporating Northern Ireland Standard, will be agreed with the Department of Justice, Lord Chief Justice and Parole Commissioners Northern Ireland (PCNI).
- The Department of Justice shall be informed promptly in the event of any significant inability of PBNI to discharge its duties in line with the Framework and Northern Ireland Standards.

8.2 Accountability
- The Best Practice Framework incorporating the Northern Ireland Standards provide a basis for accountability in individual cases and as a measure of the work of PBNI as a whole.
- The Director of Probation is accountable to the Probation Board for ensuring that the Framework incorporating Northern Ireland Standards is consistently applied in practice.
- The Probation Board is accountable to the Northern Ireland Assembly and its performance is reviewed by the Minister of Justice.
- The Probation Board is accountable for providing information required by the Secretary of State from time to time in relation to adherence to the Framework incorporating Northern Ireland Standards.
- Each member of staff has a responsibility to contribute to accountability within their respective roles and responsibilities through the line management structure.

8.3 Effectiveness
- PBNI will ensure that appropriate structures and systems are in place to gather evaluation data which contributes to evaluation of the organisations effectiveness which includes:
  - objective outcome measures, both qualitative and quantitative, which accurately reflect the work of the organisation and the organisation purpose;
  - stakeholder and offender satisfaction feedback;
  - self-assessment at different levels within PBNI which through reflecting on what has worked well and what has not worked well, can improve on the quality of performance and an increased capacity for effectiveness;
  - programme and other intervention evaluations; and
  - reconviction data and other research;
- Evaluating PBNI’s effectiveness is essential to:
  - improve practice and service delivery on a continual basis;
  - increase staff confidence, motivation and commitment;
  - maintain confidence and support of key stakeholders about the value and importance of probation within the criminal justice system.

8.4 Monitoring and Evaluation
- PBNI is responsible for ensuring that there are effective systems in place which monitor individual, team and organisational compliance with the Best Practice Framework incorporating Northern Ireland Standards.
- Monitoring systems and practices should be subjected to continuous evaluation by senior managers.
- Monitoring is effective when it informs management decisions, leads to improved performance and outcomes and leads ultimately to the securing of PBNI’s purpose.
- PBNI will equality monitor the delivery of services in line with section 75 duties, effectively enabling better decision making about what actions will best improve equality of opportunity for Service Users and staff alike.
- An effective monitoring system can be viewed as a pyramid of checking devices which, if applied in a diligent manner, has the capacity to provide continuous and accurate information about where good practice exists and is also able to pinpoint (identify) where performance needs to be improved.
• Checking adherence to Standards and assuring quality of performance are shared responsibilities of staff at all levels within the organisation.

8.5 Audit, Inspection and Review
• Audits, inspections and reviews provide feedback on practice highlighting effective and, where applicable, ineffective practice and where improvements could be made.
• Occasional management audits should be used to check the efficacy of the flow of monitoring information and effectiveness of monitoring practice.
• The results of monitoring and audit activity and any consequential management decisions shall be made available:
  o on request, to the Criminal Justice Inspection Northern Ireland or Office of Social Services to assist in periodic external inspection of PBJI compliance with the Standards and
  o in an appropriate format as feedback to staff in order to share and promote best practice and improve performance.

8.6 Legislation
• There is a wide range of legislation which impinges directly or indirectly on the work of employees of the Probation Board.19
• The Best Practice Framework incorporating Northern Ireland Standards reflect the legal and regulatory requirements and duties placed upon PBNI.

19 See Section 2 Legislation.
Section 2

Legislation
(and other information)
relating to
Order and Licence Types
Legislation

There is a wide range of legislation which impinges directly or indirectly on the work of employees of the Probation Board. What follows is a guide for probation officers and other professional employees to the key pieces of legislation which give authority to, or informs and guides the work of the service and of which all professional employees of the Probation Board must have a working knowledge.

Each section of this manual provides an introduction, each of which commences with a brief guide to the legislative powers which give authority to the involvement of probation officers and other employees of the Board with court defendants and those persons who receive Community Sentences, Custody Probation Orders or those who are released from prison and who are subject to Statutory Licence when so released.

Set out below is a list of the main pieces of legislation which impact upon and/or give support to the work of probation officers and other employees of the Probation Board.

Key Legislation relating to PBNi practice includes:
- The Probation Board (Northern Ireland) Order 1982.
- The Criminal Justice (Northern Ireland) Order 1996.
- The Sex Offender Act 1997.
- The Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) Rules 2009.
- The Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) Rules 2009.

Other Legislation relevant to PBNi practice includes:
- The Rehabilitation of Offenders (Northern Ireland) Order 1978.
- The Data Protection Act 1998.
- The Freedom of Information Act 2000;
- The Sex Discrimination (Northern Ireland) Order 1976.
The following pieces of legislation from the list above are singled out for particular attention below because they are important in their own right and are central to the work of the Probation Board for Northern Ireland.

- **Functions of the Probation Board Northern Ireland**

  The Probation Board for Northern Ireland (PBNI) has the status of an executive Non-Departmental Public Body. The functions of PBNI are set out in the Probation Board (Northern Ireland) Order 1982 and further responsibilities are outlined in the Criminal Justice (Northern Ireland) Orders 1996, 2005 and 2008. The main strands of PBNI’s work are to:
  - assess convicted offenders and prepare reports for Courts, Parole Commissioners and others;
  - supervise court orders and licences in the community;
  - provide a range of services and interventions to prisoners;
  - provide a Victim Information Scheme to any person who is the direct victim of a criminal offence where the offender has been put under probation supervision;
  - work alongside the police, prison service and other agencies to manage risks posed by the most serious offenders as part of the Public Protection Arrangements Northern Ireland (PPANI).

- **The Duties of a Probation Officer**

  Schedule 5 of the Criminal Justice (Northern Ireland) Order 1996 deals with repeals and amendments. Paragraph 14 of the schedule sets out the duties of a probation officer and requires these to be inserted as Article 14A in the Probation Board (Northern Ireland) Order 1982. Article 14A spells out the first duty of a probation officer as follows:
  
a) “to supervise the persons placed under their supervision and to advise, assist and befriend those persons.”

  The Best Practice Framework incorporating Northern Ireland Standards provides a framework for practice which emphasises the importance of supervision taking place, and Northern Ireland Standards being applied, within the context of a positive and constructive working relationship between the offender and supervising officer. The duty to advise, assist and befriend ensure that they accord each other respect such a relationship and is the main vehicle for promoting, achieving and sustaining personal change in the attitude and behaviour of the offender.

- **Requirement to disclose information about an offence**

  All employees of the Probation Board should be aware that information gained from or about persons under their supervision, or any other person, is in no way privileged and must be disclosed if it is believed that person has committed an offence.

  Article 5(1) of the Criminal Law (Northern Ireland) Act 1967 as amended by the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 states:

  “Subject to the succeeding provisions of this section, where a person has committed an relevant offence, it shall be the duty of every other person, who knows or believes:

  a) that an offence or some other relevant offence has been committed; and
  b) that he has information which is likely to secure, or to be of material assistance in securing the apprehension, prosecution and conviction of any person for that offence;

  

  1 See also current PBNI Policy on Disclosure of Information regarding the commission of an offence
to give that information, within a reasonable time, to a constable and if, without reasonable excuse, he fails to do so he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment according to the gravity of the offence about which he does not give that information ...."

Article 5(1) i), ii), iii) and iv) set out the penalties (for non-disclosure) according to the gravity of the offence about which information has not been given.

• **Indeterminate and Determinate Custodial Sentences.**

Chapters 3 and 4 of the *Criminal Justice (Northern Ireland) Order 2008* set out details relating to the assessment, sentencing, release on licence and recall of offenders who have been judged by the court as ‘dangerous’ and have been given a Public Protection sentence. These are total sentences and require PBNI involvement through custody and to sentence completion working in close partnership with other agencies including the Northern Ireland Prison Service (NIPS), Police Service of Northern Ireland (PSNI) and Health And Social Care Trusts in order to assess and manage such sentences. In addition a Determinate Custodial Sentence (DCS) has been introduced which replaces the current prison sentences of 12 months or more and which will require PBNI involvement through the custody part of sentence and in the post release supervision of offenders.
### Order/Licence Types

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<td><strong>Probation Order</strong></td>
<td><strong>Legislative Authority</strong>&lt;br&gt;The statutory purpose of supervision under a Probation Order is set out in Article 10(1) of the Criminal Justice (Northern Ireland) Order 1996 as:&lt;br&gt;• securing the rehabilitation of the offender;&lt;br&gt;• protecting the public from harm from the offender; or&lt;br&gt;• preventing the commission by the offender of further offences.</td>
<td><strong>Objectives of Supervision</strong>&lt;br&gt;Securing the purposes of supervision will rely on thorough assessment and carefully planned responses which have the objectives of:&lt;br&gt;• ensuring offender complies with the Order Requirements&lt;br&gt;• minimising harm (including serious harm) to others&lt;br&gt;• reducing the likelihood of re-offending;&lt;br&gt;• enabling the offender to understand the effects of his/her offending behaviour on his/her life, his/her family, the wider community and the victims;&lt;br&gt;• resolving practical/survival barriers to the offender’s progress; and&lt;br&gt;• providing opportunities and support for the individual to improve his/her level of social competence and enhance his/her degree of social inclusion.</td>
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| Custody Probation Order (CPO) | **Legislative Authority**<br>Under Article 24(1) of the Criminal Justice (Northern Ireland) Order 1996 where a court has formed an opinion that a custodial sentence of 12 months or more would be justified for the offence, the court shall consider whether it would be appropriate to make a CPO. | **2. Definition**<br>A CPO requires the offender to both:<br>a) serve a custodial sentence; and<br>b) on release from custody to be under the supervision of a probation officer for a period specified in the Order, being not less than 12 months nor more than 3 years. |

- The Criminal Justice (Northern Ireland) Order 2008 has repealed Custody Probation Orders for offences committed on or after the 1st April 2009.
- The sentence is still available for offences committed prior to the 1st April 2009.
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<td>Addiitional Requirements</td>
<td>Criminal Justice (Northern Ireland) Order 1996</td>
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<td>Probation Orders</td>
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**Article 11**

**(1)** Subject to paragraph (2), a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers desirable in the interests of—

(a) securing the rehabilitation of the offender; or
(b) protecting the public from harm from him or preventing the commission by him of further offences.

**(2)** Without prejudice to the power of the court under Article 11 or 14 of the 1994 NI 15. Criminal Justice (Northern Ireland) Order 1994 to make a compensation order, the payment of sums by way of damages for injury or compensation for loss shall not be included among the additional requirements of a probation order.

**(3)** Without prejudice to the generality of paragraph (1), the additional requirements which may be included in a probation order shall include the requirements which are authorised by **Schedule 1**.

1) **Requirements as to residence** - Period of residency shall be specified in the Order.

2) **Requirements as to activities** - offender:
   - to report to person(s) specified— not more than 60 days;
   - to participate or refrain from participating in activities specified on day(s) specified during probation period or portion specified—a requirement to participate in activities for not more than 60 days in the aggregate.

3) **Requirements as to attendance at day centre**— not more than 60 days and include attendance for activities elsewhere than at the centre.

4) **Requirements as to treatment for mental condition.**
   Oral or written evidence of a registered medical practitioner appointed by Mental Health Commission for Northern Ireland that the mental condition of the offender—
   a) is such as requires and may be susceptible to treatment; but
   b) is not so as to warrant detention under a hospital order.

   Offender has to submit for part of or for the whole of the probation order as specified to treatment or be under the direction of a registered medical practitioner. The nature of the treatment should not be specified apart from being in-patient or out- patient or under the direction of specified registered medical practitioner.

   Court has to be satisfied that arrangements for such treatment have been made.

Where the offender is being treated as an in-patient, the supervising probation officer shall carry out the supervision to such an extent as may be necessary for the purpose of revocation or amendment of the order.

5) **Requirements as to treatment for drug or alcohol dependency.** Court has to be satisfied that:
   a) the offender is dependent on drugs or alcohol;
   b) the dependency caused or contributed to the offence in respect of which the order is proposed to be made; and
   c) the dependency is such as requires and may be susceptible to treatment.
Additional Requirements
Probation Orders
Custody
Probation Orders. Cont.

**Criminal Justice (Northern Ireland) Order 1996—Schedule 2 Part IV—Amendment of a requirement of Probation Order**

13.—(1) Court of Summary jurisdiction may amend the order by:
   (a) cancelling any of the requirements of the order; or
   (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were then making the order.

(2) Court of Summary jurisdiction shall not amend a probation order under sub-paragraph (1)—
   (a) by reducing the probation period, or by extending that period beyond the end of 3 years from the date of the original order; or
   (b) by inserting in it a requirement that the offender shall submit to treatment for his mental condition, or his dependency on drugs or alcohol, unless the amending order is made within 3 months after the date of the original order.

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**Community Service Order (CSO)**

**Legislative Authority**
Under Article 13 of the Criminal Justice (Northern Ireland) Order 1996 where a person of, or over, 16 years of age is convicted of an offence punishable by imprisonment, the court may make a CSO requiring him to perform unpaid work of:
   • not less than 40 hours; and
   • not more than 240 hours.

**Purpose and Objectives**
The purpose of a CSO is to prevent further offending by re-integrating the offender into the community through:
• successful completion of positive and demanding unpaid work;
• keeping to disciplined requirements; and
• reparation to the community by undertaking socially useful work.

**Suitability**
A Court shall not make Community Service Order (CSO) unless the offender consents and the court is satisfied after hearing (if the court thinks it is necessary) from a probation officer that:
   o the offender is suitable; and
   o there is work to be done.

**Treatment**
shall be for whole or part of the supervision period as specified in the order.
Treatment can be in-patient or out-patient at such hospital as may be specified in the order. Nature of the treatment shall not be specified. Court has to be satisfied that arrangements for the treatment have been made.
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<td><strong>Combination Order</strong></td>
<td><strong>Legislative Authority</strong>&lt;br&gt;Under the powers of Section 15 of the Criminal Justice (Northern Ireland) Order 1996 a court may make a Combination Order. Such an Order combines probation supervision of a period not less than 12 months and not longer than 3 years, with community service of not less than 40 hours and not more than 100 hours. The court may attach one or more additional requirements to the probation element of the Order. The Combination Order is available in a case where the offender is at least 16 years old and where the offence is punishable by imprisonment or detention in a Young Offender Centre. <strong>Purpose</strong>&lt;br&gt;Section 15 (2) of the Order states: ‘that the making of a combination order is desirable in the interests of (a) securing the rehabilitation of the offender; or (b) protecting the public from harm from him or preventing the commission by him of further offences.’</td>
<td>The <strong>Combination Order</strong> is a single and integrated Order of the Court. As such its operation requires close liaison between the probation and community service officers involved. In accordance with the main purpose of a Community Service Order the Combination Order is also intended to achieve re-integration of the offender into the community through:&lt;ul&gt;• successful completion of positive and demanding unpaid work;&lt;br&gt;• keeping to disciplined requirements; and&lt;/ul&gt;</td>
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<td><strong>Supervised Activity Orders</strong></td>
<td><strong>Article 45 (1)</strong> of the Criminal Justice (Northern Ireland) Order 2008 The court can make a supervised activity order where an adult offender, convicted of an offence receives a fine, not exceeding £500, the default of which is a committal to custody.</td>
<td>The <strong>Supervised Activity Order</strong> comes into force the day after the due date of a fine which has not been paid. It has the effect of discharging the fine. The period specified in the Supervised Activity Order is reduced in proportion to the amount of the fine paid by the due date rounded to the nearest 10 hours.</td>
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The Supervised Activity Order requires an offender to-

(a) attend at a place of supervision for a period specified in the order, and
(b) engage, during that period, in activities in accordance with instructions given by the supervising officer.
(c) keep in touch with the relevant officer in accordance with such instructions as the defendant may be given by that officer and notify the officer without delay of any change of address or in the times, if any, at which the offender usually works (or carries out voluntary work) or attends a school or other education establishment.

The period specified in the Supervised Activity Order shall:
- not be less than 10 hours; or
- not be more than 50 hours where the fine is not more than £200; or
- not more than 100 hours in any other case.

The purposes of a Supervised Activity Order are to:
- provide an additional disposal to the court in respect of fine default;
- provide constructive activities for offenders who are in default of a fine.

The relevant references which give authority for the involvement of a Probation Officer in the release and subsequent supervision of persons sentenced to life imprisonment are as follows:

**Life Sentences (Northern Ireland) Order 2001 Article 6 (3)**
As soon as-
(a) a life prisoner to whom this article applies has served his sentence: and
(b) the Commissioners have directed his release under this Article, it shall be the duty of the Secretary if State to release him on licence.

**Article 8**
“(2) A life sentence prisoner subject to a licence shall comply with such conditions (which may include on his/her release conditions as to his/her supervision by a probation officer) as may for the time being be

The safe and effective management of these cases will be best achieved through sound interdisciplinary communication, cooperation and collaboration and interagency decision making.

Supervising probation officers and pair-officers where applicable, need to be constantly aware of areas of concern in the case/risk management plans and remain alert to any signs that the licensee’s conduct may constitute a risk to others or him/herself. Supervisors need also to have regard to factors and circumstances relating to the index offence(s) and to public protection, preventing reoffending and rehabilitation of the offender.
**Life Sentence Life Licence Cont.**

specified in the licence; and the Secretary of State may make rules for regulating the supervision of any descriptions of such persons.”

**The Parole Commissioners’ Rules (Northern Ireland) 2009**

Schedule 1 Part B 4 (Page 16) of sets out the framework for:

“An up to date report prepared for the Commissioners by a probation officer....”

**Article 9** relates to the Recall of life prisoner while on Licence.

**Discontinuation of Supervision Condition Varying Conditions of Life Licence**

- Given satisfactory resettlement of a Life Licence case over time (normally not less than 4 years) the requirement for PBNi supervision may be discontinued by the Secretary of State/DoJ in consultation with the Parole Commissioners Northern Ireland (PCNI). The Licence remains in place, with the possibility of recall to prison, for the rest of the licensee’s life.
- The Secretary of State/DoJ/PCNI approval is required before any significant changes may be made to the conditions of a Life Licence.
### Criminal Justice (Northern Ireland) Order 2008

Article 3(1) defines Serious harm as 'death or serious personal injury whether physical or psychological'.

**Assessment of Dangerous. Article 15**-

(1) This Article applies where-
   - (a) a person has been convicted on indictment of a specified offence; and
   - (b) it falls to a court to assess under Article 13 or 14 whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences.

(2) The court in making the assessment referred to in paragraph (1)(b) -
   - (a) shall take into account any information as is available to it about the nature and circumstances of the offence;  
   - (b) may take into account any information which is before it about any pattern of behaviour of which the offence forms part; and
   - (c) may take into account any information about the offender which is before it.

Article 13-

(1) This article applies where-
   - (a) a person is convicted on indictment of a serious offence committed after the commencement of this Article; and
   - (b) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences.

(2) If-
   - (a) the offence is one in respect of which the offender would apart from this Article be liable to a life sentence, and

Where an offender has been judged by the Court to be dangerous, has been convicted of a serious specified offence (listed in Schedule 1 of the Order) which was committed on or after 15th May 2008 and which attracts a penalty of 10 years or more, the court has powers to impose an Indeterminate Custodial Sentence. A court may only impose an ICS if it has already determined that an Extended Custodial Sentence (ECS) would not adequately protect the public from serious harm and where a discretionary Life Sentence is either not applicable or, if applicable, not justified.

The ICS is an Indeterminate Sentence meaning that the offender could potentially remain in prison for life. The court may state a tariff of 2 years or more as the minimum period of imprisonment to be served before consideration for release by the Parole Commissioners Northern Ireland (PCNI).
| Indeterminate Custodial Sentence (ICS) Cont. | (c) the court is of the opinion that the seriousness of the offence, or of the offence and one or more offences associated with it, is such as to justify the imposition of such a sentence, the court shall impose a **life sentence**.

(3) If, in a case not falling within paragraph (2), the court considers that an extended custodial sentence would not be adequate for the purpose of protecting the public from serious harm occasioned by the commission by the offender of further specified offences, the court shall-
(a) impose an **indeterminate custodial sentence**; |

| Extended Custodial Sentence (ECS) | **Criminal Justice (Northern Ireland) Order 2008**

**Article 14-(1)-**

This Article applies where-
(a) a person is convicted on indictment of a specified offence committed after the commencement of this Article; and
(b) the court is of the opinion-
(i) that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences; and
(ii) where the specified offence is a serious offence, that the case is not one in which the court is required by Article 13 to impose a life sentence or an indeterminate custodial sentence.

(2) The court shall impose on the offender an **extended custodial sentence**. |

Where an offender has been assessed by the court to be dangerous and convicted of a sexual or violent offence committed on or after the 15th May 2008 which attracts a maximum penalty of less than 10 years, which is specified in Schedule 2 of the Order, the Court has powers to impose an **ECS**. The court sets the sentence in custody for at least 1 year with the offender becoming eligible for consideration for release on licence by the Parole Commissioners Northern Ireland at the half way point of the custodial period. The court will set extended supervised licence periods of up to 8 years for sexual offences or 5 years for violent offences.
**Criminal Justice (Northern Ireland) Order 2008**

**Article 8.—(1)** This Article applies where a court passes—
(a) a sentence of imprisonment for a **determinate term**, other than an extended custodial sentence, or
(b) a sentence of detention in a young offenders centre in respect of an offence committed after the commencement of this Article (1st April 2009)

(2) The court shall specify a period (in this Article referred to as “the custodial period”) at the end of which the offender is to be released on licence under Article 17.

(3) The custodial period shall not exceed one half of the term of the sentence.

(4) Subject to paragraph (3), the custodial period shall be the term of the sentence less the licence period.

(5) In paragraph (4) “the licence period” means such period as the court thinks appropriate to take account of the effect of the offender’s supervision by a probation officer on release from custody—
(a) in protecting the public from harm from the offender; and
(b) in preventing the commission by the offender of further offences.

(6) Remission shall not be granted under prison rules to the offender in respect of the sentence.

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**Offender Management Unit.**

Whilst in custody prisoners sentenced to an ICS ECS or DCS, or will be managed within the arrangements set out in the Northern Ireland Prison Service (NIPS) Offender Management Manual.¹ For these arrangements to be effective, all agencies and disciplines involved will be required to work in close cooperation. It shall be the responsibility of all PBN1 staff engaged in this work to familiarise themselves with, and fulfil, the roles, responsibilities, processes, practices and procedures assigned to them in the Offender Management Practice Manual and Handbooks.
Determinate, Extended and Indeterminate Custodial Sentences Cont.

Criminal Justice (Northern Ireland) Order 2008

Duty to comply with Licence Conditions.

Article 27-
“A person subject to licence under this chapter (Chapter 4) shall comply with such condition as may for the time being be included in the licence.”

Release on Licence

The courts when imposing an ECS or an ICS will have assessed that an offender is ‘dangerous’ and that the sentence imposed is required to protect the public from serious harm. Before being considered for release by the PCNI, prisoners made subject to an ICS or ECS must demonstrate that the assessed risk of serious harm has diminished to an acceptable level that the PCNI are ‘satisfied that it is no longer necessary for the protection of the public from serious harm ...’ that the prisoner ‘should be confined’.

Article 18(4) Criminal Justice (Northern Ireland) Order 2008

The primary purposes of a supervised licence in these cases are the protection of the public, the prevention of re-offending and the rehabilitation of the offender.

Article 24(8)(a)(b) Criminal Justice (Northern Ireland) Order 2008

Licence conditions.

The PCNI may recommend licence conditions to be included when a prisoner serving an ECS or ICS has been approved for release on licence. The licence conditions for those serving a DCS, ECS or ICS are set by the Secretary of State who shall have regard to the court’s recommendations and, where applicable, the recommendations of the PCNI. PBNI can suggest additional licence conditions within PSRs, reports provided to the PCNI in respect of ECS and ICS cases and within release plans for DCS cases. For those released on licence from an ICS the licence remains in force for life unless revoke by the PCNI after a 10 year period.

Standard Licence Conditions

When a prisoner is released from custody, he will be subject to the requirements of a licence. A licence will include standard conditions such as:

- report to a Probation Officer;
- receive visits from a Probation Officer;
- reside at an address approved by the Probation Officer;
- undertake work, including that of a voluntary nature, as approved by the Probation Officer;
- not to travel outside the UK, Channel Islands or the Isle of Man without the prior permission of the Probation Officer, except where he is deported or removed under the Immigration Act;
- obtain permission of the Probation Officer for any proposed address / work change;
- must not behave in a way that undermines the purposes of release which are to protect the public, prevent re-offending and rehabilitate; and
- must not commit any further offences.
Recall after release on Licence

Article 28 (2) The Criminal Justice (Northern Ireland) Order 2008 provides that The Secretary of State may revoke a licence and recall the licensee to prison:

' (a) if recommended to do so by the Parole Commissioners; or
(b) without a recommendation if it appears to the Secretary of State that it is expedient in the public interest to recall before such a recommendation is practicable.'

Recall of DCS, ECS and ICS cases

The recall of a DCS, ECS or ICS case is through a recommendation from the Parole Commissioners. In exceptional circumstances recall can occur without the recommendation of the Parole Commissioners using the Emergency Route through the Offender Recall Unit.

(Refer also to Offender Compliance Section 5a.20-5a.30)

Licence Conditions Prescribed by the Secretary of State

A licence can also include conditions prescribed by the Secretary of State such as:
- a requirement to reside at a certain place;
- a requirement to make or maintain contact with a person(s) or identified group;
- a restriction on making or maintaining contact with a person(s) or identified group;
- a restriction on participation in any activity;
- a requirement to participate or co-operate with a programme or set of activities which may include testing e.g. alcohol or drugs;
- a requirement to comply with a curfew;
- a requirement to comply with an electronic monitoring arrangement;
- a restriction on his freedom of movement outside of curfew hours; or
- a requirement relating to his supervision in the community by a probation officer.

Legislative authority

All probation officers, who supervise sex offender licensees, and their managers, must be conversant with Articles 26, 27, 28 and 29 of the Criminal Justice (Northern Ireland) Order 1996 and the relevant amendments resulting from the Criminal Justice (Northern Ireland) Order 2008.

The Criminal Justice (Northern Ireland) Order 2008 has repealed sentences under Article 26 of the Criminal Justice (Northern Ireland) Order 1996 for offences committed on or after 1st April 2009 where a sentence of 12 months or more is appropriate. Article 26 Sex Offender Orders are still available to the court for relevant offences committed prior to the 1st April 2009 and for relevant offences committed on or after 1st April 2009 for sentences of less than 12 months.
**Article 26 (1) Criminal Justice (Northern Ireland) Order 1996**

provides that:

“Where in the case of an offender who has been sentenced to imprisonment or ordered to be detained in a young offenders centre-

a) the whole or part of his sentence or order for detention was imposed for a sexual offence, and

b) the court by which he was sentenced or ordered to be detained for that offence, having regard to-

i) the need to protect the public from serious harm from him, and

ii) the desirability of preventing the commission by him of further offences and securing rehabilitation,

ordered that this Article shall apply, instead of being granted remission of his sentence or order for detention under prison rules, the offender shall, on the day on which he might have been discharged if the remission had been granted, be released on licence under the provisions of this Article”

**Article 26(2)** provides that:

“An offender released on licence under this Article shall be placed under the supervision of a probation officer…..”

**Article 26(3)** provides that: “An offender released on Licence under this Article shall comply with such conditions as determined by the Secretary of State ……..”

**Article 26(4)** advises about alteration to conditions of licence.

**Article 26(5)** gives powers to the Secretary of State to make rules regulating supervision of licences.

**Breach of licence conditions.**

**Article 27** sets out the process for bringing a licensee before a court of summary jurisdiction when in breach of the licence conditions together with the sentencing powers of a court in

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**Use of Article 26 by the courts**

Courts are likely to impose a sentence of imprisonment or order a period of detention in a young offenders centre followed by a supervised licence if a person convicted of a serious sexual offence:

a) is adjudged to pose a serious threat to public safety; and

b) does not consent to being supervised within the terms of a Custody Probation Order; or

c) where a court considers that a period of post-custody supervision of greater length than that allowed within the terms of a CPO would be desirable in the interest of public safety.

**Length of the licence period**

The period of licence is in effect a conditional release. That is, the licensee is free to serve the remainder of his sentence in the community providing he fulfils the conditions of his licence. The length of licence period is determined by the length of sentence. The longer the sentence the longer the licence, for example an offender who is sentenced to 14 years imprisonment under Article 26 would, on release, be subject to supervised licence for 7 years unless, for commission of new offences, he was ordered by a court to return to prison under Article 28 for the remainder of the sentence from which he was licensed. The period of licence may be interrupted for a shorter period if he is convicted of a breach of conditions of licence. It should be noted that the period on licence is not the same as the period of Notification under the Sex Offender Act 2003

**Purpose**

The primary purpose of a supervised licence is to protect the public from harm by minimising the likelihood of the licensee committing further offences.

As well as monitoring compliance with the licence conditions, the primary purpose may best be achieved if the licensee can be motivated to participate in positive and constructive activities which are relevant to securing his rehabilitation.

Some licensees will not be amenable to the constructive approach to supervision so the main focus will be strict monitoring and enforcement of the conditions of licence and swift action to return the offender to court if and whenever conditions are breached.
Article 26
(Sex Offender Licence)
Criminal Justice (Northern Ireland) Order 1996

these circumstances.

Conviction during the currency of licence.

Article 28 provides guidance to courts on dealing with a licensee who is convicted of new offences during the period of supervised licence.

Fines
If, under Article 27, a court deals with a licensee by way of a fine for breach of licence conditions the provisions of Article 29 apply.

Supervision of all licensees should be strengthened by engaging with all other relevant agencies. All Article 26 cases which have been assessed as Category 2 or Category 3 Public Protection Arrangements Northern Ireland (PPANI) will be subject to PPANI arrangements. PPANI can help to formulate and recommend additional licence conditions.

Article 34 Criminal Justice (Northern Ireland) Order 2008: Breach of licensing for sexual offenders

This Article amends the recall regime from a sex offender licence under the Criminal Justice (Northern Ireland) Order 1996. It allows the court to revoke a sex offender licence and require that the offender be detained for the remainder of the sentence.

If a Crown Court considers the case and is satisfied that the offender has failed without reasonable excuse to comply with any licence conditions it may impose a fine of up to £1000, revoke the licence, or suspend the licence for a period. If a Magistrates' Court hears the case, it has the same powers save that it may only revoke the licence if the remaining period is less than 6 months and may only suspend the licence for a maximum of 6 months.

If the licence is suspended or revoked, the offender shall be returned to prison or a young offenders centre.

These provisions apply to existing sex offenders out on licence but not if the breach of licence conditions occurred before this Article was commenced on 1st April 2009.
**Legislative Authority**

Criminal Justice (Children) (Northern Ireland) Order 1998

**Article 39(1)** states:
"Where a child is found guilty by or before any court of an offence punishable in the case of an adult with imprisonment (other than an offence to which Article 45(1) applies), the court (subject to Article 32(1)) shall have the power to make a juvenile justice centre order, that is to say, an order that the child shall be sent to a juvenile justice centre and be subject to a period of detention in a juvenile justice centre followed by a period of supervision."

**Article 39(2)** states:
"The period of a juvenile justice centre order shall be for a period of six months unless the court specifies in the order a longer period not exceeding two years"

**Article 39(4)** states:
"Where a court makes a juvenile justice centre order for a period longer than six months, it shall state in open court its reasons for doing so."

**Article 39(5)** states:
"Subject to paragraph (6) (which covers remission on the custodial element) the period of detention which the child is liable to serve under the juvenile justice centre order shall be one half of the period of the order."

E.g. the period of supervision shall be equal to one half of the period of the whole order.

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**Partnership**

A JJ CO will be delivered in partnership by the JJ CNI and PBNI from the date of sentence until the date of termination. During the custodial phase the lead agency with primary authority and responsibility shall be the JJ CNI. PBNI shall have primary authority and responsibility during the community supervision phase of the Order. Recognition of, and mutual support for, the complementary nature of the roles of the two main agencies involved will be the key to the successful management of JJ C orders. Such recognition will be manifested in the quality of communication, collaboration, exchange of relevant information, shared decision making and active working together of staff of both organisations toward the common goal of each young person achieving a satisfactory resettlement including resolution of all identified care needs. The long term positive effects of the JJ CO as a whole will be limited unless person(s) who have parental responsibility can be actively engaged in the planning and implementation of the young person’s resettlement.

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**Co-operation and constructive activity**

Active involvement of the young person, person(s) who have parental responsibility, other relevant agencies and individuals, in the assessment of resettlement needs and planning of, as well as the implementation of, supervision. Supervising officers have responsibilities not only to engage young people in PBNI led programmes but also to broker access to a range of programmes and services that are provided by others and which are relevant to the personal development of the young individual. The long term interest of the young person, his/her family and the public will be best served if he/she remains actively involved in constructive leisure and social activities in his/her local community and under the direction of improved parental control beyond the completion of the Order.
Assisting Young People

Young offenders who lack attachment to positive role models often lead disordered lives and are likely to have strong attachments to negative local sub-cultures and influences. In addition, poor attitudes towards authority and underdeveloped self-discipline militate against the young person having a ready capacity to comply with all of the demands and requirements of supervision in a sustained way. The most realistic means of assisting the young person to lead a more ordered, disciplined and socially acceptable lifestyle is by seeking incremental and progressive improvements in the behaviour and social competence of the individual aided by strengthening family control and extending social support networks.

Adult Roles

The chaotic lifestyles and unacceptable behaviour patterns of many young offenders indicate that the adults in their lives have been unable to exert appropriate and/or adequate influence and control. Often this is the result of the young person having rejected authority and the leadership of adult role models.

Helping parents and other responsible adults to develop increased and appropriate influences is important to longer term reintegration of the young person into the community.

For those young people who still attend school, liaison and cooperation with teaching staff needs to be established, and sustained, to bring to bear another appropriate influence and control to the day-to-day behaviour of the young person.

Additional role models and other benefits should be derived by encouraging the young person to develop an interest in, and participate in, a range of leisure/sporting/social/spiritual activities.
Supervision and Treatment Orders

Legislation

Schedule 4 of the Criminal Justice (Northern Ireland) Order 1996 inserted as Schedule 2a to the Mental Health (Northern Ireland) Order 1986.

Part I - Preliminary

This is an order requiring the “supervised person” -

'1.- (1) (a) to be under the supervision of a social worker or probation officer (“the supervising officer”) for a period specified in the order and of not more than 2 years; and
(b) to submit, during the whole of that period or such part of it as may be specified in the order, to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition.'

Part II - Making and Effect of Orders

'2.- (1) The court shall not make a supervision and treatment order unless it is satisfied-
(a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the accused or appellant; and
(b) on the oral evidence of a medical practitioner appointed for the purpose of Part II by the Commission and on the written or oral evidence of one other medical practitioner, that the mental condition of the accused or appellant-
(i) is such as requires and may be susceptible to treatment; but
(ii) is not such as to warrant the making of an order under Article 50A(2)(a), or the making of a guardianship order.

(2) The court shall not make a supervision and treatment order unless it is also satisfied-
(a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
(b) that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the accused or appellant where he is required to submit to treatment as a residential patient).’

3.

(1) Specifies the Board or Trust where the supervising officer is a social worker or, where the supervising officer is a probation officer, the petty sessions district where the person resides or intends to reside.

(2) Details that the court provides the person with an explanation of
- effects and requirements of the order
- power of the court to review the order.

(5) States-
‘Where such an order is made, the supervised person shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.’

4. Details obligatory requirement as to medical treatment.

(2) Treatment can be as an
- in-patient
- out-patient or
- under the direction of a specified medical practitioner.

(3) States-
‘While the supervised person is under treatment as an in-patient in pursuance of a requirement of a supervision and treatment order, the supervising officer shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.’
5. Optional requirements as to residence.

‘(1) Subject to sub-paragraph (2) and (3), a supervision and treatment order may include requirements as to the residence of the supervised person.

(2) Before making such an order containing any such requirement, the court shall consider the home surroundings of the supervised person.

(3) Where such an order requires the supervised person to reside in a hospital, the period for which he is required to reside shall be specified in the order.

Part III Revocation and Amendment

6. ‘Where a supervision and treatment order is in force of any person, and, on the application of the supervised person or the supervising officer, it appears to the court which made the order that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person that the order should be revoked, the court may revoke the order.’

7. Deals with amendment of an order by reason of change of residence.

8. Deals with amendment of requirements of an order.

9. ‘(1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision and treatment order-

   (a) is of the opinion mentioned in sub-paragraph (2); or

   (b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person, he shall make a report in writing to the supervising officer and that officer shall apply under paragraph 8 to a court of summary jurisdiction for the petty sessions district concerned for the variation or cancellation of the requirement.

   (2) The opinion referred to in sub-paragraph (1) is-

   (a) that the treatment of the supervised person should be continued beyond the period specified in the supervision and treatment order;

   (b) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;

   (c) that the supervised person has failed without reasonable excuse to comply with any of the requirements of the treatment;

   (d) that the supervised person is not susceptible to treatment; or

   (e) that the supervised person does not require further treatment.'
| Approved Hostels | Purpose.  
<table>
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<tr>
<td>Under <strong>Schedule 1 of the Criminal Justice (Northern Ireland) Order 1996</strong>, a court may include, in a Probation Order, an additional requirement which requires the offender: “... to reside at any place, the period of which he is so to reside shall be specified in the Order.”</td>
<td>The purpose of approved hostels is to provide daily supervision and services through a hostel placement which contribute to, support and enhance the planned work of the supervising probation officer of each offender who is admitted into residency.</td>
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<tr>
<td>Under <strong>Schedule 2 of the 1996 Order</strong>, on application by the offender or the responsible officer, a court may <strong>at any time during the Order</strong> amend a Probation Order by: “... inserting into the Order a condition of residence as if it were then making the Order.”</td>
<td>One of the main objectives of any approved hostel placement should be to assist the offender to acquire the basic living skills to enable him/her to progress to more independent living when assessment and the management plan deem this to be appropriate. In any event a hostel placement funded by the Probation Board shall normally be for a period of up to 12 months.</td>
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<tr>
<td>Order/Licence/Report Type</td>
<td>Legislation</td>
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| Supervision of Relevant Violent and Sexual Offenders | **Sexual Offences Act 2003**-  
PBNI involvement with offenders convicted of sexual offences includes:  
- at the Pre Sentence Report stage;  
- supervising a Community Sentence;  
- during custody;  
- post release supervision of a Statutory Licence;  
- designated ‘non-statutory’ case.  
**Notification under Sexual Offences Act 2003**  
In all cases where the offender has been required to ‘Notify’ under the Sexual Offences Act 2003 the supervising officer needs to work with the terms of the relevant PBNI internal and external protocols including information sharing under PPANI, Child Protection, MARAC and informing the PSNI where the offender has failed to comply with the notification requirement. |

**Sexual Offences Act 2003 ( Travel Notification Regulations 2004**

**Notification**  
83 Notification requirements: Initial notification  
A relevant offender must, within the period of 3 days of conviction, caution or release from custody notify the police in person at a Prescribed Police Station

83 (5) The information required includes:—  
- date of birth;  
- national insurance number;  
- name and, where used, other names;  
- home address;  
- address of any other premises in the UK at which the offender regularly resides or stays.

84 Notification requirements: Changes.  
(1) Within 3 days of a change taking place the offender must, notify the police— ---  
(a) If using a name which has not been notified to the police....  
(b) any change of address;  
(c) if resided or stayed at an address not notified to the police for more than 7 nights in any 12 month period( includes where the offender spends two or more periods in any 12 month period which adds up to 7 days or more,  
(d) release from custody pursuant to an order of a court or from imprisonment, service detention or detention in a hospital, notify to the police that name, the new home address, the address of those premises or (as the case may be) the fact that the offender has been released, and (in addition) the information set out in section 83(5).’
86/ 87 Notification requirements: Travel outside the United Kingdom
( Including Republic of Ireland)

- Offenders must notify the Police in person at least 7 days prior to departure their intention to travel outside the UK.
- Where the travel is required at short notice the offender has to notify the police in person 24 hours prior to departure.
- Where details of return are not given, offender must report in person to the police within 3 days of their return to the UK.

An offender must disclose—
(a) the date on which the offender will leave the United Kingdom;
(b) the country (or, if there is more than one, the first country) to which he will travel and his point of arrival.....;
(c) any other information prescribed by the regulations which the offender holds about his departure from or return to the United Kingdom.*

*Where, 48 hours or more in advance of the offender's intended departure from the UK if the offender holds the following information, the offender must provide it:
- Point of arrival in any countries offender will visit;
- Carrier/airline;
- Accommodation details for first night out of UK;
- Date of re-entry into the UK;
- Point of arrival on return to the UK

Penalty for Failure to Comply (Travel Notification)
Where an offender is found guilty of a failure to comply with the requirements of the Sexual Offences Act 2003 (Travel Notification Requirements 2004) regarding foreign travel will be liable:
- on conviction on indictment to imprisonment for a terms not exceeding 5 years; or
- on summary conviction to imprisonment not exceeding 6 months, or a fine not exceeding the statutory maximum or both.

Civil Orders Brought under Sexual Offences Act 2003

Risk of Sexual Harm Order
Can be considered for an adult of 18 years 123 (1) ’ if it appears to the chief officer that-
(a) the defendant has on at least two occasions.... done an act within subsection (3), and
(b) as a result of those acts , there is reasonable cause to believe that it is necessary for such an order to be made.’

123 (3) The acts are-
(a) engaging in sexual activity involving a child or in the presence of a child
(b) causing or inciting a child to watch a person engaging in sexual activity or look at a moving or still image that is sexual.
(c) giving a child anything that relates to sexual activity or contains a reference to such activity.
(d) communicating with a child, where any part of that communication is sexual.

Risk of Sexual Harm Order
- lasts a minimum of 2 years
- breach of the Order is a criminal offence (Section 128 Sexual Offences Act 2003) and
- requires compliance with the notification requirements of the Sexual Offences Act 2003
**Sexual Offences Prevention Order (SOPO).**
- Sexual Offences Prevention Orders place restrictions/prohibitions on the behaviour of sex offenders and can be made by a court dealing with a person appearing for an offence listed in schedules 3 or 5 of the Sexual Offences Act 2003 or on application to the Magistrate’s Court by the Chief Constable of the PSNI in respect of a person with a previous conviction for an offence listed in Schedules 3 or 5.
- The court must be satisfied that the order is necessary to protect the public (or any particular member of the public) from serious sexual harm.
- The order lasts a minimum of 5 years and the offender will be subject to the Notification requirements of the Sexual Offences Act 2003 and a breach of any of the prohibitions of the order will be a criminal offence.

**Notification Order**
- The Chief Constable of the PSNI can apply to a Magistrate’s court for a Notification Order (Sections 97-103 Sexual Offences Act 2003) in respect of a person who resides in, or is believed to be residing in or coming to Northern Ireland with a sexual conviction from outside the UK (including the Republic of Ireland) which is the equivalent of one of the offences listed in Schedule 3 of the Sexual Offences Act 2003.
- The effect of the order is to make the person subject to the notification requirements as if they had been convicted, cautioned etc. in the UK for a relevant offence.

**Foreign Travel Order**
- Where the police have reasonable cause to believe that an order is necessary for the purpose of protecting children abroad from serious sexual harm, the Chief Constable of the PSNI may apply for a Foreign Travel Order (Section 114-122 Sexual Offences Act 2003) to the Magistrates court in respect of a person who has a sexual conviction against children.
- The order can stop the person from travelling outside the UK except to a named country or countries, or stop the person from travelling to a named country. The order lasts for a period of 6 months but can be renewed.

**Offences relating to Notification**

**Offences relating to Notification**
(1) A person commits an offence if he—
   (a) fails, without reasonable excuse, to comply with section 83(1), 84(1), 84(4)(b), 85(1), 87(4) or 89(2)(b) or any requirement imposed by regulations made under section 86(1); or
   (b) notifies to the police, in purported compliance with section 83(1), 84(1) or 85(1) or any requirement imposed by regulations made under section 86(1), any information which he knows to be false.
(2) A person guilty of an offence under this section is liable—
   (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
   (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
(3) A person commits an offence under paragraph (a) of subsection (1) on the day on which he first fails, without reasonable excuse, to comply with section 83(1), 84(1) or 85(1) or a requirement imposed by regulations made under section 86(1), and continues to commit it throughout any period during which the failure continues; but a person must not be prosecuted under subsection (1) more than once in respect of the same failure.
(4) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence resides or is found.
Public Protection Arrangements Northern Ireland (PPANI)

- The assessment and management of the risk posed by relevant sexual and violent offenders and Potentially Dangerous Persons (PDPs) is a legislative requirement under Articles 50-52 Criminal Justice (Northern Ireland) Order 2008 and the accompanying PPANI Guidance to Agencies issued by the Secretary of State Northern Ireland (2008).

Sharing of Information

- The PPANI Guidance to Agencies issued under Article 50 of the Criminal Justice (Northern Ireland) Order 2008 provides a framework for sharing information which is:
  - lawful;
  - necessary;
  - proportionate;
  - secure; and
  - accountable.

Public Protection Arrangements Northern Ireland (PPANI)

- Public Protection Arrangements Northern Ireland, known as PPANI, replaced the Multi Agency Sex Offender Risk Assessment and Management (MASRAM) procedures and placed statutory backing to the multi agency dimension requiring agencies to share information and work together to manage the risk posed by sex offenders, certain violent offenders and PDPs.

PPANI Core Functions

The PPANI arrangements comprise four core functions:

i. The identification of relevant offenders/potential dangerous persons (pdpns);
ii. The sharing of relevant information among agencies;
iii. The assessment of risk; and
iv. The management of risk.

PBNI:

- provides a chairperson for each of the LAPPPs;
- ensure relevant probation officers attend and/or provide appropriate information to the relevant LAPPP; and
- fulfils the role of Designated Risk Manager for those offenders whose risk management is the lead responsibility of PBNI.

Victim focus

- PBNI accepts that there is a duty of care to existing victims and that victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the effective fulfilment of public protection through PPANI.
- PBNI are also committed to the importance of ensuring that there is appropriate engagement with victims to inform decision making and ensure that risk assessment and risk management plans properly reflect victim concerns and provide measures to protect them.
### Order/Licence/Report Type

<table>
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<tr>
<th>Order/Licence/Report Type</th>
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<th>Additional Information</th>
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| Curfew and/or Electronic Monitoring | Criminal Justice (Northern Ireland) Order 2008. **Article 35** - A Curfew and/or Electronic Monitoring requirement may be made as a:  
  - Condition of bail;  
  - A condition of licence under:  
    - the Life Sentences (Northern Ireland) Order 2001;  
    - Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (discharge on licence of person sentenced to be detained under Article 45 (2) of that Order;  
    - Article 26 of the Criminal Justice (Northern Ireland) Order 1996;  
    - Articles 17 and 18 Criminal Justice (Northern Ireland) Order 2008 (relating to release on licence of those subject to Determinate, Extended or Indeterminate Custodial Sentences)  
  - Additional Requirement of a:  
    - Probation order  
    - Custody Probation Order;  
    - Combination Order;  
    - Youth Conference Plan. | **Consent of the offender** is not required  
  For the court to impose a Curfew and/or Electronic Monitoring as an additional requirement of a Community Order. Neither is consent required of the offender when such a requirement is imposed as a condition of bail or as a condition of licence.
  However, where the co-operation of another person is required to secure Electronic Monitoring, this requirement shall not be imposed without that person’s consent. **Article 40(2)(b)** |

**Article 36** - The court has powers to impose a Curfew and/or Electronic Monitoring requirement during part or all of the period of supervision of a Juvenile Justice Centre Order.

**Article 37** - A Curfew is defined as:  
’...a requirement that a person remain, for specified periods at a specified place.;’

**Article 40(1)** - Electronic Monitoring is defined as:  
’...a requirement for securing the Electronic Monitoring of a person’s compliance with other conditions or requirements during a period of 14 days or more....’

### Purpose

The purpose of Curfew and/or Electronic Monitoring is to support the aims and objectives of an individual’s Risk Management and Work Plans. It assists in the process of:

- preventing further offending by limiting movement and reducing opportunity to offend  
- breaking from criminal peer group and activities of persistent offenders;  
- promoting positive relationships, especially with family; and  
- addressing risk factors such as alcohol/drug abuse and lifestyle instability.

### Public confidence

For the courts and the public to have confidence in supervision of offenders in the community both on Community Orders and Licence, PJNI staff need to demonstrate that:

- a Curfew and/or Electronic Monitoring additional requirement or condition of licence is an integrated component of supervision;  
- the offender has been helped to understand, from the outset, what his/her rights and responsibilities are and the consequence of non-compliance with the Curfew and/or Electronic Monitoring additional requirement or condition of licence;  
- enforcement is fair and at the same time rigorously and consistently applied.
Pre Sentence Report (PSR)

Criminal Justice (Northern Ireland) Order 2008

Article 4(1) - A Pre Sentence Report

“…….means a report in writing which:

(a) with a view to assisting the court in determining the most suitable method of dealing with an offender, is made or submitted by a probation officer or social worker of an HSS Board or authorised HSS trust; and

(b) contains information as to such matters, presented in such a manner, as may be prescribed by rules made by the Secretary of State;”

Community sentences

- The Criminal Justice (Northern Ireland) Order 1996 sets out the sentencing requirements in respect of community sentences.

Article 9(3) ‘Subject to paragraph (4), a court shall obtain and consider a pre-sentence report before forming an opinion as to the suitability for the offender of one or more of the following orders, namely-

(a) a probation order which includes additional requirements authorised under Schedule 1

(b) a community service order

(c) a combination order’ and

(d) a supervision order ....’

Article 9(4) ‘Paragraph (3) does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a pre-sentence report; and where the court does not obtain a pre-sentence report , it shall state in open court that it is of that opinion and what the circumstances are.’

Article 9(5). ‘In the case of an offender under 17 years, except where the offence or any offences associated with it are punishable only on conviction on indictment, the court shall not form such an opinion as is mentioned in paragraph (4) and (7) unless there exists a previous pre-sentence report obtained in respect of the offender and the court has had regard to the information contained in that report, or, if there is more than one such report, the most recent report.’

Article 9(6) ‘No community sentence which consists of or includes such an order as is mentioned in paragraph (3) shall be invalidated by the failure of a court to obtain and consider a pre-sentence report before forming an opinion referred to in that paragraph, but any court on an appeal against such a sentence-

(a) shall, subject to paragraph (7), obtain a pre-sentence report if none was obtained by the court below; and

(b) shall consider any such report obtained by it or by that court.’

Article 9(7) ‘ Paragraph (6)(a) does not apply if the court is of the opinion -

(a) that the court below was justified in forming an opinion that it was unnecessary to obtain a pre- sentence report, or

(b) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.’
Custodial sentences

**Criminal Justice (Northern Ireland) Order 2008**

**Article 4** defines custodial sentences as:
(a) a sentence of imprisonment;
(b) a sentence of detention in a young offenders centre
(c) a sentence of detention under Article 13(4)(b) or 14(5)
(d) a sentence of detention under Article 45(1) 04 (2) of Criminal Justice (Children) Order 1998
(e) an order under Article 39 of that Order sending the offender to a juvenile justice centre;
(f) an order under Article 44A of that Order sending the offender to secure accommodation.

**Article 5(2)** ‘The court shall not pass a custodial sentence unless it is of the opinion that the offence was so serious that only a custodial sentence can be justified for the offence.’

**Article 9(2)** ‘Subject to paragraph (3), a court shall obtain and consider a pre-sentence report before forming any such opinion as is mentioned in paragraph 5(2), 7(2), 13(1) or 14(1)(b)(i)’

- 5(2) relates to restrictions on imposing certain custodial sentences;
- 7(2) relates to length of custodial sentences;
- 13(1)(b) and 14 (1)(b)(i) relates respectively to life sentence and indeterminate custodial sentences and extended custodial sentences for certain violent and sexual offences where there is a significant risk of serious harm to the public by the commission of further specified offences).

**Article 9(3)** ‘Paragraph (2) does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a pre-sentence report; and where the court does not obtain a pre-sentence report, it shall state in open court that it is of that opinion and what the circumstances are.’

**Article 9(4)** ‘In the case of an offender under the age of 18, except where the offence or any offences associated with it is punishable only on conviction on indictment, the court shall not form such an opinion as is mentioned in paragraph (3) or (6) unless
(a) there exists a previous pre-sentence report obtained in respect of the offender; and
(b) the court has had regard to the information contained in that report, or, if there is more than one such report, the most recent report.’

**Article 9(5)** ‘No custodial sentence shall be invalidated by the failure of a court to obtain and consider a pre-sentence report before forming an opinion referred to in paragraph (2), but any court on an appeal against such a sentence-
(a) shall, subject to paragraph (6), obtain a pre-sentence report if none was obtained by the court below; and
(b) shall consider any such report obtained by it or by that court.’

**Article 9(5)** ‘Paragraph (5)(a) does not apply if the court is of the opinion –
(c) that the court below was justified in forming an opinion that it was unnecessary to obtain a pre-sentence report, or
(d) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.’
| **Reports to Parole Commissioners Northern Ireland** | **Schedule 1 Part B 4 (Page 16) of the Parole Commissioners’ Rules (Northern Ireland) 2009** sets out the framework for:  

“An up to date report prepared for the Commissioners by a probation officer....”  

Rule 14(1) Schedule 1, Part 4(d) of the Life Sentence Review Commissioners’ Rules 2001, the Commissioners will, in addition to other relevant matters, expect to be advised by PBNI of any ‘attitudes and concerns of the victim(s) of the offence(e)’ (page 13,4 (d). |
| **PBNI Victim Contact Work** | **Criminal Justice (Northern Ireland) Order 2005** provides a legislative base for the operation of PBNI’s Victim Information Scheme.  

The scheme seeks to ensure that victims receive information about what it means when someone is sentenced to an Order or Licence which requires supervision by the Probation Board.  

The scheme works closely with other Criminal Justice and victim organisations to provide a wide range of information and services to victims of crime at various stages of the criminal justice process. Where an offender receives a sentence which includes both custody and community supervision the PBNI Victim Information Scheme works in partnership with the Prisoner Release Victim Information Scheme (PRVIS). PBNI is involved with Victims to provide Victim Reports detailing the ‘attitudes and concerns’ of victims, to be attached to reports provided to the PCNI as stated in the ‘Reports to the Parole Commissioners Northern Ireland’ section. |
<table>
<thead>
<tr>
<th>Order/Licence/Report Type</th>
<th>Legislation</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>Transfer of Orders and Licences</td>
<td><strong>Refer to Section 4f Case Management/Transfer</strong></td>
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| Powers of Inspection | **Probation Board (Northern Ireland) Order 1982**<br>

‘14.- (1) An inspector may, with the approval of the Secretary of State, at any time carry out an inspection by the Board and the members of the staff of the Board of their functions under this Order or any other statutory provision, or such of those functions as the Secretary of State may direct.

Where an inspector is carrying out an inspection under paragraph (1), the Board and the members of the staff of the Board shall—
(a) furnish the inspector with, and permit him, such accounts, records, documents and papers of the Board as the inspector may reasonably require and give the inspector such explanation of them as he may reasonably require;
(b) furnish the inspector with such other information with respect to the property and activities as the inspector may reasonably require.’ |  |
Probation Board for Northern Ireland

Section 3

Assessment

Risk Assessment and Assessment Review
Section 3
Assessment, Risk Assessment and Assessment Review

Contents:
Introduction
Section 3a: Screening, Initial Assessment, Risk of Serious Harm Assessment, Risk Management and Review.
Section 3b: Additional Assessment Tools.
Section 3c: Assessment Reports.
Section 3d: Suitability Assessments.
Section 3e: Referrals.
Assessment, Risk Assessment and Assessment Review

Introduction

1. What is Assessment/ Risk Assessment?

**Assessment**

Assessment is central to and underpins all PBNI work with offenders from pre-sentence to sentence completion stage. In the literature review conducted by Crisp et al. (2003), assessment is considered to involve:

- `collecting and analysing information about people with the aim of understanding their situation and determining recommendations for any further professional intervention`.  

Assessment therefore, not only involves the gathering and summarising of information, important as these aspects are to the assessment process, but also the analysis of that information in order to identify needs, provide and target services and interventions and take appropriate decisions and actions including actions to reduce and manage identified risks.

**Risk Assessment**

Risk Assessment within an offending context refers to the formal process of:

- identifying factors which contribute to offending behaviour
- determining and evaluating the Likelihood of Reoffending and,
- making an informed and verifiable judgement about whether or not, in what way, to whom and in what circumstances an offender is likely to reoffend and cause serious harm, to others.

Risk Assessment is dynamic in nature to be able to capture new information and insights, changes in circumstances, attitudes and behaviour on a continuous basis. It is integral to the Risk Management process and, while it is complex and sometimes difficult, it contributes to helping to prevent further re-offending and victimisation.

**Assessment and Risk Assessment** should not just focus on what is completed ‘on’ an offender but should also strive to maximise offender participation by including the following elements of good assessment practice:

- actively inform, involve and engage offender, and relevant others, in the assessment process;

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2. Adapted from Nolan, M, Caldock,K. 1990  Assessment Identifying the Barriers to Good Practice Health and Social Care in the Community VOL 4 p.p. 77-85  Benchmarks for Community Care Assessments.
2. Why assess?

PBNI works to help prevent reoffending by assessing offenders, challenging their behaviour, seeking to change their attitudes and behaviour and thereby protecting the public. The impact of crime on victims and the prevention of further victimisation is central to our engagement with offenders and is essential to all effective interventions with offenders. It also provides the basis for defensible decision making at all stages of contact with offenders by actively verifying, evaluating, analyzing information and determining:

- the likelihood that an offender will reoffend;
- the Risk of Serious Harm that an offender may pose to others;
- risk factors which contribute to the offending behaviour and Risk of Serious Harm;
- strengths, protective factors and opportunities which could support, encourage, motivate and maintain positive change; and
- targeted interventions matched to level of assessed risk.

Effective assessment requires constant vigilance as well as a pro-active and investigative approach including review and updated feedback.

A comprehensive and rigorous assessment gives structure to the enquiry process and provides information, knowledge and analysis on which to base Pre Sentence and other reports. Sound assessment is also a vital foundation on which to build supervision. The continuous and dynamic nature of assessment and review is the means of providing indicators for identifying the need to adjust supervision and/or risk management plans and making proper enforcement decisions. Assessments including Ra1 assessments, help to target the most intensive use of resources at those offenders who pose the highest risks.

3. Methods of Assessment

The individual, and often complex, nature of offending behaviour requires a rigorous and thorough assessment to take place. The current PBNI approved assessment tools are the ACE (Assessment, Case Management and Evaluation) and the RA1 Risk of Serious Harm to Others assessment.

Both ACE and RA1 separately and together promote a searching enquiry into, and evaluation of, the offender's past and present offending; present circumstances; experiences; relationships; behaviours; attitudes; habits; social supports strengths, resilience and protective factors.

ACE is a structured assessment tool used by PBNI, in conjunction with professional judgment, to assess the likelihood of general re-offending within a two year period. Included within the ACE assessment is a Risk of Serious Harm Filter which triggers a Risk of Serious Harm assessment in cases where such concerns exist.

The RA1 is structured process used by PBNI for assessing the Risk of Serious Harm through gathering, verifying and evaluating a wide range of relevant information, including details from the
ACE assessment. The eventual decision as to whether or not an offender is considered a **Significant-Risk** of Serious Harm is taken at a **Risk Management Meeting**.

Additional PBNI approved assessment tools may also be applied in relevant cases. Where appropriate PBNI Risk of Serious Harm procedures shall interface with the risk assessment and review arrangements operating within: Prisons; Young Offender’s Centre; Juvenile Justice Centre; and Public Protection Arrangements Northern Ireland (PPANI).

The **victim** is central to the offence and it is therefore essential for all those involved in the assessment and management of offenders to keep a **victim perspective** in focus, including the integration of any information received from the PBNI Victim Unit.

The quality of the relationship between the offender and probation can be positively set at the assessment stage and play an important role in helping motivate offenders towards change; as well as preparing them to engage positively with programmes and other interventions throughout their order/licence and/or sentence.

### 4. Who has responsibility for Assessment and Risk Assessment?

The PSR writer at the pre sentence stage and the allocated Probation Officer at all other stages of: imprisonment; and probation supervision in the community shall ensure that ACE, and where appropriate, a full RA1/r assessment is completed. The Probation Officer has the responsibility for carrying out a substantive review and re-evaluation of ACE and, where relevant an RA1/r/RMM, at agreed times as outlined in the relevant standards in Section 1 below.

In certain violent and serious sexual offence cases the risk assessment shall be informed by and inform the Public Protection Arrangements Northern Ireland (PPANI) through the Local Area Public Protection Panel (LAPPP).³

### 6. Defensible Decisions.

It is not possible to predict or eliminate risk completely. It is however critically important that all reasonable steps are taken to complete the initial and subsequent assessments, including risk assessments, as fully and accurately as possible so as to manage and minimise the likelihood of reoffending and, where required, the risk of serious harm to others.

Assessment is best achieved by linking into all known and relevant sources of information about, and knowledge of, the offender. In the context of human rights, equality and data protection legislation, there is a need to be aware of the important legal and ethical implications of communicating risk assessments to courts, prisons and other organisations in reports, such as PSRs, that in turn inform sentencing and release decisions.

It is essential for the assessment /risk assessment to be accurate and defensible. Defensible assessments shall always be based on principles of legality, necessity, accountability, proportionality and ethical practice requiring a solid evidence base (as far as is possible and practical) to support necessary restrictions on liberty to protect others.

Hazel Kemshall⁴ outlines the key criteria for defensible decisions as:

³ See Section 3a.8.

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12th April 2011  
Section 3  
5
7. Risk Management.

Risks in relation to serious harm cannot always be eliminated but it is a purpose of PBNI to do what can be done to ensure that risks are reduced and minimised. Risk Management is the process of addressing the identified risk factors by formulating and implementing a Case plan incorporating, where appropriate, a Risk Management Plan which targets each identified risk factor through lawful, necessary, adequate and proportionate and ethical actions. Effective Risk Management is founded on a Risk Assessment process which is dynamic and in which the changing features of the offenders circumstances, and new or updated information are constantly appraised to evaluate whether they indicate that the offender is more or less of a threat to others.

8. Multi agency co-operation.

The assessment and management of certain offenders, especially those who pose a Significant-Risk of Serious Harm to others, can involve, where relevant, multi agency/disciplinary co-operation and engagement including sharing information through the PBNI Risk Management Meetings, LAPPs as well as Child Protection arrangements. It is important that duplication is avoided and where relevant, that all relevant agencies engage appropriately to effectively manage the risk posed by offenders who pose a Significant-Risk of Serious Harm to others.

The strategies used within Risk Management Plans will likely combine both external strategies, such as curfews, restrictions, sanctions, enforcement, and electronic monitoring as well as internal control factors targeting motivation, attitudes, and promoting pro social contacts and activities.

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Section 3a

ACE and RA1 Assessment
Risk Management and Review
Section 3a: ACE and RA1 Assessment Risk Management and Review

Content:

Key Outcomes and Outputs.
3a1. Screening
3a2. Initial Assessment - Likelihood of Re-offending.
3a3. Initial Risk Assessment - Risk of Serious Harm to Others.
3a4. Initial Risk Management Meeting (RMM).
3a5. Assessment and Risk Assessment Review - Community and Custody.
3a7. Risk Management Meeting Review (RMM) - Custody.
3a8. Public Protection Arrangements Northern Ireland (PPANI) Review.
3a9. Risk Management of PBNI Significant-Risk of Serious Harm cases - Community.
### 3a: Assessment, Risk Assessment, Risk Management and Review.

That PBNI Assessments, Risk Assessments and reviews shall be completed in a way which maximises, encourages and supports the following key outcomes:

#### Key Outcomes

1. Positive/constructive/meaningful offender engagement in process, including offender self assessment.
2. Offender motivation to begin, and continue, to change offending behaviour.

#### Outputs

1. Purpose of assessment/review shared with offender and relevant others.
2. Individualised Assessments/reviews linked directly to supervision planning, risk management and interventions.
3. All relevant sections of assessments are thoroughly, fully and accurately completed; the assessments are evidenced, verified and, where required, validated.
4. The assessment is **timely** and prior to the completion of the PSR;
5. There is evidence that the defendant has been given an opportunity to participate in the assessment and that the language reflects offender ownership and participation.
### 3a1-Screening-Level of Application-Assessment

<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tr>
<td><strong>3a1.1 Screening</strong> is undertaken when:</td>
<td><strong>Screening for Level of Application-Assessment</strong></td>
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<tr>
<td>- A Pre Sentence Report is requested;</td>
<td>- Screening is used to help determine the appropriate Level of Application-Assessment and is based on:</td>
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<td>- an offender receives a community sentence supervised by PBNI where an Initial screening/ACE Assessment has not completed at the PSR stage.</td>
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<tr>
<td></td>
<td>o professional judgement*</td>
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<td>o access to and review of the offender’s criminal record;</td>
</tr>
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<td>o application of the suitability criteria**; and</td>
</tr>
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<td>o completion of the PBNI Risk of Serious Harm Filter;</td>
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<td>o access to and review of PBNI records where available within the time scale of the screening process.</td>
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### Lower Level Application- Criteria

- **Court**: Normally Magistrate Court cases, but may include, where appropriate, some Youth and Crown Court Cases.
- **Sentence indicated** by District Judge or considered by Probation Officer is for:
  - a Probation Order up to 18 months duration with no or one additional requirement*; or
  - a Community Service Order.
  *Additional Requirement is for less intensive programme of not more than 12 sessions.

- **Offence**: Normally offences of a less serious nature including:
  - Criminal Damage
  - Common assault, assault of Police Public order offences
  - Damage to property
  - Theft, shoplifting, benefit fraud
  - Motoring offences
- **Risk**: Normally where the Risk of Serious Harm Filter does not trigger an RA1 to be completed. Normally Low ACE.

**Professional Judgement** is required in determining whether a Lower Level Application applies. Particular care is required in making such a judgement where there are issues and/or concerns relating to:
- Child protection, domestic abuse/ violence or vulnerable adults
- Serious mental health conditions,
- Serious alcohol or drug abuse
- Complexity or very challenging behaviours
- Seriousness and/or persistency of offending and static risk factors.
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<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| **3a1.1 Cont.**       | **Standard Level Application - Assessment (ACE)** will apply:  
|                       | - where initial screening determines that a case does not meet the criteria for Lower Level application; and  
|                       | - where an RA1 assessment is not required or the outcome of an RA1 assessment does not indicate a Significant-Risk of Serious Harm and a PBNI Risk Management Meeting is not required.  
|                       | **Higher Level Application - Assessment (ACE + RA1)** will apply:  
|                       | - where the outcome of the RA1 assessment indicates a Significant-Risk of Serious Harm and a Risk Management Meeting is required to take place, usually prior to the submission of the Pre Sentence Report to court.  
|                       | **Screening- No previous Initial Assessment**  
|                       | - Screening for the appropriate level of application in relation to assessment is also required where, for whatever reason, an offender has received a sentence which is, or will be, supervised by PBNI without an Initial Assessment having been completed. |
### 3a2- Initial Assessment (ACE)

<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| **3a2.1** Where screening indicates that an Initial Lower Level Application-ACE Assessment is appropriate this shall be completed:  
- in advance of the preparation of a Short-PSR;  
- within **10 working days** of the commencement of a probation order where an Initial ACE assessment was not completed. | **A quality Lower Level Application-Assessment (ACE) will, where appropriate, normally include:**  
- professional judgement  
- offender engagement, active participation and contribution;  
- offender self-assessment;  
- interview with offender;  
- review of criminal record;  
- review of available PBI case records;  
- identifying social, personal and offending factors linked to offending behaviour as well as strengths;  
- completion of Risk of Serious Harm Screening Filter  
- Lower Level Application-Assessment (ACE) completed and recorded on PBI case management system (*Youth ACE* for Young offenders). |

| **3a2.2** Where the criteria for a Lower Level Assessment are not met an Initial ACE Assessment shall be completed:  
- in advance of the preparation of a PSR;  
- or, where Initial Assessment not completed pre-sentence:  
- within **15 working days** of commencement of a community sentence; or  
- within **20 working days** of commencement of a custodial sentence requiring probation supervision on release. | **Defensible Assessments**  
- PBI regards high quality assessment and risk assessment as critical at all stages in our contact with and, essential to, all effective interventions with offenders.  
- The basis for **defensible assessments** at all stages of contact with offenders is achieved by:  
  - identifying risk factors;  
  - matching the intensity of the interventions with risk levels;  
  - providing reviews and by updating assessment feedback. |

**Additional Assessment Tools**  
- Assessment requires constant vigilance as well as a proactive investigative approach.  
- The ACE and the RA1 Risk of Serious Harm are currently the assessment tools approved by PBI.  
- Additional relevant assessment tools approved by PBI which complement ACE and RA1, if used, shall be evidenced and documented.

**Victim perspective**.  
- It is important that a **victim perspective** is retained throughout the assessment process in terms of accessing and analysing victim information including:  
  - age, gender of victim- if available  
  - whether the victim was known, targeted or chosen at random  
  - impact of offending on the victim.
### Performance Standards

**3a2.2 Cont.**

**Best Practice Guidance**

A quality **Standard Level Application - Assessment** will, where appropriate, normally include:
- offender engagement, active participation and contribution;
- screening for level of application;
- screening for risk of serious harm;
- information from a range of sources:
  - accurate and up to date criminal record;
  - depositions or police statement of facts;
  - victim and witness statements;
  - **offender self assessment;**
  - relevant others including family and friends;
  - psychiatric, psychological histories/assessments/reports;
  - previous probation records;
  - direct observations and interviews;
- pro-active approach to seeking out and following up on relevant information;
- verification of information;
- social, personal and offending factors linked to offending behaviour including barriers to change;
- appropriate referral to and involvement of **PBNI Psychology Services**
- victim harm issues;
- factors contributing to periods of non-offending;
- motivation and readiness to change;
- strengths and opportunities which may promote and support change;
- summary assessment of likelihood of reoffending and suggested actions to reduce the likelihood;
- **Standard Level Application** assessment (ACE) (*Youth ACE* for Young Offenders) completed and recorded on PBNI case management system.

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**3a2.3**

**The Risk of Serious Harm Filter** shall be completed on **all** Initial ACE assessments and subsequent assessment reviews.
### 3a3

#### Higher Level Application RA1 - Assessment - Risk of Serious Harm to Others

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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| **3a3.1** A Higher Level Application-RA1 | • The **Higher Level Application** RA1 process is designed to lead to an overall assessment of the Risk of Serious Harm. It is important to record the sources used in the assessment and any gaps in the information obtained.  
• A **Higher Level Application** RA1 Assessment shall be completed on all cases where the current, or previous offence is listed below*. |

*As a guideline, the following offences are considered to involve serious harm** (involves inchoate e.g. attempts, conspiracy, aid and abet)  
- Murder;  
- Abduction/Kidnapping  
- Unlawful Imprisonment  
- Manslaughter;  
- GBH with Intent to endanger life;  
- Malicious Wounding;  
- Serious Sexual or Violent offences against adults or children;  
- Serious/Repeat driving offences  
- Use of weapons;  
- Arson/criminal damage endangering life;  
- Threats to kill  

**Serious Harm**  
‘death or serious personal injury, whether physical or psychological’  
As defined in Criminal Justice (Northern Ireland) Order 2008 Article 3(1)

A **quality Higher Level Application- assessment** will, normally include all as stated in **3a2.2** above for **Quality Standard Level Application- assessment ACE** (‘Youth ACE’ for Young Offenders); plus, where appropriate, the following:  
- a pro-active approach to seeking out required information;  
- a thorough and detailed identification and analysis of factors related to Risk of Serious Harm;  
- detailed completion of appropriate Risk of Serious Harm assessment tool;  
- Area Manager discussion and validation where outcome of RA1 indicates **Significant-Risk** of Serious Harm  
- arranging a Risk Management Meeting within required time frame  
- updating Case Management System.
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| 3a3.2 An RA1 Assessment is **not** required where **all** of the following apply:  
  - The current or previous offence(s) is **not** one of those listed in the Best Practice Guidance at 3a3.1  
  - There are **no concerns** about the Risk of Serious Harm. | - The reason for **not completing** an RA1 shall be clearly recorded on the RA1 Assessment.  
  - **Caution is required when considering this exemption as, for example,** in the case of an AOABH offence within a Domestic Abuse/Violence context or where the victim of the offence is a child or vulnerable adult where an RA1 should be completed in such cases. |
| 3a3.3 If the conclusion to the RA1 Assessment indicates that the offender poses a significant-Risk of Serious Harm the Area Manager shall be consulted with immediate effect (but not more than **2** working days after the completion of the RA1) regarding the validation of this Assessment. | - Where the **Area Manager is unavailable**, a neighbouring Area Manager should be consulted.  
  - **At the PSR stage where the conclusion to the RA1 assessment is that offender is not** a significant-Risk of Serious Harm the/PSR Writer/Probation Officer shall record the reasons for this conclusion on the RA1 Assessment and enter on PBNI’s Case Management System.  
  - **Whilst there is no requirement to share** ‘No’ outcomes with the Area Manager, the **Area Manager** shall be consulted immediately, and not more than **2 working days** after the completion of the RA1, in any case where the outcome of the RA1:  
    - **is inconclusive;** or  
    - **where requested**, prior to the completion of the RA1, to share the outcome with the Area Manager. |
| 3a3.4 In the event that an Area Manager, when reviewing an RA1 assessment where the offender has been assessed as **not** a significant-Risk of Serious Harm, is of the opinion that a Risk of Serious Harm does exist, a PBNI Initial Risk Management Meeting shall be convened as per 3a3.5 below. | - **The Area Manager in validating, or not validating,** the assessment records additional comments and in particular any immediate actions that may be required to protect others from Serious Harm including communicating concerns to other agencies in accordance with policies, procedures, legal responsibilities and protocols.*  
| 3a3.5 If the Area Manager concurs with the assessment that the offender poses a significant-Risk of Serious Harm an initial Risk Management Meeting (RMM) shall be convened within **10** working days of the validated Ra1 Assessment and, for all Crown Court Murder, Serious and/or Specified Offence cases, in advance of the court date. | - **It is essential that the ACE, Risk of Serious Harm Filter and the RA1 are fully entered** on PBNI’s Case Management System in advance of the Initial Risk Management Meeting. Care should be taken when cloning a previous document to ensure that all of the details are fully... |
### 3a4.1
The Probation Officer shall ensure that a P JNI Initial RMM is organised and coordinated within the specified timeframe.

### Initial Risk Management Meeting (RMM)
- The P JNI Initial Risk Management Meeting (RMM) is most effective if convened prior to the court date. In all current Crown Court Murder, Serious and/or Specified Offence cases, the requirement is that the Initial RMM takes place pre court.

(Ref to Section 3 P JNI’s current Risk of Serious Harm Procedures)

- **P JNI’s Psychology Services**, where practicable, are involved when a P JNI Initial Risk Management Meeting has been convened and will:
  - liaise, where necessary, with Psychiatric/Psychology Services to obtain further information
  - request a Psychiatric Assessment from the appropriate Forensic Psychiatric Service
  - communicate outcomes of the Psychiatric assessment and any P JNI Psychology assessment to the PSR Writer for incorporation into the PSR.

### Initial RMM not completed pre sentence.
- Where offender receives a sentence of imprisonment to be followed by statutory supervision, P JNI at the receiving custodial institution convenes a **RMM within 10 working days** of sentence or before the prisoner is released if this is sooner.

- Where offender receives a Community Sentence, P JNI in the relevant team shall convene an Initial **RMM within 10 days** of sentence.

### 3a4.2
The P JNI Initial RMM shall be chaired by an Area Manager.

### Chairing Initial RMM
- In the event that the Area Manager is unavailable a neighbouring Area Manager should be contacted to chair the RMM.

- All participants in the Initial RMM share responsibility for decision making about the Risk of Serious Harm posed by an offender.
### Performance Standards

| 3a4.3 | The PJNI Initial RMM shall follow the agreed format. |

### Best Practice Guidance

- **The purposes** of a PJNI Initial RMM are to:
  - share information;
  - identify Risk and Protective factors (if present) and outline evidence to support the assessment;
  - decide on whether or not offender is a significant Risk of Serious Harm;
  - draw up a Risk Management Plan to address the identified Risk factors.

- **A quality RMM** will, where appropriate, normally:
  - Adhere to the agreed RMM format*
  - evaluate the risk of serious harm assessment and evidence upon which the assessment is made;
  - communicating decisions with offender and within PJNI and other agencies or individuals as relevant and appropriate. (The level of sharing of information depends on the risks posed by the offender and the actions required to protect the public, including victims, potential victims and staff).
  - details of the Risk Management Plan.**
  - time period of next review RMM.

* Refer to current Risk of Serious Harm Procedures-Appendix 1.

** A **quality Risk Management Plan (RMP)** will, where relevant and appropriate, include the following:

- actions to address identified risks; including any immediate actions
- who will take each action and when each action will happen
- involvement of offender in addressing and managing identified risks
- supports and controls, existing or required, to help manage the risks
- additional requirements or conditions required to help manage the risks
- roles and requirements of all agencies involved
- level of contact, monitoring and supervision.
## 3a4.3 Cont.

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| **The decision of the Initial RMM, and reasons for this decision, shall be clearly recorded by the PSR Writer/Case Manager on form RM1 within 5 working days of the Initial RMM taking place and the case management system updated.** | **The strategies used within Risk Management Plans can combine, where appropriate and necessary, both external and internal measures including:**
- curfew electronic monitoring
- restrictions
- graduated sanctions and enforcement and rewards
- internal control factors targeting motivation and attitudes
- promoting pro social contacts and activities.
- engaging the offender and significant others in actively supporting and complying with the objectives of the Risk Management Plan. |

## 3a4.4

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</thead>
</table>
| **The minutes of the Initial RMM shall be circulated by the PSR Writer/Probation Officer no later than 10 working days after the date of the RMM.** | **RMM informs PSR**
- In Serious and/or Specified Offence cases or where a custodial sentence is likely the Initial RMM also outlines how the identified risk factors could be addressed, including, any immediate actions to address risk.
- Where the outcome of an Initial RMM is that the offender is not a significant-Risk of Serious Harm the reasons for this decision need to be clearly outlined in the minutes. In these situations there shall still be identified risks relating to serious harm which need to be addresses and managed as outlined in a Risk Management Plan. |

## 3a4.5

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Chairperson of the Initial RMM approves the RMM minutes prior to their circulation</strong></td>
<td><strong>(Refer also to current PBNI Risk of Serious Harm Procedures, Appendix 3)</strong></td>
</tr>
</tbody>
</table>
### 3a5- Assessment Review - Community

#### Lower Level Application - (ACE) Assessment Review - Community

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3a5.1</strong> The Screening Review shall be completed at:</td>
<td><strong>Screening Review</strong></td>
</tr>
<tr>
<td>• 16 weeks and</td>
<td>• The purpose of screening is to confirm, or otherwise, that Lower Level Application continues to apply to the case.</td>
</tr>
<tr>
<td>• subsequently at 16 week interval</td>
<td></td>
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<td></td>
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</tbody>
</table>
A Lower Level Application (ACE) Assessment Review (including the Offender Self Assessment), shall be completed: | **A quality Lower Level Application (ACE) Assessment review** will apply, where appropriate, the applicable quality measures as outlined at **3a2.1** above for Initial Assessment, as well as normally taking into account the following: |
| • at 16 weeks; (final review for a 6 month order); and | • risk is dynamic and reflects the changing features of the offender’s circumstances, behaviour and attitudes including: |
| • subsequently at 26 week intervals; and/or | o changes in the offender’s social, personal and offending circumstances, attitudes and behaviour |
| • not more than 10 weeks prior to the end of the Order. (Final Review) | o degree of offender effort, compliance and cooperation with case plan |
| | o achievement or otherwise of case plan objectives |
| | o feedback from individual and social network supports and others involved in case plan including where appropriate, programme facilitator and/or PSO |
| | o opportunities supporting the offenders efforts to change. |

| **3a5.2** Where the outcome of Screening and/or Lower Level Application (ACE) Assessment Review is that Lower Level Application no longer applies, a Standard, or where appropriate, Higher Level Application (ACE) Assessment Review, (including the Offender Self Assessment), shall be completed. | **In such circumstances the case is managed from that point at Standard Level Application**, unless the Higher Level Application applies. Refer to **3a5.3** |

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12th April 2011      Section 3      19
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3a5.3** The **Lower Level Application** ACE review, including **Screening Review**, shall be brought forward without delay where there is a **significant change** in the offender’s circumstances, behaviour and/or attitude which could have a bearing on the assesses likelihood of re-offending and/or Risk of Serious Harm as well as the Level of Application for the case. | **Significant Change - Lower Level Application** can include:  
- where there are increased concerns about risks relating to re-offending and/or serious harm to others  
- significant event e.g. the death of a parent, spouse of partner; break up of a relationship; loss of accommodation/employment; self harm;  
- reoffending  
- receiving a further Order/Licence  
- allegations and/or questioning by the PSNI about other offences  
- non-compliance resulting in a warning  
- transfer, variation, discharge or breach or recall action  
Refer also to Offender Compliance Section **5a.2 Immediate action to protect others** |

---

**Note:** The document is a draft proposal by the NI Standards Review Project.
3a5.4 The Initial Standard and Higher Level Application (ACE) Assessments and, where applicable, RA1 Assessments, shall be formally reviewed:
- every 16 weeks during community supervision (unless a shorter interval is required).
- in advance of a review of a case/sentence plan.
- in advance of a RMM/LAPPP/PPANNI Review.
- every 12 months for Life Sentence and other prisoners serving 5 years or more in custody;
- every 6 months in custody for all other prisoners
- in advance of preparing a Case Manager’s Report to the Parole Commissioners Northern Ireland (PCNI);
- consideration for temporary release;
- at least 4 weeks prior to release or timed to inform release and licensing arrangements;
- where there is a significant change* in the offender’s circumstances, behaviour or attitude; refer also to 3a5.3
- prior to transfer of supervision;
- within 8 weeks prior to the end of supervision (final review).

Life Licence cases.
An AD led review, which includes psychological input, shall take place 16 weeks after release. This review shall assess progress, determine future frequency, pattern of contact and determine other specific requirements of future supervision.

A further Assistant Director-led review of a life licence case shall take place twelve months after release and at annual intervals thereafter.

Coordination of Reviews
- The first post release review for ACE and RA1 and case will be set at 16 weeks from the date of release or earlier where a shorter review period is considered appropriate.
- It is important that the review of ACE and, where applicable, the RA1 are coordinated and sequenced to facilitate the review of the case/sentence plan and, where appropriate, Risk Management Meeting/LAPPP review.
- This is particularly important to ensure continuity and proper order to the total review process when:
  o there is a transition from custody to community supervision or from community to custody
  o different sentences come into effect at different times during a sentence which may impact on the review timings
  o periods set for the different reviews are at intervals.

RA1 - Risk of Serious Harm Review
- In a Standard Level Application case where an RA1 had been completed at the Initial Assessment and where the outcome of an Initial Risk Management Meeting (RMM) was that the offender was not a significant Risk of Serious Harm, the RA1 review will not normally trigger a Review RMM unless there is a Significant change in the circumstances, behavior and or / attitude of the offender which indicates an increased risk of serious harm.

*Significant Change- Refer to 3a5.3 and Offender Compliance Section 5a.2- Immediate action to protect others

Life Licence cases - Assistant Director led Reviews
Supervising Officer completes review of Assessments/Case Plan
- Review documents, ACE/RA1 Case/Risk Management Plan should be submitted to the PBNI Lifer Management Unit at least five working days prior to the date set for the AD led review.
- PBNI Area Manager circulates documentation and invites offender to attend AD led Review Meeting. (Refer also to Case Management sections 4e1.5 4e1.6)
### 3a5.4 Cont. Performance Standards

<table>
<thead>
<tr>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A quality Standard and Higher Level Application-</strong> (ACE) <strong>Assessment review</strong> will apply, where appropriate, the applicable quality measures as outlined at <strong>3a2.2</strong> for Initial Assessment, as well as normally taking into account the following:</td>
</tr>
<tr>
<td>• risk is dynamic and reflects the changing features of the offender's circumstances behaviour and attitudes including:</td>
</tr>
<tr>
<td>o changes in the offender's social, personal and offending circumstances</td>
</tr>
<tr>
<td>o degree of offender effort, compliance and cooperation with case/risk management plan</td>
</tr>
<tr>
<td>o achievement or otherwise of case/risk management plan objectives</td>
</tr>
<tr>
<td>o strengths, individual and social networks</td>
</tr>
<tr>
<td>o opportunities supporting the offenders efforts to change</td>
</tr>
<tr>
<td>o new or additional information</td>
</tr>
<tr>
<td>o information from relevant others involved in the case/risk management plans including programme facilitators, PSO, Hostel staff, other partner agencies, family and friends</td>
</tr>
<tr>
<td>• need to keep victim and victim issues in focus</td>
</tr>
<tr>
<td>• need to constantly update, appraise and evaluate whether risks are increasing or decreasing</td>
</tr>
<tr>
<td>• where concerns arise about increase risks whether any immediate actions are required to protect others</td>
</tr>
<tr>
<td>• need to coordinate and integrate assessment reviews with case/risk management plan reviews and future plans</td>
</tr>
<tr>
<td>• defensible assessments- refer also to <strong>3a2.2</strong></td>
</tr>
</tbody>
</table>

### Cloning of Documentation

- Care should be taken when cloning of static and currently relevant and applicable information from a previous document to ensure that all of the details are fully updated and accurate.

- Documents shall only be considered complete/up to date if they bear the signatures required and that all entries and signatures are dated.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3a5.5**            | **A quality review of a Lower and Standard Level Application** single order Community Service Order case will, where required, normally include:  
- Identifying and assessing any significant change in circumstances;  
- Risk of Serious Harm screening;  
- review of up to date Criminal Record  
- review of Order case records;  
- compliance with order requirements and work contract;  
- discussion with, and input from, relevant PSO regarding:  
  - hours completed,  
  - progress towards actual target completion date  
  - reasons not on target;  
  - performance, behaviour and attitudes of offender;  
  - feedback from site supervisor, where appropriate;  
  - other information relevant to the review;  
- actions required to ensure successful completion of order and/or to manage risk of serious harm concerns. |
| **Higher Level Application- Review-Community Service** |  
- The review process outlined in 3a5.4 applies for all Higher Level Application CSO Cases, Combination Orders, or where a CSO co-exists with another Order or Licence supervised by probation at a Standard or Higher Level Application. |
| **3a5.6**            |  
- Where a review triggers the ACE Risk of Serious Harm Filter an assessment of the Risk of Serious Harm (RA1) shall be completed within 2 working days of the screening.  
- In a Standard Level Application case where a previous RA1 had been completed at the Initial Assessment, but did not indicate a significant - Risk of Serious Harm, an RA1 review would not be completed at the review stage unless there was a significant change which required the RA1 to be reviewed. Refer to 3a5.7.  
- Where an RA1/r assessment completed at the review stage indicates a significant-Risk of Serious Harm, refer to section 3a3 for Higher Level Application - RA1 Assessment And as appropriate to Section 5a.2- Immediate action to protect others. |
| **3a5.7**            |  
- The review shall be brought forward where there is a significant change in the circumstances, behaviour and/or attitude of an offender.  
- Significant Change- CSO-Standard and Higher Level Application can include:  
  - where there are increased concerns about risks relating to reoffending and/or serious harm to others  
  - significant event e.g. the death of a parent, spouse or partner; break up of a relationship; loss of accommodation/employment; self harm;  
  - reoffending  
  - receiving a further Order/Licence  
  - allegations and/or questioning by the PSNI about other offences  
  - non-compliance resulting in a warning  
  - transfer, revocation or breach action |
<table>
<thead>
<tr>
<th>3a6.1</th>
<th>The Probation Officer shall ensure that the risk assessment and progress of the case is reviewed at a RMM Review, at intervals of not more than 16 weeks.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RMM Review</strong></td>
<td>An Initial RMM, in some cases, may require a shorter review period than every 16 weeks. This will be recorded on the RM1 Minutes and on PBNI’s Case Management System. It is important that the Review RMM is provided with up to date ACE and RA1r Assessment details. (Refer also to 3a5.4 above-Coordination).</td>
</tr>
<tr>
<td>• The PBNI Review RMM follows a similar process and structure to the Initial RMM. (Refer to section 3a4 above)</td>
<td></td>
</tr>
<tr>
<td><strong>A quality RMM Review</strong> will, where appropriate, normally include:</td>
<td></td>
</tr>
<tr>
<td>• sharing information and up to date assessments:</td>
<td></td>
</tr>
<tr>
<td>• reviewing the progress of the case in terms how the risk factors have been addressed;</td>
<td></td>
</tr>
<tr>
<td>• identifying any relevant changes or new information since the last RMM;</td>
<td></td>
</tr>
<tr>
<td>• validating that the offender continues or <strong>no longer</strong> continues to pose a Risk Of Serious Harm;</td>
<td></td>
</tr>
<tr>
<td>• reviewing and amending, as appropriate, the Risk Management Plan.</td>
<td></td>
</tr>
<tr>
<td>3a6.2</td>
<td>The RMM Review shall be brought forward where there are <strong>significant changes</strong> in the circumstances, behaviour or attitude of an offender which indicate increased concerns about risks.</td>
</tr>
<tr>
<td>3a6.3</td>
<td>The PBNI RMM Review shall be chaired by an Area Manager and follow a similar process and structure to the Initial RMM</td>
</tr>
<tr>
<td>3a6.4</td>
<td>Where the decision of the RMM Review is that the offender is assessed as <strong>still</strong> a Risk of Serious Harm the Risk Management Plan shall identify how the risk factors shall be addressed to manage and/or reduce the significant-Risk of Serious Harm.</td>
</tr>
</tbody>
</table>

Refer to 3a5.4 regarding **significant change** details.
### Performance Standards

| 3a6.5 | In those cases where the PBNI RMM Review has concluded that the offender is not a significant-Risk of Serious Harm a further Risk Management Meeting shall only be convened where a significant change in circumstances and/or behaviour subsequently indicates that the offender poses significant-Risk of Serious Harm. |
| 3a6.6 | The minutes of the RMM Review shall be circulated by the Probation Officer following their approval by the RMM Chairperson, no later than 10 working days after the date of the RMM. |
| 3a6.7 | The final RMM Review prior to the closure of a significant-Risk of Serious Harm case shall discuss the risks posed by the offender particularly in view of PBNI supervision ending. |

#### Best Practice Guidance

**Closing PBNI Significant-Risk of Serious Harm cases.**
- Where the final RMM Review concludes that the offender remains a significant-Risk of Serious Harm this decision is recorded on the form RM1 on PBNI’s Case Management System and formally communicated in writing to other relevant agencies.
- The final RMM Review also considers what actions should be taken and information passed on to assist other agencies/individuals manage the continuing Risk of Serious Harm posed by the offender.
- In these circumstances the ‘Risk tab’ on the PBNI Case Management System remains active subsequent to the case formally closing.

**RMM- Final Review- Offender no longer considered a significant-Risk of Serious Harm**
- The RM1 Minutes are communicated as of 3a6.5 above stating clearly:
  - the outcome of the RMM Review;
  - actions required to deal with any risks or concerns that may still remain; and stating clearly
  - the end of Probation Supervision in the case.
- In this situation the ‘Risk tab’ on the PBNI Case Management System is deselected when the case is formally closed.
### 3a7- Risk Management Meeting (RMM) Review - Custody

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3a7.1</strong> The Case Manager shall ensure that a RMM Review for those sentenced prisoners who have initially been assessed as a significant-Risk of Serious Harm is convened:</td>
<td><strong>PBNI will normally, where appropriate, undertake the following tasks</strong> in preparation for the RMM Review:</td>
</tr>
<tr>
<td>- at least every 6 months (12 months for Life Sentence and other prisoners with a predictive release date of 5 years or more);</td>
<td>- Ensure that ACE and RA1r are reviewed and updated in advance of the RMM Review.</td>
</tr>
<tr>
<td>- 8 weeks in advance of consideration by the Parole Commissioners Northern Ireland (PCNI) release;</td>
<td>- Prepare a progress report including details of the latest supervision/Sentence Plan Review which details any progress in terms of addressing risk factors and any changes or issues arising since the last RMM.</td>
</tr>
<tr>
<td>- Prior to and consideration of temporary release including home leave; and</td>
<td>- Circulate copy of progress report to staff from other agencies and departments who shall be attending the RMM Review.</td>
</tr>
<tr>
<td>- 4 weeks prior to release.</td>
<td>- Notify all parties about the Review RMM including offender, where appropriate;</td>
</tr>
<tr>
<td></td>
<td>- ensure that suitable administrative and domestic arrangements for the meeting are made;</td>
</tr>
<tr>
<td></td>
<td>- Request progress report from relevant prison departments.</td>
</tr>
<tr>
<td></td>
<td>- Involve Northern Ireland Prison Service (NIPS) Psychology services.</td>
</tr>
</tbody>
</table>

**3a7.2** The Prison Probation Manager shall chair the RMM Review meeting which follows a similar process and structure to the Initial RMM.

**3a7.3** The minutes of the RMM Review, approved by the Chairperson of the RMM Review, shall be circulated by the Case Manager no later than 10 working days after the date of the RMM. The minutes, accurately recorded on form RM1 on PBNI’s Case Management System will normally include the following:

- Date and location of meeting.
- Attendance.
- Progress or otherwise towards addressing risk factors
- If offender continues to pose Risk of Serious Harm
- Changes or new information from the last Risk Management Meeting.
- Any designated actions or tasks.
- Communication of decisions and outcomes including, where appropriate, Circular 3/96* (revised) notification to Social Services.
- Date of next review meeting.

* HSS CC 3/96(Revised) Sharing to Safeguard. Information Sharing on individuals who may pose a risk to children. September 2008 and subsequent updates.
Prior to PPANI’s active re-involvement with cases assessed at PPANI Category 2 and Category 3, where the prisoner is assessed as a Risk of Serious Harm, the case shall be reviewed as outlined in 3a7.1-3a7.3.

**PPANI’s active re-involvement**
- PPANI becomes actively re-involved with a ‘Potentially Dangerous Person’ (PDP) case and with PPANI Category 2 and Category 3 cases in custody where the prisoner is at the pre-release stage of sentence (at least three months prior to release).
### 3a8 - Public Protection Arrangements Northern Ireland (PPANI) Review

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| **3a8.1** Certain sexual and violent offenders under, or shall be under, PBNI Community Supervision shall be managed and reviewed under PPANI arrangements.⁵ | - Those cases assessed by PPANI at Category 2 and Category 3, including ‘PDP’ cases, are reviewed and managed under PPANI until such times as they may be re-categorised as PPANI Category 1.  
- These arrangements require the involvement and cooperation of PBNI whether the offender is in the community or in custody. |
| **3a8.2** Where there is an overlap between PBNI Risk of Serious Harm cases and PPANI cases assessed at Category 2 and Category 3, the offender shall come under PPANI arrangements only. | - An offender can only be regarded as subject to PPANI once he/she has had their first Local Area Public Protection Panel meeting. The supervising officer needs to ensure that PBNI Case Management System risk status is accurately recorded and updated.  
- In order to avoid duplication where an offender is managed under PPANI, PBNI will not normally convene separate RMM Reviews, with the exceptions being:  
  - At the PSR Stage where all current Murder, Serious and/or Specified offence cases which meet the criteria have an Initial RMM pre-sentence.  
  - Convicted previous ‘PDP’ cases in custody prior to PPANI’s active re-involvement pre-release. (refer to 3a7.4 above) |
| **3a8.3** PBNI shall contribute to the PPANI arrangements and carry out any identified tasks, within the agreed timeframe, as required in the role of Designated Risk Manager (DRM) and/or as outlined in the Risk Management Plan. | Under PPANI arrangements PBNI will, where appropriate, normally:  
  - Undertake tasks as Designated Risk Manager (DRM) in relevant cases;¹  
  - Ensure that ACE and RA1/r are fully completed and updated within the stipulated time frame;  
  - Inform Offender of Review Meeting;  
  - Prepare a DRM report in advance of the review meeting;  
  - Ensure that PBNI’s Case Management System records that a LAPPP meeting has taken place  
  - Document the key outcomes from the PPANI Meeting and signpost on PBNI’s Case Management System including:  
    - date of meeting;  
    - progress or otherwise towards addressing risk factors;  
    - changes or new information from the last Risk Meeting;  
    - PPANI risk category;  
    - any designated actions or tasks;  
    - date of next review meeting.  
  - Carry out any identified task within the time period as required in the role of DRM and/or outlined in the Risk Management Plan including communicating the outcomes of the Review to offender. |

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⁵ See PPANI Manual of Practice 2010
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a8.4</td>
<td>Where PBNI significant-Risk of Serious Harm cases which are Category 2 or Category 3 PPANI have been reassessed as Category 1, these cases shall return to (PBNI) single agency management and be subject to PBNI’s Risk of Serious Harm Procedures. In these circumstances a <strong>RMM Review</strong> shall be convened within <strong>10 working days</strong> of the final PPANI meeting to consider if the significant-Risk of Serious Harm categorisation is still appropriate.</td>
</tr>
<tr>
<td><strong>PPANI - Significant-Risk</strong> of Serious Harm - <strong>Level of Contact.</strong></td>
<td>- The level of contact with the offender during this period up until the outcome of the RMM reflects the level of assessed risk of serious harm and the stage of the Order or Licence. These cases can be referred back to PPANI if significant concerns emerge.</td>
</tr>
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<td>(Refer also to current PPANI Manual of Practice)</td>
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</tbody>
</table>
### 3a9

**Management of PBNI significant-Risk of Serious Harm cases- Community**

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>3a9.1</strong> All significant-Risk of Serious Harm cases, and other Higher Level Application cases, shall be allocated to an officer with the required experience and skills.</td>
<td><strong>‘Pair-Officer’ role</strong>&lt;br&gt;- The level of involvement of a ‘Pair-Officer’ will depend on the needs of the individual case and where allocated, will be kept under review by the Area Manager.&lt;br&gt;- The ‘Pair-Officer’ role will, where appropriate, normally include:&lt;br&gt;  - working closely with the supervising Probation Officer to assist in case/risk management plan activities;&lt;br&gt;  - standing in for the supervising Probation Officer in his/her absence;&lt;br&gt;  - ensuring that he/she is familiar with all the details of the case and keep up to date with all developments.</td>
</tr>
<tr>
<td><strong>3a9.2</strong> In all significant Risk of Serious Harm cases, and in other Higher Level Application cases where it is considered necessary, the Area Manager shall allocate a ‘Pair-Officer’.</td>
<td></td>
</tr>
<tr>
<td><strong>3a9.4</strong> The Probation Officer shall ensure that Risk Management Plan drawn up at the RMM, and which targets the identified risk factors, is implemented through supervision and case management.</td>
<td><strong>Effective Risk Management</strong>&lt;br&gt;- Risk Assessment process which&lt;br&gt;  - is dynamic&lt;br&gt;  - takes account of changing features of the offender's circumstances&lt;br&gt;  - new and updated information constantly appraised and evaluated as to whether the changes indicate any changes to the level of risk posed.</td>
</tr>
<tr>
<td></td>
<td><strong>Multi Agency co-operation.</strong>&lt;br&gt;- The assessment and management of risk includes, where relevant and required, multi agency/disciplinary co-operation and engagement including the sharing of information through the PBNI Risk Management Meetings PPANI/LAPPP processes for certain violent and serious sexual offenders, as well as Circular 3/96 revised, Child Protection, Protection of Vulnerable Adults, Multi Agency Risk Assessment Conference (MARAC) (Domestic Violence) arrangements*&lt;br&gt;*See PBNI current: PBNI Child Protection Policy and Procedures; MARAC Guidance: HSS CC 3/96 (Revised) Sharing to Safeguard-Information Sharing on Individuals who may pose a risk to children.</td>
</tr>
</tbody>
</table>
Section 3b:
Additional Assessment Tools
Section 3B: Additional Assessment Tools

Content:

Key Outcomes and Outputs.

3b. Range
### 3b- Additional Assessment Tools

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3b.1</strong></td>
<td><strong>There are a number of additional assessment tools currently approved for use by PBNI which complement ACE and RA1 assessments.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>These additional assessment tools are only to be administered by staff who possess the necessary training, experience and competence, and where required, professional accreditation relating to their grade and role within PBNI.</strong></td>
</tr>
<tr>
<td>Where appropriate and required, additional assessment tools approved for use by PBNI shall be used, evidenced, referenced and recorded on:</td>
<td>The range of additional assessment tools approved for use by PBNI include:</td>
</tr>
<tr>
<td>▪ assessment documentation;</td>
<td><strong>Sexual Offending</strong></td>
</tr>
<tr>
<td>▪ suitability assessments;</td>
<td>• Stable and Acute 2007 (SA07)</td>
</tr>
<tr>
<td>▪ assessment reports; and</td>
<td>• SARN- Structured Assessment of Risk and Need</td>
</tr>
<tr>
<td>▪ on PBNI’s Case Management System</td>
<td>• Risk Matrix 2000 (RM2K)</td>
</tr>
</tbody>
</table>

- **Domestic Violence.**
  - SARA- Spousal Assault Risk Assessment Guide
  - MARAC- CAADA-DASH - (Domestic Abuse Stalking and Harassment).

- **Psychology Only Assessments**
  - Wechsler- Adult Intelligence Scales-3rd Version
  - Psychopathy Checklist-Revised
  - Historical Clinical Risk-20 (HCR)
  - Personality Assessment Inventory (PAI)
  - International Personality Disorder Examination (IPED)
  - Millon Clinical Multiaxial Inventory-3rd version.
Section 3c: Assessment Reports
Section 3C: Assessment Reports

Content:

Key Outcomes and Outputs

3c1. Range

3c2. Gatekeeping

3c3. Assessment Reports - Courts
   - Pre-Sentence Reports Process and Content
   - Breach Reports Process and Content

3c4. Assessment Reports- NIPS/PCNI and Department of Justice (DoJ)
   - Case Managers Reports to Parole Commissioners Process and Content - Victim Attitudes and Concerns provided in a separate report completed by a PBNI Victim Liaison Officer.
   - Recall Reports Process and Content
   - Home Circumstances Report

3c5. Assessment Reports- Other
### 3c: Assessment Reports

That PBNI Assessment Reports shall be completed in a way which maximises, encourages and supports the following key outcomes:

<table>
<thead>
<tr>
<th>Key Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Quality reports which will assist the court in sentencing and assist in decision making at key stages.</td>
</tr>
<tr>
<td>Outputs</td>
</tr>
<tr>
<td>6. Reports completed within appropriate timescales.</td>
</tr>
<tr>
<td>7. Reports are written in accordance to Standards and Best Practice Guidance.</td>
</tr>
<tr>
<td>8. Information contained in the reports is accurate and verified, impartial and free for any discriminatory language and stereotype.</td>
</tr>
<tr>
<td>9. Reports accurately indicate the level of Risk-Likelihood of reoffending and Risk of Serious Harm to Others and contain, where applicable, Risk Management/Supervision Plan.</td>
</tr>
<tr>
<td>10. Offenders understand and are aware of the process and how the report is to be used and the report is shared with them.</td>
</tr>
</tbody>
</table>
3c-Assessment Reports-

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<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c1.1</strong> All Assessment Reports shall be completed within the required timeframe, using the approved template, and written in accordance with the applicable Performance Standards and Best Practice Guidance and where appropriate and relevant:</td>
<td><strong>Range of Assessment Reports- Courts include:</strong></td>
</tr>
<tr>
<td>• be presented in the approved structure and format and within the agreed timeframe;</td>
<td>• a Pre Sentence Report and <strong>Short</strong> Pre Sentence Report for Court</td>
</tr>
<tr>
<td>• be balanced, objective and impartial;</td>
<td>• a Progress Report for Court following deferment/adjournment;</td>
</tr>
<tr>
<td>• be based on up to date assessment and risk assessment including where appropriate, additional assessment tools and suitability assessments;</td>
<td>• a Breach report for Court;</td>
</tr>
<tr>
<td>• be clearly written, factually accurate and free from presentational errors;</td>
<td>• Application for discharge, variation or revocation, cancel requirement.</td>
</tr>
<tr>
<td>• be free from jargon (if used explanation of the jargon provided)</td>
<td></td>
</tr>
<tr>
<td>• be free from discriminatory and stereotyping language;</td>
<td><strong>Range of Assessment Reports- NIPS/PCNI/DoJ include:</strong></td>
</tr>
<tr>
<td>• be shared with the offender (offender’s family, where appropriate in the case of <strong>Young Offenders</strong>)</td>
<td>• a Case Manager’s Report for the Parole Commissioners Northern Ireland (PCNI) when considering release;</td>
</tr>
<tr>
<td>• have an appropriate level of gatekeeping completed.</td>
<td>• a Progress report to PCNI;</td>
</tr>
</tbody>
</table>

**Range of Assessment Reports- Other- includes:**

- Programme Facilitators’ Report
- Designated Risk Manager Report
- Case Conference Report to Social Services;
- Victim Impact Report;
- Risk Management Meeting(RMM) Summary Report
## 3c2 - Assessment Reports - Gatekeeping

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>3c2.1</strong></td>
<td>Where required, Assessment Reports shall apply the appropriate level of gatekeeping. The relevant Gatekeeping Record shall be completed and recorded on PBNI’s Case Management System.</td>
</tr>
</tbody>
</table>

**Gatekeeping**
- The level of gatekeeping is normally determined at the time of allocation of the Assessment Report.
- The **purposes** of gatekeeping are to:
  1. ensure that each Assessment Report is of the required quality standard before it is submitted.
  2. provide a progressive means of assisting all report writers to continuously improve their report writing skills.

**Level 1 Gatekeeping**
- The Report writer takes sole responsibility for gatekeeping and shall complete Parts 1 and 3 of the approved Gatekeeping Record when the Report is ready for submission.

**Level 2 Gatekeeping**
- All Crown Court PSRs allocated on Murder Serious and/or Specified Offences will normally be subject to gatekeeping by a designated gatekeeper.
- Other PSRs and assessment reports, as considered appropriate, will be subject to Gatekeeping by a designated gatekeeper.
- In complex cases and those where there is likely to be a high profile media interest the level of gatekeeping may extend to the relevant Assistant Director (AD).

**Gatekeeping**
- Quality **gatekeeping** will, where appropriate and relevant, normally check the degree to which a draft Report:
  - adheres to the approved structure and format;
  - follows content and best practice guidance;
  - distinguishes between verified fact and opinion;
  - provides a balanced, objective and impartial view;
  - is free from:
    - excess material;
    - irrelevancies, unexplained jargon or presentational flaws;
    - discriminatory and stereotyping language;

**3c2.2**
The Report writer shall complete Part 1 of the applicable Gatekeeping Record and ensure it is available along with the Assessment Report for the designated gatekeeper at least:
- **5 working days** in advance of the submission date of a Case Manager’s Report to the PCNI;
- **2 working days** in advance of the submission date for a PSR all other Assessment Reports.

**3c2.3**
The designated gatekeeper shall provide feedback to the Report writer within **1 working day** of receipt of the Gatekeeping Record and Assessment Report.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>3c2.3 Cont.</strong></td>
<td><strong>Gatekeeping Responsibilities</strong></td>
</tr>
<tr>
<td></td>
<td>- It is essential that <strong>only</strong> officers who have <strong>relevant experience and proven ability</strong> to fulfill the role adequately are assigned as gatekeepers.</td>
</tr>
<tr>
<td></td>
<td>- In undertaking the task of evaluating and commenting on the draft report the gatekeeper automatically accepts responsibility for:</td>
</tr>
<tr>
<td></td>
<td>o fulfilling the task within the guidance provided,</td>
</tr>
<tr>
<td></td>
<td>o using the approved gatekeeping documentation</td>
</tr>
<tr>
<td></td>
<td>o completing the task within the deadlines set.</td>
</tr>
<tr>
<td><strong>3c2.4</strong></td>
<td>**Where there are <strong>unresolved issues</strong> between Report writer and the gatekeeper as to whether the report meets the Performance Standards and Best Practice Guidance the Area Manager or, where appropriate, the relevant AD, is the final arbiter in making this determination.</td>
</tr>
<tr>
<td>The Report writer shall make any necessary amendments to the draft Assessment Report and then complete Part 3 of the Gatekeeping Record at the time of submitting the finalised Report.</td>
<td></td>
</tr>
</tbody>
</table>
### 3c3-Assessment Reports - Courts

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>3c3.1</strong> Where Screening confirms suitability for a <strong>Lower Level Application-Assessment</strong>, a Short-PSR shall be completed using the approved template, contents and structure and submitted to Court by the required date.</td>
<td></td>
</tr>
</tbody>
</table>
| **Courts require** sufficient and relevant information upon which to make decisions as to the most appropriate sentence in a case.  
A Short-PSR will normally be submitted to the court on the same day or within 1 week. |
| Professional Judgement. |
| Where a **Lower Level Assessment- ACE** has been commenced but subsequently the professional judgement of the PSR writer is that the suitability criteria as outlined in **3a1.1** is not met a further adjournment may be sought from the court in order to facilitate a Standard or Higher Level assessment and full PSR to be undertaken. |
| **Lower Level Application- Short-PSR** |
| A **quality** Short-PSR will normally: |
| be based on: |
| o informed consent of the offender- for Report and Community Sentence suggested to or indicated by the Court  
o offender engagement  
o 1 interview with the offender  
o review of Criminal Record and Statement of Facts  
o review of PBNI Case Management System records.  
o completion of **ACE** including Risk of Serious Harm Filter;  
o Offender Self Assessment. |
| provide sufficient details and assessment of social, personal and offending related factors within timeframe  
confirm suitability for community sentence specifying, where appropriate, the number of hours or length of Order*  
evidence completion of Level 1 gatekeeping  
be delivered to court within agreed time period using the approved template. |
| * Short- **PSRs** will normally suggest options to the court from within the following range: |
| • **Probation Order** up to **18 months** including where considered necessary and proportionate;  
• **1 additional requirement** from the lower level intensity/duration/education-awareness programmes and not more than 12 sessions; or a  
• **Community Service Order** |

- Courts require sufficient and relevant information upon which to make decisions as to the most appropriate sentence in a case.
- A Short-PSR will normally be submitted to the court on the same day or within 1 week.

Where a Lower Level Assessment- ACE has been commenced but subsequently the professional judgement of the PSR writer is that the suitability criteria as outlined in 3a1.1 is not met a further adjournment may be sought from the court in order to facilitate a Standard or Higher Level assessment and full PSR to be undertaken.

**Lower Level Application- Short-PSR**

A quality Short-PSR will normally:

- be based on:
  - informed consent of the offender- for Report and Community Sentence suggested to or indicated by the Court
  - offender engagement
  - 1 interview with the offender
  - review of Criminal Record and Statement of Facts
  - review of PBNI Case Management System records.
  - completion of ACE including Risk of Serious Harm Filter;
  - Offender Self Assessment.

- provide sufficient details and assessment of social, personal and offending related factors within timeframe
- confirm suitability for community sentence specifying, where appropriate, the number of hours or length of Order*
- evidence completion of Level 1 gatekeeping
- be delivered to court within agreed time period using the approved template.

* Short- PSRs will normally suggest options to the court from within the following range:
  - Probation Order up to 18 months including where considered necessary and proportionate;
  - 1 additional requirement from the lower level intensity/duration/education-awareness programmes and not more than 12 sessions; or a
  - Community Service Order
### Standard and Higher Level Application- Pre Sentence Reports (PSRs)

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| **3c3.2** Where confirmed by screening, a **Standard** or **Higher Level Application** -PSR shall be completed using the approved template, contents and structure and submitted to court by the required date. | **Standard Level Application -PSR**<br>A quality **Standard Level -PSR** will, where appropriate, and, in addition, normally:  
- include all as appropriate from Lower Level Application PSR +  
- be based on:  
  - informed consent for PSR;  
  - offender engagement with PSR process;  
  - at least 2 interview with the offender  
  - home visit, where appropriate and required;  
  - review of Criminal Record, Statement of Facts, Depositions;  
  - review of PBN1 Case Management System Records  
- detail sources of information and number of interviews with defendant;  
- detail verification or otherwise of key information;  
- be based on up to date assessment and risk assessment using the approved assessment tools;  
- provide relevant information, assessment and analysis in relation to the social, personal and offending behaviour of the defendant including personal and social network strengths, supports and opportunities;  
- assessment and analysis of exceptions- periods of non offending  
- take offender self assessment into account;  
- assess motivation, capability and readiness of offender to engage and change;  
- provide assessment of likelihood of reoffending and, where applicable, conclusion to Risk of Serious Harm assessment;  
- identify factors, actions and interventions that can help reduce likelihood of reoffending and , Risks related to Serious Harm, where appropriate;  
- facilitate court determining the most appropriate sentence;  
- be free from unexplained jargon  
- demonstrate respect for diversity and difference in terms of process and language used in report.  
- be shared with offender (offender's family);  
- have appropriate level of gatekeeping completed. |
| **Higher Level Application -PSR**<br>A quality **Higher Level -PSR** will, where appropriate, normally include:  
- all as for Standard Level Application- PSR +  
- require at least 2 interviews, one of which is at the offender’s place of residence as appropriate  
- include conclusions of Risk Management Meeting regarding significant-Risk of Serious Harm and factors related to the assessed risk;  
- detail Risk Management Plan which could reduce and manage assessed risks  
- detail, where offender is not assessed as a significant- Risk of Serious Harm, what can be effective in managing factors related to reoffending and risk of serious harm  
- facilitate, where relevant, courts determination of dangerous and corresponding sentence. |
<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| **3c3.3** When completing a Standard or Higher Level Application - PSR the defendant shall be interviewed on a minimum of 2 occasions, including once at his/her place of residence. | **Professional Discretion**
- There may be complex cases which require more than two interviews with the offender.
- There may be other cases which, according to the professional judgment of the PSR writer, the report can be completed in a single interview without compromising the accuracy of the assessment or the quality of the PSR, for example, a current case where the offender is subject to home visits.
- Among the factors that the PSR writer needs to take into account when exercising professional discretion in this regard is the importance of:
  - accurately assessing the offender within his/her home environment
  - assessing risks to those within the home including **partners and children**
  - verifying details and information provided by the offender. (Refer also to Intervention section 4d2.14- Home Visits)

- If **lack of cooperation** on the part of the defendant interferes with this Standard being carried out the PSR writer shall reflect this in the report including any consequential impact on the quality of the PSR assessment.

- If there are **personal safety** concerns relating to the offender then safeguards in keeping with the relevant PBNI Policies and Procedures shall be taken. Where appropriate, arrangements shall be made for the PSR writer to contact family, friends or significant others.

* Refer also to current: PBNI Risk of Serious Harm Policy and Procedures and PBNI Health and Safety at Work (Personal Safety) Policy.

**Young Offender - under the age of 18**
- Where appropriate, parents/guardians/carer(s) will normally be offered the opportunity to contribute to the PSR process.
- The PSR writer needs to be sensitive to the importance of parent(s)/guardian(s) carer(s) being present at all interviews with the child.
- If, with the consent of a parent/guardian/carer, a child is interviewed outside the presence of a parent/guardian/carer the PSR writer shall, in appropriate cases, consider the need to have a third party present.
- If parent(s)/guardian(s)/carer of a young defendant decline to avail of the opportunity offered to contribute to the PSR process the PSR may include a statement to this effect including any consequential impact on the quality of the assessment and PSR.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
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</table>
| **3c3.4** At the first interview with the defendant the PSR writer shall ensure that the defendant has received copies of the approved leaflet which explains the purpose of the PSR and any other approved leaflet required to be given.  

**The following**, where appropriate, will **normally be explained** to the offender:  
- the purpose of the PSR  
- the assessment process  
- their role and responsibilities in completing the PSR for court  
- the offender's rights and responsibilities  
- informed consent to a PSR  
- disclosure policy*  
- limits to confidentiality and PBNI's duties and responsibilities to take actions to protect the offender and others including victims, children and vulnerable adults.  

- Provide the offender with the agreed leaflets covering how information is used and accessed as well as a leaflet explaining how the offender can make a complaint.  
- As outlined in the PBNI Policy on Disclosure, the Defendant will be made aware that should information be provided about the commission of an offence or information that is likely to secure the apprehension, prosecution or conviction of any person for that offence, then that information shall be reported to the Police.*  

* Refer also to PBNI current Policy on Disclosure of Information regarding the commission of an Offence and Section 6a.2- Recording |
| **3c3.5** The offender's level of literacy and any known learning difficulties shall be taken into account by the PSR writer when explaining the PSR process.  

It is important to check with the offender whether or not English is used as a first language. An **accredited interpreter** can be sought where language differences or hearing/visual difficulties may impair the communication between the PSR writer and the defendant or other relevant contact.  

* Refer to PBNI Intranet\Information Directory\Compliance\Equality\Translation Services.  

- If it is determined that **substantive literacy** and/or numeracy **problems** exist a description of the nature and degree of the problem, together with options, will normally be referred to in the PSR. This can include, where appropriate and relevant, additional requirements for further assessment and/or participation in a remedial programme. (Refer to **Section 2 Legislation** - Additional Requirements) |
| **3c3.6** The **PSR writer** shall take reasonable steps to obtain **all** available information which is relevant to the offender, the offence(s), and the purposes of the report.  

**Obtaining and Verification of information**  
- The PSR writer is making enquiries on behalf of the court. It is essential that, as far as is possible, that information provided be verified by reliable third parties. The PSR writer may seek information from relevant bodies including those within agreed Risk Management procedures and protocols and guidance for sharing information. |
### Performance Standards

<table>
<thead>
<tr>
<th>3c3.6 Cont.</th>
<th>Performance Standards</th>
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<tbody>
<tr>
<td></td>
<td><strong>Best Practice Guidance</strong></td>
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</tbody>
</table>

#### Sources of information
For a PSR may include, where relevant and appropriate:

- statement of facts or depositions including witness victim statements
- up to date Criminal record;
- previous PBNi reports, records and assessments which are available
- previous and /or current reports and assessments from Public Protection Northern Ireland (PPANI) / Local Area Public Protection Panel (LAPPP) meetings
- Police Service of Northern Ireland (PSNI)
- Public Prosecution Service regarding charges and/or committals for trial by another court;
- Social services;
- Northern Ireland Prison Service;
- Youth Justice Agency;
  - hostel staff;
  - school;
  - psychological, psychiatric services;
  - family, friends employers;
- If an offender is or has recently been **resident in** a PBNi approved **Hostel** the PSR relevant details may be included within the PSR.
- Where a **child** has been subject to a **remand in custody** or **resident** in a **children’s home**, information regarding the effect of the remand or placement on the child may be sought.

- The **Data Protection** Act 1998 and the **Human Rights** Act 1998 require that information on individuals is used in an fair and lawful manner.* Whilst the defendant’s views about consent to contact third parties are a consideration if the **PSR writer** believes that there may be a Risk of Serious Harm to others he/she may **seek such information** as is necessary for the purposes of the PSR even if the defendant withholds consent.

* Refer also to section 6c.2 and also to current PBNi Policy on the Management of Information.

#### Co-defendants.
- When PSRs are being prepared in cases where there is more than one defendant, Probation Officers and Area Managers **must** check if reports are being prepared on co-defendants and consult with the other PSR author(s) to ensure **full** exchange of information.
- It is essential there is consistency in the approach to the decision making process and reports are presented which reflect clearly PBNi ROSH policy and procedures and that NI Standards are followed.
- Area Managers need to ensure these matters have been addressed in the gatekeeping process.
### 3c3.7 Performance Standards

The PSR shall be shared with the defendant prior to court.

### Best Practice Guidance

#### PSR shared in advance of Court
- As far as it is practicable, the defendant and, where appropriate, the parent(s)/guardian(s)/Carer(s), are provided with the opportunity to have the PSR shared with them prior to court and be able to check for, and have amended, any factual inaccuracies.
- The professional assessment, opinion and judgement of the PSR writer are not a matter for negotiation and, if challenged, the PSR writer will inform the defendant of his/her right to bring these matters to the attention of his/her legal representative.
- The approved pro forma confirming the above is completed which includes, where provided, relevant signatures.

#### Retention of Handwritten Notes
- Handwritten notes used in the preparation of a PSR should only be recorded on approved pro forma e.g. ACE and RA1 and retained in ‘Other’ section of the paper file. If loose leaf, a jotter page or refill pad page should be used.
- As notes are potentially disclosable, not just in Court, but also under the Data Protection Act, it is important that they are legible, factual, relevant and accurate. The date the note was made should be recorded on the handwritten note. (Refer also to 6c.2)

### 3c3.8

An accurate record shall be recorded on PBNI’s Case Management System of the contacts, contact details and efforts to obtain, verify and involve the defendant and relevant others in the PSR process.

### Handwritten notes

- **Handwritten notes** used in the preparation of a **PSR** are **retained** as outlined in **Table 1** below.

**Table 1.**

<table>
<thead>
<tr>
<th></th>
<th><strong>PSR and Assessments where no Order resulted</strong></th>
<th>Retain for 2 (calendar) years from date of PSR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>PSR and Assessments where Order resulted</strong></td>
<td>Retain for 5 years (from end of Order).</td>
</tr>
<tr>
<td>2</td>
<td><strong>PSR and Assessments for PSRs in respect of schedule 1, sex offenders, life licence, significant-Risk Of Serious Harm, Public Protection Sentences, and any files where there are public protection/child protection issues.</strong></td>
<td>Retain for 99 years</td>
</tr>
</tbody>
</table>
### Performance Standards

<p>| | |</p>
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<tbody>
<tr>
<td><strong>3c3.9</strong></td>
<td>All PSRs shall be subject to the approved gate keeping process. Refer to Section 3c2- above.</td>
</tr>
<tr>
<td><strong>3c3.10</strong></td>
<td>The PSR shall be completed within <strong>20</strong> working days of a court request or alternatively no later than another date determined by the court. <strong>Request for further adjournment</strong>&lt;br&gt;&lt;ul&gt;&lt;li&gt;The PSR writer, in consultation with the Area Manager, can request a further adjournment only in exceptional circumstances where the complex nature of the case delayed completion of the report writing process.&lt;/li&gt;&lt;li&gt;Such requests are to be made in writing. The note to the court shall detail the reasons for requesting a further adjournment and state the date by which the report can be provided to the court.&lt;/li&gt;&lt;/ul&gt;</td>
</tr>
<tr>
<td><strong>3c3.11</strong></td>
<td>The PSR writer shall attend the sentencing court in all Crown Court Murder, Serious and/or Specified Offence cases where the defendant has been assessed as a significant-Risk of Serious Harm at a PBNI Initial Risk Management Meeting.</td>
</tr>
</tbody>
</table>
**Purpose of Pre Sentence Report (PSR)**
The purpose of a PSR is to provide relevant information assessment and analysis of the offender’s personal social and offending circumstances which will assist the court in deciding on the most appropriate sentence.

**Structure of PSR**
- Front Sheet
- Introduction
- Social and Personal Circumstances
- Offending Behaviour Analysis
- Risk of Serious Harm
- Conclusion

**Content - Front sheet**
The Front sheet includes the following headline paragraph:
This is a Pre-Sentence Report as defined under Article 4 (1) of the Criminal Justice (Northern Ireland) Order 2008. It has been prepared in accordance with PBNI Best Practice Framework Incorporating Northern Ireland Standards. This report is a restricted document and is not to be circulated without permission from PBNI.

**Introduction**
The introduction will, where appropriate and relevant, normally include the following:

- A summary of all sources drawn upon to prepare the report, including documents seen, persons interviewed and agencies consulted.

- The steps taken by the report writer to verify information together with any doubts the writer has about the accuracy of unverified statements and the reasons for those opinions.

- Any important sources of information which were not contacted/accessed, but which may have produced information of use to the court.

- A statement as to whether the defendant is known to PBNI together with the nature and extent of any involvement.

- The number of interviews undertaken to prepare the report. Any appointments offered which the defendant did not keep. Whether interviews were office based and/or at other locations. Where the defendant is a young person (under 18) state whether or not the parent(s)/guardian(s) carer(s) attended/ participated and if not, why not.

- whether or not the defendant and, if appropriate, their parent(s)/guardian(s), carer(s) have had an opportunity to comment on the factual accuracy of the report before it was submitted to the court.
### Social and Personal Circumstances

This section of the report will, where appropriate and relevant, normally includes, the following:

- A balanced account of the defendant’s social and personal circumstances including accommodation, relationships, associations, physical, mental health, learning difficulties, literacy and numeracy, use/misuse of drugs, alcohol and/or other substances, education, employment and training record. Comment on the relevance of these factors to offending behaviour.

- Clear statement in a standalone sentence where offender is remanded, or has been remanded, in custody on current offence(s) in custody

- Details of the defendant’s personal and social network supports, opportunities and protective factors.

- Where the charge(s) involve domestic abuse/violence, liaison with PSNI (Domestic Abuse Section) to establish whether or not there have been any call-outs to the address of the person alleging abuse. These details are not included in the PSR unless charges have been brought or the defendant agrees that the information is accurate. This includes reference to any offence.

### Offending Behaviour Analysis - Current Offence(s)

This section of the report will, where appropriate and relevant, normally includes, the following:

- The nature and circumstances seriousness of the current offence(s) which are likely to be relevant to the court reaching a judgment including, where appropriate, an analysis the following:
  - the key features of the current offence(s)
  - the circumstances leading to the offence(s)
  - the context in which the offence occurred, including involvement of co-defendants and information concerning any associated relevant offences i.e. linked to the same incident and/or which the offender wishes to be taken into consideration*
  - the consequences of the offence(s) including the impact on the victim(s) as set out in victim statements or in other information made available from the police and the cost of any damage if known
  - an assessment of the extent of the offender’s involvement and the degree of planning and/or perceived premeditation.
  - the offender’s own account of his/her actions, noting and commenting on any discrepancy between his/her version and that of the Police, victim, and/or co-defendants
  - state if the offender was on supervision at the time of the offence.

* Before including comment about offences to be taken into consideration the arresting officer and/or the solicitor for the defence or court may be able to confirm that these have already been agreed with the court.
Offending Behaviour Analysis - Current Offence(s) cont.

- Where the offender is a child or young person under 18, the report can indicate the expressed opinions of the parent(s)/guardian(s)/carer(s) about the young person’s offending, and comment on whether or not these opinions are helpful in encouraging the young person to refrain from further offending.

- Attitude to the offences and awareness of the consequences for the victim(s). Any evidence that the offender accepts or seeks to minimise his/her responsibility and if the offender expresses remorse, guilt or desire to make amends.

- Any positive action to change his/her behaviour and/or attitude since the offence(s) was committed and comment on the offender’s capacity for, and motivation to, change.

- Assessment of the implications of any special circumstances which were directly relevant to the offending, drawing attention to any matters which may be relevant to the court’s judgment about its seriousness (particularly in relation to crime motivated by hatred or prejudice).

- Reference to any factors which may make the offence(s) a more serious example of its type. For instance, a high degree of planning or betrayal of trust. Features of the current offence(s) which conform to a pattern of previous offending (e.g. targeting, vulnerability of victims).

- The report acknowledges and takes account of any preliminary indication of seriousness that the court may have given. The analysis of the offence(s) may expose information which the court may interpret as ‘mitigating’ or ‘aggravating’ features, and if included in the report, not terminology of ‘mitigation’ or ‘aggravation’ is not used.

- When reporting on offences the report writer will be expected, by the court, to specifically identify any violence which is assessed as being motivated by hate or prejudice. This shall be done in plain language without using legal terminology. As a result, although a case may not be prosecuted as a Hate Crime, PBNI staff have a responsibility to document any hate related issues in PSRs even though that may not be the charge before the court. Legal advice on PBNI’s role here has confirmed that such issues can be put before the court even at a later stage and although a sentence cannot be increased as a result, the PSR can suggest ways of addressing this type of offending behaviour.

Offending Behaviour Analysis - Previous Offending(s)

The analysis of previous offending can include, where appropriate, the following:

- patterns of offending behaviour including whether or not there is a persistent or escalating pattern of offending, particularly if the offence took place whilst the offender was subject to probation supervision
- verified account of the defendant’s responses to previous sentences including community sentences referring to length of time between previous convictions. Mention shall be made of formal cautions, where relevant. State if the defendant has no previous convictions or formal cautions;
- analysis of exceptions- gaps in offending- what has and could potentially support the offender to stop offending
- extent and nature of previous harm/serious harm caused, including intent or to cause harm/serious harm, if appropriate.
- attitude and motivation to offend.
- insight into previous offences and victim harm issues.
**Offending Behaviour Analysis - Likelihood of Reoffending**

- Conclusion of the assessment of the defendant's likelihood of general reoffending: High, Medium or Low and the key factors relating to the assessment.

**Risk of Serious Harm**

This section of the report will, where appropriate, normally provide key summary details including:

- the nature and circumstances of the current and previous offences including the serious harm (as well as intent) already caused by the offender;
- evidence from PBNi Psychologist or Psychological/Psychiatric reports on the offender (where available);
- the offender's capacity and motivation to change;
- details from the Initial assessment (ACE), risk of serious harm (RA1) assessment* and, where applicable, the PBNi Initial Risk Management Meeting (RMM) including:
  - identified risk factors in terms of presence, extent and significance as they relate to serious harm;
  - to whom and in what circumstances are the greatest risk of serious harm posed;
  - balance between Risk and Protective factors/Strengths - how protective factors/strengths are acting or could act to reduce or minimise identified risk factors;
  - the type of programmes, treatments, activities and interventions that could address the behaviour and risk factors or impact of further offending, and, where known, availability in custody;
  - conclusion as to whether offender** is, or is not, assessed as a significant Risk of Serious Harm and reasons for this decision;
  - where the offender is assessed as not posing a significant Risk of Serious Harm, the reasons for this decision and what needs be done to target to manage and minimise the risk serious harm.

* Refer also to Section 3 and current PBNi’s Risk of Serious Harm Policy and Procedures.

** Where the offender is in custody the assessment relates to the Risks as if the defendant was at liberty.

**Risk of Serious Harm  Courts’ determination of ‘Dangerousness’**

- The Criminal Justice (Northern Ireland) Order 2008 sets out a list of serious and specified sexual and violent offences respectively in Schedule 1 and Schedule 2. In such cases where the offender has been convicted on indictment of a specified offence the court has to make a decision as to:

  'whether there is a significant* risk to members of the public of serious harm occasioned by the commission by the offender of further such offences'¹

- Where the court makes a determination of ‘dangerousness’ a public protection sentence including an Extended Custodial Sentence (ECS) or an Indeterminate Custodial Sentence (ICS) will be imposed¹

- The PSR provides information which can help the court’s determination of dangerousness or otherwise. Whilst the PSR does not refer to ‘dangerousness’, where the outcome of the RMM is that a defendant has been assessed as a significant Risk of Serious Harm, this equates to 'significant risk*' as stated above.
**Conclusion - Community Sentences**

When considering a proposal for a community sentence the PSR writer, where appropriate, will normally take the following into account:

- the range of programmes and activities available locally and the type of offender for whom those programmes are best suited
- the individual offender’s assessed personal and social circumstances (including language or hearing impairment issues)
- community sentence which is most suitable for that defendant and most likely to be completed without further offending
- the degree of restriction on liberty which is in proportion to the nature of the offence(s) and the risks identified
- whether the programme envisaged can provide the methods and intensity of supervision required to minimise risks
- risks that the defendant represents to others so as to avoid putting forward for community supervision an offender whom it is believed cannot be adequately contained by this means.

The conclusion flows logically and directly from the body of the report and succinctly reflects the assessment of the defendant in his/her life setting, offence analysis, the likelihood of the defendant re-offending and the assessed risk of serious harm. Where relevant, the conclusions and the Risk Management Plan drawn up at a PBNI Initial Risk Management Meeting will also contribute to this section of the report. The effective management of risk requires both the use of external and internal controls which addresses the identified risks with lawful, necessary proportionate and ethical responses.

The following, where appropriate and relevant, will normally be set out:

- the risk factors which need to be targeted to help manage and reduce the risk posed by the offender
- the methods, programmes, treatment, and activities which can be effective in reducing the identified risk factors and develop and strengthen protective factors
- the motivation and capability of the defendant to positively engage and address the risk factors
- consideration for a Sexual Offences Prevention Order (SOPO), where relevant and appropriate. (Refer also to Section 2 Legislation)

- in some Serious and/or Specified Offence cases the offender may be assessed as not posing a significant Risk of Serious Harm by PBNI. In these circumstances the offender may attract a determinate custodial sentence or a community sentence.

- Where the assessment leads to a conclusion that a suitable form of intervention could be arranged within a community sentence, the report, where appropriate, will normally:
  - invite the court to consider the merits of a specific proposal set out in a draft plan of supervision;
  - present the plan in the form of a series of objectives which directly address the offending behaviour of the defendant;
  - consider other appropriate community sentences for which the defendant would be suitable, affording the opportunity to the court to impose an alternative community sentence to the one proposed. It is appropriate to explain why these other options were considered less suitable.
### Conclusion - Community Sentences-cont.

- Where a community sentence is considered but the offender is not considered suitable the reasons for this are clearly stated. In these circumstances the report can include a sentence proposal which is considered most likely to reduce the likelihood of re-offending and management of any risks related to Serious Harm taking into account the full range of community dispositions available to the court.

- In a Youth Court PSR consideration is given to the welfare of the young person and how the sentencing proposal seeks to further this. Sentencing proposals to Youth Courts include clear objectives of work to be carried out with and/or by the parent(s)/guardian(s)/carer(s) of the child.

### Conclusion - Additional Requirements

Where an additional requirement is proposed within a PSR the following, where appropriate, will normally be:

- suitability assessment completed in advance of the inclusion of a proposal within the PSR;
- requirements set out in precise terms;
- where the additional requirement is for psychiatric treatment of treatment for drug/alcohol dependency, prior consultation with a relevant practitioner;
- the offender’s circumstances which may limit his/her ability and/or availability to comply with the requirements of a Community Sentence and the potential for these circumstances to reduce the impact of Probation intervention;
- offender’s consent, where required, the conclusion confirming that the offender has indicated his/her willingness to comply and understands the consequences of failure to do so.

(Refer also to Section 2 Legislation - Additional Requirements)

### Conclusion - Custodial Sentences

- Where a custodial sentence is a likely option the PSR conclusion shall outline the areas and risk factors that the defendant needs to address. The PSR writer will also refer to programmes and interventions, both in custody and within post release supervision which can address these risk factors including details relating to the duration of programmes, availability in custody any relevant and appropriate additional Licence Conditions.
### Conclusion - cont.

For offences which pre date 15\textsuperscript{th} May 2008 and where a custodial sentence is a likely option:

- The PSR identifies any considerations which the court may regard as relevant to the length of sentence including the powers under Article 20 (2) (b) of the Criminal Justice (Northern Ireland) Order 1996 to impose a longer term in custody for violent and sexual offences in order to protect the public from serious harm.

- In the case of those convicted of sexual offences the PSR identifies whether extended supervision on licence (Article 26) after release is required to protect the public. Article 26 Licences are still available for offences committed after 1\textsuperscript{st} April 2009** for sexual offences where the sentence considered by the court is less than 12 months. (Refer to Section 2 Legislation.)

#### Custody Probation Order (CPO)

- A CPO is available only for offences which pre date 1\textsuperscript{st} April 2009*. Suitability criteria for the probation element of a custody probation order are the same as for any other probation order. In considering suitability for an offender to be made subject to the probation element of a custody probation order the report includes the PSR Writer’s judgement as to whether the defendant would be likely to cooperate with the requirements of such an order.

* Commencement date for Determinate Custodial Sentences- Article 8 Criminal Justice (Northern Ireland) Order 2008
When either a warrant or a summons has been issued a breach report shall be completed
- Immediately in the case of a warrant; or
- Within 2 working days in all other breach cases.

A quality breach report will normally include, where appropriate, the following:
- name, date of birth and address of the offender
- name of the court which made the Order
- date Order made

- Community Service (CS)
  - length of the Order or hours to be worked
  - an up to date account of hours worked on community service, levels of cooperation including attendances planned against turn up rate, offender efforts to complete work to a satisfactory standard and general conduct

- additional requirements, where applicable
- offence for which the Order was made-summary of police facts
- verified information about any further offence with which the offender has been charged and/or convicted
- reasons for breach action
- the date the breach was initiated
- details of circumstances leading up to the breach and any previous actions taken by the supervising officer and/or others to secure compliance – prior warnings, amendments insertions of Order requirements

- an up to date account of the offender’s responses to supervision during this Order, which outlines progress or otherwise toward planned objectives, levels of cooperation/conduct, together with the number of planned contacts and actual appointments kept

- any known circumstances which may have contributed to the offender’s non-compliance; and
- a proposal to the court for an immediate sentencing disposal with the Order continuing or, for an adjournment to enable a PSR to be prepared before revocation and re-sentencing; and attach breach information including
  - the file copy of the original Order;
  - appropriate correspondence with the offender;
  - relevant extracts from the case record; and
  - any other evidence pertinent to the allegation of breach.

- The breach information, kept up to date with evidence of occurrences which post date the issue of the warrant/summons, is normally submitted to the court at least two days prior to the hearing in the case of a summons or held in readiness for immediate submission as and when a warrant is executed.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c3.13 Cont.</strong></td>
<td><strong>Breach - Court</strong></td>
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<tr>
<td></td>
<td>- The court also has the option to revoke the Order and re-sentence for the original offence without further delay.</td>
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<td></td>
<td>- If a Crown Court made the original order, breach proceedings are referred directly back to that original sentencing court.*</td>
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<td></td>
<td>- Supervising officers may be questioned about the breach report and evidence submitted in court. In addition the PBNI Victim’s Unit need to be informed of the outcome of the Breach hearing.</td>
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<td></td>
<td>- The court will normally update the criminal record.</td>
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<td>* Refer also to Article 47 Criminal Justice (Northern Ireland) Order 2008</td>
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</tbody>
</table>
### 3c4-Assessment Reports - NIPS/PCNI/DoJ

**Case Manager Report to the Parole Commissioners Northern Ireland**

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c4.1</strong> A Case Manager is responsible for producing a report for the PCNI in those cases where:</td>
<td>A <strong>quality Case Manager Report</strong> to the PCNI will, where appropriate, normally:</td>
</tr>
<tr>
<td>- a Life Sentence prisoner is at the 3 year, pre tariff, stage of sentence;</td>
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<td>- a prisoner serving a Life Sentence or Extended or Indeterminate Custodial Sentence, is being considered for release at or beyond tariff.</td>
<td>- be based on</td>
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<td>o informed consent;</td>
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<td>o offender engagement with the process;</td>
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<td>o review of Criminal Record,</td>
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<td>o review of PBNI Case Management System Records;</td>
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<td>- detail sources of information and number of interviews with defendant;</td>
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<td>- detail verification or otherwise of key information;</td>
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<td>- be based on up to date assessment and risk assessment using the approved assessment tools;</td>
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<td>- provide relevant information, assessment and analysis;</td>
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<td>- take offender self assessment into account;</td>
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<td>- provide up to date assessment of likelihood of reoffending and Risk of Serious Harm;</td>
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<td>- risk posed if immediately released;</td>
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<td>- identify factors, actions and interventions that can help reduce likelihood of reoffending and, Risks related to Serious Harm, where appropriate;</td>
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<td>- release plan;</td>
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<td>- facilitate PCNI decision making;</td>
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<td>- distinguish between fact and opinion supported by reasoned evaluation of information;</td>
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<td>- be clearly written, factually accurate and free from presentational errors;</td>
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<td>- be free from jargon and if used an explanation given;</td>
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<td>- demonstrate respect for diversity and difference in terms of process and language used in report;</td>
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<td>- be shared with offender;</td>
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<td>- have appropriate level of gatekeeping completed.</td>
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</table>

### 3c4.2

The Case Manager shall ensure that the ACE and RA1/r and current Home Circumstances have been reviewed and updated no more than 8 weeks prior to the submission of the report to the PCNI.

**Updated Assessment and Requested Reports**

- Assessments need to reflect the prisoner’s current position and circumstances.
- At least **8 weeks** prior to the submission date for the reports, where appropriate, the following contacts will normally be made:
  - with the field Area Manager requesting a Home Circumstances Report (HCR) indicating, where appropriate, requirement to undertake an Electronic Monitoring suitability assessment.
  - with the PBNI **Victims Unit** in all appropriate cases.

Refer to **3c4.12** for details of Home Circumstances Reports.
### Performance Standards

| 3c4.3 | Where the prisoner is assessed as a **Significant-Risk** of Serious Harm, the Case Manager shall ensure that a review RMM is undertaken in advance of the reports being completed. |

| 3c4.4 | The Case Manager Report to the PCNI shall use the approved structure section headings and template. |

### Best Practice Guidance

Refer also to section **3a7**

---

#### Case Manager Report to PCNI - Purpose, Alignment and Applicability

- The **purpose** of the Case Manager Report is to assist the PCNI in its deliberations and to arrive at well informed decisions. The Case Manager Report provides one important dimension to the totality of information/reports which the PCNI will consider in arriving at their decisions.

- These Performance Standards and Best Practice Guidance **apply** to Life Sentence, Extended and Indeterminate Custodial Sentence cases where the prisoner is being reviewed or considered for release by the PCNI.

- They are provided to support, not replace professional judgement in the preparation and presentation of a Case Manager Report to the PCNI and are **aligned** with the:

  - Criminal Justice (NI) 2008
  - Criminal Justice (Sentencing)(Licensing)(NI) Rules 2009
  - Parole Commissioner’s Rules 2009
### Case Manager’s Report to the PCNI

A quality Case Manager Report will, where appropriate, normally include:

<table>
<thead>
<tr>
<th>3c4.4 Cont.</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Author’s credentials</strong></td>
<td></td>
</tr>
<tr>
<td>- Details of length of service, previous relevant experience, qualifications and experience as well as registration with Northern Ireland Social Care Council.</td>
<td></td>
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<tr>
<td><strong>2. Sources used to compile the report</strong></td>
<td></td>
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</tbody>
</table>
| - number of formal interviews with the prisoner including dates;  
- observed behaviour  
- contacts with other individuals and/or agencies in relation to this report which might include:  
  - family  
  - friends  
  - victims and/or relatives of victims,  
  - prison and probation victim information schemes  
  - elected representative from the prisoner’s home area  
  - minister of religion  
  - potential employer  
  - hostel manager  
  - appropriate others  
- documents, records or reports which may have been accessed in preparing the report including:  
  - Pre-Sentence Report from Sentencing Court  
  - Victim Report completed by PBNI Victim Unit  
  - Home Circumstances Report from field Probation Officer. |
| **3. Knowledge of the prisoner** |
| - the length of time you have been the Case Manager for the prisoner  
- the level of contact you have had with him/her. |
| **4. Analysis of the Risk of Serious Harm and likelihood of re-offending at the time of sentence** |
| - where appropriate, any risk factors which were identified as contributing to the prisoner being assessed as posing a significant-Risk of Serious Harm at the time of sentence  
- any other offending related factors identified as contributing to the commission of the offence(s)  
- the offender’s personal needs which contributed to any offending behaviour. |
## 5. Attitude to the index offence

- how open the prisoner has been in discussing the index offence
- attitude towards the offence, victim and sentence and others involved in the offence
- any changes in attitude over the course of the sentence
- degree of remorse expressed by the prisoner.

## 6. Previous offending history

- summary of the previous offending history
- analysis of any patterns of offending including any previous offences which directly relate to the behaviours and actions that led to the index offence
- prisoner’s response to previous periods of supervision.

## 7. Risk Assessment

### 7.1 Risk Assessment history

- a review of the risk assessment history of the prisoner from the pre sentence stage and during custody;
- explanation of the risk assessment review history and any changes there have been during this period.

### 7.2 Reduction in risk

- the evidence that he/she has demonstrated a reduction in the risk of serious harm to the public and likelihood of re-offending;
- explicitly state, and evidence, where there has been no perceived reduction in risks.

### 7.3 Current risk assessment

- the up to date assessed risk of serious harm and likelihood of re-offending with supporting evidence from sentence planning, Review Risk Management Meetings/LAPPP and ACE Reviews

## 8. Response to Sentence Plan

- the progress or, lack of progress, towards achievement of sentence plans objectives and targets
- how the prisoner contributed to the sentence plan and his/her overall response to the plan since the date of sentence

- any significant events or changes in circumstances and any consequent impact on progress towards achieving the sentence plan objectives
- prisoner’s behaviour during ant temporary release from prison during the current sentence.
9. Relevant information about the prisoner

- family background, personal history together with past relationships and associates;
- the current personal circumstances of the prisoner including relationships, associates, accommodation and employment/training potential
- how these issues relate to any risk factors outlined at the time of sentence and relevance to any current release plans
- local community’s attitude towards the prisoner (if known).

10. Victim information

- relevant information about the victim(s) that were known at the time;
- consultation with PBNI Victims Unit and the NIPS Prisoner Release Victim Information Scheme to ensure “attitudes and concerns” of the victim are included or attached;
- if victim representations already provided to the NIPS Prisoner Release Victim Information Scheme, these are made available;
- any meeting with the family by PBNI Victim’s Unit and details of victim attitudes and concerns;
  A PBNI Victims Unit report covering the victim’s attitudes and concerns may be provided separately to the PCNI through the Case Manager and shared with the prisoner.

11. Progression

- the nature of any further action/interventions which are required to reduce the risks cited; and
- an estimate of the period of time that would be needed to complete any necessary actions/interventions in preparation for release.

12. Release Plan

12.1. Details of prisoner

- the prisoner’s home address, family circumstances, family attitudes towards the prisoner, and local community attitude towards prisoner, if known
- alternative options if the prisoner cannot return home
- opportunities to find or and/or resume work or training
- facilities for, and accessibility to, activities relevant to the prisoner’s personal development needs including leisure activities, interests and opportunities.

12.2 Risk in the community

- Statement as to whether or not, if released immediately, the prisoner would pose a significant-Risk of Serious Harm to others;
- reasons for arriving at this view;
- A view on the suitability of the prisoner for release;
### 12.3. Attitude to release
- A balanced summary which objectively evaluates the extent to which present attitudes and functioning of the prisoner together with known social support networks, confirmed development opportunities and responses to assessed risks can combine to either support or inhibit successful reintegration into the community.

### 12.4. Requirements and objective of supervision
- Intended programme and outcomes of supervision – both long and short term;
- Frequency and locations of planned contact between supervisor and prisoner if released;
- Frequency and nature of planned contacts between the prisoner, if released, and any other contributors to the supervision process;
- The prisoner’s participation in planned ways of making constructive use of time during sentence;
- Intended relapse strategy;
- Specific measures to reduce assessed risks.

### 12.5. Summary of licence conditions as recommended by the Court (if applicable).

### 12.6. Licence recommendations
- Any additional Licence conditions over and above the standard conditions and those recommended by the Court or LAPPP where applicable.

### 13. Additional information
- Any further information or comments relating to your knowledge of, or contact with the prisoner which are relevant to the report.

### 14. Issues arising from disclosure
- Any issues raised by the prisoner when the content of the report was shared with him/her.
### Performance Standards vs. Best Practice Guidance

<table>
<thead>
<tr>
<th><strong>3c4.5</strong></th>
<th>All Case Manager Reports to the PCNI shall be subject to the approved gatekeeping process.</th>
<th>Refer to <strong>Section 3c2</strong> above.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c4.6</strong></td>
<td>In the event of a prisoner declining to participate in the preparation of a Case Manager Report a letter to this effect shall be submitted in lieu of the report requested.</td>
<td><strong>Consent</strong>&lt;br&gt;• The principle of consent applies. If a prisoner withholds consent he/she should be advised that a letter to this effect will be forwarded to the PCNI.&lt;br&gt;• The prisoner should be given as many further opportunities to participate in the process as time allows. When time is too short for a report to be submitted on time a letter in lieu will be forwarded by the due date for the report.&lt;br&gt;• All contacts with the prisoner about this issue shall be recorded.</td>
</tr>
<tr>
<td><strong>3c4.7</strong></td>
<td>All Case Manager reports shall be shared with the prisoner in advance of it being submitted to the PCNI.</td>
<td><strong>Sharing report and assessments</strong>&lt;br&gt;• All reports and assessment outcomes will are potentially disclosable. This should not result in any salient facts and/or opinions being omitted and care should be taken in verifying facts and supporting all opinion with reasoned argument.&lt;br&gt;• Should the Case Manager and/or the Prison Probation Manager consider that there is important information which should be included in the report but which should not be disclosed to the prisoner the reasons must be clearly stated with a direct reference to Rule 9 of The Parole Commissioners’ Rules 2009.&lt;br&gt;• In the event of such circumstances arising the Offender Management Group shall be consulted, the areas of concern discussed and a decision taken as to whether a case should be made to the Secretary of State to certify the information as confidential under Rule 9.*&lt;br&gt;---&lt;br&gt;<strong>Oral Evidence</strong>&lt;br&gt;• The Case Manager should be prepared to be questioned about his/her report and to orally amplify or clarify any specific part of the report. If called as a witness the Case Manager should take with him/her the up to date case record and any other relevant documentation or evidence referred to in the report.&lt;br&gt;• In the event of the Case Manager not being available a PBNi delegated person will normally attend the hearing.</td>
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<tr>
<td><strong>3c4.8</strong></td>
<td>If required to do so the Case Manager shall attend as a witness at the PCNI hearing.</td>
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</table>
### 3c4-Assessment Reports – NIPS/PCNI/DoJ

#### Recall Report to PCNI (Offender Recall Unit in Emergency Cases)

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>3c4.9</strong></td>
<td>The Probation Officer shall prepare and submit a <strong>Recall Report</strong> to the Area Manager for authorisation within the agreed timescale using the approved template.</td>
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<tr>
<td></td>
<td>A <strong>quality Recall Report</strong> to the Parole Commissioners Northern Ireland (PCNI) (Offender Recall Unit in relation to an Emergency Recall) will, where appropriate, normally include the following headings and content:</td>
</tr>
<tr>
<td></td>
<td><strong>1. Offender details</strong></td>
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<td>- Name, address, date of birth, prison number.</td>
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<td><strong>2. Sentence details</strong></td>
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<td></td>
<td>- Name and location of Court</td>
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<td>- Sentence</td>
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<td>- Additional Licence conditions</td>
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<td>- Date of release</td>
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<td>- Licence commencement and expiry dates</td>
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<td>- Date(s) of previous recall(s) during this sentence.</td>
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<td><strong>3. Offence details</strong></td>
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<td>- Index offence for which main sentence received</td>
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<td>- Date of original offence</td>
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<td>- Verified details of any further offences for which the offender has been charged, committed for trial, or convicted subsequent to his/her release on licence.</td>
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<td><strong>4. Circumstances and details of Breach</strong></td>
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<td>- Date recall initiated</td>
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<td></td>
<td>- Reasons for requesting recall at this stage (including, where applicable, reasons why an emergency recall is requested)</td>
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<td>- Details of circumstances leading up to breach of licence conditions including where appropriate, details of:</td>
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<td>- any formal PBNI warnings</td>
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<td>- ‘Warning Letter’ issued through the ORU</td>
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<td>- requests to vary, amend, insert additional conditions and/or other actions by the Probation Officer to strengthen and secure compliance</td>
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<tr>
<td>3c4.9 Cont.</td>
<td>Performance Standards</td>
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<tr>
<td><strong>4. Circumstances and details of Breach - cont.</strong></td>
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<td>- Summary of the offender’s response to supervision which outlines</td>
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<td>- progress or otherwise towards planned objectives</td>
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<td>- level of co-operation and conduct</td>
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<td>- details of planned contacts and those kept/not kept by offender</td>
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<td>- any known circumstances which may have contributed to the offender’s non-compliance</td>
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<td>- current assessments of risks including</td>
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<td>- assessment (ACE) of the likelihood of re-offending</td>
<td></td>
</tr>
<tr>
<td>- RA1/r/RMM- assessment of risk of serious harm -</td>
<td></td>
</tr>
<tr>
<td>- Stable and Acute (Harris) where relevant and available.</td>
<td></td>
</tr>
</tbody>
</table>

| **5. Future actions to reduce risks** |
| - details of what the offender still needs to do to address offending behaviour and consideration of any variation to or, insertion of any additional, licence conditions suggested as required to reduce the identified risks. |
| - where a more ‘urgent’ response or Emergency Recall is required the timeframe for providing the recall report is short and therefore may limit the information contained in this section. (Refer also to 3c4.10, 5a.20, 5a.23 and 5a.24) |

| Supporting Documentation |
| - Recall reports will normally be accompanied by: |
|   - copy of the original PSR,( must be provided where available- (Parole Commissioners Rules 2009) |
|   - copy of the original Licence; |
|   - copies of appropriate correspondence with offender; including, where applicable in DCS cases, ‘Warning Letter’ issued through the ORU |
|   - relevant extracts from contacts recorded on PBNI’s Case Management System including enforcement, variations, amendments and insertions to additional licence conditions prior to recall |
|   - any other evidence pertinent to the request for recall; |
|   - copy of criminal record. |
### Performance Standards

#### 3c4.9 Cont.
Where required and requested, the Case Manager shall prepare and attach a Progress Report to in advance of the PCNI hearing to review the recall decision. The update shall use the approved template.

#### 3c4.10
Where required, the Case Manager shall prepare and attach a Progress Report to in advance of the PCNI hearing to review the recall decision. The update shall use the approved template.

#### 3c4.11
The PJNI Victim’s Unit shall be informed of the outcome of the PCNI Recall hearing.

### Best Practice Guidance

#### Evidence from an external source.
- In relation to evidence from a source outside of PJNI, this needs to be presented in the form of a written statement and accompanied by any additional documentation.
- For example, where a member of staff at an approved hostel has reported a breach of licence condition, the tendered written evidence from that hostel staff member along with a copy of the written log/incident report should be provided.
- There may be occasions when the person providing the written evidence is required to attend a PCNI recall hearing in person.

#### Progress Report to PCNI
- The information contained in the original recall report can been updated to include information regarding the offender’s circumstances, behaviour and attitudes since his/her recall to custody.
- Section 5 of the Recall Report, which details future actions to reduce risks, will normally require to be updated and expanded especially in those circumstances where a more ‘urgent’ or an Emergency Recall was completed.
- The Case Manager in the relevant prison will normally provide the update in conjunction with the field Probation Officer and sentence manager.

#### Oral Evidence
- Probation Officers may be required to attend a PCNI hearing in person and to be questioned about the Recall Report and evidence.
### 3c4- Assessment Reports - NIPS/PCNI/DoJ

#### Home Circumstances Report

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3c4.12</td>
<td>Where requested a Home Circumstances Report shall be completed and submitted by the required due date using the agreed template.</td>
</tr>
<tr>
<td></td>
<td>A quality Home Circumstance Report will, where appropriate, normally include the following headings and content:</td>
</tr>
<tr>
<td></td>
<td><strong>1. Author details</strong></td>
</tr>
<tr>
<td></td>
<td>- Author’s name and contact details</td>
</tr>
<tr>
<td></td>
<td>- Author’s credentials: length of service, qualifications and experience and registration with NISCC.</td>
</tr>
<tr>
<td></td>
<td><strong>2. Offender details</strong></td>
</tr>
<tr>
<td></td>
<td>- Name.</td>
</tr>
<tr>
<td></td>
<td>- Prison No.</td>
</tr>
<tr>
<td></td>
<td>- Date of Birth.</td>
</tr>
<tr>
<td></td>
<td>- Offence(s) details.</td>
</tr>
<tr>
<td></td>
<td>- Sentence details.</td>
</tr>
<tr>
<td></td>
<td><strong>3. Sources of Information</strong></td>
</tr>
<tr>
<td></td>
<td>- Basis of report and named sources;</td>
</tr>
<tr>
<td></td>
<td>- Persons interviewed/contacted including:</td>
</tr>
<tr>
<td></td>
<td>- Family members and other relatives.</td>
</tr>
<tr>
<td></td>
<td>- Representatives of other support agencies or organisations.</td>
</tr>
<tr>
<td></td>
<td>- Any other person who has a particular knowledge of or concern for the prisoner.</td>
</tr>
<tr>
<td></td>
<td>- Contact with the prisoner</td>
</tr>
<tr>
<td></td>
<td>- Access to case records</td>
</tr>
<tr>
<td></td>
<td><strong>4. Home and Family Circumstances</strong></td>
</tr>
<tr>
<td></td>
<td>- Family circumstances and relationships.</td>
</tr>
<tr>
<td></td>
<td>- Other significant relationships</td>
</tr>
<tr>
<td></td>
<td>- Family attitudes towards the prisoner.</td>
</tr>
<tr>
<td></td>
<td>- Local community attitudes towards prisoner, if known and appropriate.</td>
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<tr>
<td></td>
<td>- Electronic Monitoring suitability and consent from relevant other (where appropriate).</td>
</tr>
<tr>
<td></td>
<td>- The level of the support available to the prisoner on release.</td>
</tr>
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<td></td>
<td>- Any specific or particular circumstances which may be relevant.</td>
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<tr>
<td></td>
<td>- Social Networks;</td>
</tr>
<tr>
<td></td>
<td>- Any relevant details provided through liaison with the Prisoner Release Victim Information Scheme and the PBNI Victim Information Scheme in appropriate cases.</td>
</tr>
</tbody>
</table>
### Performance Standards | Best Practice Guidance

| 3c4.12 Cont. |  

- A **quality Home Circumstance Report- cont.**

**5. Accommodation**
- Accommodation available on release.
- Alternative accommodation if prisoner cannot return home.
- Suitability of housing and whether it is appropriate to the prisoner’s needs including supporting supervision objectives.

**6. Opportunities for Employment or Training**
- Opportunities to find and/or resume work or training
- Facilities for and accessibility to activities relevant to the prisoner’s personal development needs including leisure activities, interests and opportunities.

**7. Other Comments.**

(Refer also to Section 4f- Transfers.)
### 3c5 - Assessment Reports - Other

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| **3c5.1** \* Refer to **3a1.1** above. | **Assessment Reports - Other**

- There are a range of ‘Other’ reports completed by PBNI staff which requires the presentation of clear, accurate succinct and relevant information both within PBNI as an Organisation and from PBNI to other organizations and agencies.

- The report shall be written in accordance with **3a1.1** above and where required, use the approved pro forma to submit the report by the due date.
Section 3d: Suitability Assessments
Section d: Suitability Assessments

Content:

Key Outcomes and Outputs.

3d1. Suitability Assessments- Range
3d2. Suitability Assessment- Community Service/ Combination Orders
3d3. Suitability Assessment- PBNI Approved Programmes
3d4. Suitability Assessments PBNI Approved Accommodation
3d5. Suitability Assessments Curfew and/ or Electronic Monitoring
### 3d: Suitability Assessments

#### Key Outcomes

2. Offender motivation to begin, and continue, to change offending behaviour.

#### Outputs

11. Purpose of suitability report and programme shared with offender.

12. Content of report is written in accordance with Standards and Best Practice Guidance

13. Programme linked to offender need/risks.

14. Successful completion of programme
### 3d1. Suitability Assessments - Range

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3d1.1** All Suitability Assessment shall be prepared in accordance with the applicable Performance Standards, and Best Practice Guidance and written to the agreed format. | The **range of Suitability Assessments** include:  
- Community Service Orders/Combination Orders  
- Supervised Activity Orders  
- PBNI Approved Programmes.  
- PBNI Approved Hostels.  
- Curfew and/or Electronic Monitoring;  
- Psychological/Psychiatric Treatment Services |
### 3d2- Suitability Assessments- Community Service Orders (CSOs)/ Combination Orders (COs)

#### Performance Standards

<table>
<thead>
<tr>
<th>3d2.1</th>
<th>The suitability of an offender for Community Service shall be assessed prior to the inclusion of a proposal for a Community Service Order within a Pre- Sentence Report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3d2.2</td>
<td>Where the suitability assessment highlights any issues which may impact on the offender's suitability the PSR writer /supervising officer shall consult with the relevant Probation Service Officer (PSO) as to any possible actions and/or adjustments that may need to be made to secure the successful completion of a CSO, if proposed, and made by the court.</td>
</tr>
<tr>
<td>3d2.3</td>
<td>Where an offender is assessed as unsuitable for community service the reasons for this assessment shall be evidenced and clearly stated within the PSR.</td>
</tr>
</tbody>
</table>

#### Best Practice Guidance

**Suitability Assessment**

- A Court shall not make Community Service Order\(^1\) (CSO) unless the offender consents and the court is satisfied after hearing (if the court thinks it is necessary) from a Probation Officer that:
  - the offender is suitable; and
  - there is work to be done.
- The completed CSO1 Pro forma will:
  - confirm suitability; or
  - indicate further actions to confirm suitability.(Refer to 2d2.2)

**Medical Assessment**

- A GP assessment in relation to suitability for community service will normally be requested:
  - where there are health issues which may impact on the capacity of the offender to undertake the CS, in particular when chronic medical conditions are declared; and/or
  - the offender is in receipt of Incapacity Benefit or Employment Support Allowance (ESA); and additionally
  - where an offender is in receipt of Incapacity Benefit or ESA the relevant Department notified that the offender is required to undertake a CS work placement.

**Suitability and equality**

- Staff need to ensure that all offenders, regardless of: religious belief; political opinion; racial group; age; marital status; sexual orientation; disability; gender; or dependants, are given equal consideration for Community Service.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| 3d2.4 Where the offender is being considered for a **Combination Order** the Community Service component suitability shall be assessed as per 3d2.1-3d2.3. | **Combination Order - Suitability**

- In considering the suitability of a **Combination Order** the PSR writer needs to take into account the demands of such an Order and, consider if there is a realistic prospect of the particular offender having the capacity to successfully complete the Order as a whole sentence.

- The probation supervision period has to be between 12 months and 3 years whilst the Community Service component is between 40 and 100 hours. |
3d3-Suitability Assessments - Supervised Activity Orders (SAOs)

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3d3.1** A suitability assessment, which includes checking for serious offending, shall be completed on all offenders during the First Interview and in advance of any work instructions being issued. | **Suitability Assessment**  
- At the First Interview a suitability assessment shall be completed on all offenders and recorded using the approved assessment pro forma.  
- The suitability assessment will normally, where appropriate include:  
  o Suitability/capacity to undertake work.  
  o Health and Safety issues.  
  o Reviewing criminal record.  
  o Reviewing available PBNI case records.  
  o Screening for the presence of serious offending to determine whether the offender is allocated to a community placement or to an in house protected placement.  

**Medical Assessment**  
A SAO GP assessment will normally be requested:  
- where there are health issues which may impact on the capacity of the offender to undertake the SAO, in particular when chronic medical conditions are declared; or  
- the offender is in receipt of Incapacity Benefit / Employment Support Allowance (ESA) or Disability Living Allowance (DLA) and additionally where an offender is in receipt of Incapacity Benefit/Employment Support Allowance (ESA), the relevant Department notified that the offender is required to undertake a work placement.  

**Medical Assessment Process**  
- The relevant details are enter on the SAO GP Letter (Agreed Pro forma) and the offender:  
  o requested to sign the consent section;  
  o advised to present the SAO GP Letter to their GP to complete and sign, and  
  o instructed to return the SAO GP Letter to PBNI as soon as possible. |
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3d3.2</strong></td>
<td><strong>Risk of serious harm concerns</strong></td>
</tr>
</tbody>
</table>
| Where an offender has been assessed at as unsuitable to complete a SAO on the grounds of concerns about the risk of serious harm to others, the Probation Officer shall seek consent from the offender for a further risk assessment to be undertaken. | - Where risk of serious harm concerns suggest that the offender may not be suitable to undertake a SAO the offender’s consent is sought for an RA1 Risk Assessment to be completed.  
- The purpose of this further assessment, explained to the offender, is to assess these risks further and to assess whether or not they can be safely managed within a PBNI supervised placement.  
- The offender is also informed that the withholding of consent to undertake this risk assessment will result in court action to revoke the Order.  
(Refer also to sections 3a3 and 3a4 above) |
| **3d3.3**             | The Probation Officer, after discussion with the Area Manager, shall initiate action to return the Order to court for revocation, within 10 working days:  
- where consent for this further risk assessment being withheld following a warning that a return to court will result;  
- where the outcome of the further risk assessment confirms that the offender is unsuitable to complete a SAO; or  
- where the outcome of the suitability assessment is that the offender is assessed as unsuitable to complete a SAO on medical grounds. |
### 3d4- Suitability Assessment - PBNI Approved and NOMS Accredited Programmes

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3d4.1** The Probation Officer/Case Manager shall ensure that all offender suitability assessments for PBNI Approved and National Offender Management Service (NOMS) Accredited Programmes are completed in advance of an inclusion of a proposal for such a programme within:  
  - a PSR being submitted to court;  
  - a sentence plan or sentence plan review;  
  - a Case Manager report to the Parole Commissioners for Northern Ireland (PCNI) where release on licence is considered; or  
  - a Case Manager/field supervising officer’s contribution to the release planning process applicable to a case. |
| A **quality suitability assessment** for a PBNI Approved or an Accredited Programme, will where appropriate, normally:  
  - be completed in accordance with the criteria and processes specified in the relevant programme manual;  
  - adhere to the identified targeting criteria outlined in each programme manual;  
  - ensure that the inclusion on a programme is proportionate and considered necessary to ensure compliance, reduce the likelihood of re-offending and, where applicable, reduce and manage the risk of serious harm;  
  - ensure the offender is referred to appropriately trained staff for any additional/specialist or pre-programme suitability assessments to be completed;  
  - complete the referral within the PBNI Case Management System in accordance with PBNI programme referral procedures;  
  - provide the offender with a copy of the relevant information leaflet detailing the requirements of the programme being considered and ensure the offender understands the requirements including:  
    - a brief overview of programme aims, methods and content;  
    - timings, location and duration of sessions and programme;  
    - rules and expectations regarding attendance, punctuality, participation and behaviour; including, where applicable, securing time off work to attend;  
    - action where there is non compliance including catch up sessions and enforcement;  
    - programme reports and feedback arrangements;  
    - any arrangements for audio or video recording of sessions;  
    - approximate starting date (community based programmes);  
  - engage the offender in the assessment process keeping in mind the effectiveness principles relating to risk, need and responsivity.  
  - obtain consent where required, and where a PBNI approved programme is recommended in a PSR as an additional requirement of an Order;  
  - where consent is not required, as in the case of an additional condition of licence, the offender’s attitude to the programme; |

| **3d4.2** The Probation Officer/Case Manager shall clearly explain to the offender the requirements of any PBNI Approved or Accredited Programme being assessed and, where applicable, proposed.  
  
  The offender’s consent is required to attend any PBNI Approved Programme delivered in custody. |
### Performance Standards

<table>
<thead>
<tr>
<th>3d4.3</th>
<th>Where the outcome of a suitability assessment for a PJNI Approved Programme concludes that the offender is <strong>not suitable</strong> the reasons for this decision shall be explained to the offender and clearly stated within the</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• PSR;</td>
</tr>
<tr>
<td></td>
<td>• sentence plan/review;</td>
</tr>
<tr>
<td></td>
<td>• Case Manager report to PCNI; or</td>
</tr>
<tr>
<td></td>
<td>• Case Manager’s/field Probation Officer’s contribution to release planning.</td>
</tr>
</tbody>
</table>

### Best Practice Guidance

#### Unsuitability for PJNI Approved or Accredited Programmes

- The criteria for deciding that an offender in not suitable for a PJNI Approved Programme stated in the specific Programme Manual may include the following:
  - the offender does not meet the targeted offending/risk/treatment needs addressed by the programme;
  - significant mental health issues, or learning difficulties where participation on a programme is not advised;
  - lack of stability in terms of substance misuse or accommodation which may make it difficult for the offender to meet the attendance and participation requirements of the programme;
  - offender not evidencing sufficient level of motivation

- In some cases the offender may require further medical or other specialist assessment or interventions in order to facilitate their participation in a PJNI Approved Programme.

- Adjustments may have to be made in terms of the delivery of a programme and support made available to enable some offenders to attend as for example where there are literacy or learning difficulties.
### 3d5- Suitability Assessment - Referral - Selection - PBNI Approved Hostel

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **3d5.1** The Probation Officer shall complete a preliminary Hostel Suitability Screening and, where suitability is indicated, make a referral for PBNI Approved Hostel, using the agreed pro forma. | **PBNI Approved Hostel**
  - A PBNI Approved Hostel refers to a Hostel place to which PBNI can refer in its own right and where required and relevant, on behalf of the Northern Ireland Prison Service, persons who need supported and supervised accommodation.
  - Every offender who takes up residence in a PBNI Approved Hostel is allocated a supervising Probation Officer, whether or not they are subject to statutory probation supervision. |

**Screening and Referral**

- Homeless in itself is not a sufficient reason for a Probation Officer to make a referral for an approved hostel placement. In these circumstances the offender is provided with the appropriate advice and assistance to enable the offender to make a self-referral for residency in the generic housing sector as a stepping stone to securing more permanent accommodation.

- The purpose of approved hostels is to provide daily supervision and services through a hostel placement which contribute to, support and enhance the planned work of the supervising Probation Officer of each offender who is admitted into residency.

- Residency must be considered necessary, appropriate and proportionate to the level of assessed risks both in terms of likelihood of reoffending and risk of serious harm as well as providing stability and opportunities which will support the offender’s reintegration.

- The management of medication is important especially where a prisoner is moving from custody into an Approved Hostel. The referral needs to comment on arrangements for an adequate supply of medication to cover the period immediately following.
### Screening Criteria for Approved Hostels
- The preliminary screening criteria in relation to suitability for a PBNI Approved Hostel may include the following:
  - Offender subject to
    - Probation, Custody Probation Order, Combination Order or Statutory Licence
    - Temporary release from custody.
    - Bail application.
  - Period of close supervision and support in an approved hostel identified as crucial to supervision of offender in the community.
  - An emergency situation.
  - At pre-sentence report stage.
  - Beginning or during community supervision.
  - Release from prison.
  - Offender assessed as significant Risk of Serious Harm or concerns about risk of serious harm to others.
  - Personality disorder or significant mental health concerns adding to risk of serious harm concerns.
  - Higher Level Application case.
  - Subject to PPANI- Category 2 or Category 3 PPANI Case.
  - Currently charged with or has convictions for Serious Sexual and/or violent offence.
  - Offender is assessed as High (Medium) Likelihood of Reoffending (ACE Score ?- OGRS??)
  - Stability required or pattern of offending interrupted- e.g. break from pro criminal peers.
  - Offender requires a Higher Level of Supervision proportionate to the assessed risk of serious harm and likelihood of re-offending.
  - High profile cases.

### Emergency Referral
- If it has been confirmed that the personal safety of an offender is threatened then an emergency referral may be made for hostel residency as a short term refuge allowing for suitable alternative accommodation to be arranged. An extended stay in these circumstances requires a suitability assessment as outlined above.
<table>
<thead>
<tr>
<th><strong>3d5.</strong></th>
<th><strong>Performance Standards</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Manager (or delegated other) of a PBNI Approved Hostel shall attend the Hostel Panel Meetings as required, to:</td>
<td></td>
</tr>
<tr>
<td>• consider each referral</td>
<td></td>
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<tr>
<td>• decide on selection</td>
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<tr>
<td>• respond with a decision, as soon as practicable, within 5 working days of the decision being taken.</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Best Practice Guidance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Selection Arrangements</strong></td>
</tr>
<tr>
<td>• Each Approved Hostel has its own Selection Policy which is agreed with PBNI and forms part of the Hostel Panel decision making process</td>
</tr>
<tr>
<td>• The Approved Hostel Panels will normally meet at weekly intervals or at other agreed times to respond to referrals within the timeframe.</td>
</tr>
<tr>
<td>• The panel makes a judgement regarding suitability and availability of a hostel place. In some instances a decision may have to be deferred, for example, to facilitate further assessment or information or when the required date for the place is considered to far in advance.</td>
</tr>
</tbody>
</table>

| **Quality selection** for an Approved Hostel will, where appropriate, normally include: |
| • pre-referral Hostel Suitability Screening; |
| • completed and up to date referral including details of how Approved Hostel is planned to be used to supervise the offender and manage associated risks; |
| • access to and review of criminal record; |
| • access to and review of up to date assessments in terms of likelihood of reoffending, Risk of Serious Harm, and Risk Management Plans; |
| • offender comments and attitudes to consideration for approved hostel; |
| • adherence to the relevant hostel's selection and admissions policy |
| • involvement of hostel staff in assessment and/or deciding on suitability; |
| • decisions recorded including full reasons why application has been rejected. |

<table>
<thead>
<tr>
<th><strong>3d5.</strong></th>
<th><strong>Information to Prospective Residents.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Each approved hostel shall have available up to date written information which is designed to inform and assist the offender to prepare for entry into hostel life.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Information to Prospective Residents.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• The offender information package agreed with PBNI is reviewed annually and updated when necessary.</td>
</tr>
<tr>
<td>• This is made available to the offender in advance of the hostel place being taken up.</td>
</tr>
<tr>
<td>• The mobility of some offenders is such that it may be difficult for residential staff to send information direct to the offender. In these circumstances the information should be addressed to the offender and forwarded via the referring Probation Officer.</td>
</tr>
<tr>
<td>Performance Standards</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td><strong>3d6.1</strong> When specifically requested by:</td>
</tr>
<tr>
<td>- a court, Parole Commissioners Northern Ireland or NIPS; or</td>
</tr>
<tr>
<td>- where the PSR Writer or Supervising Officer/Case Manager considers a Curfew and/or Electronic Monitoring necessary, appropriate, and proportionate to the identified risks;</td>
</tr>
<tr>
<td>the offender’s suitability for a Curfew and/or Electronic Monitoring shall be assessed as an additional requirement of an Order or additional Condition of a Licence supervised by PBNI.</td>
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</table>

**A quality suitability assessment for a Curfew and/or Electronic Monitoring** will, where appropriate, normally include:

- engaging with the offender to ensure understanding of the content of the leaflet and explaining in plain language the installation, supervisory, monitoring and enforcement processes;
- providing relevant others with an agreed leaflet and obtain consent for the proposed Curfew and/or EM.
- a visit to the proposed address to assess:
  o that it is an appropriate address; and
  o the likely impact of the curfew on, and obtain consent from, relevant others at that address;
- advising the offender that relevant others are asked for their consent;
- in the case of a young person under 18 the consent from a parent/guardian/carer with whom the young person resides;
- a request to the Service Provider for a site visit and technical report on the proposed address;
- avoiding, as far as practicable, any conflict with a person’s religious beliefs or with any other condition or requirement to which that person is subject;
- avoiding, as far as practicable, any interference with the times when the person normally works or attends an education establishment.
- specify the location(s), timings and duration of the Curfew and/or Electronic Monitoring requirement or condition:
  o between 2 and 12 hours in any one day:
  o for a period of 14 days or more;
  o any variations e.g. different application on set days of a week.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>3d6.2</strong> If the assessment indicates suitability for a Curfew and/or Electronic Monitoring, the offender and, where appropriate, relevant others, shall be given a copy of an approved explanatory leaflet.</td>
<td><strong>Unsuitability</strong>&lt;br&gt;• Curfew and /or Electronic Monitoring is generally considered unsuitable;&lt;br&gt;  o for those suffering from a serious mental or physical health problem;&lt;br&gt;  o where the proposed address may be inappropriate because of risk of serious harm concerns including domestic violence, sexual offending, protection of vulnerable adults/children.&lt;br&gt;  o where there are other personal or social circumstances which would affect compliance.</td>
</tr>
<tr>
<td><strong>3d6.3</strong> If there is in any doubt about the technical practicality of securing the monitoring, the Service Provider shall be consulted as to the need for a site survey.</td>
<td><strong>Consent from Offender not required</strong>&lt;br&gt;• The consent of the offender is not required for a Curfew and/or Electronic Monitoring to be included as an additional requirement of a relevant Order or condition of Licence.&lt;br&gt;  • At the Pre Sentence Report (PSR) stage, where a Curfew and/or Electronic Monitoring is being considered as an additional requirement, of a Probation Order, Custody Probation Order or Combination Order but where the offender has indicated that they would not comply with such a requirement, this needs to be clearly mentioned in the PSR. (Refer also to <strong>Section 3c3.12 Conclusion-Additional Requirements</strong>).</td>
</tr>
<tr>
<td><strong>Suitability of Address- Request for Site Survey</strong>&lt;br&gt;• The general assumption is that every address in Northern Ireland is suitable for Curfew and/or Electronic Monitoring equipment and therefore a site survey is not normally required.&lt;br&gt;  • If a site survey is required the Service Provider will visit the proposed address and assess its technical suitability. The site survey will comment on whether it is possible to operate the equipment within the relevant address/area which also includes establishing a physical boundary as in the case of shared premises such as hostels.&lt;br&gt;  • This site survey report will be provided to the PSR Writer/supervising officer (or Court if the request came direct from the Court) <strong>within 3 days</strong> of receiving the request. The site survey report will normally be attached to the PSR or Case Manager Report to the PCNI.</td>
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<tr>
<td>Performance Standards</td>
<td>Best Practice Guidance</td>
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<tr>
<td><strong>3d6.4</strong></td>
<td>The PSR writer/supervising officer shall notify the Service Provider of any relevant risk issues identified in advance of a Site Survey request or installation using the agreed pro forma and contact arrangements.</td>
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<tr>
<td></td>
<td><strong>Communicating personal safety concerns</strong></td>
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<td>- Where the PSR writer (or supervising officer) has concerns about the personal safety of others, including the offender, appropriate action needs to be considered, including the passing on of relevant and sufficient information to the Service Provider using the Risk Issues Notification Form. This communication is to ensure that safeguards can be put in place for Service Provider staff visiting the proposed address.</td>
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<td></td>
<td>Refer also to Section 5 Compliance <strong>5a2- Immediate Action to Protect Others</strong></td>
</tr>
<tr>
<td><strong>3d6.5</strong></td>
<td>Not less than <strong>15 working days</strong> prior to the release of a prisoner subject to a Curfew and/or Electronic Monitoring as an additional condition of licence or requirement of a Custody Probation Order, the Case Manager shall confirm that the Service Provider is notified of the release date.</td>
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<td><strong>Pre Release Notification to Service Provider</strong></td>
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<td>- In some circumstances the time period between the setting of licence conditions and the prisoners actual release date may be shorter than 15 working days.</td>
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<td>- In such shorter notice instances the Case Manager needs to confirm that the notification to the Service Provider has been made as possible after the licence condition has been set.</td>
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</tbody>
</table>
Section 3e: Referrals
## 3e1- Referrals

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</table>
| **3e1.1** All referrals shall be completed within the required time period, procedures and process applicable to the nature and type of the referral and use the approved pro form. | **Referrals- Internal and External**

- It is important that referrals, both internal within PBNi and external to other statutory and voluntary agencies and groups, provide legible, necessary, correct, up to date and full information required including, where applicable and agreed, any accompanying and relevant documentation to support the referral, for example ACE and Risk of Serious Harm assessments.*

- There are situations, for example a **Child Protection** referral, where staff should **not delay** in making the referral where all required information is not available.**

* Refer also to current PBNi Risk of Serious Harm Procedures

** Refer also current PBNi Child Protection Procedures
Probation Board for Northern Ireland

Section 4
Case Management, Planning and Intervention
Section 4
Case Management, Planning and Intervention

Contents:
Introduction
Section 4a: Screening
Section 4b: Induction
Section 4c: Case Planning
Section 4d: Intervention
Section 4e: Case Planning Review
Section 4f: Transfer
  4f1: Transfer of supervision of Orders and Licences within PBNI
  4f2: Formal transfer of Orders to England and Wales and Scotland
  4f3: Arrangements for the supervision of an Order on behalf of PBNI
  4f4: Transfer of Licences between Northern Ireland, England and Wales and Scotland
  4f5: Request from offender on Supervised Licence to travel outside of the United Kingdom and Islands
  4f6: Formal transfer of Order or Licence from England and Wales or Scotland to Northern Ireland.

Section 4g: Closure
Section 4
Case Management, Planning and Intervention

Introduction

1. Case Management

- PBNI practice with offenders operates a case management structure designed to manage offenders who are, or will be, subject to, probation supervision by the Probation Board for Northern Ireland. Offenders are not a homogeneous group and vary greatly in terms of offending and the risks posed. It is therefore essential that the case management structure is comprehensive, but at the same time sufficiently flexible in its application, to be effective in helping to protect the public through managing and reducing risks posed by offenders.

- Case Management within this context refers to the approaches used to manage offenders from the referral, usually the pre-sentence stage, through to the closure stage of a case. Each offender who is, or will be, subject to probation supervision, is allocated a probation officer who acts as a Case Manager to undertake a range of tasks including interventions and programme work both on an individual one to one and group basis. (Refer to 4b1.1 for further details).

- The extent of involvement of other PBNI and/or other agencies and disciplines is dependent upon the level of assessed risk, needs, responsivity, strengths and opportunities of each case. There will be cases which require the allocation of a secondary probation officer, as for example, where the offender is assessed as posing a Significant Risk of Serious Harm. In other circumstances the management of a case requires a multi agency and partnership approach which in turns extends the Case Manager tasks.

2. Planning

- Whilst there is an element of planning at every stage of probation practice, planning within this section specifically refers to the development and structuring of an individualised case/sentence plan with an offender. It is essential that the offender is actively engaged in the process of setting goals and objectives and is encouraged to take ownership of the case/sentence plan and to contribute towards identifying actions, support and opportunities which may support his/her efforts to make significant changes and avoid further offending.

- Planning is central to the effective linking assessment to interventions and review. The offender is helped to develop a case/sentence plan which will:
  - secure offender compliance with the sentence;
  - target offending behaviour and attitudes;
  - encourage, motivate and support positive change;
  - reduce risks in terms of reoffending and harm (including serious harm);
  - develop opportunities and supports for offender reintegration responsible citizenship.

- Within community supervision the probation officer (Case Manager) plays a central role in terms of applying professional judgement to the related tasks of prioritising, structuring and sequencing the different elements
NI Standards Review Project

contained within a case plan. It is not only important that the case plan identifies what has to be done, by whom, when and in what order, but also supports the ongoing commitment and engagement of the offender, building upon his/her own strengths and opportunities for personal development and motivation to change.

- PBNI staff in prisons work within the Offender Management Unit arrangements for each NIPS establishment to develop a prisoner’s sentence plan. These Performance Standards and Best Practice Guidance are aligned to the Northern Ireland Prison Service (NIPS) Offender Management Guidance Manual.

3. Intervention

- Intervention should be viewed within the totality of a sentence, including where applicable, those sentences consisting of a period in custody followed by a period of probation supervision on release. Intervention refers to the implementation of all the elements contained within a case/sentence plan and can include, where appropriate:
  - all offender contacts, including planned and, where appropriate, unannounced home visits
  - contacts and involvement of the offender’s family, partner, friends and others;
  - all referrals and communications in connection with the case/sentence plan and, where appropriate, Risk Management Plan;
  - all planned work with the offender, individual and group based, targeting reduction in offending and risks
  - all assessments, risk assessments, Risk Management /LAPPP Meetings and reviews; and
  - multi agency arrangements to manage certain serious violent and sexual offenders

PBNI Approved and National Offender Management Service (NOMS) Accredited Programmes.

- One of the key tasks of a Case Manager is to coordinate and sequence interventions to target identified risk factors. A range of PBNI Approved and National Offender Management Service (NOMS) Accredited Programmes are available, where necessary and appropriate, and should be viewed as an integral part of the overall probation supervision and case management of offenders.

- A programme in the context of offending can be defined as- “a planned series of activities, delivered over a specified period, on an individual or group basis, designed to achieve clearly defined objectives relating to the reduction of offending behaviour and, where appropriate, the risk of serious harm”.

- A PBNI Approved Programme has gone through an agreed approval process of development and scrutiny to ensure that it has the maximum impact on offending behaviour. A National Offender Management Service (NOMS) Accredited Programme has gone through the NOMS Accreditation process.

- The legislative authority for courts to insert an additional requirement, which includes a requirement to participate in a PBNI Approved Programme, into an Order supervised by PBNI, is contained in Article 11 of the Criminal Justice (NI) Order 1996. An additional requirement can be inserted where the court considers it

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1 Refer to current NIPS Offender Management Guidance Manual
2 Refer to list of Current PBNI Approved and Home Office Accredited Programmes currently in use by PBNI.
3 Adapted from The Design of Accredited Programmes: Procedures for seeking accreditation. The Scottish Government. January 2009
4 For PBNI Approved Programmes, refer to current PBNI Guidance Document for Approved Programmes which applies to all Approved Programmes in use by PBNI.
5 NOMS Accredited Programmes are accredited through the Correctional Services Accreditation Panel (CSAP) on a programme by programme basis. Where adopted by PBNI, a NOMS Accredited Programme is operated in accordance with the accredited procedures applicable to the specific programme.
In relation to offenders released from custody on a licence supervised by PBNI, additional licence conditions can be inserted, which can include a condition to participate on a PBNI Approved Programme, at the time of release or subsequent to release through the appropriate variation process. The licence types include:

- Life licence;
- Determinate, Extended and Indeterminate Custodial Sentence Licences
- Article 26 Sex offender licence

The Performance Standards and Best Practice Guidance outlined in this section apply equally to the delivery of PBNI Approved Programmes in custody. Arrangements are in place in each NIPS Establishment, which are aligned to the Performance Standards and Best Practice Guidance and which relate to:

- The management of referrals to intervention.
- The assessment and suitability for programmes.
- Programme selection and delivery.

PBNI is committed to ensuring that the availability, delivery, development and commissioning of effective programmes, targeting offending behaviour, is viewed as important in reducing re-offending and the risk of serious harm.

It is important for PBNI to continually evaluate practice and this relates equally to the provision and delivery of PBNI Approved and Accredited Programmes. If programmes are not well managed and there are not good systems in place (such as adequate staff training) even the best programmes can have deleterious effects and have the potential to produce negative outcomes.

In order to promote best practice in offender programmes, practice needs to be informed by relevant research and evidence from monitoring and evaluation of approved programmes delivered. Effectiveness therefore also rests on:

- clear management support, encouragement and resources;
- proper systems and processes to select offenders;
- rigorous assessment, planning and preparation;
- the active involvement of probation officers in supporting and motivating offenders to engage and participate fully in programmes.

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6 Article 11 Criminal Justice (NI) Order 1996
8 See current NIPS Management of Referrals to Intervention; NIPS Offender Management Guidance Manual
9 See An evaluation of Offending Behaviour Programmes within the Prison and Probation Services July 2008 pages 6-7.
Section 4a: Screening
**4a. Screening- Case Management**

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td>4a.1 Where screening has not been completed within the previous 16 weeks each case shall be screened to determine the Level of Application:</td>
<td><strong>Professional Judgement</strong>&lt;br&gt;The following criteria are provided to support, not replace, professional judgement in determining the appropriate level of application for each case.</td>
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</tbody>
</table>
| - within 1 working day for a significant -Risk of Serious Harm case, sentenced to a community sentence or released at court on Licence, or on a Custody Probation Order(CPO); or for all other Cases: | **Lower Level Application- Criteria**<br>- **Court.** Normally Magistrate Court cases, but may include, where appropriate, some Youth and Crown Court cases.  
- **Sentence indicated** by District Judge or considered by Probation Officer is for:<br>  o a Probation Order up to 18 months duration with no or one additional requirement*; or<br>  o a Community Service Order.<br>*Additional Requirement is for less intensive programme of not more than 12 sessions.  
- **Offence.** Normally offences of a less serious nature including:<br>  o Criminal Damage<br>  o Common assault, assault of Police Public order offences<br>  o Damage to property<br>  o Theft, shoplifting, benefit fraud<br>  o Motoring offences<br>- **Risk:** Normally, where the Risk of Serious Harm Filter does not trigger an RA1 to be completed. Normally Low ACE. |
| - within 5 days of sentence; or:<br>- at least 20 working days prior to release of a CPO or supervised Licence. | **Standard Level Application- Criteria:**<br>- All Offenders- who do not meet criteria for Lower or Higher Level Application  
- not a significant-Risk of Serious Harm Case  
- normally not convicted of sexual offences  
- identified risks do not require a Higher Level Application to be applied. |
| **Professional Judgement**<br>The following criteria are provided to support, not replace, professional judgement in determining the appropriate level of application for each case. | **Higher Level Application- Case Management - Criteria:**<br>- Adult and Young Offenders.  
- All significant-Risk of Serious Harm cases  
- Life Sentence, Extended and Indeterminate Custodial Sentence Licences for at least the first 12 months following release and until it has been assessed as both safe and appropriate to reduce to Standard Level Application.  
- All PPANI Category 2 and Category 3 cases  
- Sex offenders (unless deemed suitable for Standard Level Application)  
- Any other designated case where it is considered appropriate and proportionate, in terms of identified risks, to apply a Higher Level Application. |
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<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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| 4a.2 The Probation Officer shall complete a screening review prior to making a decision to change the level of application with respect to a case. | **Change in Level of Application- Up and Down**  
- The decision to change the Level of Application will, where appropriate, normally take account of:  
  - Significant changes in circumstances, behaviour or attitudes of the offender  
  - Reviews of ACE,RA1 Case/Risk Management Plans  
  - Progress or otherwise towards achieving case/risk management plan objectives  
  - Current likelihood of reoffending including static risk factors relating to the number, type and seriousness of offences committed  
  - Level of Risk of Serious Harm  
  - Feedback from RRM, PPANI and/or PSNI  
  - Need to seek appropriate approval e.g. Relevant Assistant Director  
  - Interval for Assessment and Risk Assessment reviews  
  - Victim harm issues including child protection, domestic abuse and vulnerable adults  
  - Confirmation  
  - A discussion with, and approval where appropriate, from the Area Manager.  
- Where the Level of Application is changed the decision and reasons for the decision need to be recorded on the PBNI Case Management System. |
| 4a.3 In all significant Risk of Serious Harm cases, and in other Higher Level Application cases where it is considered necessary, the Area Manager shall allocate a ‘Pair-Officer’. | **‘Pair-Officer’ role**  
- The level of involvement of a ‘Pair-Officer’ will depend on the needs of the individual case and where allocated, will be kept under review by the Area Manager.  
- The ‘Pair-Officer’ role will, where appropriate, normally include:  
  - Working closely with the supervising probation officer to assist in case/risk management plan activities;  
  - Standing in for the supervising probation officer in his/her absence;  
  - Ensuring that he/she is familiar with all the details of the case and keep up to date with all developments. |
Section 4b: Induction
<table>
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<tr>
<th>4b: Induction</th>
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<tbody>
<tr>
<td><strong>Key Outcomes</strong></td>
</tr>
<tr>
<td>2. Offender motivation to begin, and continue, to change offending behaviour.</td>
</tr>
<tr>
<td><strong>Outputs</strong></td>
</tr>
<tr>
<td>1. Order/Licence served, signed and dated confirming receipt and understanding of requirements/conditions and consequences for non compliance.</td>
</tr>
<tr>
<td>2. Information provided and shared with offender to confirm their understanding of Complaints procedure, Disclosure of offending, Protecting the Public, including Children and Vulnerable Adults and Victim Information scheme.</td>
</tr>
<tr>
<td>3. Induction summary pro forma signed and dated by offender.</td>
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</table>
## 4b1: Induction - Community and Custody

<table>
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<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4b1.1</strong> Each offender who is, or will be, subject to probation supervision, is allocated a community based probation officer:</td>
<td><strong>Probation Officer- Case Manager</strong> (Prison Probation Officer) role.</td>
</tr>
<tr>
<td>- within 1 working day in respect of a community sentence; or</td>
<td>- The Probation Officer, whether community or prison based, undertakes a Case Manager role and related tasks with offenders who are, or will be subject on release from custody, to probation supervision. The range of tasks will, where appropriate and relevant, normally include:</td>
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<td>- within 5 working days in respect of those serving a sentence with a predictive release date of 3 years or less; or</td>
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<td>- At the 3 year pre tariff/pre release stage of a sentence with a predictive release date of more than 3 years.</td>
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<tr>
<td><strong>4b1.2</strong> Each offender in custody who is, or will be, subject to probation supervision, is allocated a probation officer (Case Manager):</td>
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<td>- within 2 working days of sentence.</td>
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### Custody

- PBNI Staff in Prisons work in partnership with NIPS and other disciplines within each respective Offender Management Unit to contribute to the committal, induction sentence planning, interventions and review of prisoners who will be subject to probation supervision if and when they are released from custody.

- These Standards and Best Practice Guidance align with the work of each Offender Management Unit and it is important for prison based probation staff to familiarise themselves with the content and requirements detailed in the NIPS Offender Management Manual.*

* Refer to current NIPS Offender Management Practice Manual- Operational Guidance and Standards.
<table>
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<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4b1.3</strong></td>
<td>Induction shall commence:</td>
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<td>- within <strong>1</strong> working day of a Community Sentence supervised by PBNi in respect of all significant-Risk of Serious Harm and other Higher Level Application cases;</td>
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<td>- within <strong>5</strong> working days of a community sentence in respect of Standard or Lower Level Application cases;</td>
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<td>- in custody within <strong>5</strong> working days of a sentence requiring post release probation supervision;</td>
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<td>- on the day of release from custody on an Order or Licence supervised by PBNi.</td>
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<td>Induction shall be recorded on the approved documents and case record.</td>
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<td>If a parent/guardian/carer of a Young Offender (under the age of 18) is not present at the induction, the reasons shall be recorded and a copy of the record of the interview, detailing the Young Person's obligations under the Order or Licence, are provided to them within a further <strong>2</strong> working days.</td>
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</table>

**Induction**

- Induction is important in terms of linking the areas identified for change, as outlined in the initial or latest assessment and overall case plan to the development of an individualised case plan for the first period of community supervision.
- The offender needs to be aware of his/her responsibilities to comply with the requirements of an Order or conditions of Licence and any other actions or arrangements which are in place to manage or reduce risks during the period a case plan is being formulated.
- In relation to **Community Service**, the induction is important is terms of completing a Work Contract and ensuring the offender has a clear understanding of the expectation and responsibilities of the Order.
- First impressions are important when it comes to engagement and the probation/supervising officer needs to ensure that the offender does not feel overwhelmed with a vast amount of information at the first contact.
- Time needs to be given to check offender understanding and feelings about the sentence and to clarify any concerns or queries the offender may raise. The **responsivity** principle outlined in the introduction is very relevant to Induction interviews, which should, as far as practicable, be undertaken by the supervising officer.
- The Induction process will normally be completed within **10** working days of it commencing. However, more than one interview may be required to complete Induction in order to support the active engagement of the offender and where required, update the assessment details.

A **quality Induction** will, where appropriate, normally:

- enable offenders to discuss and share their views and concerns relating to the sentence including concerns they may have in relation to the impact of the sentence on their privacy, use of time, and freedom;
- allow offenders to discuss their priorities, goals and motivation;
- encourage, where appropriate, the involvement of parent/guardian/carer in the case of a Young Offender;
- discuss offender’s strengths, opportunities and supports;
- identify any issues which may hinder positive engagement;
- offender provided with relevant leaflets and handbooks with the opportunity to discuss and confirm their understanding of the content;
- use appropriate interpreter or other services to facilitate communication where required;
- discuss and check out offender’s readiness to change/ engage in the work contract;
### Performance Standard

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<th>4b1.3 Cont.</th>
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#### A quality Induction- cont.
- during custody, establish whether or not a prisoner intends to participate in sentence planning and related activities during the custodial part of his/her sentence;
- opportunity for offenders to discuss and confirm through relevant signatures, that they have been clearly informed and understand:
  - sentence requirements including any additional requirements or conditions;
  - detail and explain expectations and requirements in place during period when case plan is being formulated;
  - victim and restorative elements and opportunities to indirectly repair some of the harm caused by offending;
  - level and nature of contacts;
  - relevant health and safety requirements;
  - details of work or activities and their commencement;
  - co-operation and motivation to engage with supervision, case planning and change;
  - Probation and offenders’ responsibilities in relation to completion of the sentence of the court;
- **acceptable behaviour**;
- **non-compliance** and possible consequences including breach and/or recall
  - procedural fairness and just treatment from PBNI and offender's rights in relation to making a complaint;
  - PBNI’s responsibilities to report disclosed offending and to share information and take other actions to protect others, including children, victims, vulnerable adults and offenders;

*acceptable behaviour* includes treating each person with respect both in terms of conduct and language. This applies to the supervising officer in relation to his/her conduct and language towards the offender (offender’s family) and to how the offender behaves towards the supervising officer, other staff and service users.

**non-compliance** can also include the following:
- violent or aggressive behaviour including threats of violence;
- conduct or language that may give offence to members of the public, to other offenders under supervision or to probation staff;
- language of a racist, sexist or sectarian nature;
- willful or persistent non-co-operation;
- behaviour intended to undermine the supervision of the offender or the supervision of others. (refer also to Section 5 Offender Compliance)
### Performance Standard

| 4b1.3 Cont. | With respect to Community Service and Supervised Activity Orders the offender shall be credited with a total of **1 hour** for attendance at Induction Interview(s). |
| 4b1.4 | Where a **prisoner** does not consent to engage with Induction and/or sentence planning, the reasons for the refusal shall be recorded on the case management system. |
| 4b1.5 | The Order shall be served at Induction for community sentences. |
| 4b1.6 | At the commencement of Induction for those released on supervised **Licence or Custody Probation Order**, the supervising officer shall confirm that the offender has received a copy of the Licence or Custody Probation Order prior to release. |
| 4b1.7 | Where required, and within **2 working days** of the Induction completing, the Probation Officer shall make all necessary referrals and/or communications regarding PBNI Approved or Accredited Programmes or other relevant interventions. |

### Best Practice Guidance

#### Custody

In these circumstances the following is explained to the prisoner:

- that a sentence plan will be drawn up and shared with him/her;
- details of any further opportunities which may be offered to him/her to engage with the sentence plan during his/her sentence; and
- the possible implications of the decision not to engage with his/her sentence plan.

#### Serving The Order

- The offender is given a copy of the Order and asked to sign and date a file copy confirming that he/she:
  - has received a copy of the Order; and
  - understands the conditions and requirements of the Order.
- Where an offender declines to sign and date as requested, this needs to be recorded on the file copy of the Order and on PBNI Case Management System.

#### Custody Probation Orders

- The offender will normally have been served a copy of his/her Custody Probation Order prior to his/her release from custody and had the conditions or requirements explained.
- As part of post release Induction the supervising officers needs to confirm that this has taken place, and where this is not the case, ensure that the offender is served a copy of the Custody Probation Order.

#### Licence

- The prisoner will normally receive a copy of his/her Licence prior to release from custody.
- If the prisoner is released directly from court following his/her sentencing, the Licence will be issued at court.
- Where appropriate, the probation officer can later make an application to insert any additional Licence conditions, not included in the Licence issued at court, which are proportionate, and considered necessary to manage the identified risks.
- An electronic copy of the Licence is available to the field probation officer.
### 4b2 - Induction - Approved Hostel

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<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tr>
<td>4b2.1</td>
<td>In all <strong>Significant-Risk</strong> of Serious Harm cases, and in other Higher Level Application cases where it is considered appropriate, the offender shall be accompanied on his/her first arrival at an Approved Hostel.</td>
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<tr>
<td>4b2.2</td>
<td>The Hostel Induction Interview shall be carried out as soon after arrival as is practicable in the presence of the supervising officer or nominated substitute. A <strong>quality hostel induction</strong> interview will, where appropriate, normally:</td>
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<td>• involve the offender, hostel key worker and supervising probation officer;</td>
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<td>• provide opportunity for the offender to discuss and share immediate concerns relating to the hostel placement including those that may relate to the impact on his/her privacy, use of time and freedom;</td>
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<td>• provide a welcome pack including local information;</td>
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<td>• use appropriate interpreter or other services to facilitate communication where required;</td>
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<td></td>
<td>• provide the opportunity for the offender to be clearly informed, understand and discuss:</td>
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<td>• conditions of residency;</td>
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<td>• contractual agreement;</td>
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<td>• expectations of personal development and life skills, training and employment;</td>
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<td>• explanations of roles, including key worker role and role of PPANI visits where appropriate;</td>
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<td>• acceptable behaviour from and to staff and residents;</td>
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<td>• financial arrangements/benefits;</td>
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<td>• legal status;</td>
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<td>• issues relating to ‘two homes’</td>
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<td>• health/GP registration/medication;</td>
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<td>• hostel rules/duties of residents;</td>
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<td>• smoking/drink/drugs policy;</td>
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<td></td>
<td>• drug and alcohol testing - where applicable</td>
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<td>• curfew and other restrictions;</td>
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<td></td>
<td>• health and safety - i.e. evacuation procedures, first aid, procedures for reporting accidents/incidents of violence, protecting staff, others and self, including self harm;</td>
</tr>
<tr>
<td></td>
<td>• contacts, communications, sharing information and cooperation between supervising officer, key worker and other hostel staff;</td>
</tr>
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<td></td>
<td>• complaints procedures.</td>
</tr>
<tr>
<td></td>
<td>• In the absence of a supervising Probation Officer or substitute, on the day of arrival a meeting involving the relevant parties to complete/confirm Induction process will normally be arranged within <strong>5 working days</strong> of arrival.</td>
</tr>
</tbody>
</table>
### 4b3: Committal– Custody

| 4b3.1 Essential documents shall be available within the Offender management Unit of the receiving prison within 5 working days of sentence or transfer. |
|---|---|
| **Essential documentation** relating to the current sentence on the PBNi Case Management System and, where only available in paper form, within the paper file, will normally include the following: |
| • Complete and up to date ACE; |
| • Complete and up to date RA1/r and RM1 as applicable; |
| • PSR; |
| • Depositions; |
| • Victim impact statements (where available); Specialist reports and assessments; and |
| • Recall report, where appropriate. |
| * Access to the Criminal Record is in accordance with the approved arrangements. |

| 4b3.2 A Case Manager shall be allocated to each prisoner within 2 working days of sentence. |
|---|---|
| The **Prison Probation Manager** needs to ensure that an agreement is in place within the Offender Management Unit for PBNi to: |
| • receive timely information about each prisoner newly sentenced (or transferred) who will be subject to probation supervision upon release; and |
| • request the relevant field Area Manager to allocate a probation officer within the required time period. |

| 4b3.3 In each case a community based probation officer |
|---|---|
| • shall be designated within 5 working days of sentence where predictive release date is 3 years or less; or |
| • at the 3 year pre tariff/ pre release stage of a sentence with a predictive release date of more than 3 years. |
| The **field Area Manager** needs to ensure that adequate arrangements are in place to allocate a probation officer within the agreed timescale and to ensure that a probation officer shall be actively involved during the custody phase of the sentence including: |
| • temporary release; |
| • in advance of consideration for release by the PCNI (preparing a home circumstances report); |
| • pre-release Risk Management Meeting; |
| • pre-release meeting |

| 4b3.4 Each prisoner shall be offered a **committal** interview within 1 working day of remand, sentence or recall. |
|---|---|
| **Committal** |
| • Committal is important in establishing or re-establishing positive engagement with the offender and the responsivity principle is relevant particularly where there may be a degree of resistance or hostility from the prisoner towards engagement, or re-engagement process in change. |
### Performance Standard

| 4b3.4 Cont. | 4b3.5 |

Subsequent to carrying out a committal the Case Manager/duty probation officer shall:
- complete all required documentation and recordings;
- ensure that all appropriate referrals and communications relating to the protection of others including Child Protection, protection of victims and vulnerable adults, staff and the offender, are made within the agreed time period;
- where the prisoner has consented, forward the approved referral form for the attention of the Service Provider for Family Services.

| Best Practice Guidance |

- A **quality committal**, will, where appropriate, normally:
  - confirm that the prisoner is clearly aware of the relevant details of their remand, sentence or recall.
  - be alert to the **possibility of self harm** and take the agreed actions where such concerns arise.
  - identify any immediate difficulties faced by the offender;
  - provide the prisoner with information about services provided by:
    - Probation Department
    - Offender Manager, Lifer Manager or Other Prison Departments;
    - Family Services;
  - in cases of recall, provide the prisoner with relevant details including PCNI hearing arrangements
  - review PBNI records and check relevant details relating to whether the prisoner is currently known to PBNI, the nature of offences, sentence and victims in order to facilitate appropriate communications with both internally and externally including where required to protect children, victims and vulnerable adults, Social Services, PSNI, Public Protection Arrangement Northern Ireland (PPANI) and Multi Agency risk assessment Conference (MARAC)
  - provide brief explanation about induction and the sentence/release planning processes.

**Action to protect others***

- While it is important to establish a positive basis for contact with the prisoner it is important to also emphasise the need for the Case Manager, where required, to promptly follow through on the actions to protect others and the prisoner.


- In relation to **Family Services**, it should be understood by all concerned that the family has the right to choose whether or not to accept an offer of service from the Service Provider for Family Services.

---

12th April 2011
| 4b3.6 | Where a remand prisoner seen on committal is currently subject to probation supervision, the Case Manager/duty probation officer shall;  
- update PBNI Case Management System informing the field probation officer and relevant Area Manager of remand in custody;  
- request the relevant Prison Department to notify the Prison Probation Department where an offender remanded in custody and currently subject to supervision by PBNI, is subsequently released. |

| 4b3.7 | Within 1 working day of being notified of the release of a remand prisoner currently subject to probation supervision, the relevant field probation officer and Area Manager shall be notified. |

**Offender currently subject to probation supervision—remand in custody**

- It is important that the relevant field probation officer is made aware of the remand in custody and, where appropriate, when the offender is subsequently released in order to facilitate appropriate action, including following up on any enforcement actions. Refer also to 5a.2.)
Section 4c: Case Planning
## 4c: Case Planning

### Key Outcomes

2. Offender motivation to begin, and continue, to change offending behaviour.

### Outputs

18. Case plan is completed in accordance with Standards and Best Practice Guidance.

19. Clear, fully completed and individualized case plan (including Risk Management Plan where required) which appropriately addresses risk, need and responsivity issues.

20. Elements of case plan are clearly connected, sequenced and understood by offender and relevant others.

21. Evidence of offender engagement and contribution to the case plan including his/her priorities motivation and goals, including victim issues.

22. Relevant documentation is signed and dated by offender, supervising officer and relevant others.
## 4c1: Case Planning

### Case/ Sentence Planning - Community and Custody

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4c1.1</strong> An initial Case /Sentence Plan shall be completed with the offender within:</td>
<td><strong>Case/ sentence plans linked to Organisational Purpose.</strong> Case/Sentence plans operate within the parameters of:</td>
</tr>
<tr>
<td>- <strong>15</strong> working days of a community sentence;</td>
<td>- securing compliance with the sentence of the court</td>
</tr>
<tr>
<td>- <strong>20</strong> working days for all other cases.</td>
<td>- targeting factors which are intended to reduce the likelihood of reoffending and those that will support such a reduction and related harm.</td>
</tr>
</tbody>
</table>

**Case Manager-Case Planning**

- Each offender presents with a unique combination of risk, need and responsivity issues and it is important not only to take an **individualised** approach to assessment and case planning but also to determining appropriate interventions. The level, type, intensity and duration of interventions will vary from case to case according to the level of assessed Risk of Serious Harm and likelihood of re-offending, type of offending and sentence.

  - With regards to community supervision, the Case Manager’s role is central to the integrity of the total supervision process in terms of sequencing, coordinating and communicating between the different elements of a case plan, its implementation and review of progress.

  - The extent of involvement of other PBNI staff and/or other agencies and disciplines is dependent upon the level of assessed risk, need, responsivity strengths and opportunities.

  - It is not only important for the Case Manager to focus on what has to be achieved and when but also on how the interventions are implemented.

**Custody- Prisoner does not engage with sentence planning**

- Refer to **4b1.4** for further details
Case Planning with Young Offenders

- In the case of a **young offender** the active engagement and participation of parent(s), or other responsible adults, is critical to the promoting of improved parental influence and control and the prevention of further offending beyond the period of statutory supervision.

- **Young offenders** may also categorised as “children in need” as detailed in the Children (Northern Ireland) Order 1995* and it is important to bear this in mind when formulating and implementing the case plan and considering the responsibilities of the relevant Health and Social Care Trust (HSCT) in to ‘children in need’ and their families under this legislation.

* Article 17 and 18 Children (Northern Ireland) Order 1995 defines when a child is consider to be ‘in need’ in terms of health and development or is disabled and the duty on the relevant authority (HSCT) to safeguard and promote the child’s welfare by providing appropriate personal social services to meet the needs.

Professional Judgement- Case Planning

-Whilst it is important that a case plan is completed within the agreed timeframe in order to encourage offender engagement, there may be cases where a delay does occur.

- The delay may be due to:
  - offender non compliance or engagement; or
  - due to the complexity of the case; and/or
  - need to pro actively seek further information or assessments.

- Where, in the professional judgement of the Case Manager, it is considered both safe and appropriate to take a slightly longer period to complete the case plan the reasons for the delay need to be clearly recorded

- It is important that the offender is aware of his/her responsibilities in terms of complying with the sentence requirements including level of contact, referral and other actions to manage risks during the period the initial case/sentence plan is being agreed and finalised particularly if there is a delay. (Refer also to 4b1.3 above relating to Induction)

Case/ Sentence Planning and offender engagement

- Making a start on change can, for some offenders be associated with uncertainty, hesitance, fear and/or significant obstacles, and it is important that these, and other **responsivity**, issues are appropriately addressed and applied within the case planning process in order to ensure and enhance offender engagement.

Case/ Sentence Planning questions

The following questions can be usefully asked jointly by the case manger and offender when agreeing and finalising a case/sentence plan-

- ‘Why do we think that doing what is stated in the case plan will bring about the desired results?’*

- ‘What might hinder or stop the case plan from working?’

* See also McNeill, F. Towards Effective Practice in Offender Supervision Jan 2010, SCCJR Report 01/09 pg.41
A quality case/sentence plan, where appropriate and relevant, will normally:

- actively engage offender in the process;
- build on offender’s individual and social network strengths and opportunities including the pursuit of personal development objectives and offender’s motivation to engage with change;
- identify actions and measures to protect others from serious harm including children, victims and vulnerable adults;
- identify actions and interventions to assist offender deal with imprisonment including where applicable, the indeterminate nature of his/her sentence;
- identify objectives to maintain and support family relationships/community connections, where appropriate, during custody;
- set out clearly:
  - the period of the plan;
  - the areas where change is required or to be sustained;
  - the desired change to reduce likelihood of reoffending;
  - objectives which are solution focused, realistic and achievable- may require some stretching but never out of sight;
  - activities of offender (in the first person ‘I will’) supervising officer, other agencies, and others to support and help bring about the desired change;
  - during custody-opportunities for home leave as part of sentence and release planning;
  - opportunities for the offender including employment/training/education/voluntary work, practical support, other services and interventions;
  - opportunities for restorative and victim awareness interventions;
  - how the activities are to be coordinated and sequenced to take place including arrangements for contacts, reviewing progress and receiving feedback from others at intervals within the review period;
- adheres to procedural fairness and just treatment
- completed and shared with offender and relevant others;
- signed and dated by all relevant parties confirming agreement to the plan and review date.

Case/ Sentence Plan is dynamic

A case/sentence plan can be amended or reviewed in response to:

- progress or otherwise towards the achievement of the supervision objectives
- significant changes in the offender’s circumstances, behaviour and attitude; and to
- new needs and risks as they may arise in the course of the sentence and/or supervision.
4c1.1 cont.

### Best Practice Guidance

#### Level of Application - Case/ Sentence Plan
- The Case/Sentence Plan is completed in accordance with the appropriate Level of Application in each case.
- A case/sentence plan where the case meets the **Lower Level Application** criteria will obviously be less complex than, for example, where a **Higher Level Application applies** and which targets a wider range of issues and involves a multi agency response to manage and address the risks.
- The following guidance is provided to support, not replace **professional judgement** regarding the structure content of a case/sentence plan.

#### Lower Level Application - Case/Sentence Plan (Not normally applicable in Custody)
- Short, focused and time bound objectives and goals.
- Small number of less complex needs addressed linked to offending, social and personal issues.
- Limited range of PBNI Approved programme- education and awareness raising
- Using offender and community strengths and opportunities.
- Victim awareness issues and/or restorative interventions considered where available and appropriate in terms of timing and sequencing the case plan elements.
- Increased Probation Service Officer (PSO) role and involvement.

#### Standard Level Application - Case/Sentence Plan
- As for Low Level where appropriate +
- Targeting criminogenic needs.
- Victim awareness issues and/or restorative interventions considered where available and appropriate in terms of timing and sequencing elements of case plan.
- Inclusion of PBNI Approved Programmes to target anti-social attitudes and behaviours
- Objective to comply with Additional requirements.
- Adequately addresses any child protection, domestic abuse/violence or other victim risk/harm issues.

#### Higher Level Application - Case/Sentence Plan
- As for Lower and Standard Levels, where appropriate, +
- Multi Agency Risk Management and Planning
- PPANI Risk Management Plan integrated with Case Plan
- Appropriate use of additional requirements/conditions and controls.
- Inclusion of intensive and challenging extensive interventions.
- Victim awareness issues and/or restorative interventions considered where available and appropriate in terms of timing and sequencing elements of case plan.
- Enhanced level of contact
- Unannounced, accompanied home visiting, where required.

#### Combination Order - Case Plan
- The supervising probation officer is responsible for formulating the overall case plan in consultation with the Probation Service Officer (PSO) managing the community service element of the Order and the provider(s) of accredited placements and/or programme(s) where that is appropriate.
- Communication between the supervising officer and the Probation Service Officer has the added responsibility to keep the supervising probation officer informed of the offender’s progress and level of compliance within an agreed programme of contact which shall be set out, by the Probation Officer, in the case plan.
- Planned contact and communication between the two officers is maintained until the community service element of the Order has been completed.
<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>4c1.2</strong> Within 5 working days of its completion a copy of the case/sentence plan shall be offered to the offender, and parent/guardian in the case of a Young Offender, and appropriately shared with relevant others involved in the delivery of elements of the case plan.</td>
<td>• Where the offender and/or parents/guardian declines to accept a copy of the case/sentence plan the fact that it was offered and declined is recorded.</td>
</tr>
</tbody>
</table>
| **4c1.3** Within 5 working days of a JJCO sentence the supervising officer shall attend or contribute to the initial case plan meeting, where this has been arranged. | **Juvenile Justice Centre Order (JJCO)**  
• The responsibility for convening the case plan meeting rests with the Juvenile Justice Centre Northern Ireland (JJCNI) case officer.  
• It is important that the agreed case plan takes full account of the risk assessments, the PSR, and the identified resettlement needs of the young person including contributions required from parents/guardians/carers and others during sentence and beyond.  
• The supervising officers will normally link to other relevant agencies, where appropriate, in relation to the continuing care and development needs of the young person before the supervision of the JJCO is time expired (supervision is discontinued).  
• Where appropriate and available, the option of the PO contributing to this training plan meeting by way of video link should be considered. |
<table>
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<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</table>
| **4c2.1** A work contract shall be completed setting out arrangements for community service work to commence no later than **10** working days from the date of sentence. | **Commencement of Community Service Order**
- Making an early start to a Community Service Order (CSO) is an important element in promoting public confidence in CSOs as a sentence. Offenders will normally be placed in work as soon as possible and normally within **10** working days of the Order being made. (Refer also to **4c2.2**) |

**A Community Service Order (CSO) is both retributive and restorative in nature and includes the following three elements:**

- **Punitive element:**
  - time devoted to unpaid community service work;
  - essential disciplines of attendance, prompt time-keeping and satisfactory work performance; and
  - prompt application of enforcement for non compliance.

- **Reparative Element:**
  - facing up to consequences of offending behaviour through making good the harm done;
  - the views of victims registered with PBNI’s Victim Information Scheme shall be sought and where received, may be taken into account in deciding the nature of the community service work carried out by offenders.

- **Re-integration Element:**
  - acquisition of attitudes and skills which promote self-reliance and social responsibility within the law;
  - attitudes which include the offender acknowledging responsibility for the consequences of his/her behaviour, victim awareness, respect for others, and fairness.
  - skills which include the work habit, self control, self-management and co-operation with others.

**A quality contract of work** for community service will, where appropriate, normally include:

- Targets for the number of hours to be worked per week—sufficient to provide the offender with a challenging but positive experience of punishment.
- Completion date target—legal requirement to have the Order completed within a maximum of 12 months from date of sentence.
- Nature of the work to be undertaken—including details of any restorative element to the work which provides the offender with an opportunity to make good by his/her own efforts.
- Work which:
  - is demanding but achievable;
  - is purposeful and worthwhile;
  - promotes use of existing skills and the development of new skills;
  - benefits the community;
  - can be viewed by the offender as benefiting others especially more vulnerable members of the community;
  - maximises the contact between the offender and the recipient;
  - places an emphasis on treating the offender with dignity and fairness.
- Signed and dated by offender and supervising officer.
<table>
<thead>
<tr>
<th>4c2.1 Cont.</th>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Work Contract- Work Rate</strong></td>
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<tr>
<td></td>
<td></td>
<td>• The work rate needs to reflect the length of the Order, in terms of hours, and availability of the offender with regards to his/her employment, education, training and other relevant commitments.</td>
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<td></td>
<td>• The work rate is calculated on an average weekly basis over a period of time and takes into account holiday periods and potential acceptable absences. Whilst the absolute minimum average weekly work rate is set at <strong>5 hours</strong> this should be by way of exception and a higher work rate set for each offender wherever possible. For example <strong>unemployed offenders</strong>, depending on the length of the order, may be required to report for work at <strong>least twice per week</strong>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4c2.2</th>
<th>Where a Community Service placement does not commence within 10 working days of sentence, the reasons for the delay shall be clearly recorded.</th>
<th><strong>Commencement delay.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• There may be circumstances and cases where a delay has occurred in the commencement of the work placement.</td>
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<td></td>
<td>• The reasons for the delay may relate to the need to ensure that risks presented by a case are managed appropriately or where the case presents issues or complexities which were not evident at the time the suitability assessment was undertaken at the Pre-Sentence stage.</td>
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<td></td>
<td>• The reasons for the delay need to be recorded and Area Managers, when monitoring such cases, will comment on the acceptability or otherwise of the reasons for the delay.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4c2.3</th>
<th>The offender shall sign and date the Work Contract and any subsequent changes to the Contract.</th>
<th><strong>Referral to Employability</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The purpose of this referral to facilitate the offender's linkage to employment, training and/or education opportunities beyond the completion of their Order. A further offer shall be made to those offenders who have not availed of the opportunity prior to the completion of their Order.</td>
<td></td>
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</tbody>
</table>

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<tr>
<th>4c2.4</th>
<th>The offender shall be notified in writing of all changes to the Work Contract (work instructions)</th>
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<tr>
<th>4c2.5</th>
<th>The supervising officer shall offer all unemployed offenders a referral to an employability scheme at appropriate stage in the order.</th>
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### 4c3- Contractual Agreement- Approved Hostel

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| **4c3.1** The probation officer shall arrive at a contractual agreement with the hostel manager/staff member and the offender in relation to:  
- the detail of the residential component of the case plan and any subsequent amendments to the case plan; and  
- the level of direct involvement the probation officer shall have with the offender and hostel staff. |  |

### Contractual agreement and Case Plan
- The contractual agreement should be viewed as an integral part of the case plan.
- There is the need for a strong cooperative and collaborative working relationship between the supervising probation officer and residential staff in both the formulation and implementation of case plans and contractual agreements which clearly define the roles and responsibilities of all concerned.
- Whilst the case plan and contractual agreement in the case of a bailee (potentially dangerous person (PDP) cannot legitimately address the current/ alleged offences, the bailee should be strongly encouraged to make a commitment to a programme of constructive activities.

### A quality contractual agreement-Approved Hostel will, where appropriate, normally include:
- the purpose and intended outcomes of the contract;
- clearly stated objectives;
- who is responsible for activating and coordinating each objective;
- detail risk of serious harm and circumstances under which risk may be increased;
- steps taken to minimize risk of serious harm;
- consideration of protection of others including, children, vulnerable adults and victims together with appropriate safeguards;
- any restrictions placed on the offender's movements, activities or behaviour;
- activities and programmes to be attended by the offender including where and with whom;
- arrangements for direct contact and involvement of the supervising probation officer with the offender and hostel;
- arrangements for any subsequent amendments to the contract;
- an exit strategy.
Section 4d: Intervention
## 4d: Intervention

### Key Outcomes

1. Positive/constructive/meaningful offender engagement in process, including offender self assessment.

2. Offender motivation to begin, and continue, to change offending behaviour.

### Outputs

23. Offenders appropriately selected for interventions.

24. Clear communications between supervising officer and others delivering approved interventions which adhere to the principles and practices of Risk Need and Responsivity.

25. Victim issues have been appropriately addressed.

26. Successful completion of interventions.
### NI Standards Review Project

#### 4d1: Intervention- Community and Custody

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| 4d1.1 The case plan shall be put into operation and interventions sequenced as outlined in the plan. | - Each offender presents with a unique combination of risk, need and responsivity issues and it is important not to take an **individualised** approach to assessment and case planning but also to determining appropriate interventions.  
- The **level, type, intensity and duration** of interventions will vary from case to case according to the level of assessed Risk of Serious Harm and likelihood of re-offending, type of offending and sentence. |
| 4d1.2 The Probation Officer shall be responsible for sequencing and coordinating the different elements of the case plan | **Professional Judgement.**  
- The guidance outlined below is offered to support, not replace, the professional judgement of staff in determining the appropriate interventions for each case. |

#### A quality Lower Level Application- Intervention will, where necessary and appropriate, normally include:
- referrals to, and use of, family/relationship and community support services and resources;  
- brokering and providing information on services available;  
- advocacy and assistance to deal with practical problems;  
- awareness raising and educative approach;  
- offender victim awareness and/or restorative interventions where available and appropriate in terms of timing and sequencing elements of case plan.  
- appropriate use of Probation Service Officer;  
- encouragement, support and help to maintain offender motivation to comply; |

#### A quality Standard Level Application- Intervention will, where necessary and appropriate, normally include:
- as appropriate and necessary from Lower Level Application above  
- targeting anti-social attitudes and offending behaviour  
- Approved Programmes- PBNI, Partnerships, at individual and group level;  
- use of additional requirements and conditions which are lawful, necessary and proportionate to assessed risk;  
- offender victim awareness and/or restorative interventions where available and appropriate in terms of timing and sequencing elements of case plan.  
- managing change through sequencing case plan and interventions;  
- good communication with those involved in delivering elements of the case plan;  
- use of and strengthening family, other significant others and other social networks supporting change;  
- provide opportunities for offenders to practice and consolidate new learning and skills and community integration;  
- supporting and enhancing offender motivation within positive working relationship.  
- clear and legitimate use of authority towards enforcing compliance including, when required, breach or recall action.
### 4d1.2 Cont. Performance Standard

<table>
<thead>
<tr>
<th><strong>Best Practice Guidance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A <strong>quality Higher Level Application- Intervention</strong> will, where necessary and appropriate, normally include:</td>
</tr>
<tr>
<td>• as appropriate and necessary from under Lower and Standard Levels Application above;</td>
</tr>
<tr>
<td>• multi agency Risk Assessment and Management;</td>
</tr>
<tr>
<td>• Risk Management Plan to address risks through targeted interventions, restrictions, controls and considered lawful, necessary and proportionate in order to reduce the likelihood of reoffending and minimise the risk of serious harm to others;</td>
</tr>
<tr>
<td>• targeted, demanding, extended and intensive programme interventions including relapse prevention.</td>
</tr>
<tr>
<td>• offender victim awareness and/or restorative interventions where available and appropriate in terms of timing and sequencing elements of case plan</td>
</tr>
<tr>
<td>• Multi agency/discipline involvement in delivering interventions and monitoring compliance;</td>
</tr>
<tr>
<td>• Public Protection Team and other partnership arrangements.</td>
</tr>
<tr>
<td>• regular assessment, risk assessment and Risk Management Meeting reviews which are responsive to significant changes in circumstances.</td>
</tr>
<tr>
<td>• higher frequency contact including planned and unannounced home visits;</td>
</tr>
<tr>
<td>• regular communication and cooperation between all relevant agencies and disciplines.</td>
</tr>
<tr>
<td>• use of significant others to support Case/Sentence Plan/Risk Management Plan objectives.</td>
</tr>
<tr>
<td>• support offenders efforts to deal with indeterminate nature of sentence where applicable;</td>
</tr>
<tr>
<td>• opportunities to practice, reinforce and strengthen skills and thinking supporting community and family integration and desistance.</td>
</tr>
<tr>
<td>• support offender through periods of transition, particularly at pre or phased release stage of sentence;</td>
</tr>
<tr>
<td>• appropriate use of additional requirements and conditions of licence to support the objectives of supervision, reduce and manage the identified risks- includes Approved Hostel, Curfew and/or Electronic Monitoring;</td>
</tr>
<tr>
<td>• encourage and support offender engagement to comply with Case/Sentence Plan/ Risk Management Plan and Order Requirements/Conditions of Licence.</td>
</tr>
<tr>
<td>• strong, procedurally fair enforcement, including breach/recall or other actions to protect others when required.</td>
</tr>
</tbody>
</table>

### 4d1.3

**The Case Manager (Custody) shall sequence and coordinate of the different elements of the sentence plan as required.**

<table>
<thead>
<tr>
<th><strong>Interventions- Custody</strong></th>
</tr>
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<tbody>
<tr>
<td>• Case Managers shall familiarise themselves and comply with the processes and procedures which apply to the sequencing and coordination of the different elements and interventions in each case(sentence) plan as outlined in the NIPS Offender Manager Practice Manual.*</td>
</tr>
</tbody>
</table>

• This requires close cooperation with the allocated sentence manager for each offender in custody. The details of Best Practice Guidance stated at 4d1.1 and 4d1.2 apply, as appropriate, to the Interventions provided within custody. |

* Refer also to current NIPS Offender Management Practice Manual
**4d2-Level of Contact**

**Best Practice Guidance**

**Planned Contacts- All Levels of Application**
- Planned contacts with the offender include those where the offender has face to face contact with;
  - the supervising probation officer
  - other designated PBNI personnel
  - a programme or activity provider or
  - any responsible person who has been co-opted to participate in the case plan and the strengthening of the social support network.
- Where required and appropriate the use of an interpreter may be considered.

**Young Offenders**
- When planning frequency and locations of contact the supervising officer takes account of the need to maximise parental involvement in the supervision process.
- Frequency of contact with the parent(s)/guardian(s)/carer(s) shall be at least once during each review period.

**Home Visits and Planned contacts- All Levels of Application**
- The frequency of home visiting is determined as part of the Case/Risk Management plan and not influenced by whether the offender wishes to receive visits at home. (See also to 4d2.11- Home Visiting)

  - In response to a significant change in the circumstances, attitudes and/or behaviour of the offender, new information or a new event, the supervising officer may need to undertake a home visit outside of the planned home visiting arrangements and, where required, increase the frequency of contacts including the level of home visiting.

**Quality Contact- All Levels of Application**

**Quality** contact with an offender, will, where appropriate, normally:
- Be adequately prepared, including review of relevant assessment, case records and other documentation.
- Adhere to the Performance Standards and Best Practice Guidance applicable to the type and stage of the case.
- Be purposeful in terms of addressing case plan/ risk management objectives and related activities.
- Demonstrate respect and genuine concern and attempt to build mutual trust and a positive working relationship.
- Provide sufficient time and privacy.
- Matching the contact to the offender’s learning style and level of understanding and maturity.
- Addressing barriers to engagement including, where required, the appropriate use of interpreters.
- Appropriate balance of reinforcement and encouragement with need to challenge and respond to lack of engagement and/or non-compliance.
- Properly recorded. (Refer also to 6a.1-Recording)

**Continuity of Supervision- ALL Levels of Application**
- During the planned absence, or prolonged other absence, of the supervising officer it is important that arrangements are in place to ensure continuity of active supervision in connection with the case plan.
### 4d2: Lower Level Application- Contact- Probation Order

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>4d2.1 First contact</strong>&lt;br&gt;As for First Induction Interview.</td>
<td>Refer also to 4b1.3</td>
</tr>
<tr>
<td><strong>4d2.2 Planned contact</strong>&lt;br&gt;Planned contact shall be weekly for the first 4 weeks inclusive of 1 home visit (if not undertaken at the Pre-Sentence Report stage).</td>
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<tr>
<td><strong>4d2.3 Planned contact</strong>&lt;br&gt;for the following 12 weeks shall be:</td>
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<tr>
<td>• at least 1 contact in each 2 week period or with agreed Area Manager agreement at least 1 contact in each 4 week period; and where a home visit was not already undertaken within the first 4 week period</td>
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<tr>
<td>• planned contact shall be inclusive of 1 home visit.</td>
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</tr>
<tr>
<td>**4d2.4 Thereafter frequency of contact for a Lower Level Application case shall be determined according to the degree of progress towards supervision objectives and at least 1 contact in each 4 week period and inclusive of 1 home visit in each 26 week review period.</td>
<td></td>
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</tbody>
</table>

**Professional Judgement- Planned Contact Lower Level Application**

- Where screening at 16 weeks and each subsequent 16 week interval confirms that Lower Level Application continues to apply to a case, the probation officer will determine the appropriate level of contact required to support the completion of the case plan objectives.

- At the half way period of an Order the probation officer may apply his/her professional judgement to reduce the level of contact to 1 contact in each 6 week period or, with the approval of the Area Manager at a further reduced level of contact. Where contact has been reduced the offender will be informed of the need to inform Probation of any significant change in their circumstances and, where appropriate, that other types of contact e.g. by telephone or check-ins may be required between the planned contacts.

- Consideration for **early discharge/revocation** of a Lower Level Application -Order is appropriate where the offender has:
  - complied fully with the order requirements
  - completed all of the supervision objectives including, where applicable, any additional requirement
  - remained crime free (confirmed at least by accessing the up to date criminal record), and
  - where continuing probation supervision is assessed as no longer required.
### 4d2- Standard Level Application-Contact- Community

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>First Contact</strong>&lt;br&gt;As for First Induction Interview.</td>
<td>Refer also to 4b1.3</td>
</tr>
<tr>
<td><strong>4d2.5</strong>&lt;br&gt;Planned contact shall be at least weekly, inclusive of one home visit in each 4 week period.</td>
<td><strong>Best Practice Guidance</strong> at 4d2.2 and 4d2.3 and 4d2.11 also applicable, as appropriate, to Standard Level Application cases.</td>
</tr>
</tbody>
</table>
| **4d2.6**<br>Planned contact for the second period of supervision shall normally **not be less than 1 contact in each 2 week period**, inclusive of at least one home visit during the 16 week review period. | **Frequency of Contact** - second period of supervision  
- The frequency of contact is determined in accordance with assessed risks and the degree of progress made toward achievement of supervision objectives.  
- The decision may be taken that due to lack of progress and/or increased risks that the level of contact does not reduce.  
- Where contact is to reduce, the level of contact will not normally be set at less than fortnightly, unless:  
  - the assessed likelihood of re-offending is low (taking into account relevant static risk factors including the number, type and seriousness of offences committed by the offender)  
  - the offender has remained conviction free (confirmed at least through Criminal Record Viewer); and  
  - there are no risk of serious harm concerns; and  
  - the records show that completion of all supervision targets is within reach during the remainder of the Order or Licence. |
| **4d2.7**<br>Planned contact during the third and subsequent periods of supervision shall be determined in accordance with assessed risks and the degree of progress made toward achievement of supervision objectives and not be less than at 1 contact in each 4 week period inclusive of one home visit during each 16 week period of supervision. | **Frequency of Contact** - third and subsequent periods of supervision  
- The decision may be taken that due to lack of progress and/or increased risks that the level of contact does not reduce.  

**Professional Judgement - Reduced contact - Early discharge.**  
Where **Standard** Level of Application applies, the Probation Officer, with approval from, the Area Manager, may in certain cases, reduce the level of contact below 1 contact in each 4 week period where it is considered both safe and appropriate to do so and where:  
- the half way mark has been reached in the case of an Order or DCS Licence up to 3 years  
- the likelihood of re-offending is assessed as **low**, (taking into account relevant static risk factors including the number, type and seriousness of offences committed by the offender);  
- there are **no risk of serious harm concerns**;  
- the offender has remained conviction free, (confirmed at least through Criminal Record Viewer); and  
- the records show that completion of all supervision targets is within reach during the remainder of the Order or Licence.  

Where the above applies to an **Order** and where all supervision targets have been met, including completion of all additional requirements, consideration needs to be given to the appropriateness of making an application to the court for **early discharge/revocation** of the Order.
### 4d2-Higher Level Application - Contact-Community

#### 4d2.8 First Contact
As per First Induction Interview.

#### 4d2.9 Planned contact
with the offender shall be:
- at least weekly intervals;
- at least one of the planned weekly contacts per month shall be at the offender’s place of residence.

Additionally, where appropriate,
- at least 1 unannounced* contact shall be made with the offender at his place of residence within each 4 week interval or at the frequency stated in the Case/Risk Management Plan or licence.

### Higher Level Application - Case Management - Criteria:
- All significant-Risk of Serious Harm cases
- Life Sentence, Extended and Indeterminate Custodial Sentence Licences for at least the first 12 months following release and until it has been assessed as both safe and appropriate to reduce to **Standard** Level Application.
- All PPANI Category 2 and Category 3 violent and sexual offence cases
- Other Sexual Offenders* - for the duration of supervision
- Any other **designated case** where it is considered appropriate and proportionate, in terms of identified risks, to apply a Higher Level Application.

* Sexual offenders includes those where the current index offence or a previous offence is a sexual offence. There may some sexual offenders who do not require a **Higher Level of Application** to apply and can be managed at Standard Level Application plus an Unannounced Home Visit. The reasons for not applying the Higher Level Application will be clearly stated in the Screening documentation. Refer also to **4b1.3**

### Best Practice Guidance
- **Best Practice Guidance** at 4d2.2 and 4d2.3 and 4d2.11 also applicable, as appropriate, to Higher Level Application cases.
- **Increased levels of contact** above weekly can be determined for significant-Risk of Serious Harm and other Higher Level Application cases depending on the level of assessed risks in terms of serious harm and likelihood of reoffending.

### Unannounced Home Visits
- Unannounced visits to offender’s place of residence are an essential part of managing risks. Such visits should be planned at times when the supervising officer is most likely to make face to face contact with the offender.
- The **frequency** of unannounced home visits is determined by the assessed risks and, where considered necessary, can be more frequent than 1 in every 4 weeks.
- The pattern of these visits should be varied.
- Failed visits should be followed up until contact is made.
- The frequency of unannounced home visits should be increased where there are increased concerns including those resulting from what is observed (or suspected) when visiting the offender in his/her place of residence.
- Unannounced visits required as a **condition of licence** shall be continued until such time authority has been received to remove or vary the condition.
<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</table>
| 4d2.9 Cont.          | **Continuity of Contact - Higher Level Application**  
|                      | - During the planned absence, or prolonged other absence, of the supervising officer active supervision in connection with the case plan shall be maintained by the **pair supervising officer** or other designated officer |
| 4d2.10               | **Frequency of Contact**  
|                      | - In relation to a significant-Risk of Serious Harm case, or a Life Licence (post 12 months release) a decision to reduce the level of contact will normally be made at a Risk Management Meeting Review or Assistant Director led Review respectively. In all significant Risk of Serious Harm cases a reduction in contact to less than 1 contact per week will not normally be considered.  
|                      | - Where required, the frequency and type of contacts may be increased, including planned and unannounced home visits where there is a **significant change** in the offender’s circumstances, behaviour or attitude which may impact on the assessed risks both in terms of reoffending and risk of serious harm to others. |

The **frequency** of planned contact shall continue as **4d2.9** until such time as it is considered both safe and appropriate for contact to be reduced.  
Additionally, where appropriate:  
- at least **1 unannounced** contact shall be made with the offender at his place of residence within each 4 week interval or at the frequency stated in the Case/Risk Management Plan or licence.
Where a probation officer has personal safety or other concerns relating to undertaking a **home visit** in accordance with the applicable Standards and Best Practice Guidance, the supervising officer shall immediately bring these concerns to the attention of the Area Manager.

### Home visiting- All Levels of Application
- Home visits, including, where appropriate, unannounced home visits, are important elements to the management and supervision of offenders. It is important for staff to keep in mind the relevance and importance that PBNI attaches to home visits in **all** cases and including the opportunity to:
  - assess the offender in his/her home environment
  - to help assess, monitor and manage risks including risks to those within the home- e.g. partner and/or children;
  - engage and encourage the support of family and others towards enhancing offender compliance, minimising risk of serious harm and reducing likelihood of re-offending;
  - contact relevant others including parents/guardians/partners to receive and provide feedback on progress or otherwise and/or discuss concerns.

Refer also to current: PBNI Child Protection Policy and Procedures and PBNI Health and Safety (Personal Safety) Policy.
**Performance Standard**

**4d2.11 Cont.**

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<tbody>
<tr>
<td><strong>Home visiting- All Levels of Application cont.</strong></td>
<td><strong>Best Practice Guidance</strong></td>
</tr>
<tr>
<td>• Staff may have understandable personal safety concerns relating to home visits, particularly in Higher Level Application cases. Never-the-less, arrangements should be made to facilitate home visits to take place, where required, in all but the most exceptional circumstances.</td>
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<tr>
<td>• In all cases the supervising officer should feel comfortable about consulting the Area Manager as to whether special arrangements to safeguard the safety of the supervising officer are needed particularly in connection with home visiting.</td>
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<tr>
<td>• Where personal safety concerns arise, the supervising officer, in discussion with the Area Manager, may need to make arrangements for accompanied home visits, that is the supervising officer being accompanied by a colleague or other relevant individual.</td>
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<tr>
<td>• On a case by case basis an Area Manager will consider whether to approve accompanied home visits including those cases where it is considered appropriate to be accompanied by other agencies such as Social Services and PSNI.</td>
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<tr>
<td>• The case record shall detail the reasons and approval for sanctioning accompanied home visits and the decision reviewed by the Area Manager not less frequently than the review period set for the case.</td>
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</table>

**Home Visiting- Deviation from Standards**

- The decision to deviate from Standards in a particular case in relation to undertaking a home visit shall only be taken in consultation with the Area Manager and after consideration of the following:
  - nature of the concerns relating to home visiting;
  - potential for increased risks in terms of re-offending and protection of others especially children, vulnerable adults, partner or others residing in the home from not visiting the offender in his/her home;
  - remedies to address the concerns including being accompanied by a PBNI colleague or Police Officer where this may be appropriate;
### NI Standards Review Project

#### 4d2-Levels of Contact- Approved Hostels

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4d2.12</strong> The probation officer shall meet with the offender at intervals and venues agreed as part of the contractual agreement and the case plan and not less than that required by the Level of Application.</td>
<td><strong>Contact and involvement</strong> of the probation officer needs to be clearly stated in the contractual agreement with the hostel.</td>
</tr>
</tbody>
</table>
| **4d2.13** If the conduct of a resident causes undue concern the probation officer shall respond to a request to visit the hostel within two days or sooner if the urgency of the situation demands it. | **Offender Conduct**
- Wherever possible residential staff should manage the offender's behaviour/conduct within agreed parameters involving the supervising officer when necessary during planned visits. It is however important for the supervising officer to respond as quickly as other duties allow when residential staff signal an urgent need for additional contact with the hostel staff and/or offender. |
| **4d2.14** During each **4 week** period of residency a review of the offender's progress, involving the offender, hostel key worker (or delegate) and probation officer, shall take place at the hostel. A written record of this review of progress meeting shall be shared with the offender and entered, by the probation officer, onto PBNI's case management system. | **Hostel - 4 Week Review Meeting**
- The regular 4 weekly review meeting includes the offender, probation officer and key worker and will normally focus on discussing:
  - progress or otherwise within the hostel as shared by all parties including the offender;  
  - how the offender is keeping to hostels rules including curfew and/or any other additional restrictions;  
  - behaviour and attitude towards staff and other residents;  
  - social network supports, family and relationship contacts, and associates;  
  - constructive activities; and  
  - interim progress on supervision objectives.  
- To prevent the need for additional staff cover monthly reviews of progress should be arranged at the hostel at times which take account of the hostel key worker's shift pattern. |
<table>
<thead>
<tr>
<th><strong>4d2.15</strong></th>
<th>The Probation Service Officer (PSO) shall contact the Offender at the work site:</th>
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<tbody>
<tr>
<td>at least 1 contact in every 4 week period.</td>
<td><strong>Level of Contact</strong></td>
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<td>The purpose of this contact is:</td>
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<td>o Provide feedback and encouragement to the offender</td>
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<td></td>
<td>o Address any issues or difficulties which may be impacting on progress.</td>
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<td></td>
<td>Where the offender is subject to a Combination Order or another Order or Licence supervised by a Probation Officer planned contacts and communications between the two officers shall be outlined in the Case Plan.</td>
</tr>
<tr>
<td>4d2.16</td>
<td><strong>JJ CO</strong></td>
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</tbody>
</table>
|        | **During the custody phase the field probation officer (or designate) shall visit the young person at the JJ CNI at intervals which have been agreed and recorded in the case plan.** | | **JJ CO**  
- It is important that the field probation officer maintains regular planned contact (as recorded in the case plan) with the young person and those person(s) who have parental responsibility during the custody phase.  
- The purpose of these contacts is to actively prepare the ground for supervision in the community and the successful resettlement of the young person. If for any reason the supervising officer is unable to maintain a planned contact another person shall be briefed to deputise and complete a piece of work which is relevant to the case plan.  
- Where appropriate and available the use of video link contact should be considered. |

| 4d2.17 | **During the custody phase the field officer shall meet with the person(s) who have parental responsibility for the young person at intervals which are agreed and recorded in the initial case-plan.** | | **In exceptional circumstances** the field probation officer should take responsibility for additional visiting to the young person or his/her family if the JJ CNI staff request this. The responsibility for convening the pre-discharge meeting rests with the JJ CNI case officer. The field probation officer shall attend the JJ CNI at a time and date agreed with the JJ CNI case officer. The plan agreed shall take full account of work completed or initiated during the custody phase and reflect the assessed resettlement needs of the young person |

<p>| 4d2.18 | <strong>At a pre-discharge meeting the field probation officer shall agree and record an updated case-plan to cover the supervision phase, which builds on work completed during the custody phase.</strong> | |</p>
<table>
<thead>
<tr>
<th>Performance Standard</th>
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<tbody>
<tr>
<td><strong>4d2.19</strong></td>
<td><strong>Case Manager Contact - Custody</strong></td>
</tr>
</tbody>
</table>
| The sentence plan, and any subsequent amended plan, shall set out the frequency of face to face contacts to be made with the prisoner, during the custody phase, by all contributors including the field probation officer. | - Frequency of contact will vary depending on the particular sentence plan needs of the case.  
- For the purposes of encouraging and supporting prisoner progress planned contact by the prison based probation officer will normally not be less than once in every 4 week period.  
- There may stages in a sentence, particularly life, indeterminate and longer term sentences where it is considered appropriate to plan contact at a longer interval than 1 in each 4 week period, or, where it is appropriate, to have an increased level of contact. |
| **Contact Field Probation Officer - Custody** | |
| - Contact by the field probation officer is particularly important  
  - before and during any periods of home leave  
  - when a prisoner is being considered for release by the PCNI  
  - at the release planning and pre release stage of a sentence including where the prisoner is undergoing a phased release process for example a life sentence prisoner in a working out or phased release programme.  
  - Contacts by the field probation officer may be by way of:  
    - Video link or phone contact, where available and considered appropriate  
    - Letter  
    - Communication through prison Case Manager  
    - face to face contact in custody where considered necessary and approved by the Area Manager  
    - face to face contact during temporary and/or any working out or phased release programme. |
| **Potential Life Sentence - Remand Period** | |
| **4d2.20**           | **Potential Life Sentence - Contact during Remand** |
| Potential life sentence remand prisoners shall be offered contact with a prison based probation officer to take place at least 1 contact every 8 weeks during the whole period of remand. | Circumstances of the particular case shall determine whether more frequent contact is required |
### 4d2- Level of Contact -Programme Delivery -Community

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>4d2.21</strong> Where an offender is attending an <strong>Approved Programme</strong>, planned contact between the probation officer and offender shall be agreed which is in accordance with:</td>
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<tr>
<td>- the <strong>Level of Application</strong> and corresponding level of contact for each case;</td>
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<tr>
<td>- stage of the Order or Licence</td>
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<tr>
<td>- requirements of the Approved Programme</td>
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<tr>
<td>- contacts in connection with other elements of the Case/Risk Management Plan.</td>
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<tr>
<td>In Standard Level Application, where attendance at an Approved or Accredited Programme counts towards meeting the contact requirements of a case, the offender shall have <strong>at least 1 contact</strong> in each 4 week period with the probation officer outside of the Approved or Accredited Programme contact.</td>
<td></td>
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<tr>
<td><strong>Contacts</strong></td>
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<tr>
<td>- Planned contacts with the offender include those where the offender has face to face contact with:</td>
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<tr>
<td>- the supervising probation officer</td>
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<tr>
<td>- other designated PBNI personnel</td>
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<tr>
<td>- a programme or activity provider or</td>
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<tr>
<td>- any responsible person who has been co-opted to participate in the case plan and the strengthening of the social support network.</td>
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<tr>
<td><strong>Planned Contacts during Programme Delivery</strong></td>
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<tr>
<td>- The level of planned contact has to be proportionate to the <strong>Level of Application</strong> of a case and to the identified risks.</td>
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<tr>
<td>- For example, a <strong>Higher Level Application</strong> case where the offender is attending an Approved Programme involving 1 session a week, will still require:</td>
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<tr>
<td>- weekly contact with the supervising officer one of which is a planned monthly home visit</td>
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<tr>
<td>- at least 1 Unannounced home visit within each 16 week interval.</td>
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<tr>
<td>- In other similar <strong>Higher Level</strong> Application cases where the intensity of the approved programme requires 2 or more weekly sessions it may be appropriate to reduce the level of contact from weekly whilst maintaining level of planned and unannounced home visits.</td>
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</tr>
<tr>
<td>- Additional phone contact with the offender and programme providers during the period of delivery of a programme outside of the formally agreed arrangements can help to motivate and encourage offender engagement and support programme completion.</td>
<td></td>
</tr>
<tr>
<td>- In <strong>Lower Level</strong> Application cases where attendance at a PBNI Approved or Accredited Programme counts towards meeting the contact requirement of a case, additional contact outside of the Programme may be arranged, where considered appropriate and necessary, and may take the form of a telephone contact.</td>
<td></td>
</tr>
<tr>
<td>4d3.1</td>
<td>The Head of Interventions shall ensure that PBNI Approved and Accredited Programmes are available and resourced as specified in the relevant programme manual.</td>
</tr>
<tr>
<td>4d3.2</td>
<td>Staff assigned to deliver a PBNI Approved and Accredited Programme shall meet the defined criteria for selection and have successfully completed the specified required training.</td>
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<tr>
<td>4d3.3</td>
<td>The Head of Interventions shall satisfy him/herself that suitably selected, trained and competent staff are allocated to all functions in this area of work.</td>
</tr>
<tr>
<td>4d3.4</td>
<td>Programme Planning The Programme Manager shall ensure that offenders selected for a PBNI Approved Programme have been appropriately assessed and meet the targeting and other participant requirements as outlined in the specific programme manual.</td>
</tr>
</tbody>
</table>

**Programme Availability and Staff Selection**

- It is important that there are sufficient resources available to enable delivery of the range and frequency of PBNI Approved Programmes and other Accredited Programmes to meet the level of assessed risk and need for each specific programme and that PBNI’s obligations are met in relation to the availability and resourcing of PBNI Approved Programmes within each NIPS custodial establishment as set out in the respective Service Level Agreement.

- The following also need to be taken into account when considering programme availability and resources:
  - needs of women and ethnic minority offenders;
  - diversity and equality issues; and
  - arrangements for supporting attendance regarding offenders with literacy, learning difficulties, mental health problems and disabilities.

- **Appropriate selection** procedures are essential to ensure that staff involved in delivering programmes and/or acting as ‘Treatment Managers’ possess the necessary skills, training, qualities and competences to carry out their tasks and responsibilities in this area of practice.

- The selection process for staff should be open and includes procedures for providing constructive feedback for those staff not selected or later requested to withdraw from programme delivery duties.

- It is important that the targeting and suitability assessment criteria is consistently applied to selecting participants for PBNI Approved Programmes in order to reduce participant drop out from programmes and to help maximise the efficiency and effectiveness of programme delivery.
**Performance Standard**

| 4d3.5 | The offender shall be informed in writing that he/she has been allocated a place on a PBNI Approved or an Accredited Programme. This notification shall be communicated no later than 10 working days prior to the start date for the programme and copied to the relevant Case Manager. |

| 4d3.6 | The Case Manager and/or the Programme Facilitator, where required, shall undertake any pre-programme preparation work with the offender as set out in the specific Programme Manual and/or agreed within the case/sentence plan. |

| 4d3.7 | At least 10 working days prior to the start date of a PBNI Approved or an Accredited Programme the Treatment Manager in conjunction with the Programme Facilitator shall complete a pre-programme screening on all prospective group members to highlight relevant risk assessment and other issues which need to be considered in terms of planning for the effective and safe delivery of the specific programme. |

**Best Practice Guidance**

**Programme Information**

The details sent to an offender who has been allocated a place on a PBNI Approved or Accredited Programme, and copied to the Case Manager/Supervising Officer, will normally include:

- times; dates; location;
- programme rules and expectations; and
- Programme Facilitators’ contact details.

**Programme Facilitator**

- The term ‘Programme Facilitator’ describes the person or persons who deliver the PBNI Approved or an Accredited Programme.
- The Programme Facilitator has key roles and responsibilities in terms of maintaining the integrity of the programme which includes the accurate completion of any pre programme assessments set out in the specific programme manual.
- The preparation of offenders to attend a PBNI Approved or an Accredited Programme is important in terms of maximising the likelihood that he/she will start the programme and remain on the programme until completion.

**Quality**

Preparation for a PBNI Approved or an Accredited Programme will, where appropriate, normally:

- seek to increase offender motivation to attend by emphasising the benefits of attendance for the offender;
- deal with issues which may impact on the offender’s participation on a programme such as transport, child care, literacy, and anxiety about being in a group setting.
- clear explanation of case manager’s role including supporting and encouraging the offender to successfully complete the specific programme; and
- include discussion about the consequences for non attendance and/or non compliance.

**Pre-Programme Screening**

- The Treatment Manager along with the Programme Facilitator identifies any issues relating to the safety of staff and/or other programme participants in order to, where possible, put in place measures to avoid or control the risks.
- Where risk issues have been identified the Programme Manager, in consultation with the Programme Facilitator, makes a decision as to deselecting an offender from a specific programme in advance of the start date where it has been assessed that the risks cannot be adequately managed.
- The Case Manager is informed about a decision to deselect an offender from a specific programme and agreement reached about informing the offender of the decision.
<table>
<thead>
<tr>
<th>4d3.8</th>
<th><strong>Performance Standards</strong></th>
</tr>
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<tbody>
<tr>
<td></td>
<td>The Programme Facilitators shall convene a programme planning meeting at least 5 days in advance of the start date for a PBNI Approved or an Accredited Programme.</td>
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<thead>
<tr>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>Programme Planning Meeting</strong></td>
</tr>
<tr>
<td>The programme planning meeting covers, where appropriate, the following:</td>
</tr>
<tr>
<td>- practical and practice issues;</td>
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<tr>
<td>- co-working arrangements;</td>
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<tr>
<td>- contingency planning;</td>
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<tr>
<td>- responsivity issues, such as learning difficulties, disability, gender or group composition and reasonable adjustments which may be possible to enable fuller participation.</td>
</tr>
</tbody>
</table>

| 4d3.9 | Where there is more than one additional requirement or condition of licence relating to a PBNI Approved or an Accredited Programme and/or where there are other activities required to facilitate the offenders participation on such a programme, the Case Manager shall be responsible for the prioritising and sequencing of the programmes and/or activities within the case plan. |

<table>
<thead>
<tr>
<th><strong>Prioritising and Sequencing</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Case Manager, assesses the most appropriate timing and sequencing of activities within the offender's case plan including his/her attendance on PBNI Approved and Accredited Programmes, which may require a discussion with the relevant Programme Manager.</td>
</tr>
<tr>
<td>- This is particularly relevant when there are two or more programmes to be completed and/or where there are issues to be addressed in advance of the offender's attendance on a specific programme. Responsivity issues are particularly relevant to determining the most effective sequencing of interventions.</td>
</tr>
<tr>
<td>- The assessment has to take into account the offending and other needs of the offender as well as the legal obligation on the offender to fulfil the requirements or conditions of his/her Order or Licence.</td>
</tr>
<tr>
<td>- In custody, the Case Manager contributes to the Sentence Planning and the Management of Referrals to Interventions processes which will prioritise and sequence the activities</td>
</tr>
</tbody>
</table>

| 4d3.10 | The Case Manager shall record the reasons for any delay in the offender being offered a place on, or able to commence, a PBNI Approved or Accredited Programme. |

<table>
<thead>
<tr>
<th><strong>Delay in Commencing Programme</strong></th>
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</thead>
<tbody>
<tr>
<td>- If there is a delay in the offender commencing a programme, the benefits to the offender from participation on the programme are also delayed. It is important, therefore, that any delay is properly managed by the Case Manager and that the reasons for the delay are recoded.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4d3.11</th>
<th><strong>Programme Delivery</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The programme facilitator shall deliver the PBNI Approved or an Accredited Programme in accordance with the requirements set out in the specific PBNI Approved Programme manual.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Programme Delivery</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- It is important that Programme Facilitators adhere to the structure, content, sequencing and process of a specific PBNI Approved or an Accredited Programme in order to maintain programme integrity.</td>
</tr>
<tr>
<td>- At the same time the need to have a degree of flexibility to be able to respond to issues of responsivity including pace and different leaning styles to maximise offender participation and motivation to engage with the programme.</td>
</tr>
</tbody>
</table>
### Performance Standards

| 4d3.12 | On a session by session basis the programme facilitator shall record the attendance, or non-attendance, of each participant and, where required and within one day, issue an agreed letter to an offender (copied to the Case Manager) seeking an explanation for his/her failure to attend the programme session(s). |

| 4d3.13 | The Case Manager shall follow up each instance of non attendance at a PBNI Approved or Accredited Programme, within the time scale set out in the Programme manual and consistent with the relevant Performance Standards and Best Practice Guidance applicable to the specific case. |

| 4d3.14 | The Case Manager shall inform the programme facilitator of the reasons provided by the offender for non attendance and whether the reasons are acceptable or unacceptable. Appropriate enforcement action shall be taken by the Case Manager where reasons for non-attendance are not acceptable. |

### Best Practice Guidance

#### Offender Behaviour on Programme
- Programme Facilitators may be faced with behaviour and attitudes from offenders attending the PBNI Approved or an Accredited Programme which challenge the programme rules and could have a negative impact on programme participation. Facilitators need to appropriately address issues relating to unacceptable behaviour including:
  - violent, threats of violence, aggressive and disruptive behaviour;
  - racist, sexist or sectarian behaviour or language;
  - behaviour intended to undermine the aims and objectives of the PBNI Approved or the Accredited Programme;
  - reporting under the influence of alcohol or drugs;
- The above issues will normally form part of the pre- programme planning meeting where clear appropriate and effective responses to such behaviours and issues including the immediate withdrawal of an offender from a programme are discussed.

#### Follow up non attendance at Programme
- It is important that communication and contact between the programme facilitator and case manager is maintained at an appropriate level during the course of a PBNI Approved or an Accredited Programme in order to facilitate the follow up on non attendance and/or non compliance issues in a consistent, co-ordinated and timely manner.
- The Case Manager has an important role to support the offender during the programme and to encourage successful completion of the programme. Attendance at a programme is only one aspect of the change process for the offender and the case manager's role in coordinating the wider supervision plan and change objectives is critical.

#### Quality case manager contact with the offender during the course of an Approved Programme will, where appropriate, normally include:
- discussion with about the programme and programme impact;
- enhancing and reinforcing learning from the programme and application in practice especially/including in relation to the harm their behaviour has caused;
- undertaking any preparation, catch up sessions and programme intervention on a one to one basis;
- prompt response to non attendance/compliance with programme requirement or condition;
- reinforce importance of programme attendance and compliance and benefits to offender;
- restatement of possible consequences for non attendance/compliance;
- attempting to resolve difficulties which are impacting negatively on the offender's participation on, or learning from, the programme;
- take appropriate enforcement action- (Refer to Section 5 Offender Compliance)
<table>
<thead>
<tr>
<th><strong>Performance Standards</strong></th>
<th><strong>Best Practice Guidance</strong></th>
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</thead>
</table>
| **4d3.15** The Programme Facilitators shall manage and enforce the programme rules in accordance with the specific programme manual and relevant Performance Standards and Best Practice Guidance. | **Manage offender behaviour on a Programme**  
- Where there are concerns about the behaviour or attitude of an offender on an Approved Programme, where appropriate, the offender will normally:  
  o be advised of the reasons for the concerns;  
  o referred to the programme rules;  
  o where the behaviour or attitude continues to cause concern, be informed that he/she will be placed on review to provide an opportunity to adjust the behaviour or attitudes within a set time period;  
- The programme facilitator will inform the Case Manager of this decision and course of action.  
- In the situation where an offender does not make the necessary adjustment to his/her behaviour within the required time period the Programme Facilitators in discussion with the programme manager, where appropriate, decides on the temporary or permanent withdrawal of the offender from the programme.  
- The outcome of this decision is communicated to the Case Manager and appropriate enforcement action taken where required |
| **4d3.16** The programme facilitator shall discuss with the programme manager any case where the offender’s non attendance, behaviour and/or attitude requires intervention to secure compliance |  |
| **4d3.17** Within **5 working days** of a programme session being completed the programme facilitator shall complete and record on Pdni Case Management System session evaluations on each offender attending the Pdni Approved or an Accredited Programme. | **Evaluations**  
- The programme facilitator is allocated as a secondary officer during the period an offender is attending a Pdni Approved or an Accredited Programme. This allows appropriate entries to be recorded by the programme facilitator in the Pdni Case Management System.  
- The Programme Facilitator needs to set aside sufficient time to debrief and complete session summaries on each offender which reflects the offender’s participation and judgement as to the offender’s progress, or otherwise, during the session.  
- These summaries provide evidence on which to base the end of programme report and are particularly important for longer programmes where applicable. |
### NI Standards Review Project

<table>
<thead>
<tr>
<th><strong>Performance Standards</strong></th>
<th><strong>Best Practice Guidance</strong></th>
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<tbody>
<tr>
<td><strong>4d3.18</strong> Where required and appropriate, the Programme Facilitators/Case Manager, shall deliver ‘catch up’ session(s) to offenders who have missed programme sessions.</td>
<td><strong>‘Catch-up’ Sessions</strong>&lt;br&gt;• The availability of ‘catch up’ sessions helps to maintain the group process, sequencing and structure of the programme in that there is no need for the Programme Facilitators to recap at the start of a session for those who missed the previous session.&lt;br&gt;• The number of ‘catch-up’ sessions permitted in any PBNI Approved or NOMS Accredited Programme is normally set out in the specific programme manual.</td>
</tr>
<tr>
<td><strong>4d3.18</strong> The programme facilitator, where required, shall ensure that all programme review meetings are arranged at the intervals outlined in the specific programme manual.</td>
<td><strong>Review Meetings</strong>&lt;br&gt;• Review meetings involving the offender, programme facilitator and the case manager take place as required and detailed in the specific programme manual and/or supervision plan and recorded on the PBNI Case Management System.</td>
</tr>
<tr>
<td><strong>4d3.20</strong> Where required, the programme facilitator shall make arrangements for any post programme assessments to be undertaken within the time period outlined in the specific programme manual and Management of Referral to Intervention processes for those in custody.</td>
<td><strong>End of Programme Report</strong>&lt;br&gt;• The end of programme report provides a summary of the progress, or otherwise, of the offender on the programme. The report forms the basis of any required post programme meeting involving the offender, programme facilitator and probation officer.&lt;br&gt;• This is an important part of the whole programme delivery process where the positive changes that may have occurred during the offender’s participation on the programme need to be supported, strengthened and reinforced through feedback to the offender and the planned work identified in the case plan for the remaining period of supervision.</td>
</tr>
<tr>
<td><strong>4d3.21</strong> The programme facilitator shall complete an end of programme report, including end of programme evaluations and assessments, within 6 weeks of a PBNI Approved or an Accredited Programme finishing. These shall be shared with the offender and probation officer in a post programme review meeting held within the agreed timescale specified in the programme manual.</td>
<td><strong>Monitoring and Evaluation</strong>&lt;br&gt;The information required for monitoring and evaluation will, where appropriate, normally include:&lt;br&gt;• Referral details by type of Order or Licence.&lt;br&gt;• Demographic details such as age and gender&lt;br&gt;• Section 75 and Equality details.&lt;br&gt;• Attendance, compliance, completion and non completion details.</td>
</tr>
<tr>
<td><strong>4d3.22</strong> Monitoring and Evaluation The relevant PBNI Senior Manager shall ensure that appropriate and effective systems are in place for each PBNI Approved/Accredited Programme in order to provide relevant monitoring and evaluation information.</td>
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12th April 2011
### Performance Standards Cont.

<table>
<thead>
<tr>
<th>4d3.22</th>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Monitoring and Evaluation-cont.</strong></td>
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<tr>
<td></td>
<td></td>
<td>• Significant issues regarding programme delivery.</td>
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<td></td>
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<td>• Evaluations from Programme Facilitators and offenders.</td>
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<td>• Programme assessments.</td>
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<td>• Psychometric data.</td>
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<td>• Participant feedback.</td>
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<td></td>
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<td>• Changes in risk factors – attitudes, behaviour, thinking, skills, motivation- as targeted by the programme.</td>
</tr>
</tbody>
</table>

### 4d3.23 Staff Support and Supervision
The programme/Treatment Manager shall be familiar with the specific PBNI Approved Programme and programme manual in order to ensure that programme facilitator staff are adequately supported to plan, deliver and evaluate the programme.

### Staff Support and Supervision
- The day to day management of Programme Facilitators is normally undertaken by the programme manager for the specific PBNI Approved Programme.

- The programme manager and treatment manager in some instances can share this role and, where this is the case, communication between the two needs to be frequent and clear.

- It is important those staff allocated to this role are familiar with the specific programme in terms of programme content, theory, structure, target group, delivery and evaluation in order to provide the necessary support to programme facilitator staff.

- Supervision provided for all Programme Facilitators can be on an individual and/or group basis depending on the specific programme requirements.

### 4d3.24 The Programme Facilitator shall be supervised and performance monitored as detailed in the specific PBNI Approved Programme manual.

### Supervision of Programme Facilitators
- The supervision of Programme Facilitators is central to the success, effectiveness and quality of programme delivery.

- The programme/treatment manager requires sufficient understanding of groupwork processes, theory and practice, in addition to specific programme knowledge, to undertake the supervision role and tasks which, where appropriate, will normally include:
  - arranging supervision sessions as detailed in the specific programme manual;
  - structuring the supervision process;
  - viewing session reports and feedback sheets;
  - undertake live observations where required and provide feedback;
  - where appropriate, viewing videotapes and providing feedback to Programme Facilitators;
  - addressing any identified programme facilitator issues;
  - addressing any anti-oppressive practice issues;
  - addressing any programme delivery and/or training issues.
### Programme Integrity

4d3.25 The treatment manager shall ensure that the PNI Approved or an Accredited Programme is delivered as intended and outlined in the specific programme manual.

4d3.26 The treatment manager shall ensure that session evaluations and end of programme reports are completed fully, within the required time period and to the required quality.

<table>
<thead>
<tr>
<th>Performance Standards</th>
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</thead>
<tbody>
<tr>
<td><strong>Programme Integrity</strong></td>
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</tr>
<tr>
<td>The treatment manager shall ensure that the PNI Approved or an Accredited Programme is delivered as intended and outlined in the specific programme manual.</td>
<td>Ensuring that the integrity of a PNI Approved or an Accredited Programme is maintained is a key responsibility of the treatment manager.</td>
</tr>
<tr>
<td>The treatment manager shall ensure that session evaluations and end of programme reports are completed fully, within the required time period and to the required quality.</td>
<td>The treatment manager ensures that the programme content, structure, theoretical basis, methods, delivery style, aims and objectives are adhered to therefore reducing the likelihood of programme drift and variation from how the programme is intended to be run.</td>
</tr>
<tr>
<td>The treatment manager will normally monitor and enhance programme integrity through a range of methods including, where appropriate, the following:</td>
<td>The treatment manager will normally monitor and enhance programme integrity through a range of methods including, where appropriate, the following:</td>
</tr>
<tr>
<td>o viewing videotaped sessions and/or live observations of of programme sessions</td>
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</tr>
<tr>
<td>o monitoring session evaluations and end of programme reports;</td>
<td>o monitoring session evaluations and end of programme reports;</td>
</tr>
<tr>
<td>o maintaining written records of monitoring tasks;</td>
<td>o maintaining written records of monitoring tasks;</td>
</tr>
<tr>
<td>o providing performance and other feedback to Programme Facilitators in supervision.</td>
<td>o providing performance and other feedback to Programme Facilitators in supervision.</td>
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</table>
## 4d4-Intervention- Community Service

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4d4.1 Community Service Placements</strong>&lt;br&gt;The Community Service Scheme shall ensure that a sufficient number and range of placements are available to enable offenders to complete the number of hours of work specified in the CS Order to a satisfactory standard within the time limits set by legislation.</td>
<td><strong>Community Service(CS) Placements</strong>&lt;br&gt;- It is the responsibility of the relevant Area Manager to ensure the quality and a sufficient number of placements are provided to support the throughput Community Service Orders (CSO) in the area.</td>
</tr>
</tbody>
</table>
| **4d4.2**<br>A Risk Assessment shall be made of each potential work placement. | A quality Community Service (CS) placement will normally:  
- demonstrate to the public that work undertaken as part of a CSO is purposeful; demanding and where possible reparative;  
- encourage, in offenders, a sense of personal responsibility and discipline;  
- be assessed for risk to individuals;  
- meet the requirements of health and safety regulations;  
- provide close supervision and adherence to applicable Standards and Best Practice Guidance; and  
- involve work which the beneficiary confirms would not, at that time, otherwise be completed by paid employees;  
- agree to receive random visits to worksites on at least a monthly basis when placement is in use;  
- agree to be reassessed at annual intervals; |
| **4d4.3**<br>All placements shall be required to adhere to Health and Safety regulations. | **Assessment of Community Service Placement**<br>- A record of each assessment and re-assessment is kept on file and a copy sent to PBNI’s Health and Safety Officer.  
- Any deviation from including Health and Safety discovered during a site visit shall be recorded together with any remedial action required.  
- A copy of the recording is provided to the host organisation along with a follow-up visit made to the site. A Health and Safety Report related to each work site shall be forwarded to the Health and Safety Officer at the required intervals. |
<p>| <strong>4d4.4</strong>&lt;br&gt;The placement supervisor shall complete the offender's 'Time and Performance Sheet', share it with, and have it signed by, the offender, and return it to the relevant Probation Service Officer at weekly intervals. |  |
| <strong>4d4.5</strong>&lt;br&gt;When an offender reports for work as instructed but work cannot commence and a suitable alternative cannot be found, the offender shall be credited with his/her actual travel time. |  |</p>
<table>
<thead>
<tr>
<th><strong>Performance Standard</strong></th>
<th><strong>Best Practice Guidance</strong></th>
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</thead>
</table>
| **4d4.6** If an offender reports for work as instructed, work commences but cannot continue and suitable alternative work cannot be found, the offender shall be credited with travelling time plus any hours worked. | Recording  
- It is the responsibility of the Probation Service Officer/relevant officer to ensure that the case record contains a full set of documents and that each of those documents is up to date in keeping with the stage of the Order.  
- Documents are considered complete/up to date if they bear the signatures required and that all entries and signatures are dated. |
| **4d4.7** Recording  
The case record shall contain a full set of documents consistent with the stage of the Order. | Case Records  
- A case record and other recordings are central to PBNI achieving best practice. It is a communication tool providing both quantitative and qualitative information which contributes significantly to defensible decision making including risk assessment and management and decisions to breach or request a recall. It facilitates accountability for the work of PBNI with offenders and others as well as encourages engagement of offenders.  
- A complete and up to date case record provides continuity over the duration of contact with offenders and through any changes in supervising officer that may occur. |
| **4d4.8** The record shall be kept up to date, with entries made no later than 5 working days after an occurrence. | A Quality record will, where appropriate, normally:  
- be accessible;  
- be complete and up to date;  
- contain relevant information;  
- be clear, accurate, factual and easily understood;  
- be compliant with relevant legislation, policies, procedures and protocols relating to information held on record;  
- detail of work completed and progress or otherwise towards target dates;  
- detail progress or otherwise towards case /risk management plan objectives;  
- detail key events including:  
  - significant changes in an offender’s circumstances, behaviour and/or attitudes;  
  - failure to comply;  
  - follow up actions including acceptability or otherwise of any explanations given;  
  - enforcement action. |
### 4d5. Intervention- Curfew and/or Electronic Monitoring

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4d5.1</strong></td>
<td>Any request from, or on behalf of the offender, for a period of absence must be considered by the supervising officer and a decision made to approve the request or not.</td>
</tr>
<tr>
<td><strong>4d5.2</strong></td>
<td>Within 24 hours of the request being made the supervising officer shall provide written confirmation of the decision to the offender and Service Provider.</td>
</tr>
<tr>
<td><strong>4d5.3</strong></td>
<td>Within 5 working days, or sooner if required, where the supervising officer has established that there are grounds for a variation to the Curfew and/or EM additional requirement or condition of licence, he/she shall make an application to the Court or, where appropriate, the NIPS Licensing Unit using the format approved for the purpose.</td>
</tr>
</tbody>
</table>

#### Request for Authorised Absence
- A request for an authorised absence may be approved by PBNI for periods of no longer than 24 hours and providing the offender remains within Northern Ireland jurisdiction.
- The requirement for the offender to give prior notice to the supervising officer when requesting authorisation for absence should be emphasised at induction and at later intervals if required.
  - Except for emergency absences all requests should normally be made at least 24 hours in advance of when the absence is due to take place.
  - Before arriving at a decision about whether to authorise absence, or not, the supervising officer, where appropriate, needs to take full account of the risks involved and if in doubt seek the advice of the Area Manager.
  - Within 24 hours of the request verbal confirmation of the decision is normally provided to the offender and then confirmed in writing. At the same time the supervising officer shall notify the Service Provider of the authorised absence details using the agreed pro forma and contact arrangements.
  - In other than emergency cases the duration of absence is normally approved for the length of the event plus reasonable travel time.

#### Authorised Absence Examples
The following are examples of when authorised absences may be considered for approval:
- emergency cases including where medical treatment for the offender or his/her immediate dependents is required (generally 8 hours maximum);
- irregular or unexpected medical appointments for the offender or the offender’s child;
- job interviews, attendance at job clubs or required to ‘sign on’;
- where the offender is required in his employment to change his/her work hours on a one-off occasion provided the work is part of a permanent job and the employer provides written verification of the need;
- attendance at court as a witness
- attendance at weddings and funerals of family members, including relatives of partner with whom the offender is living as a spouse.
- In arriving at a decision to approve a request the offender is required to provide evidence in support of his/her request.
- A request for an absence of more than 24 hours and/or outside Northern Ireland requires an application to vary the additional requirement or condition of licence.

[12th April 2011]
Section 4e: Case Planning Review
### Key Outcomes
- Offender has reflected on progress or otherwise, to date.
- Feedback from significant others obtained and constructively used within review.
- Progress against case plan objectives and goals has been assessed.
- Progress acknowledged, reinforced and consolidated.
- Reasons for any lack of progress identified including influence from associates.
- Progress or otherwise in family or personal relationships.
- Compliance reinforced.
- Offender engaged and committed to change.
- Acquisition, development and enhancement of skills and knowledge supporting reduced likelihood of re-offending and, where applicable, reduced risk of serious harm identified.
- Recognition and reinforcement for positive movement towards change-small and/or larger steps.

### Key Outputs
- Clearly reflect offender’s view of progress or otherwise toward achievement of case plan objectives and goals.
- Reflects probation officer assessment of progress, or otherwise toward achievement, of case plan objectives and goals.
- Evidence of feedback from significant others taken into account.
- Identify any barriers, including practical problems and other hindrances where these apply.
- Opportunities used or developed to enhance offender personal and/or social network strengths-social, leisure, educational/training other activities.
- Assessment of how relapse was managed, where applicable.
- Evidence of victim awareness issues appropriately addressed and any restorative interventions facilitated.
- ACE and where relevant, Ra1 Risk of Serious Harm/RMM updated as part of overall review process.
- Directly inform case plan covering the next period of supervision.
- Review signed and dated by offender, probation officer and relevant others including where applicable, others who have contributed to the delivery of the case plan as well as parents/guardian of young offenders.
### 4e1-Case Planning Review

#### Lower Level Application- Community Supervision

<table>
<thead>
<tr>
<th>Performance Standards</th>
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<tbody>
<tr>
<td><strong>4e1.1</strong></td>
<td><strong>Revised Case Plan</strong></td>
</tr>
<tr>
<td>When Lower Level Application applies, the case plan shall be reviewed:</td>
<td>- The revised case plan takes into account the Best Practice Guidance outlined in 4c1.1 (Lower Level Application- Case Planning) as relevant and appropriate.</td>
</tr>
<tr>
<td>- at the <strong>16 weeks</strong> stage of the Order; (final review for a 6 month order); and subsequently:</td>
<td>- The detail of the case plan and level of planned contact will depend on the progress of the case to date and the stage of the order.</td>
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<tr>
<td>- at <strong>26 week</strong> intervals and/or</td>
<td>- The final review of a Lower Level Application will normally be not more than <strong>10 weeks</strong> prior to the order closing. The revised case plan will include a focus on preparing the case for closure and the offender's progress beyond probation supervision.</td>
</tr>
<tr>
<td>- not more than <strong>10 weeks</strong> prior to the end of the Order.</td>
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<tr>
<td><strong>4e1.2</strong></td>
<td><strong>Lower Level Application- no longer applies.</strong></td>
</tr>
<tr>
<td>A revised case plan shall be completed to cover the period until the next review takes place or, where applicable, the order is completed.</td>
<td>- The case is managed from that point at Standard Level Application, unless a Higher Level Application applies.</td>
</tr>
<tr>
<td><strong>4e1.3</strong></td>
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<tr>
<td>Where the outcome of the Screening Review is that Lower Level Application no longer applies a Standard, or where appropriate, Higher Level Application shall be applied.</td>
<td>- The probation officer needs to take account of any increased risks and actions that are required to address these risks in terms of reviewing the case plan and setting objectives for the next period of supervision including where relevant, necessary, appropriate and proportionate:</td>
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<tr>
<td></td>
<td>o increased frequency of contacts- office and home visits</td>
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<td>o unannounced home visits</td>
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<td>o application for variation, insertion or amendment to order</td>
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<td></td>
<td>o immediate actions to protect others*</td>
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<tr>
<td></td>
<td>*Refer to section 5a.2- Immediate Action to protect others.</td>
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<tr>
<td></td>
<td>Refer also to sections 3a5.3, 3a5.4 and 4e1.4,</td>
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<tr>
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<td>Best Practice Guidance</td>
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| **4e1.4** The case plan shall be reviewed:  
  - at least every 16 weeks; and  
  - **4 weeks** prior to the end of the Order or Licence. (final review) | • The case plan, risk management plan (where applicable) and impact from interventions need to be kept under **regular and consistent review** with the probation officer being vigilant to any changes in the offender’s circumstances, behaviour or attitudes relating to an increased likelihood of re-offending and/or risk of serious harm. It is important to be responsive to any **significant changes** (refer to **4e1.5**) and the need to bring a review forward. |

A revised case plan shall be completed to cover the following **16 week** period, or up until the final review date, if less than **16 weeks**. Refer to best practice guidance for |

• The agreed review period may be at intervals of less than 16 weeks especially where the case is a **Higher Level Application** and being managed on a multi agency basis and requires multi agency interventions and/or monitoring. |

• Each review of a case plan shall be preceded by a thorough review/revision of ACE and where applicable, RA1 Risk of Serious Harm assessment. |

• Where required, staff from other agencies/organizations, for example, Juvenile Justice Centre Northern Ireland (JJCNI) or Hostels will be given adequate notice of the arrangements in order to facilitate representation at, or otherwise contribute to, the review. |

• **Reviews** provide opportunities for the supervising officer, offender and, where appropriate, others who have contributed to the case/sentence plan and/or supported the offender, **to discuss and evaluate progress** or **lack of progress**, in achieving the desired changes outlined in the case/sentence plan. |

• It is important, in terms of supporting and enhancing the offender’s motivation to change, that the achievement of sometimes small step towards a bigger change is recognized, acknowledged and reinforced. |

• Each review directly informs the revised plan for the next period of supervision. |

• If during the currency of the Order the offender receives a new Probation Order or Combination Order the case plan shall be reviewed forthwith and amended to take account of the new conviction(s) and sentence(s). |

**Revised Case Plan**  
• The revised case plan takes into account the Best Practice Guidance outlined in **4c1.2** (Standard and Higher Level Application- Case Planning) as relevant and appropriate.  
• The detail of the case plan and level of planned contact will depend on the progress of the case to date and the stage of the order. |
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A quality case / sentence plan review</strong> will, where appropriate and relevant, include the following:</td>
<td></td>
</tr>
<tr>
<td>• offender’s view of progress in relation to the desired changes;</td>
<td></td>
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<tr>
<td>• supervising officer’s judgement of progress in relation to the desired changes;</td>
<td></td>
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<tr>
<td>• feedback and involvement from all other parties concerned including family, parent/guardian/carer (Young Offender) and other supports;</td>
<td></td>
</tr>
<tr>
<td>• opportunities for personal development, learning, training, employment and other activities and their impact on progress and social support networks;</td>
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</tr>
<tr>
<td>• influence and impact of family and other relationships and known current associations on the desired changes;</td>
<td></td>
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<tr>
<td>• impact of supervision and programme;</td>
<td></td>
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<tr>
<td>• impact from interventions (including victim and restorative interventions) on the desired changes;</td>
<td></td>
</tr>
<tr>
<td>• any barriers, including practical and social support issues, and their impact on progress;</td>
<td></td>
</tr>
<tr>
<td>• evaluation of overall progress towards desired changes against any changes in the assessed likelihood of re-offending and Risk of Serious Harm;</td>
<td></td>
</tr>
<tr>
<td>• recognition for effort, progress and changes made from the previous review;</td>
<td></td>
</tr>
<tr>
<td>• planning for transfer to community or case closure* where appropriate;</td>
<td></td>
</tr>
<tr>
<td>• all required signatures.</td>
<td></td>
</tr>
</tbody>
</table>

* **Planning for Closure - Penultimate and final reviews -**

• Endings are important milestones and it is important that, in the same way an offender receives an induction at the start of supervision, time should be given to help the offender prepare for the ending of supervision. This is especially important for those offenders coming to the end of longer periods of probation supervision.

• The penultimate review of a case plan and setting of objectives for the final review period, particularly for longer Orders and Licences, needs to reflect how to mark and recognise this important stage in supervision including how the offender can sustain personal development and remaining crime free after supervision ends.

• Engaging the offender in exploring their internal motivation and confidence to persevere with change and maintain the positive changes that have taken place over the course of the sentence is an essential element of this review.
### Significant Change - Standard and Higher Level Application

Includes:

- where there are increased concerns about risks relating to re-offending and/or serious harm to others
- notification and/or becoming aware of further charges and/or conviction
- receiving a further Order/Licence
- arrest, allegations and/or questioning by the PSNI about other offences
- non-compliance resulting in a warning
- transfer, discharge, revocation, variation, insertion, amendment, breach or recall action considered.

In addition to any immediate action* to protect others, the revised case plan needs to take account of any increased risks and actions that are required to address these risks and set objectives for the next period of supervision to include, where relevant, necessary, appropriate and proportionate:

- increased frequency of contacts - office and home visits
- unannounced home visits
- application for variation, insertion or amendment to order or licence.

*Refer also to Offender Compliance Section 5a.2 Immediate Action to Protect Others.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4e1.5</strong> Life Licence</td>
<td>An AD led review, which includes psychological input, shall take place 16 weeks after release. This review shall assess progress, determine future frequency of contact and determine other specific requirements of future supervision.</td>
</tr>
</tbody>
</table>

**Life Licence**
- It would be unusual for frequency of contact to be reduced at this early stage but in exceptional cases may be reduced to bi-weekly contact from a time determined by the AD led review. By the same token frequency of contact may be increased at this stage if circumstances require it.

**Life Licence-cont.**
- Notwithstanding the determination of the AD led reviews, the AD or relevant Area Manager may require frequency of contact to be increased and/or the pattern and/or location of contact to be varied at any time.
- Successive AD Annual Reviews require the supervising officer and the relevant Area Manager to carry out similar preparatory work as from the initial 16 week review. The relevant Area Manager will forward a letter to the offender inviting him/her to attend each review.
- Throughout the period of supervised licence frequency of contact is determined at AD reviews, and between reviews, in consultation with the relevant Area Manager. Subject to increased risk, more frequent contact may be required by the AD (Prisons) or relevant Area Manager at any time.

**Varying Conditions of Life Licence**
- Given satisfactory resettlement of the licensee over time (not usually less than 4 years) the requirement for PBNI supervision may be discontinued by the Secretary of State in consultation with the Parole Commissioners Northern Ireland.
- The license itself remains in place, with the possibility of recall to prison, for the rest of the licensee’s life.
- Secretary of State/Department of Justice (DoJ) (PCNI) approval is required before any significant changes may be made to conditions of a licence in terms of variation, insertion or cancellation of any condition of Licence.

(Refer also to Article 8 (3) Life Sentence (Northern Ireland) Order 2001.)
### 4e2 - Sentence Plan Review- Custody

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **4e2.1** During the custody phase, where the length of stay in custody requires it, case/sentence plans shall be reviewed with the prisoner, and all relevant others, at: | **Sentence Plan Reviews**
These reviews are informed by ACE and, where applicable, RA1 Risk of Serious Harm/RMM reviews.
(Refer also to Assessment section 3a5) |
| - 6 monthly intervals; or | |
| - 12 monthly intervals for Life Sentence and other prisoners serving 5 years or more in custody; | |
| - Prior to consideration for release by the PCNI; | |
| - Within 1 month prior to release or to inform licensing and post release supervision arrangements of Custody Probation Orders. | |
| **4e2.2** Where the length of time spent in sentenced custody is less than 6 months, a review shall be carried out at a time which will best inform completion of the post-custody caseplan. | |
| **4e2.3** The sentence plan shall be reviewed at least 15 days in advance of release as part of the pre release meeting. | **Sentence Plan Review- Pre Release Meeting**
- The review of the sentence plan at the pre release meeting links directly to the completion of the case plan and any related Risk Management Plan covering the initial period of supervision on release.
- It is important that progress made during custody is consolidated and directed towards the circumstances the offender will face on release from custody and that any outstanding barriers to reciprocity are taken into account including practical and social difficulties facing the offender on release and issues such as accommodation and benefits and social supports. |
| **4e2.4** Where a prisoner is serving a **Determinate Custodial Sentence (DCS)** of 12 months or more, the Case Manager shall provide the Licensing Panel with a copy of the prisoner’s Release Plan at least 2 days in advance of the Licensing Panel sitting. | **Release Planning- DCS**
- The licence for each prisoner serving a total Determinate Custodial Sentence of 12 months or more will include standard licence conditions and any additional licence conditions considered necessary and proportionate to secure the purposes of the release on licence which are stated in legislation* as:
  a) the protection of the public;
  b) the prevention of reoffending;
  c) the rehabilitation of the offender.

  *See Article 24(8) Criminal Justice (Northern Ireland) Order 2008* |
<table>
<thead>
<tr>
<th><strong>Performance Standards</strong></th>
<th><strong>Best Practice Guidance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4e2.4 Cont.</strong></td>
<td><strong>Release Planning- DCS cont.</strong></td>
</tr>
<tr>
<td></td>
<td>• The case manager provides the required Release Plan details using the approved pro forma and, if requested, attends the NIPS Licensing Panel meeting.</td>
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<tr>
<td></td>
<td>• Where additional Licence Conditions are being proposed all required suitability assessments need to be completed where required, in advance of the Licence Conditions being set pre release.</td>
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<tr>
<td></td>
<td>• In relation to PBN1 Approved and Accredited Programmes, the case manager needs to take into account the length of a proposed programme in relation to the period of time the offender will be under post release supervised Licence.</td>
</tr>
<tr>
<td></td>
<td>• It is also important to note that the licence conditions need to be set in advance of a pre release meeting with the prisoner.</td>
</tr>
<tr>
<td><strong>4e2.5</strong></td>
<td><strong>Pre Release Meeting</strong></td>
</tr>
<tr>
<td><strong>A pre release meeting shall take place with the prisoner</strong></td>
<td>• The pre release meeting is usually attended by the prison case manager, sentence manager and the supervision probation officer, along with other relevant members of the Offender Management Unit as necessary.</td>
</tr>
<tr>
<td>• at least 15 days in advance of the release date for DCS and CPO cases not assessed as High Level Application: or</td>
<td>• There may be circumstances where it is not possible to hold a pre release meeting within the stated timeframe as in a case where the time period between a decision by the PCNI about release and the release date itself is less than 15 days or 1 month respectively.</td>
</tr>
<tr>
<td>• 1 month prior to release for all other cases.</td>
<td>• In relation to a CPO a copy of the Order will normally be served on the prisoner at the pre release meeting* and the prisoner sign and date a file copy.</td>
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<tr>
<td></td>
<td>• In those cases subject to supervised licence, the licence conditions, including any additional conditions, will normally be discussed with prisoners at the pre release meeting and the opportunity given for them to confirm their understanding and discuss any concerns they may have regarding the implications of the conditions.</td>
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<tr>
<td></td>
<td>*(Refer also to Best Practice Guidance at section 4b1.6).</td>
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<tr>
<td></td>
<td>Performance Standards</td>
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<tr>
<td>4e2.6</td>
<td>The case plan for the initial post custody period shall be signed and agreed at the pre release meeting.</td>
</tr>
</tbody>
</table>
| 4e2.7 | At least 2 working days prior to release the prisoner shall be given written instructions to report to the probation officer (community) on the day of release from custody. | Final Instructions  
- Final instructions are given in writing which detail the date, time and place at which the prisoner must report to his/her probation officer on the day of release. A copy of these instructions are to be signed by the offender and entered in the case records.  
- It is essential that the prisoner is made aware of the possible consequences of failure to comply with the written instruction including the possibility of breach or recall action, where appropriate, should the prisoner fail to comply with the final instructions regarding the first post release probation contact. |
| 4e2.8 | Where there are concerns about the risk a prisoner may pose to a child or children and/or, in relevant cases, vulnerable adults, the Case Manager shall carry out all statutory notifications and requirements prior to the prisoner’s temporary, and/or final release or transfer. | Concerns about Risk to Others  
- Where concerns are raised regarding risk to others at the pre release stage, or at any other time in the course of a sentence, it is important that appropriate actions are taken to protect others including communicating information to relevant agencies.  
Refer to Section 52.2 | Immediate Actions to Protect Others  
Refer also to current: PBNI Child Protection Policy and Procedures; PBNI Health and Safety at Work (Personal Safety) Policy and Procedures; HSS CC 3/96 (revised) Sharing to Safeguard. Information sharing on individuals who may pose a risk to children; PPANI Practice Manual. |
| 4e2.9 | **Juvenile Justice Centre Order (JJ CO)- Pre Discharge Meeting**  
The supervising officer shall attend the pre discharge meeting at a time and date agreed with the Juvenile Justice Centre Northern Ireland case officer. | **Juvenile Justice Centre Order (JJ CO)- Pre Discharge Meeting**  
- At a pre-discharge meeting the supervising officer shall agree and record an updated caseplan to cover the supervision phase, which builds on work completed during the custody phase and reflect the assessed resettlement needs of the young person. |
### 4e3-Work Contract Review - Community Service

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4e3.1</strong> The progress of each Work Contract shall be monitored on a weekly basis and reviewed:</td>
<td><strong>Work Contract Review-</strong></td>
</tr>
<tr>
<td>- at 16 week intervals;</td>
<td>- There may be occasions where the number of hours worked by an offender needs to be varied following a review of progress in order to ensure that the target dates are met and that the CSO can be completed within the required legal period of 12 months.</td>
</tr>
<tr>
<td>- where there are <strong>significant changes</strong> in the circumstances which may impact on completion of the Order by the target date.</td>
<td></td>
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</tbody>
</table>

*Back to contents*
### 4e4. Contractual Agreement Review - Approved Hostel

#### Performance Standards

| 4e4.1 | A joint review of the case plan and contractual agreement shall be conducted at 16 week intervals or sooner where required: |
|       |   - where the review period has been set at a shorter interval as in a significant Risk of Serious Harm or other Higher Level Application cases |
|       |   - where residency is planned to terminate in less than 16 weeks from the previous review; |
|       |   - where the review needs to be brought forward due to a significant change in the offender's circumstances, behaviour or attitudes. (Refer to 4e) |

| 4e4.2 | At the 9 month stage of a hostel placement where it becomes apparent to the probation officer and hostel staff that an offender is likely to require an extension of the hostel placement beyond 12 months the probation officer where it is applicable and appropriate, shall: |
|       |   - make an application to extend any additional requirements relating to a hostel placement; or |
|       |   - seek written authority from the relevant Assistant Director for a formal extension. |

#### Best Practice Guidance

**Review of Contractual Agreement**

- The review of the contractual agreement will normally coincide with the review of assessments, ACE and RA1 where applicable, and the review of the case plan. The contractual agreement should reflect any required changes.
- When the offender's period of residence comes to an end the key worker should provide a summary of what has been achieved during the period of residency and what still needs to be done.
- In the event of the insertion of an additional requirement of an Order or condition of A licence relating to residency in an approved hostel, any current case plan, and, where necessary, risk assessments need to be updated to take account of the change in circumstances and contractual agreement developed with the hostel.
- The review period can therefore be set at the appropriate interval to ensure that they are sequenced to coincide with the review which precedes the 12 month period of residency, needs to consider how the offender is going to move on from the hostel placement or alternatively, make arrangements to have the period of residency extended*.

**Extension of Hostel Placement**

- A hostel placement is normally for a period of up to 12 months but there may be circumstances when it is appropriate to considered a period beyond 12 months in the context of any of the following:
  - On the application of the Probation Officer a court orders an extension to the existing additional requirement of a statutory Order.
  - On the application of the Probation Officer the relevant authority orders an extension to the existing residential requirement of a Statutory Licence.
  - The relevant AD has given written authorisation for an extension of the placement where a formal requirement to reside does not exist.
Section 4f: Transfer
### 4f: Transfer

<table>
<thead>
<tr>
<th><strong>Key Outcomes</strong></th>
<th><strong>Key Outputs</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The following have been maintained</td>
<td>Properly planned in advance, as far as it is practicable.</td>
</tr>
<tr>
<td>• Continuity of supervision and risk management</td>
<td>• Understood by all parties including offender</td>
</tr>
<tr>
<td>• Progress towards achieving objectives</td>
<td>• Legal and other agreement sought and obtained where required.</td>
</tr>
<tr>
<td>• Public protection including Victims.</td>
<td>• Levels of contact and work on case plan maintained.</td>
</tr>
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<td></td>
<td>• Tri-partite meeting has taken place where appropriate and practicable.</td>
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<tr>
<td></td>
<td>• Clearly recorded and communicated to relevant others.</td>
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<tr>
<td></td>
<td>• ACE assessments, RA1 where applicable and case plan reviewed and updated</td>
</tr>
<tr>
<td></td>
<td>• Legal and other requirements completed.</td>
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</tbody>
</table>
## 4f-Transfer

### Best Practice Guidance

### 4f.1

#### Transfer- Introduction

- There are a range of different circumstances and situations where an offender serving a sentence or subject to supervision seeks, or requires to be considered for, a transfer. The reasons for such a transfer request and/or decision can be varied as are the legislative and other procedures, processes and arrangements which apply to each of the different circumstances and types of cases.

- The following sub sections covers the different transfers and other arrangements which include:
  - Transfer of supervision of Orders and Licences within PBNI. **4f1**
  - Formal transfer of Orders to England and Wales and Scotland. **4f2**
  - Informal arrangements for the supervision of an Order on behalf of PBNI. **4f3**
  - Transfer of Licences between Northern Ireland England and Wales and Scotland **4f4**
  - Request from offender on Supervised Licence to travel outside of the United Kingdom (UK) and Islands (Isle of Man Guernsey and Jersey). **4f5**
  - Formal transfer of Order or Licence from England and Wales or Scotland to Northern Ireland. **4f6**
  - Transfer of Prisoners between Northern Ireland, England and Wales and Scotland. **4f7**

- The Performance Standards and Best Practice Guidance detailed in this section try to identify common features which may be applied to a range of different transfer situations so as to streamline and simplify transfer processes and procedures and to comply with legislative and other requirements applicable to the transfer of orders and licences.

- The area from which the offender is seeking to transfer from is referred to in this section as the ‘sending area’ while the probation/criminal justice social work area to which the offender wishes to transfer to is referred to as the ‘receiving area’.

- When dealing with a transfer of a case PBNI staff need to review **4f.2** at the first instance to establish the basis of the transfer and then apply the appropriate Performance Standards and Best Practice Guidance.

- **Formal Transfer of Orders.** Courts give legal authority to the formal transfer of an Order within the UK and Islands. The Order needs to be amending to include the receiving area and, where appropriate, amend, substitute or cancel any requirement of an Order to ensure compatibility with the receiving area. Where a formal transfer is being considered the sending area is required to apply to the relevant court to obtain legal authority for the transfer.

- **Formal Transfer of Licences.** The Department/Ministry of Justice/ Secretary of State in the sending area formally authorises the transfer of a Licence to another area within the UK and Islands. The amendment, substitution or cancellation of any Licence conditions may be required to ensure their compatibility with the receiving area. It may be appropriate for a specific additional condition of Licence be completed prior to a transfer being considered.

- Where **formal** transfer of an Order is **not permitted**, it may be possible for informal arrangements to be made for a ‘receiving area’ to supervise a case on behalf of a ‘sending area’ with restrictions in place including the ‘sending area’ retaining responsibility for enforcement and breach actions where required.

- Such informal arrangements do not extend to Licences which **always** require formal transfer arrangements between a ‘sending’ and a ‘receiving area’.
4f.2 Transfers. Content of this subsection relating to the legality of formal transfers still to be agreed.

<p>| Formal Transfer of Orders from Northern Ireland to England and Wales and Scotland |
| Formal Transfer of Orders from England and Wales and Scotland to Northern Ireland |
| Formal Transfer of Orders from England and Wales and Scotland to Northern Ireland |
| Formal Transfer of License from Northern Ireland to England and Wales and Scotland |
| Formal Transfer of License from England and Wales and Scotland to Northern Ireland |</p>
<table>
<thead>
<tr>
<th>4f1.1</th>
<th>Where the transfer of an Order or Licence within PBNI has been requested and/or is being considered, the Probation Officer shall assess the appropriateness and safety of such a transfer prior to deciding whether or not to support and process the transfer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4f1.2</td>
<td>The Probation Officer shall review the assessment(s) and case plan and provide a transfer summary in advance of the transfer within PBNI of an order or licence.</td>
</tr>
<tr>
<td>4f1.3</td>
<td>Where required, the sending Probation Officer shall make an application to court to amend the Order to include the Petty Sessions District of the receiving area.</td>
</tr>
</tbody>
</table>

**Transfer - Continuity of Supervision**
- Continuity of supervision is essential for safe and effective practice. Unless properly managed, transfer of supervision has the potential to disrupt continuity and cause any gains made in terms of offender progress to be undermined or lost altogether.
- All transfers need to be well informed, properly planned and have the written authority of the managers at both the sending and receiving locations.

**A Quality transfer** within PBNI will, where appropriate, normally be informed by:
- discussion and exploration of the reasons for transfer with the offender;
- suitability of new addressed checked and confirmed consultation with Area Manager;
- exploratory discussions/correspondence with the receiving location;
- discussion with and notification of relevant DoJ/NIPS Licensing Department where required;
- recording of key actions, contacts and decision relating to transfer;
- court application to amend petty sessions district review and updating of assessments and risk assessments;
- a transfer summary in the form of a review and updating of current caseplan;
- where practicable, a meeting of all relevant parties including liaison with PBNI Victim Information Scheme, where appropriate;
- transfer of a complete and up to date case record.

Consideration needs to be given to a trial arrangement with a timetable for deciding whether or not to confirm the transfer.

**Transfer - Life Licence- Within PBNI**
- Primarily this is a matter of agreement between the Area Manager and the Assistant Director (Prisons) but as a matter of courtesy the Area Manager of the ‘pair officer’ should be included in the deliberations before a final decision is reached.
- If transfer of supervision to another probation officer becomes necessary consideration needs to be given to re-designating the ‘pair officer’ as supervising officer where this is appropriate and practicable.
### 4f2: Formal Transfer - Order - from Northern Ireland to England and Wales or Scotland

#### Performance Standards

<table>
<thead>
<tr>
<th><strong>4f2.1</strong></th>
<th>Where the formal transfer of an <strong>Order</strong> to England and Wales or Scotland has been requested and/or is being considered, the Probation Officer shall assess the legality, appropriateness and safety of such a transfer prior to deciding whether or not to support and process the transfer request.</th>
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</thead>
</table>

#### Best Practice Guidance

**Consideration of decision to support and process a Formal Transfer of an Order to England and Wales or Scotland**

The decision, will, where appropriate, normally be informed by:

- whether formal transfer is legally permitted (refer to 4f.2)
- discussion and exploration of the reasons for transfer including family or other ties to the area relating to the transfer, family contacts and other support and intentions as regards to residence post supervision;
- any compelling or compassionate reasons for the transfer
- assessing the likely impact of the transfer in terms of
  - continuity and effectiveness of supervision and management of the case including arrangements for meeting all the requirements/conditions of the Order;
  - likelihood of reoffending and risk of serious harm
  - management of supervision in terms of achieving case/risk management plan objectives and purposes of the Order including the rehabilitation of the offender, protection of the public, prevention of further offending and enforcement;
- adherence to relevant legislative and procedural requirements or restrictions and protocols that may apply to the transfer the supervision of the Order including arrangements for enforcement and breach;
- discussion with the Area Manager and, where applicable, the sharing of information and discussion at a Risk Management Meeting/Review and/or Local Area Public Protection Panel meeting for those subject to PPANI arrangements;
- discussion with Area Manager;
- checking for any outstanding offences and police/court bail conditions.

**Written Request for a Transfer of an Order to England and Wales or Scotland**

A **Quality** written request for a transfer to England and Wales or Scotland will, where appropriate, normally include:

- Offender details including name, current address, Date of Birth, proposed address;
- Offence details and PBNI- Level of Application
- Order details including requirements and any additional requirements
- Reasons for and legal basis for transfer and a request to check out the suitability of the proposed home address, family or other supports.
- Up to date assessment of the Likelihood of reoffending and Risk of Serious Harm including any child protection, public protection and/or victim issues.
- Recent assessment reports.
- Summary of previous convictions including relevant victim issues.
- Summary of progress of case towards achieving case/risk management plan objectives or completion of Community Service hours and any enforcement issues.
- Issues still to be addressed and current level of contact.
- Any outstanding fines/compensation and arrangements for payments.
- Legislative requirements or restrictions relevant to the transfer request including those applicable under the Sexual Offences Act 2003.
- Probation Officer/Area Manager/Assistant Director contact details.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4f2.3</strong> Where the receiving area in England and Wales or Scotland confirms their willingness to accept the transfer of an Order the Probation Officer, in discussion with the Area Manager (and where required the relevant Assistant Director) shall make an application to court to amend the Order:</td>
<td></td>
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<tr>
<td>- to the refer to the relevant court/local authority in the receiving area; and where required,</td>
<td></td>
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<tr>
<td>- amend Order requirements to make them compatible with receiving area.</td>
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### Formal Transfer of an Order to England and Wales or Scotland

- The Probation Officer needs to provide the court with relevant information confirming that:
  - the proposed address is satisfactory;
  - provisions can be made for the offender to comply with the requirements (including any additional requirements) of the Order;
  - suitable arrangements can be made to supervise the Order.

- Arrangements for the supervision of requirements, including additional requirements such as attendance at programmes or Curfew and Electronic Monitoring, need to match as far as possible with those available in the receiving area. Amendments, deletions or insertions to the additional requirements of an Order may have to be made through the court to ensure the Order can be fully complied with in the receiving area.

- Where an offender is appearing in court in Northern Ireland but is residing or planning to reside in England and Wales or Scotland the discussion with the receiving area, depending on the time available, may be by way of phone contact with verbal confirmation given regarding the details mentioned above, which in turn can be presented to the court with the Pre-Sentence Report at the time of sentencing.

## Formal Transfer of an Order to England and Wales or Scotland-Breach and Revocation

- Where an Order has been formally transferred to England and Wales or Scotland the offender will be supervised in accordance with the Standards and requirements currently applicable within the receiving probation/criminal justice social work area.

- The relevant court in the receiving area can issue a summons or arrest warrant in relation to breach action where the offender has failed to comply with the requirements of a transferred Order. However, the relevant court in the receiving area may not:
  - Revoke* or discharge the Order
  - deal with the offender for the original offence
  - vary or extend the Order beyond what the original court had power to vary or extend.

*The court has the power to revoke a transferred Order where the offender has been convicted of a further offence for which the court imposes a custodial sentence.
<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</table>
| **4f2.4** Where a formal transfer of an Order has been finalised the Probation Officer shall ensure:  
- that all required and relevant information is forwarded to the receiving probation/criminal justice social work area in England and Wales or Scotland  
- the offender receives details of his/her first appointment and contact details for the office and supervising officer (where known); and that  
- all relevant notifications in relation to agreed protocols policies and procedures to protect children, vulnerable adults, victims and the Public are completed.* | **Transfer of case records and relevant documentation**  
The information forwarded to the receiving area as a result of a transfer or supervision arrangement will, where appropriate, normally include:  
- Offender contact details  
- Assessment and Risk Assessments including Risk Management or LAPPP minutes as appropriate.  
- Assessment Reports including most recent Pre-Sentence Report and relevant programme, psychology and/or psychiatric reports  
- Enforcement Sheet and warnings issued.  
- Notification and other requirements under Sexual Offences Act 2003  
- Case plans and Reviews  
- Any offender work sheets.  
- Up to date criminal record.  
- Transfer/case summary including contact details for PBNI Probation Officer and Area Manager,  
*Notifications, where appropriate, relate to: Circular 3/96 Sharing to Safeguard, PBNI Child Protection Policy and Procedures, PBNI Victim Information Scheme Public Protection Arrangement Northern Ireland (PPANI), Multi Agency Risk Assessment Conference (MARAC) regarding Domestic Violence. |
| **4f2.5** Where the probation officer, in consultation with the Area Manager (and where appropriate the relevant Assistant Director) decides not to support a transfer of an Order to England and Wales, Scotland the reasons for this decision shall be clearly recorded and communicated with the offender within 5 working days of the decision. | **Decision not to support a transfer of an Order to England and Wales or Scotland**  
The decision not to support a request for a transfer needs to be defensible and proportionate to the assessed likelihood of reoffending, risk of serious harm as well as the need to ensure the integrity and purpose of the Order or Licence are maintained.  
The probation officer needs to ensure that the decision is clearly recorded and documented.  
Where there are any personal safety concerns regarding how the offender may respond to receiving this decision the probation officer needs to discuss these with the area manager. |
### Formal Transfer of Order to England and Wales or Scotland

A **Quality** transfer from PBNI to England and Wales or Scotland will, where appropriate, normally include:

- Discussion and exploration around reason for transfer.
- Assessment of impact of transfer on likelihood of reoffending, Risk of Serious Harm, management of the case and achievement of the purpose of supervision.
- Discussion with Area Manager.
- Preliminary discussion with receiving area.
- Taking a defensible decision regarding the transfer request.
- Written request to receiving area to undertake suitability assessment of proposed accommodation and acceptability of transfer.

- Written report from the receiving area confirming:
  - suitability of proposed address
  - arrangements exist to meet the requirements of the Order
  - provisions can be made for the offender to comply with the requirements of the Order
  - suitable arrangements for supervision can be made.

- Application to amend Order in court to refer to new address and local probation/criminal justice social work area and the amendment of conditions to ensure full compliance in the receiving area.
- Notifications required to protect others in adherence to relevant policies, procedures and protocols—see **4f3.5**.

- Update and transfer of relevant case records and documentation.
- Offender informed and provided with details of first appointment following transfer.
- All required notifications completed
- Timely and secure transfer of case records and all relevant documentation.
**4f3: Arrangements for the Supervision of an Order on behalf of PBNi where legislation does not permit a Formal Transfer.**

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4f3.1</strong> Where an offender has requested a transfer outside of Northern Ireland, and where such a transfer is not legally permitted, the Probation Officer shall, in discussion and agreement with the Area Manager (and where appropriate, the relevant Assistant Director), process a request to the receiving area where the offender intends to reside, to supervise the Order on behalf of PBNi.</td>
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</table>

**Arrangements for supervision of an Order on behalf of PBNi**

- Where legislation does not permit formal transfer of an *Order*, arrangements may be put in place for the local probation/criminal justice social work area to supervise an offender on behalf of PBNi.

- This includes situations where an offender is seeking to reside in a country outside the United Kingdom and Islands (Isle of Man, Guernsey and Jersey) and where the transfer of an Order is not legally permitted.

- The decision to make a request and the written request for such a supervision arrangement closely follow the processes detailed at **4f2.1 and 4f2.2 - Best Practice Guidance** with the following inclusions:
  
  - PBNi retains responsibility for:
    - updating Assessments and Risk Assessments in accordance with PBNi Standards and Best Practice Guidance
    - enforcement
    - variation and amendment
    - breach and revocation.

- It is important that the Probation Officer adheres to any applicable Information Sharing protocols and notifications regarding violent and sexual offenders and those relating to the protection of children, vulnerable adults, victims and the wider public.

* (Notifications may include, where appropriate, Circular 3/96 Sharing to Safeguard, PBNi Child Protection Policy and Procedures, PBNi Victim Information Scheme Public Protection Arrangement Northern Ireland (PPANI), Multi-Agency Risk Assessment Conference (MARAC) regarding Domestic Violence.)

| **4f3.2** Where such arrangements are in place the Probation Officer (PBNi) shall | 
| ensure all relevant details and documentation is provided to the area agreeing to supervise the case on behalf of PBNi; | 
| all relevant notifications in relation to agreed protocols policies and procedures to protect children, vulnerable adults, victims and the Public are completed* | 
| ensure that the PBNi case management system records that the case is still active; | 
| maintains contact with the relevant officer supervising the case on behalf of PBNi, once in every 4 week period; | 
| update assessments and risk assessments at the required intervals (Refer to Section 3a.5); | 
| take any enforcement action including breach or revocation in accordance with Section 5a) |
## Transfer of License between Northern Ireland, England and Wales and Scotland

### General Principles

- Schedule 1 of the Crime (Sentences) Act 1997* covers the transfer of supervision of offenders subject to release on licence.
- There is no automatic right to transfer. Each request needs to be dealt with on its own merits.
- Formal approval from the Minister of Justice/Secretary of State/Department Of Justice needs to be sought and given.
- Transfer can take place during the custodial period of a sentence as well as the period of post release supervision.
- Transfer of supervision may be made on an ‘unrestricted’ or a ‘restricted’ basis.
- It is important that staff understand the difference between the two types of transfer.
- In both ‘restricted’ and ‘unrestricted’ transfers supervision will be in accordance with the Standards applicable in the receiving jurisdiction. In other words in the case of a Licence transferred from Northern Ireland to Scotland, the Standards which apply to such cases supervised in Scotland will apply and vice versa.
- Most transfers of Licences are agreed and made on a ‘restricted’ basis.
- ‘Unrestricted’ transfer. The law of the receiving jurisdiction applies and the offender is subject to the statutory and other provisions applicable in the receiving jurisdiction. The administration of the sentence becomes a matter for the receiving jurisdiction including the post release supervision and management of the licence.
- ‘Restricted’ transfer. The law of the sending jurisdiction continues to apply and the offender will be subject to the same conditions as would have applied in the sending jurisdiction as well as any other conditions specified. This includes the law governing parole reviews, early release and licensing as well as the provision of parole reports. The receiving jurisdiction will take responsibility for the supervision of the Licence but the sending jurisdiction retains responsibility for enforcement and recall. Supervision can be transferred back to the original jurisdiction.
- Subsequent variation, insertion or cancellation of additional licence conditions is dealt with by the sending jurisdiction.

### Performance Standards

| 4f4.2 | Where a formal transfer of a Licence to England and Wales or Scotland is being considered the Probation Officer shall assess the legality, appropriateness and safety of such a transfer prior to deciding whether or not to support and process the transfer. |

### Best Practice Guidance

#### Decision regarding Formal Transfer of a Licence to England and Wales or Scotland

The offender needs to be informed at the outset of the request that the formal approval of the Department of Justice is required along with the acceptance by the receiving area to accept the transfer. The decision, will, where appropriate, normally be informed by:

- whether formal transfer is legally permitted. (Refer to **4f.2 Best Practice Guidance**)
- discussion and exploration of the reasons for transfer including family or other ties to the area, family contacts and other support, and intentions as regards to residence post supervision;
- any compelling or compassionate reasons for the transfer
- assessing the likely impact of the transfer in terms of
  - continuity and effectiveness of supervision and management of the case including arrangements for meeting all the conditions of the Licence;
  - likelihood of reoffending and risk of serious harm
  - management of supervision in terms of achieving case/risk management plan objectives and purposes of the Licence including the rehabilitation of the offender, protection of the public, prevention of further offending;
- adherence to relevant legislative and procedural requirements or restrictions and protocols that may apply to the transfer of the supervision of the Licence including arrangements for enforcement and, breach and recall;
- discussion with the Area Manager and, where applicable, the sharing of information and discussion at a Risk Management Meeting/Review and/or Local Area Public Protection Panel meeting for those subject to PPANI arrangements.

#### Written Request for a Transfer of a Licence to England and Wales or Scotland

A **Quality** written request will, where appropriate, normally include:

- Offender details including name, current address, Date of Birth, proposed address;
- Offence details and PBNI - Level of Application
- Licence details including conditions and any additional conditions
- Reasons for transfer and a request to check out the suitability of the proposed home address, family or other supports.
- Up to date assessment of the Likelihood of reoffending and Risk of Serious Harm including any child protection, public protection and/or victim issues.
- Recent assessment reports.
- Summary of previous convictions including relevant victim issues.
- Summary of progress of case towards achieving case/risk management plan objectives any enforcement issues.
- Issues still to be addressed and current level of contact.
- Any outstanding fines/compensation and arrangements for payments.
- Legislative requirements or restrictions relevant to the transfer request including those applicable under the Sexual Offences Act 2003.
- Probation Officer/Area Manager/Director/Assistant Director contact details.
<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td><strong>4f4.3</strong> Where the receiving area in England and Wales or Scotland confirms its willingness to accept the formal transfer of a Licence the Probation Officer, in discussion with the Area Manager (Relevant Assistant Director where required) shall:</td>
<td><strong>Request the Secretary of State/ Department of Justice to formally transfer licence</strong>&lt;br&gt;- The Secretary of State/Department of Justice formally transfer a Licence to England and Wales and Scotland stating the nature of the transfer in terms of being ‘restricted’ or ‘unrestricted’ and any conditions attached to the transfer.&lt;br&gt;- The details provided to the Secretary of State/Department of Justice need to confirm:&lt;br&gt;  - the proposed address is satisfactory;&lt;br&gt;  - provisions can be made for the offender to comply with the conditions (including any additional conditions) of the Licence;&lt;br&gt;  - suitable arrangements can be made to supervise the Order.&lt;br&gt;- It may be necessary to request amendments, deletions or insertions to Licence conditions to ensure that they can be fully complied with in the receiving area following the transfer.&lt;br&gt;- The offender will be issued with a Transfer Order which requires his/her signature to confirm that they understand the conditions of transfer. (Refer also to current: NIPS Transfer or repatriation of Prisoners and of Post Release Supervision between United Kingdom Jurisdictions and the Island. Problion Circular-Offender undergoing or about to undergo post-release supervision who wish to resettle or travel outside England and Wales.)</td>
</tr>
<tr>
<td>Performance Standards</td>
<td>Best Practice Guidance</td>
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</table>
| **4f4.4** Where written confirmation has been obtained from the receiving area to accept the transfer along with formal approval from the Secretary of State/Department of Justice for the transfer of a Licence to take place, the PNI Probation Officer shall ensure:  
- that all required and relevant information is forwarded to the receiving probation/criminal justice social work area in England and Wales, Scotland;  
- the offender receives details of his/her first appointment and contact details for the office and supervising officer (where known); and that  
- all relevant notifications in relation to agreed protocols policies and procedures to protect children, vulnerable adults, victims and the Public are completed.* | **Formal Transfer of a Licence - Transfer of case records and relevant documentation**:
The information forwarded to the receiving area as a result of a transfer or supervision arrangement will, where appropriate, normally include:  
- Offender contact details  
- Copy of the Order(s) or Licence  
- Status of Transfer of Licence as directed by DoJ - 'restricted' or 'unrestricted'. Refer to **4f4.1 Best Practice Guidance**  
- Assessment and Risk Assessments including Risk Management or LAPPP minutes as appropriate.  
- Assessment Reports including most recent Pre-Sentence Report and relevant programme, psychology and/or psychiatric reports  
- Enforcement Sheet and warnings issued.  
- Notification and other requirements under Sexual Offences Act 2003  
- Case plans and Reviews  
- Any offender work sheets.  
- Up to date criminal record.  
- Transfer/case summary including contact details of the PNI Probation Officer and Area Manager.  

*Notifications may include, where appropriate, Circular 3/96 Sharing to Safeguard, PBNI Child Protection Policy and Procedures, PBNI Victim Information Scheme Public Protection Arrangement Northern Ireland (PPANI), Multi-Agency Risk Assessment Conference (MARAC) regarding Domestic Violence.
Formal Transfer of a Licence to England and Wales or Scotland

A Quality formal transfer of a Licence from PBNI to England and Wales or Scotland will, where appropriate, normally include:

- Discussion and exploration around reason for transfer.
- Assessment of impact of transfer on likelihood of reoffending, Risk of Serious Harm, management of the case and achievement of the purpose of supervision.
- Discussion with Area Manager.
- Preliminary discussion with receiving area.
- Taking a defensible decision regarding the transfer request.
- Written request to receiving area to undertake suitability assessment of proposed accommodation and acceptability of transfer.
- Written report from the receiving area confirming:
  - suitability of proposed address
  - arrangements exist to meet the conditions of Licence
  - provisions can be made for the offender to comply with the conditions of the Licence
  - suitable arrangements for supervision can be made.
- Obtaining formal approval from Secretary of State/Department of Justice, to transfer the Licence.
- Application to amend Licence conditions to ensure full compliance in the receiving area.
- Notifications required to protect others in adherence to relevant policies, procedures and protocols. (See 4f3.5.)
- Update and transfer of relevant case records and documentation.
- Offender provided with and signs Transfer Order and informed and provided with details of first appointment following transfer.
- All required notifications completed
- Timely and secure transfer of case records and all relevant documentation.
### 4f5: Request from offender on Supervised Licence to reside or travel outside United Kingdom and Islands (Isle of Man, Guernsey and Jersey)

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<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td>4f5.1</td>
<td>Where an offender on Supervised Licence requests a transfer to a country outside of the United Kingdom and Islands and a formal transfer of the Licence is not legally permitted, the Probation Officer shall advise the offender that approval from the Secretary of State/Department of Justice, would not be given for such a transfer.</td>
</tr>
<tr>
<td>4f5.2</td>
<td>Where an offender subject to Supervised Licence requests permission to travel outside of the United Kingdom and Islands, the Probation Officer shall provide a response to the request within 5 working days or, where the request is more urgent as soon as possible and not more than 2 working days from the date of the request.</td>
</tr>
</tbody>
</table>

#### Response to Request to travel outside United Kingdom and Islands

- The Standard Licence conditions do permit the offender to travel outside the United Kingdom and Islands with prior permission from the Probation Officer. It may be appropriate for the Probation Officer, in exceptional and compelling circumstances to give an offender this permission to travel to facilitate attendance at important family events such as weddings and funerals and/or to facilitate the maintenance or development of family ties and supports relevant to his/her post supervision plans.

- The decision to grant permission for an offender subject to supervised Licence to travel requires the Probation Officer to:
  - assess any increased risks, in terms of likelihood of reoffending and Risk of Serious Harm to others
  - confirm suitability of proposed address if travel includes one or more overnight stays
  - take into account any applicable travel or residence restrictions: those contained in the Conditions of Licence, Sexual Offences Act 2003 relating to Notification and Foreign Travel.
  - adhere to the applicable protocols relating to sharing, notifying consulting and communicating with appropriate others.
  - securing approvals from the relevant Assistant Director and Department of Justice/Life Sentence Unit where required in Life Licence cases.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4f6.1</strong></td>
<td>The Area Manager upon receipt of a request for a transfer of an Order or Licence from England and Wales or Scotland to Northern Ireland shall allocate it to a Probation Officer within <strong>2 working days</strong> of its receipt.</td>
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</table>

**Transfer of an Order or Licence from England and Wales or Scotland**

**Transfer of Licence**
- In relation to transfer of a Licence the requests go through the Director of Probation and are delegated to the relevant Assistant Director to forward to the appropriate Area Manager for allocation.
- The formal written response to the request for a transfer of a Licence is sent by the Assistant Director on behalf of the Director of Probation.

**Transfer of Order**
- The request for the transfer of an Order from England and Wales and Scotland may be received and processed by the local Area Manager, who will inform, and where appropriate, consult with, the relevant Assistant Director concerning the response to the request.

PBNI require adequate and timely information from the sending area in order to decide on the appropriateness of accepting a transfer of an Order or Licence. The **Required details** will, where appropriate, normally include:
- Offender details including name, current address, Date of Birth, proposed address.
- Offence details.
- Order or Licence details including requirements/conditions including any additional requirements/conditions.
- Reasons for transfer and a request to check out the suitability of the proposed home address, family and other supports.
- Up to date assessment of the Likelihood of reoffending and Risk of Serious Harm including any child protection, public protection and/or victim issues.
- Recent assessment reports.
- Summary of previous convictions including relevant victim issues.
- Summary of progress or otherwise of case towards achieving case/risk management plan objectives or completion of Community Service hours and any enforcement issues.
- Issues still to be addressed and current level of contact.
- Any outstanding fines/compensation and arrangements for continuation of payments.
- Legislative requirements or restrictions relevant to the transfer request including those applicable under the Sexual Offences Act 2003 (or subsequent relevant legislation).
- Contact details of sending area.
### Performance Standards

**4f6.2** The allocated Probation Officer shall:
- assess the suitability of the proposed address;
- discuss with the sending area legislative requirements and restrictions relating to the proposed transfer;
- provide and discuss with the Area Manager written feedback regarding the transfer;
- forward the written response to the relevant Assistant Director (AD).

**4f6.3** The relevant Assistant Director or Area Manager shall inform, in writing, the sending area of the decision regarding PBNI’s willingness to accept the transfer.

### Best Practice Guidance

**Response to written request for Transfer of an Order or Licence from England and Wales or Scotland**

- The allocated Probation Officer in assessing the suitability of a proposed address needs to take the following into account:
  - nature of the family and/or other connections to the proposed address and area
  - supports and opportunities available in the proposed area
  - where the offender intends to reside post supervision
  - other reasons or grounds supporting the transfer request.

- The type of Order requirements and Licence conditions which are available in England and Wales and Scotland do not match exactly with those which exist in Northern Ireland (see 4f2). A discussion with the referring area may be required to determine what amendments, deletions or insertions are required to ensure that the Order or Licence can be fully complied with in Northern Ireland.

- Response may also include:
  - Any suggested amendments, deletions or insertions of requirements/conditions to ensure compliance with legislative and organisational compatibility. There are certain legal restrictions for example to the number of hours worked on community service as a single order and as part of a Combination order which may differ from that of the sending area and may not legally be enforced without being amended.
  - Contact details of proposed supervising Probation Officer and Office and arrangements for first post transfer appointment, if known and applicable.
  - Details of Assistant Director or other senior manager making/authorising the decision.

- The response needs to provide details confirming:
  - suitability or otherwise of proposed address
  - ability of the receiving area to manage the supervision
  - whether or not the Order Requirements or Licence conditions, including any additional requirement or conditions, can be complied with and enforced
  - PBNI’s willingness to accept (or decision not to accept) the transfer
  - Contact details for PBNI Probation Officer, Area Manager, office and first appointment details.

- Where the decision is that PBNI is not willing to accept the transfer the response needs to state clearly the reason for this decision.

- **Criteria** for accepting a transfer will normally include:
  - suitability of proposed address
  - arrangements exist to meet the requirements of the Order or Licence;
  - provisions can be made for the offender to comply with the requirements of the Order or conditions of the Licence, including any additional requirements or conditions;
  - suitable arrangements for supervision can be made to achieve the purposes of supervision including protection of the public, preventing reoffending and rehabilitation of the offender.
<table>
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<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4f6.3 Cont.</strong></td>
<td><strong>Transfer of an Order or Licence from England and Wales or Scotland: Young Offenders</strong></td>
</tr>
<tr>
<td></td>
<td>- The procedures for responding to a request to transfer a Young Offender to Northern Ireland follows the same procedures as for an adult offender including the need to ensure that the legislative procedures that apply to the Order or Licence being considered for transfer are followed correctly.</td>
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<td>- The courts in England and Wales for example when considering the transfer of a <strong>Youth Rehabilitation Order</strong> either at sentencing or at the amendment stage of an Order already in force need to be satisfied that:</td>
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<td>- The number of hours, days or months in respect of which any requirement of the order is imposed is no greater than the number of hours, days or months which may be imposed by a court in Northern Ireland in respect of a similar requirement in the order which the court proposes to specify as the corresponding order.</td>
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<td>- Suitable arrangements can be made for the offender's supervision.</td>
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<td>- Arrangements exist for the person to comply with such a requirement.</td>
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<td></td>
<td>- Provisions can be made for the offender to comply with the requirement under those arrangements.</td>
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<td></td>
<td>- In responding to a transfer request from England and Wales or Scotland to transfer a Young Offender consideration needs to be given as to which agency could most appropriately manage the case.</td>
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<td></td>
<td>- Consideration also needs to be given to liaising with social services regarding suitability of any proposed address and any additional supports that may be required or available to meet the welfare needs of the young offender.</td>
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<td></td>
<td>Refer also to <strong>4c1.1- Best Practice Guidance- Case Planning Young Offenders.</strong></td>
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<td></td>
<td><strong>Response where a Court in England and Wales or Scotland is considering an Order or Licence to be transferred to Northern Ireland at the point of Sentence.</strong></td>
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<td></td>
<td>- Where the offender, convicted in England and Wales or Scotland has indicated at the court report stage that he/she resides or intends to reside in Northern Ireland post sentence the suitability of the address and arrangements as to meeting the criteria for acceptance needs to be considered as part of communication between the sending area and PBNI as part of the preparation of the report for court. In these circumstances, due to time restraints, the process may require initial verbal confirmation whether will or not PBNI is willing to accept the transfer and what requirements/conditions should apply. This needs to be followed up in writing. (Refer also to Best Practice Guidance in <strong>4f2</strong> and <strong>4f4</strong>).</td>
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### 4f7: Transfer: Prisoners between Northern Ireland, England and Wales and Scotland

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<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<td><strong>4f7.1</strong></td>
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#### Transfer of Prison Sentences

- **Schedule 1 of the Crime (Sentences) Act 1997** deals with the transfer of a Prisoner between England and Wales, Northern Ireland and Scotland. The Northern Ireland Prison Service (NIPS) will coordinate requests involving a transfer from a Prison or Young Offender’s Centre in Northern Ireland to England and Wales or Scotland and will coordinate the response to a request by a prisoner for a transfer from elsewhere in the United Kingdom and Islands to Northern Ireland.

- Prisoners may be transferred on a ‘**restricted**’ or ‘**unrestricted**’ basis. Where the transfer is on a ‘**restricted**’ basis the prisoner remains, for the duration of the transfer, subject to the laws governing parole, reviews and release which apply in the sentencing (sending) area. Where the transfer is on an ‘**unrestricted**’ basis the receiving area will assume full responsibility the administration of the sentence including reviews, release planning and release on licence.

- Where PBNI is involved in such requests staff will, where appropriate and applicable, refer to the Performance Standards and Best Practice Guidance detailed in subsections 4f2, 4f4 and 4f6.

- PBNI staff may be involved in providing a **Home Circumstances Report** including details of family and other supports will comment on the likelihood of family or other visits to the prisoner in the event of a transfer being granted. (Refer also to 3c4 Assessment Reports-NIPS.)

- PBNI staff may also be requested to comment on the nature and type of transfer taking into account the programmes available to the prisoner prior to and post release in Northern Ireland.

(Refer also to current NIPS Transfer or repatriation of Prisoners and of Post Release Supervision between United Kingdom jurisdictions and the Islands.)
Section 4g: Closure
### 4g: Closure

<table>
<thead>
<tr>
<th><strong>Key Outcomes</strong></th>
<th><strong>Key Outputs</strong></th>
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<tbody>
<tr>
<td>• Public protection including Victims maintained.</td>
<td>• Advance planning for closure- penultimate review has ‘Next Steps’ component to smooth transition from supervision.</td>
</tr>
<tr>
<td>• Offender has ownership of responsibilities regarding public protection and avoiding further offending.</td>
<td>• Closure has been planned and includes a final ACE, RA1, where applicable, and case plan review to mark and acknowledge progress or otherwise.</td>
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<tr>
<td>• Offender has understanding on the progress or otherwise in relation to the whole sentence.</td>
<td>• Communication with relevant agencies and others about closure and identifying any continued risk issues.</td>
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<td>• The offender has had opportunity to reflect on progress, or otherwise, since last review but also on the whole of the sentence.</td>
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<td>• Offender has clear objectives post supervision relating to maintaining crime free life style including transitions to community supports and services.</td>
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<td>• Case monitoring completed and case properly closed.</td>
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<td>• Records retained in accordance with the current retention and disposal guidance.</td>
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### 4g: Closure

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>4g.1</strong></td>
<td>When an Order or Licence is time expired (hours expired in relation to Community Service or Supervised Activity Orders), or is terminated early, the case record shall be closed and retained in accordance with the PBN1’s Retention and Disposal Policy.</td>
</tr>
<tr>
<td><strong>4g.2</strong></td>
<td>Within <em>5 working days of</em> termination of the Order/Licence, the supervising officer shall;</td>
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<td>• in all significant-Risk of Serious Harm and other <strong>Higher Level Application</strong> cases prepare the case for closure and make it available (along with any paper file) to the Area Manager for final review;</td>
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<td></td>
<td>• in <strong>Lower</strong> and <strong>Standard Level Application</strong> cases close the case in accordance with 4g.1 and adjacent Best Practice guidance;</td>
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<td>• notify PBN1 Victim Information Scheme of closure in all cases where the victim is registered with the scheme.</td>
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### Closing Case
- It is essential that, when an Order or Licence is time expired or has been terminated early, the case is properly closed.

### Quality closure
- establish that the Order/Licence is indeed time expired or otherwise amenable to closure.
- ensure that any written authority to discontinue supervision issued by the Secretary of State/Minister of Justice is entered into the case record and recorded on PBN1’s Case Management System; (Refer to 4g.4 below).
- enter a final summary on the PBN1 Case Management System.
- update the PBN1 Case Management System;
- ensure that the case record on the PBN1 Case Management System (and paper file where appropriate) contains a full set of relevant documents;
- if the offender is still subject to registration, notify the new Designated Risk Manager and LAPPP Chair of the date supervision will cease.
- written communication detailing the closure of the case to other relevant agencies and organizations in accordance with agreed Risk Management Plans, protocols or procedures for example, Local Are Public Protection Panel (LAPPP) Chairs, Police, Social Services, Prisons, Hostels and Hospitals, Victims;
- strip the record of all duplicated and non-essential materials;
- complete all applicable monitoring requirements;
- ensure that the required written notifications have been sent to the relevant agencies and Organizations regarding the closure of the case and ending of probation supervision;
- ensure that the appropriate monitoring has been completed and recorded on PBN1’s Case Management System
- give instructions for administrative action re packaging, tabbing and storage of the case records and documentation in keeping with the approved colour coding and PBN1’s Retention and Disposal Policy.

In all significant- Risk of Serious Harm and other **Higher Level Application** cases
- case submitted to the Area Manager within agreed time period;
- **Area Manager** to:
  - concur that the Order/Licence has been completed;
  - agree that the PBN1 Case Management System (and paper file) and monitoring has been properly completed and prepared for closure;
  - require any remedial actions by the supervising officer where appropriate;
<table>
<thead>
<tr>
<th>4g.2 Cont.</th>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</table>
|           | **Quality closure- cont.** | o ensure the Risk of Serious Harm ‘Risk Tab’ on the PBNI Case Management System remains active if the final RMM has decided that the offender still poses a significant-Risk of Serious Harm.  
o confirm the file can be closed;  
o give instructions for administrative action re packaging, tabbing and storage of the case records and documentation in keeping with the approved colour coding and PBNI ’s Retention and Disposal Policy  
• Area Managers will monitor a sample of Lower and Standard Level Application case closures across the team.  |
| 4g.3      | **In the event of the offender licensee dying during the period of supervision, or the cancellation of the supervision requirement by the Secretary of State, a final review and summary shall be entered into the case record by the supervising officer and the case closed as per 4g.1 and 4g.2.** | **Closure- Death of Offender under supervision**  
• As part of the closure process it is important that the appropriate notifications are made as detailed in 4g.2 being sensitive to the reason for the closure.  |
| 4g.4      | **Life Licence** If and when the Secretary Of State/Department of Justice issues authority for supervision to be discontinued the official notification shall be served on the licensee by the AD (Prisons). When discontinuation of supervision has been authorised the case record shall be closed as per 4g.1 and 4g.2 above | **Authority to discontinue supervision of life licence**  
• The authority rests with the Secretary of State/Department of Justice/Life Sentence Unit (LSU) in consultation with the PCNI.  
• Normally where a licensee has led a settled and trouble free life for at least 4 years (10 years in the case of a sex offender) the AD (Prisons) shall consider whether, or not, an application should be made for Secretary of State’s authority to Discontinue Supervision.  
• An application shall not be made for authority to discontinue supervision unless it can demonstrated that the licensee presents a reduced and acceptably low likelihood of reoffending and not a significant-Risk of Serious harm to others.  |
Authority to discontinue supervision of life licence-cont.

• Such opinion should be determined by the AD Prisons, together with all relevant staff, reviewing the whole period of supervision.
• The focus of the review should be to assess the licensee's general progress and resettlement as reflected in the case recording and the raft of periodic reports submitted to Life Sentence Unit (LSU)/Lifer Management Unit (LMU). More specifically to assess the licensee's pathway to present in terms of:
  o emotional and psychological state;
  o levels of social competence and performance;
  o strength of social support network;
  o involvement in social, spiritual, community and leisure activities
  o security of accommodation and employment;
  o competence to manage personal finances;
  o use/abuse of alcohol, drugs or other substance; and
  o level of reliance on supervision versus personal competence.

Recommendation to discontinue supervision of life licence

• If the outcome of the review is a decision to recommend discontinuation of supervision the supervising officer shall consult with appropriate others in drafting a report in support of such a recommendation. The report shall be submitted to the PBNI Lifer Manager for countersigning and a covering letter from the Assistant Director (AD) Prisons.

• In the event of the review resulting in a decision not to recommend discontinuation of supervision the question shall be revisited at each subsequent AD led review. The AD meeting with the licensee should be attended by those persons who have had a significant role in supervising the licensee. The main purposes of the meeting are to:
  • recognise the licensee's progress and achievement;
  • formally serve the Secretary of State's notification of authority to cease formal supervision.

• ensure that the licensee understands that all other conditions of license remain in force; and
• convey that the “door remains open” for the licensee to seek advice and/or assistance from PBNI at any time.

• If and when Secretary of State/Minister of Justice authority to discontinue supervision has been received the case record will be closed in accord with 4f.1 and 4f.2 above.
## Premature Termination of Residency - Approved Hostels

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| **4g.5** Each hostel management shall agree a document with the relevant AD which details policy related to premature termination of residency. A copy of the policy shall be made available to each PBNI area manager and probation officer. | **Approved Hostel- Termination of Residency**  
- It is recognised that the supervising probation officer will not always be available for consultation. If the supervising probation officer is not available during PBNI office hours then the Area Manager shall be consulted.  
- Outside PBNI office hours the responsible member of hostel staff shall telephone the PBNI out of hours telephone number and consult with the manager who responds to that call. |
| **4g.6** If the unacceptable conduct of a resident causes residential staff to consider premature termination of his/her residency the supervising probation officer shall normally be consulted before termination is effected. | |
| **4g.7** If the well-being of a resident is under threat from a source outside the hostel residential staff shall, in consultation with the supervising probation officer, consider negotiating an alternative hostel placement. | |
Supervision and Treatment Orders

General Introduction - Legislation

- Supervision and Treatment Orders were introduced into Northern Ireland through the Criminal Justice (Northern Ireland) Order 1996 (Schedule 4) with provisions inserted as Schedule 2A to the Mental Health (Northern Ireland) Order 1986.

A Supervision and Treatment Order - Mental Health (Northern Ireland) Order1986:

- **may be made** by a court where:-
  
  (a) a finding is recorded that the accused is not guilty by way of insanity; or
  
  (b) findings are recorded that the accused is unfit to be tried and that he did the act or made the omission charged against him. (Article 50A (1))

- **cannot** be made in cases where the sentence is fixed in law e.g. murder.

- **requires** the person:
  
  (a) to be under the supervision of a social worker or probation officer (“the supervising officer”) for a period specified in the order of not more than 2 years; and
  
  (b) to submit, during the whole of that period or such part of it as may be specified in the order, to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition. (Schedule 2A Part II 1.)

- The court shall not make a supervision and treatment order unless it is satisfied -
  
  (a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the accused or appellant; and
  
  (b) on the oral evidence of a medical practitioner appointed for the purpose of Part II by the Commission and on the written or oral evidence of one other medical practitioner, that the mental condition of the accused or appellant -
    
    (i) is such as requires and may be susceptible to treatment; but
    
    (ii) is not such as to warrant the making of an order under Article 50A(2)(a), or the making of a guardianship order. (Schedule 2A Part II 2(1))

- The court shall not make a supervision and treatment order unless it is also satisfied -
  
  (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
  
  (b) that arrangements have been made for the treatment intended to be specified in the order including arrangements for the reception of the accused or appellant where he is required to submit to treatment as a residential patient. (Schedule 2A Part II 2(1).)

- Where such an order is made the supervised person shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address. (Schedule 2A Part II 3(5).)

- A supervision and treatment order shall include a requirement that the supervised person shall submit, during the whole of the period specified in the order or during such part of that period as may be so specified, to treatment by or under the direction of a medical practitioner with a view to the improvement in his mental condition. (Schedule 2A Part II 4(1))

- Subject to sub- paragraphs (2) and (3), a supervision and treatment order may include requirements as to the residence of the supervised person. Before making such an order containing any such requirement the court shall consider the home surroundings of the supervised person. Where such an order requires the supervised person to reside in a hospital, the period for which he is so required to reside shall be specified in the order. (Schedule 2A Part II 5(1))
4s.1 Where a Probation Officer undertaking a Pre-Sentence Report is alerted to the possibility that an offender is suffering from a serious mental health condition, he/she shall, where appropriate:

- Consult and refer to P dni Psychology Services
- enquire as to whether a medical assessment has been or will be requested
- take any other appropriate actions, where required to protect others including the offender.

4s.2 Where requested, the Probation Officer shall prepare a Pre Sentence Report (PSR) on those cases where the offender has been found not guilty by way of insanity or is unfit to be tried, but a determination has been made that the offender did the act or made the omission charged against him/her.

**Pre-Sentence Report stage- Assessment**

- Concerns about the mental health of an offender may present in the course of an assessment interview or alerted to concerns by others including family, friends and other professionals involved with the offender such as police, solicitor or GP.
- P dni Psychology Services, where appropriate, will:
  - liaise with Psychiatric/Psychology Services to obtain further information
  - request a Psychiatric Assessment from the appropriate Forensic Psychiatric Service
  - communicate outcomes of these Psychiatric assessments and any P dni Psychological assessment to the PSR writer to incorporate into the Pre-Sentence Report where one is completed
  - Advise on arrangements for interviewing the offender taking into account the level of mental health problems and the possible need to have a responsible person present during any interviews.

- The involvement of other relevant agencies, including Health and Social Care Trust staff, is extremely important in order to be able to present sufficient information to the court concerning the best way to deal with the offender. This includes where consideration is given to a Supervision and Treatment Order, the specific details of the conditions of treatment and the most appropriate agency, either Social Services or P dni in terms of taking responsibility for the supervision of such an order.

- Where it is appropriate a P dni Risk Management Meeting will be convened where the RAI, validated by the Area Manager, indicates a ** Significant - Risk of Serious Harm. (Refer also to Section 3a).**

- P dni staff will, where appropriate, attend and contribute to case discussions held by Health and Social Care Trusts in respect of offenders who are appearing in court and on whom a Probation Officer is preparing a Pre-Sentence Report where a Supervision and Treatment Order is a possible outcome.

- The Pre-Sentence Report will clearly state whether or not P dni is willing to undertake the supervision of a Supervision and Treatment Order and the reasons for the decision. (Refer also to Section 3c3- Assessment Reports-Courts).
<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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</table>
| **4s.3** Each offender who has received a supervision and treatment order and where PBNI has given an agreement to the court to supervise the order, shall be allocated a Probation Officer within 1 working day of the Order being made. | **Making of Orders**

When the court makes a Supervision and Treatment Order ‘copies of the Order are given to a Probation Officer assigned to the court who in turn will give a copy to:
(a) the supervised person
(b) the supervising officer; and
(c) to the Board or authorised HSS trust managing any hospital in which the supervised person is required by that order to reside.’
(Schedule 2a, Part II, 3(3), Mental Health (Northern Ireland) Order, 1986)

Similar requirements apply where a court revokes or amends an Order. (Schedule 2a, Part III, 10 and 11 (Mental Health (Northern Ireland) Order, 1986).

| **4s.4** Where the order requires the offender to be treated as an in-patient the Probation Officer and PBNI nominated Psychologist shall liaise appropriately with those providing the treatment including:
• attending multi-agency case discussions; and
• contributing to assessments, risk assessment and reviews, including case plan reviews, as appropriate. | **Offender undergoing In-Patient Treatment**

• During the period where the offender is being treated as an in-patient, the Probation Officer’s role is limited. The legislation states:
  o ‘While the supervised person is under treatment as an in-patient in pursuance of a requirement of a supervision and treatment order, the supervising officer shall carry out the supervision to such an extent only as may be necessary for the purpose of the revocation or amendment of the order.’ (Mental Health (Northern Ireland) Order 1986- Schedule 2A Part II 4(3))

• The Probation Officer and PBNI nominated Psychologist need to liaise closely with the medical and other staff providing the treatment as to the most appropriate induction, case planning, intervention and review arrangements applicable to the case during the in-patient period of treatment.

• The transition from an in-patient treatment to treatment in the community is significant and requires careful planning and cooperation between all agencies involved with the case. The Probation Officer will take on more responsibilities in terms of the supervision of the offender in his/her community setting.
Where an offender subject to a supervision and treatment order is not undergoing in-patient treatment the Probation Officer shall supervise the offender according to the Performance Standards and Best Practice Guidance applicable to the case.

<table>
<thead>
<tr>
<th>Offender not undergoing in-patient treatment</th>
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<tr>
<td>The offender may not require in-patient treatment or when any required in-patient treatment has ended, the Probation Officer will undertake the supervision and management of the case in accordance with the Performance Standards and Best Practice Guidance applicable to the case taking into account, where appropriate:</td>
</tr>
<tr>
<td>o Offender's mental health assessment and level of understanding</td>
</tr>
<tr>
<td>o The assessed likelihood of reoffending and Risk of Serious Harm and Level of Application</td>
</tr>
<tr>
<td>o Any Risk Management, Mental Health Treatment or Care Plans</td>
</tr>
<tr>
<td>o Involvement of Public Protection Arrangements Northern Ireland (PPANI)</td>
</tr>
<tr>
<td>o Family or other supports</td>
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</table>
### Best Practice Guidance

#### 4s.5 Cont.

**Induction**
- The Probation Officer needs to take into account the offender’s mental health and level of understanding and the need for a family member or other support to be present.
- It is important that the offender is made aware of the requirements of the Supervision and Treatment Order and sufficient time is given to the explanation and to the checking of the offender’s understanding of what has been explained. Responsivity is particularly relevant to these type of cases including giving time and opportunity for the offender to share their views and any concerns regarding the Order.
- Procedures and grounds for amending or revoking the Order need to be explained to the offender at Induction.
- It may be necessary to revisit Induction following the ending of in-patient treatment.

**Case Planning**
- The mental health needs of the offender will be incorporated into a case plan including the nature, type and frequency of treatment. The case plan will also
  - set out any other relevant objectives/goals to address offending and other needs
  - sets out indicators of increased risks or concerns
  - incorporate any Risk Management Plan and related activities including contingency actions where there are increased risk of serious harm to others and/or a deteriorating mental state and risk of harm to self
  - involvement of mental health, social services, other agencies and arrangements for any joint working, communicating and sharing information including progress feedback and reviews
  - family and other supports, services and opportunities
  - level of and arrangements for contact including home visits, and where required unannounced home visits.

**Intervention**
- The level and types of interventions need to take into account:
  - the assessed Likelihood of reoffending, risk of serious harm and Level of Application
  - the mental health assessment and treatment plan
  - the level of the offender’s understanding and ability and motivation to undertake interventions to reduce risks.
  - involvement of other agencies and services such as accommodation, day-care and training/employment
- While the Medical Practitioner is responsible for medical treatment only, it is important that there is ongoing contact between the Probation Officer and Medical Practitioner to monitor the offender’s mental state and progress.

**Assessment, Risk Assessment and Case Plan Reviews**
- Assessment, Risk Assessment and Case Plan Review will normally take place at the time intervals set out in the applicable Level of Application.
- During a period where the offender is receiving treatment as an in-patient PBNI’s role is more limited. The Probation Officer and PBNI nominated Psychologist will normally liaise with the relevant staff providing the in-patient treatment, attend case discussions and multi-agency reviews as required and review update PBNI assessments Risk Assessments and Case Plan at the required intervals. Where the offender has been assessed as a **Significant: Risk of Serious Harm**, the review Risk Management Meetings will need to take into account any update assessments and inputs on the progress of the in-patient treatment.
<table>
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<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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| **4s.6** The Probation Officer shall make an application to the court for variation or cancellation of a treatment requirement where a report in writing from the Medical Practitioner regarding the variation or cancellation has been received. | **Amendment of requirements in pursuance of medical report**

9 (1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision and treatment order-

(a) is of the opinion mentioned in sub-paragraph (2); or

(b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person, he shall make a report in writing to the supervising officer and that officer shall apply under paragraph 8 to a court of summary jurisdiction for the petty sessions district concerned for the variation or cancellation of the requirement.

(2) The opinion referred to in sub-paragraph (1) is-

(a) that the treatment of the supervised person should be continued beyond the period specified in the supervision and treatment order;

(c) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;

(d) that the supervised person has failed without reasonable excuse to comply with any of the requirements of the treatment;

(e) that the supervised person is not susceptible to treatment; or

(f) that the supervised person does not require further treatment.

Refer to Schedule 2a, Part III, paragraphs 8 and 9, Mental Health (Northern Ireland) Order1986.

- Close consultation between the Probation Officer, PBNI nominated Psychologist and the Medical Practitioner is required in cases where consideration is being given to cancelling a treatment requirement. This action constitutes a Significant change and may require a review of the ACE assessment and, where appropriate, the RA1 risk assessment. The Probation Officer needs to present to the court clear reasons for the decision and, where it is assessed that the offender in no longer susceptible to treatment:
  - the implications for ending treatment and the implications for the assessed levels of risk in terms of likelihood of reoffending and, where applicable, risk of serious harm;
  - what steps have or can be taken to manage any increase in risks and protect the public.

| **4s.7** The Probation Officer shall make an application to the court to revoke an Order where it is considered in the interests of the health or welfare of the offender to make such an application. | **Revocation of Order in the interests of offender’s health or welfare**

- Legislation does not permit breach or revocation of an Order on the grounds of failing to comply with the requirements.

- An Order can only be revoked where it is considered to be in the interest of the health or welfare of the offender that the Order is revoked. This may be on the application of the Probation Officer or offender.

Schedule 2a, Part III, 6, Mental Health (Northern Ireland) Order,1986
<table>
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<th>Performance Standard</th>
<th>Best Practice Guidance</th>
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| **4s.8** Where the offender fails to comply with the requirements of the Order, the Probation Officer shall contact the relevant Medical Practitioner to discuss appropriate actions, including where necessary, actions to protect others and the offender. | **Enforcement**  
- Whilst it is the responsibility of the Medical Practitioner to inform the Probation Officer where the required medical treatment is not taking place, the Probation Officer may be made aware by the offender or another source that treatment is not taking place. A discussion with the Medical Practitioner needs to take place and where the treatment has broken down appropriate actions including returning the Order to Court  
- Where compulsory medical treatment is considered necessary the offender will be required to meet the criteria for detention under Article 12 of the Mental Health (Northern Ireland) Order 1986.  
- Where the offender’s non compliance indicates increased risks in relation to serious harm the Probation Officer needs to discuss the circumstances of the case with the area manager and agree actions to protect others and the offender. This may involve alerting relevant others to the concerns and close liaison with the Police to ensure they are aware of the concerns about increased risk to others and the offender.  
(Refer also to **Section 5a.2 Immediate Actions to protect others**.) |
| **4s.9** Where an offender subject to a Supervision and Treatment Order intends to move address within Northern Ireland, the Probation Officer, where necessary, shall apply to the court to amend the petty sessions district to include the new area and, where required to request the variation cancellation or substitution of a requirement to ensure compliance. | **Transfer of Order within Northern Ireland**  
- The court will decide if the Order should be transferred and that the requirements can be complied with, or, following amendment, cancellation or substitution of a requirement, can be complied with in the new area.  
- The processes set out in **Section 4f1 Transfer within Northern Ireland**, apply, as appropriate, to transfer of Supervision and treatment Orders. |
| **4s.10** Where an offender moves to an address outside of Northern Ireland, the Probation Officer shall inform the Area Manager without delay and agree appropriate actions, including, where required, actions to protect others. | **Offender moves outside Northern Ireland**  
- A Supervision and Treatment Order cannot be formally transferred outside Northern Ireland.  
- The Probation Officer needs to inform the relevant Medical Practitioner and discuss appropriate actions including those actions communicate with other agencies to protect others.  
- Discussion also needs to include the possibility of making arrangements for the case to be supervised on behalf of PBNI where this is considered appropriate in terms of compliance with the Order requirements and where the health and social care needs can be met on a voluntary basis in the new area.  
(Refer also to **Section 4f3- Arrangements for Supervision of an Order on Behalf of PBNI**.) |
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<th>Performance Standard</th>
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<td>4s.11</td>
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**Fitness to Stand Trial**
Where an offender subject to a Supervision and Treatment Order is subsequently considered fit to stand trial and charged with an offence arising out of the same act or omission as that which the examination of facts considered, any Supervision and Treatment Order ceases to have effect once the indictment or complaint is served.

**DN. Legislation reference?**
Section 4v-PBNI Victim Information Scheme—Victim Contact

PBI’s Victim Contact
Introduction

The PBI Victim Contact work includes:
- the operation of the PBI Victim Information Scheme;
- the facilitation of victim reports to the Parole Commissioners Northern Ireland (PCNI);
- the facilitation of victim/offender mediation and restorative interventions.

PBI’s Victim Information Scheme

- This is a statutory scheme as provided by the Criminal Justice (N.I.) Order 2005. The scheme seeks to ensure that victims receive information about what it means when someone is sentenced to an Order or Licence which requires supervision by the Probation Board.
- The scheme works closely with other Criminal Justice and victim organisations to provide a wide range of information and services to victims of crime at various stages of sentence which includes both custody and community supervision. Where an offender receives a sentence which includes both custody and community supervision the PBI Victim Information Scheme shall work in partnership with the Prisoner Release Victim Information Scheme (PRVIS).

Victim Reports to the PCNI

- PBI seeks to ensure that the impact on victims and the prevention of victimisation is central to the engagement with offenders. At all stages of contact and work with offenders it is important for staff to include the victim perspective.
- The provision of Victim Reports to the PCNI for Life Sentence, Extended and Indeterminate Custodial Sentenced prisoners is important in terms of key decisions taking in these cases including preparation for release and any additional conditions of a Licence. Information relating to the ‘attitude and concerns’ of victims/families is provided within a Victim Report provided by PBI to PCNI.

* Refer also to the Parole Commissioners Rules Northern Ireland, 2009, Schedule 1 Part B.

Facilitation of victim/offender mediation and restorative interventions

- PBI facilitate a range of restorative interventions: In response to requests from victims and offenders. Draft guidance is available.

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<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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| 4v.1  A referral regarding a victim shall be allocated to a Victim Liaison Officer (VLO) :  
  - within 2 working days of their receipt; or  
  - 5 working days prior to a prisoner being released from custody in relation to a referral from the Prisoner Release Victim Information Scheme (PRVIS) | Eligibility
  - PBI’s Victim Information Scheme is available to any person (or agreed representative) who has been the direct victim of a criminal offence for which the offender received a Probation Supervised Sentence. |

| 4v.2  The VLO shall contact the victim within 4 working days of allocation. | Initial Contact
  - Initial contact will normally be by telephone, followed by a face-to-face meeting unless the victim has requested written information. |
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<th>Performance Standards</th>
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<tr>
<td><strong>4v.3</strong> All registered victims shall be offered agreed information relating to their case; and appropriate services as outlined in the Service Requirement.</td>
<td><strong>Information offered to Victims</strong>&lt;br&gt;The victim is offered information concerning the type of sentence the offender received including information on:&lt;br&gt;• the number of hours (Community Service) and/or length of probation supervision or, as in the case of a Custody Probation Order, the custody and probation supervision elements of the Order;&lt;br&gt;• a sentence where offender can be, or has been, released on licence supervised by PBNI including the custody and licence components, involvement of Parole Commissioners Northern Ireland (PCNI) in determining release, where applicable, and release planning and Licensing arrangements;&lt;br&gt;• general requirements of PBNI supervision including possible consequences for non-compliance;&lt;br&gt;• any additional requirements of an Order or Conditions of a Licence;&lt;br&gt;• any sentence or civil order requirements or restrictions which may apply including notification and travel requirements.&lt;br&gt;• any further court sentence in relation to the sentence received by the offender in their case; and&lt;br&gt;• variation of the requirements or conditions of an Order or Licence.</td>
</tr>
<tr>
<td><strong>4v.4</strong> A referral for a Victim Report to the PCNI shall be allocated at least 20 working days before it is due.</td>
<td><strong>Purpose of Victim Report to PCNI</strong>&lt;br&gt;Where the victim/victim's family is registered with the PRVIS the VLO shall liaise and agree how contact shall be made.&lt;br&gt;&lt;br&gt;The key purposes of PBNI Victim Contact in relation to a Victim Report to the PCNI include:&lt;br&gt;• providing the PCNI with details relating to the victim's/victim's family attitudes and concerns;&lt;br&gt;• provide information to victim (victim's family) on the PCNI process for reviewing cases and PBNI's role and contribution to the processes for Life Sentence, Extended and Indeterminate Custodial Sentence prisoners; and&lt;br&gt;• provide the victim/victim's family information about other victim support organisations.</td>
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<tr>
<td><strong>4v.5</strong> Within 4 working days of the report being allocated, the VLO(s) shall initiate contact with the Victim / Victim's Family to offer the opportunity for the victim / victim's family to be involved in the Report process.</td>
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12th April 2011
### Performance Standards

<table>
<thead>
<tr>
<th><strong>4v.6</strong></th>
<th>In preparation for contact with the victim/victim’s family to undertake the Victim Report, the VLO(s) shall ensure that he/she has reviewed documentation and records relevant to the case.</th>
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<tbody>
<tr>
<td><strong>4v.7</strong></td>
<td>The Victim Report shall be completed where the informed consent of the victim/victim’s family has been obtained</td>
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<tr>
<td><strong>4v.8</strong></td>
<td>The PBNI Victim Report shall, where possible, be based on at least one direct contact with the victim/victim’s family</td>
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<tr>
<td><strong>4v.9</strong></td>
<td>The Victim Report, using the PBNI Approved structure, section headings and template, shall be completed within <strong>20 working days</strong> of allocation or alternatively no later than one week before the due date detailed in the referral.</td>
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### Best Practice Guidance

<table>
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<tr>
<th><strong>Preparation for Contact regarding Victim Report</strong></th>
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<tbody>
<tr>
<td>• The VLO access PBNI and other appropriate and relevant sources for information including:</td>
</tr>
<tr>
<td>o Previous PBNI/NIPS contacts with victim (victim’s family).</td>
</tr>
<tr>
<td>o Previous PBNI assessments and assessment reports</td>
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<tr>
<td>o Lifer Management Unit case file.</td>
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<tr>
<td>o Involvement of other victim organisations;</td>
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<tr>
<td>o Circumstances of the offence(s).</td>
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<td>o Any contacts between victim/victim’s family and prisoner since offence.</td>
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<td>o Significant anniversaries.</td>
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<td>o Media coverage.</td>
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<tr>
<td>• The VLO needs to have sufficient knowledge and understanding of the stages and processes relating to Life, Extended and Indeterminate Custodial Sentences in order to be able to respond to queries and/or concerns raised by the victim/victim’s family.</td>
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<tr>
<th><strong>Informed Consent of Victim</strong></th>
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<tbody>
<tr>
<td>• The VLO shall ensure that the victim/victim’s family is provided with sufficient information in order that informed consent for the Victim Report is obtained.</td>
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<tr>
<th><strong>PBNI Victim Report to PCNI</strong> -</th>
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<tbody>
<tr>
<td>The Victim Report will, where appropriate, normally include:</td>
</tr>
<tr>
<td>• Front Sheet</td>
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<tr>
<td>o Offender Details</td>
</tr>
<tr>
<td>o Victim (Victim's family)/Representative contacted</td>
</tr>
<tr>
<td>o Number, location and date of contacts</td>
</tr>
<tr>
<td>• Introduction</td>
</tr>
<tr>
<td>• Relevant Background information/Sourcing Information</td>
</tr>
<tr>
<td>• Information conveyed/Purpose of Contact</td>
</tr>
<tr>
<td>• Victim Concerns and Attitudes</td>
</tr>
<tr>
<td>• Author Details and Signature</td>
</tr>
<tr>
<td>• The Victim Report does not cover Community Attitude which is covered within the Case Manager’s Report.</td>
</tr>
<tr>
<td>Performance Standards</td>
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</tbody>
</table>
| **4v.9 cont**         | **Quality** Victim Report to PCNI will, where appropriate, normally:  
- be based on the Performance Standards and Best Practice Guidance detailed;  
- be presented in the approved structure and format and within the agreed timeframe;  
- be balanced, objective and impartial;  
- be clearly written, factually accurate and free from presentational errors;  
- be free from jargon if used, explanation of the jargon provided  
- be free from discriminatory and stereotyping language;  
- be shared with the victim(victim’s family)  
- have an appropriate level of gatekeeping completed. |
| **4v.10**              | **PBNI Victim Report to PCNI - Engaging with Victim**  
- The VLO needs to undertake the interview with the victim/victim’s family in a sensitive and sympathetic manner which demonstrates openness and honesty and a commitment to safeguarding the rights of all parties.  
- It is important for the VLO to listen to the victim/victim’s family story and issues and then to summarise the specific points regarding their attitudes and concerns which are to be presented in the Victim Report with the understanding that the prisoner will have access to the Report.  
- There may be issues and concerns raised which the victim (victim’s family) do not wish to be addressed within the Victim Report but may be possible that these are shared with the prisoner at a later stage and/or within a different context other than a Victim Report and with the prisoner’s agreement (i.e. within a restorative intervention). |
| **4v.11**              | **Recording**  
- As notes are potentially disclosable, not just in Court, but also under the Data Protection Act, they must be fair legible, factual, relevant and accurate. The date the note was made should be recorded on the handwritten note.  
Refer also to section **6c.-Recording** |
|                       | **Gatekeeping**  
- The report will normally be gatekept by the Victims Unit Manager.  
Refer also to section **6d-Gatekeeping** |
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4v.13</strong></td>
<td>The VLO(s) shall make arrangements for the Victim Report to be shared with the victim/ victim's family in advance of its submission.</td>
</tr>
<tr>
<td><strong>4v.14</strong></td>
<td>Once the Report has been Gate-kept the VLO(s) shall submit it to the relevant Prison Case Manager within the agreed time period. <strong>Request not to disclose information to Prisoner</strong> <em>Where there is important information contained within the Victim Report but which should not be disclosed to the prisoner, the reasons for non disclosure must be clearly stated with a direct reference to Rule 9 of the Parole Commissioner's Rules 2009.</em> <em>The power to certify information as confidential rests with the Secretary of State/ Minister of Justice and in practice would only be exercised exceptionally.</em></td>
</tr>
<tr>
<td><strong>4v.15</strong></td>
<td>The Victim Report shall be shared with the Prisoner prior to it being submitted to the PCNI. <strong>Sharing Victim Report with Prisoner</strong> <em>The prison based case manager shall ensure that the prisoner is given the opportunity to view the Report, excluding personal details of the Victim (Victim's Family).</em> <em>It is important for the case manager to be alert to any concerns there may be in relation to how the prisoner may respond to the disclosure of the Victim Report details, including risks of self harm, and ensure that relevant notification to the Offender Management Unit Lifer Management Unit staff are completed.</em></td>
</tr>
<tr>
<td><strong>4v.16</strong></td>
<td>The VLO(s) who completed the Report shall be available to attend a PCNI hearing where this has been requested or required.</td>
</tr>
<tr>
<td><strong>4v.17</strong></td>
<td>The VLO(s) who completed the Victim Report shall, in conjunction with PRVIS, inform the victim of any relevant feedback from the process. <strong>Feedback to Victim</strong> <em>Only general feedback can be given.</em> <em>Only with the prisoners agreement will other information be given to victims / victim families</em> <em>PRVIS will keep registered victims/victim families informed of the commencement of significant home leaves and final release.</em></td>
</tr>
</tbody>
</table>
Probation Board for Northern Ireland

Section 5

Offender Compliance
Offender Compliance

Contents:

Introduction

Section 5a: Offender Compliance- Enforcement, Breach, Recall and Revocation
Section 5b: Serious Further Offence
1. Offender Compliance

Offender compliance refers to the degree to which an offender complies with the requirements of an Order or Conditions of a Licence. A core element of PBNI’s organisational purpose is to ensure offender compliance with the sentence of the court and to ensure the integrity of the Order or Licence. This includes, where necessary, appropriate enforcement action taken where there is evidence that the offender is not complying with the sentence requirements. Compliance can also be viewed in progressive terms with movement through a number of dynamic stages. The offender, encouraged to comply with the formal requirements of an Order or Licence, can progress to a more substantive compliance with supervision objectives where he/she makes changes that result in a reduced likelihood of reoffending. The process of change can continue to the situation where successful reintegration rehabilitation has occurred and the offender has developed internal motivation to lead a crime free lifestyle and compliance with the law.1

Whilst it is important to acknowledge the importance of securing the formal compliance of the offender to complete the sentence it is also essential for staff to work positively with offenders to help progress that compliance to a more substantive level, that is, not only keeping to the contact and notification requirements of the sentence but also engaging with changing behaviour, attitudes and motivation directed towards ceasing offending and leading a crime free life.

2. Graduated Sanctions.

The PBNI enforcement process is a graduated response to offender non-compliance which recognises the importance of positively engaging and working with offenders to:

- ensure the integrity of the Order or Licence;
- reinforce Order requirements and Licence conditions
- monitor and seek to secure offender compliance;
- respond promptly to non compliance to protect the public;
- deter further non-compliance; and
- evidence efforts to manage non-compliance prior to breach or a request for recall.

A swift, certain and graduated response gives a clear message that compliance is non negotiable and that offenders are accountable for their behaviour. At the same time, however, it is important to emphasise that the way in which enforcement and recall procedures are followed are based on the following principles:

- integrity of the supervision of licence conditions
- defensible decision making;
- procedural fairness in terms of offenders receiving the appropriate information regarding compliance and consequences for non- compliance;
- respect and dignity of all offenders;
- fair and just treatment including the legitimate use of authority;
- consistency of practice;

With each unacceptable failure to report or otherwise comply with a requirement of an Order or condition of a Licence the supervising officer is required to assess the seriousness of the non-compliance and take appropriate enforcement action. The graduated approach can use a range of measures designed to help strengthen and secure offender compliance prior to breach or recall action. These measures include the

- issuing of warnings to the offender to comply;
- application to vary or insert additional requirements or conditions;

• increasing level and type of contact with the offender;
• initiating breach or a recall request.

A decision to breach or request a recall can be made at any time in the course of an Order or period of a relevant licence prior to any graduated sanction. Where there are concerns about the risks related to Serious Harm PBNI will take immediate action to protect the public.

3. Recognition and reinforcing offender progress and effort

Whilst securing compliance with the sentence is a significant part of an offender’s engagement, staff also need to keep in mind the important impact of being able to recognise and reinforce effort and evidence of positive change on the part of the offender through, for example, the reduction in the Level of Application of a case, reduction in contact and/or the easing of restrictive measures where it is considered both safe and appropriate to do so.
Section 5a: Offender Compliance-Enforcement, Breach, Recall and Revocation
## 5a: Offender Compliance - Enforcement, Breach, Recall and Revocation

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Measurement</th>
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<tbody>
<tr>
<td>1. Positive/constructive/meaningful offender engagement in process,</td>
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<td>including offender self assessment.</td>
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<td>4. Appropriate management of offenders under PBNI supervision in respect of</td>
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<tr>
<td>Enforcement, Breach, Recall, Revocation and Serious Further Offending.</td>
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<table>
<thead>
<tr>
<th>Outputs</th>
<th>Measurement</th>
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<tbody>
<tr>
<td>27. Clear and fair boundaries in place which the offender understands.</td>
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<td>28. Appropriate action taken and clearly recorded as appropriate.</td>
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<tr>
<td>29. Procedural fairness and legitimate use of authority are evidenced.</td>
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</tbody>
</table>
### 5a: Offender Compliance - Enforcement, Breach, Recall and Revocation

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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<tbody>
<tr>
<td><strong>Compliance</strong></td>
<td><strong>Compliance</strong></td>
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<tr>
<td>5a.1 Compliance</td>
<td>5a.1 Compliance</td>
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<tr>
<td>The supervising officer shall engage positively and purposely with each offender under supervision in order to secure their compliance.</td>
<td>Compliance, in the formal sense, refers to the offender complying with the requirements of an order or conditions of a licence. It is important that offenders are aware of their responsibilities in respect of the requirements or conditions that apply to their case and the possible consequences if they fail to comply.</td>
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<td></td>
<td>At the same time staff need to be aware that is equally important for offenders to explore the possible benefits that could be gained from engaging positively and purposefully with the sentence and the identified changes contained within their respective case/sentence/risk management plans. An offender's compliance with these, more substantive, aspects of their sentence can help form the basis for their longer term compliance with the law and goals set towards integration into the community and responsible citizenship.</td>
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<td></td>
<td><strong>Compliance - Applicability Best Practice Framework</strong></td>
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<td></td>
<td>The best practice framework detailed in section 1 is relevant to compliance, including non compliance and enforcement, and in particular:</td>
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<td>- building a positive relationship</td>
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<td>- pro social modeling and motivational interviewing</td>
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<td>- procedural fairness</td>
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<td>- demonstration of commitment to the offender's efforts</td>
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<td>- consistency</td>
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<td></td>
<td><strong>Reinforcement and Recognition of Compliance</strong></td>
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<td></td>
<td>Reinforcement of a desired behaviour can increase the likelihood that that behaviour will be repeated in the future and this applies to reinforcing compliance through:</td>
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<td>- encouragement of efforts and change</td>
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<td>- recognition in the form of letters, certificates</td>
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<td>- where appropriate and safe to do so, reduction in contact and controls such as curfews.</td>
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<td></td>
<td><strong>Pro Active Approach to Compliance</strong></td>
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<td></td>
<td>Where appropriate, particularly at the earlier stages of supervision, consideration may be given to the use of the following to promote offender compliance:</td>
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<td>- fixed time and day for appointment</td>
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<td>- appointment card</td>
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<td>- text message/ reminder telephone call</td>
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<td>- resolution of practical barriers to compliance</td>
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<td>- use of family/ supports/mentors to remind offender</td>
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<td>Where approach is applied this decision needs to be clearly recorded in the case record.</td>
</tr>
<tr>
<td>Performance Standards</td>
<td>Best Practice Guidance</td>
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<tr>
<td><strong>5a.2</strong></td>
<td><strong>Immediate Action to Protect Others - All Cases.</strong></td>
</tr>
<tr>
<td>Where the non compliance of an offender indicates <strong>increased risks</strong> in relation to serious harm to others the Probation Officer shall consult with the Area Manager without delay to discuss breach or recall and/or other actions as appropriate to protect others.</td>
<td>- The issuing of prior warnings for failing to report or comply will be circumvented if the supervising officer and/or the Area Manager have reason to believe that the safety of the public, staff, victims or potential victims may be endangered, including concerns about the protection of children and vulnerable adults. Where these concerns arise the supervising officer shall consult with the Area Manager or, in the absence of the Area Manager, with an Assistant Director (AD) <strong>without delay</strong>. This process also applies in a situation where these concerns arise and the offender had received <strong>prior warnings</strong>.</td>
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<td></td>
<td>- The discussion with the Area Manager will, where appropriate, normally include:</td>
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<td>o assessment of the nature of the failure to report or comply;</td>
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<td>o assessment of the implications of the non-compliance for others including victims, potential victims and staff as well as implications for the offender (e.g. <strong>self harm</strong>).</td>
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<td>o concerns about increased risks related to serious harm;</td>
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<td></td>
<td>o any need to attempt to establish contact with the offender through a home visit or telephone call on the <strong>same day</strong> as the failure to report or comply and/or establish that the offender has not been remanded into custody (refer also to <strong>5a.10</strong>);</td>
</tr>
<tr>
<td></td>
<td>o <strong>Immediate Action to protect others</strong>: request a warrant (refer to <strong>5a.13</strong>) in the case of a breach of an Order or Article 26 Sex Offender Licence, or request a Recall through the Standard (more urgent process) or <strong>Emergency Route</strong> as appropriate (refer to <strong>5a.25</strong> and <strong>5a.27</strong> respectively);</td>
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<td></td>
<td>o escalating breach or recall action already initiated to level of a warrant or Standard (more urgent process) or Emergency Recall;</td>
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<td></td>
<td>o identifying other appropriate actions to respond to and manage the non-compliance and any associated risks including where appropriate and considered necessary:</td>
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<tr>
<td></td>
<td>▪ communicate with other agencies and organizations in accordance with agreed Risk Management Plans, protocols or procedures e.g. Local Are Public Protection Panel (LAPPP), Police, Social Services, Prisons, Hostels and Hospitals.</td>
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<tr>
<td></td>
<td>▪ Follow the agreed PBNI procedures regarding <strong>‘Alert Notices’</strong> (Refer to current PBNI Alert Notice Procedures).</td>
</tr>
<tr>
<td><strong>5a.3</strong></td>
<td><strong>Performance Standards</strong></td>
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<tr>
<td>Where an offender fails to attend for his/her first post release appointment, the Probation Officer shall immediately:</td>
<td><strong>Failure to attend first post release appointment.</strong></td>
</tr>
<tr>
<td>• check with the Offender Management Unit of the releasing prison to establish whether or not the offender was released and, if release took place, at what time that happened; and</td>
<td>Refer also to <strong>5a.2 - Immediate Action to Protect Others</strong> including the need to request a warrant (refer to <strong>5a.13</strong>) or Standard (more urgent process) or <strong>Emergency Recall</strong> (refer to <strong>5a.25</strong> and <strong>5a.27</strong> respectively);</td>
</tr>
<tr>
<td>• where it has been confirmed that the offender has been released from custody, consult the Area Manager or, in the absence of the Area Manager, the relevant AD regarding the need for <strong>Immediate Action to Protect others.</strong></td>
<td><strong>Responding to non-compliance</strong></td>
</tr>
<tr>
<td></td>
<td>• This best practice guidance is provided to support, not replace, professional judgement in responding appropriately to instances of non compliance in order to:</td>
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<td></td>
<td>o protect others,</td>
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<tr>
<td></td>
<td>o deter further non-compliance</td>
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<tr>
<td></td>
<td>o maintain the integrity of the sentence</td>
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<td></td>
<td>o maximise and direct positive change in the offender towards compliance.</td>
</tr>
<tr>
<td><strong>5a.4</strong></td>
<td>Within 1 working day where an offender fails to report or otherwise fails to comply with a requirement of an Order or condition of a Licence and has not provided an acceptable explanation in advance, the supervising officer shall:</td>
</tr>
<tr>
<td>(a) where this is a First unacceptable failure to report or comply:</td>
<td>• A <strong>failure to report</strong> is where the supervising officer does not have prior knowledge of why an offender has failed to keep a probation appointment or another appointment in connection with his/her supervision plan as in the case of attending an approved programme.</td>
</tr>
<tr>
<td>• in any complete 6 month period for young offenders; or</td>
<td>• In the case of a Community Service Order (CSO)/Supervised Activity Order (SAO) failing to report as instructed to a work site to perform work or other appointment in connection with the Order constitutes a failure to report.</td>
</tr>
<tr>
<td>• in any complete 12 month consecutive period for all other cases;</td>
<td><strong>Failure to comply</strong></td>
</tr>
<tr>
<td>issue a Warning in writing with the appropriate entries recorded on the Enforcement Sheet;</td>
<td>A <strong>failure to comply</strong> is where the offender has not complied with a requirement of an order or condition of licence without an acceptable explanation.</td>
</tr>
<tr>
<td>(b) where this is a Second unacceptable failure to report or comply:</td>
<td></td>
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<tr>
<td>• in any complete 6 month period of supervision for young offenders; or</td>
<td>• There may be cases where the offender complies, or presents as complying, with the formal requirements of an Order but where there are concerns about the substantive engagement, or evidence to demonstrate substantive engagement, with the case/risk management plan and where it is important to consider taking action to revoke the Order.</td>
</tr>
<tr>
<td>• in any complete 12 month period of supervision for all other cases;</td>
<td>Refer to <strong>5a.34- Revocation of an Order</strong></td>
</tr>
<tr>
<td>issue a Final Warning in writing with the appropriate entries being made on the Enforcement Sheet.</td>
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</tbody>
</table>
### Life Licence - Media Attention

- Life Licences include a condition regarding contact with the Media.
- Where the Probation Officer becomes aware of a Life Licensee's intention to seek publicity or respond to approaches from any public media, this needs to be notified to the relevant AD, through the Area Manager, without delay and actions agreed.

### Grounds for Enforcement - Order and Licence

- Where applicable to an Order or Licence type the grounds for enforcement action may include:
  - failure to comply with any requirement of an Order or condition of licence;
  - commission of further offence during licence period;
  - failure to report as instructed to any place or person as required by the Order requirements or Licence conditions;
  - failure to notify change of address;
  - failure to notify change in employment where stated as condition of licence;
  - reporting whilst under the influence of alcohol, drugs or other substance;
  - failure to cooperate with (any part of) the agreed case/risk management plan;
  - failure to cooperate with arrangements for completion of an additional requirement or condition of licence;
  - serious/gross misconduct in relation to the public, staff, staff from partner agencies or Service Providers, and/or other service users. This may include verbal abuse, sexual harassment, threats of or actual violence, sexism, racism or sectarianism;
  - persistent low level misconduct such as unacceptable language;
  - persistent lateness for appointments with any person or agency involved as providers within the supervision plan.
  - persistent low level effort at the work site; (Community Service Order (CSO)/Supervised Activity Order/SAO)
  - persistent lateness at the work site or at the pick up point.(CSO/SAO)

### More than one episode of non-compliance in a single day

- Where there has been two unacceptable failures to report or comply within a single day, this will normally result in two warnings being issued unless there are exceptional circumstances which may permit a single warning being issued.
- An acceptable explanation is required, within the required timeframe, for each separate failure to report or comply before a withdrawal of the warning can be considered.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</table>
| 5a.4 Cont.            | **Enforcement specific to Curfew and/or Electronic Monitoring** as an additional requirement of an Order or additional conditions of a Licence:  
  o failure to attend as required to have the electronic monitoring installed;  
  o failure to remain at the monitored address during the period of curfew periods;  
  o failure to co-operate with monitoring arrangements, for example, removing, unplugging or otherwise disabling the monitoring equipment.  
Examples of minor Infringements which do not constitute a failure to comply can include:  
  o tampering or tilting the equipment which does not prevent the electronic equipment to continue to monitor the curfew: and  
  o a pattern of unauthorised absences where the aggregated time amounts to a period of less than 2 hours. |
|                       | **Enforcement- Licence Conditions** |
|                       | • In addition to **standard conditions of a Licence** which clearly outline what is required of the offender during the post release supervision period, there are other conditions outlining what the offender must not do:  
  The prisoner/licensee must not:  
  (a) Behave in any way which undermines the purposes of release on licence which are the protection of the public, the prevention of re-offending and the rehabilitation of the offender.  
  (b) Commit any offence.  
• These good behaviour licence conditions as listed above (‘the prisoner must not’) are designed to be catch all conditions that cover a pattern of behaviour or incident, whether foreseen or unforeseen, which gives rise to and increase of risk of serious harm or likelihood of re-offending and where no specific additional conditions have been included on the licence.  
• They negates the need for some additional conditions, for example, requiring an offender residing in approved premises to abide by hostel rules. A failure to comply with hostel rules and regulations, for example, jeopardises the purposes of supervision and clearly breaches the ‘good behaviour’ condition and deems the offender unsuitable for residency at approved premises. |
## Confidence in PBNI’s Enforcement Process

- For the courts, PCNI, the public and offenders to have confidence in PBNI’s supervision process staff need to demonstrate that enforcement is:
  - fair;
  - legitimate; and
  - consistently applied.

- Offenders also need to be aware of the certainty and swiftness of enforcement actions from the outset particularly where there are concerns for the safety of others.

- This understanding will normally be conveyed by explanatory leaflets together with explanation before sentence, confirmed by a thorough induction process at the commencement of the Order or relevant Licence and reinforced by prompt and appropriate enforcement action where that is required thereafter.

## Non Compliance - Decision Making

- It is important that the Probation Officer and, where applicable Area Manager, take the following into account when assessing and making decisions relating to a failure to report or comply with the requirements of an Order or conditions of a Licence:
  - Risk of Serious Harm and Public Protection;
  - Likelihood of re-offending;
  - Integrity and credibility of the enforcement process;
  - Legitimate authority of Probation Officer to enforce offender compliance with the sentence;
  - Previous enforcement, current and where relevant, historical, including warnings, variations, amendments, breach or recall.

- The Probation Officer and Area Manager also needs to keep in mind the purpose of securing offender compliance with the requirements of the Order, and, where it is both safe and appropriate, consider the use of variation and the application to insert additional requirements such as Electronic Monitoring and/or Curfew, Approved Accommodation or attendance at an Approved Programme.

## Offender Engagement - Enforcement Action

- Enforcement, breach and recall actions are not necessarily the end of the change process for the offender and the way these actions are undertaken can help determine that the offender will re-engage in a more constructive basis and in terms of achieving the stated outcomes. (See also 5a.1).

- There may be specific circumstances that in the professional judgement of the Probation Officer it is appropriate to apply a more pro active approach to a single failure to report in that the offender is contacted by phone or a home visit prior to issuing a warning within the required timeframe.
### Verification of Enforcement decisions.

- Staff need to be aware of the importance of being able to justify his/her decisions or actions in a court or recall hearing at a future date.

- It is also important for an accurate record to be kept to ensure that the offender is provided with a clear explanation about enforcement breach or recall decisions at the appropriate time.

- The rationale for enforcement decisions and actions should be capable of being verified by reference to the case record on the PBNI Case Management System and the details contained on the Enforcement Sheet. The Enforcement sheet is designed to provide summary details of non compliance and responses to the non compliance.

### Life Licence, Indeterminate/ Extended Custodial Sentences and Higher Level Application cases

- A second or subsequent unacceptable failure to comply requires the facts and circumstances of the failure to be reported without delay to the Area Manager who provides advice/direction about what action(s) are required including, where both safe and appropriate, the following actions:
  - Immediate Action to Protect Others – including recall (refer to 5a.2)
  - Issuing Final Warning in Writing
  - Review of Assessments/Case/Risk Management plans
  - Increase in level of contact, home visiting
  - Adjustments to interventions
  - Application to vary, or insert additional Licence Condition(s) to strengthen and secure offender compliance;
  - Consider holding a disciplinary meeting with the offender*

* The purpose of a disciplinary meeting involving the offender, Probation Officer and Area Manager (relevant AD where considered relevant) is to:
  - address non-compliance and how compliance can be secured and strengthened
  - strongly emphasise that further non-compliance will result in a request for recall. Refer also to 5a.20-5a.27)
5a.6 The offender shall be offered a further appointment, or further work instructions in the case of a Community Service or Supervised Activity Order, to take place within 5 working days of the failure to report or comply.

5a.7 Where an offender has a third unacceptable failure to report or otherwise comply with a requirement of an Order or condition of a Licence:
- in any complete 6 month period of supervision for young offenders; or
- in any complete 12 month period of supervision for all other cases;
the supervising officer shall assess the nature and implications of the failure to report or comply and take appropriate enforcement action, breach or recall, and other actions to manage the non-compliance and any related risks.

Further Appointment following enforcement action
- At this interview the supervising officer will, where appropriate, normally:
  o withdraw a warning where a satisfactory explanation is provided within the required time period;
  o re-emphasise the possible consequences for any further non-compliance including breach or recall as appropriate:
  o encourage the offender to comply with the requirements
  o of the Order or conditions of Licence; and
  o identifies and address any issues which relate to the non-compliance;

5a.8 On each and every occasion that an offender fails to report or comply with the conditions of a Licence the failure and subsequent decisions about the failure shall be recorded on the Enforcement Sheet.

Enforcement Sheet
- The Enforcement Sheet enables both the officer and the Area/Lifer Manager to immediately see both unacceptable absences and any emerging pattern of acceptable absences.
- The following will, where appropriate, normally shall be recorded:
  o the context and details of the failure to report or comply;
  o whether or not an explanation was provided within 5 working days of the non compliance and whether it was considered acceptable or unacceptable (refer to 5a.9)
  o warning issued;
  o warning issued but withdrawn (refer to 5a.9)

Professional Judgement not to initiate breach or recall
- Where the professional judgement of the Probation Officer, in consultation with the Area Manager, is that breach or recall is not initiated following a third failure to report or otherwise comply, the decision, the reasons for the decision and the agreed actions to deal appropriately with the non compliance, need to be recorded clearly on the Case Management System and Enforcement Sheet.

Consecutive Failures to Report
- Where an offender fails to report on consecutive occasions it may be appropriate, prior to breach or recall action being initiated, to establish that the offender has not been remanded in custody.

Refer, as appropriate, to 5a.2, 5a.5 and 5a.9.
Refer also, as appropriate, to 5a.30-Warning Letter-Determinate Custodial Sentences only.

Consecutive Failures to Report
- Where an offender fails to report on consecutive occasions it may be appropriate, prior to breach or recall action being initiated, to establish that the offender has not been remanded in custody.
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| 5a 9 Where an explanation for the failure to report or comply is provided by the offender within 5 working days of the failure to report or comply, is deemed acceptable the supervising officer shall:  
  - withdraw the warning;  
  - inform the offender in writing within 2 working days of this decision; and  
  - record the reasons for this decision on the Enforcement Sheet. | **Acceptable- Unacceptable Explanations**  
- The full reason(s) for arriving at the decision as to whether an explanation is ‘acceptable’ or ‘non-acceptable’ is recorded on the case record and Enforcement Sheet.  
- Absences (failure to report) that do not have prior permission should only be deemed acceptable if the reasons given by the offender meet one or both of two criteria, which are that the reasons were:  
  - urgent; and/or  
  - unpredictable.  
- The responsibility is on the offender (or offender’s parent/guardian/carer in the case of a young person) to provide an acceptable explanation and, where required, provide appropriate supporting evidence, for example a medical report, within the stated time period.  
- Whilst reasons related to individual failures may be deemed to be acceptable the Probation Officer needs to be alert to a pattern of ‘acceptable’ reasons emerging. Such a pattern will normally be regarded as unacceptable in itself and the offender appropriately challenged and encouraged to improve his/her level of compliance. |

### Best Practice Guidance

#### Changing Appointments
- There are occasions such as severe weather conditions, public transport strikes or periods of civil unrest when it may be not be possible for some offenders to respond to instructions to report to a particular probation office, work site, or other location in connection with his/her supervision or work plan.
- In such circumstances the Area Manager should make an assessment as to whether, or not, the circumstances warrant an acceptable absence in particular cases or, alternatively, whether continued contact or work instructions could be maintained by a temporary arrangement. In those cases approved by the Area Manager as an acceptable absence the decision is recorded and kept under review if the causes are protracted.

#### Request for a Change of Appointment
- A request for a change of appointment should normally only be agreed to enable the offender to attend important events or sickness. The following are examples of when a change of appointment could be authorised:  
  - emergency cases including where medical treatment for the offender or his/her immediate dependents is required;  
  - irregular or unexpected medical appointments for the offender or the offender’s child;  
  - job interviews, attendance at job clubs or required to ‘sign on’.  
  - where the offender is required in his/her employment to change working hours on a one-off occasion provided the work is part of official employment and the employer provides written verification of the need;  
  - attendance at court as a witness  
  - attendance at weddings and funerals of family members, including relatives of partner with whom the offender is living as a spouse.
### Best Practice Guidance

#### 5a.9 cont

**Responding to non-compliance-Enforcement**

**Quality Enforcement** will, where appropriate, include:
- assessing the nature and implications of the non-compliance for the public including victims, potential victims and staff as well as implications for the offender;
- identify concerns relating to any increased risks in terms of re-offending and serious harm;
- identify appropriate actions to manage the non-compliance and any associated risks including increased level of contact and home visits;
- apply professional judgement;
- responding appropriately to significant change, including further offending and/or allegations;
- **Immediate Action to Protect Others** (refer to 5a.2);
- establishing contact with the offender within 1 working day of the failure to report or comply through a home visit or telephone call;
- making an application to vary, amend or insert additional requirement/condition into an Order or Licence as considered necessary, legal and proportionate to strengthen and secure the future compliance of the offender;
- communicating with other agencies and organisations in accordance with agreed Risk Management Plans, protocols or procedures e.g. Police, Social Services, Prisons, Hostels and Hospitals;
- issue the appropriate warning letter, which, where appropriate:
  - details a further appointment within 5 working days;
  - offers the offender the opportunity to provide an explanation (and any supporting documentation) to the supervising officer within 5 working days of the failure to report or comply: and
  - explains that where the explanation provided is deemed acceptable the warning can be formally withdrawn;
- in the case of a Life Licence, Indeterminate and Extended Custodial Sentences and Higher Level Application cases where there is a second or subsequent unacceptable failure to comply, where agreed with Area Manager, conduct a disciplinary interview; (refer to 5a.5)
- where both safe and appropriate, in the case of a Determinate Custodial Sentence, requesting a ‘Warning Letter’ through the Offender Recall Unit;
- initiating Breach or Recall as appropriate (refer to 5a.13- 5a.19 Breach or 5a.20- 5a.29 Recall);
- other actions required to manage the non compliance and/or any increased risks whilst other enforcement actions are progressed;
- Update case record and Enforcement Sheet;
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| **5a.10**             | **Offender’s whereabouts unknown**-  
  - All reasonable efforts should be made to establish the offender’s current whereabouts as quickly as possible so as to avoid delay in taking any appropriate enforcement actions or **Immediate Action** to address any increase in risks.  
  - This will include, where appropriate, **checking with the relevant prison**, Young Offender’s Centre or Juvenile Justice Centre, that the offender has not been remanded in custody. |
| Where there is reason to believe an offender has changed address without notifying this change, the Probation Officer shall attempt to establish the offender’s whereabouts;  
  - within **24 hours** in all significant - Risk of Serious Harm cases and all other **Higher Level Application** and sex offender cases; or  
  - within **1 working day** for all other cases. |  |
| **5a.11**             | **Higher Level Application**  
  Refer also to **5a.2 - Immediate Action to Protect Others** |
| In all significant-Risk of Serious Harm cases and all other **Higher Level Application** and sex offender cases where the offender’s whereabouts has not been established within **24 hours** the Probation Officer shall **immediately** consult with the Area Manager (or out of hours Manager) to discuss **Immediate Action to Protect Others**. |  |
| **5a.12**             | **Lower and Standard Level Application**  
  - If the offender’s whereabouts are still unknown on the **5th** working day the Probation Officer, in consultation with the Area Manager will normally agree breach or recall action as appropriate. |
| Where the whereabouts of an offender has not been established within **1 working day** in **Standard** and **Lower Level Application** cases recorded delivery letter shall be sent to the offender at the last known address giving instructions for the offender to make contact immediately (within **1 working day**) on receipt of the letter. |  |
### Performance Standards

| 5a.13 | Where a decision has been taken to take breach action, this shall be initiated within:  
1. **10 working days** of the decision to breach in the case of a summons;  
2. **2 working days** of the decision to breach in the case of a warrant; or  
3. immediately following the decision to breach where a warrant is sought, as part of the [Immediate Action to Protect Others](#) (refer also to 5a.2). |

### Best Practice Guidance

#### Breach Action

- Breach action can be initiated by way of summons or where summons is not practical or where a more urgent response is required, the supervising officer can seek a warrant.

- The Probation Officer (with or without the support of the family in the case of a Young Offender) will normally make every reasonable effort to secure the compliance of the offender. However, there is no legal requirement to give an offender any warnings for failure to report or comply before initiating breach action.

- Whether, or not, prior warnings are given and the speed with which breach action is taken will depend on the current assessed risk of serious harm to others and/or the likelihood of re-offending.

#### Grounds for considering Breach by Warrant.- Order and Article 26 Sex Offender Licence

- The grounds for considering breach action by warrant can include where:
  1. an offender’s behaviour causes concern for the safety of others including staff, victims and potential victims and [Immediate Action to Protect Others](#) is required (refer to 5a.2);  
  2. gross misconduct occurs;  
  3. contact with the offender has been lost, his/her whereabouts is unknown and it is unlikely that contact will be renewed quickly;  
  4. an offender, where a Higher Level Application applies, fails to attend the first post-release Appointment (refer to 5a.3).

#### Breach Action - Informing the Offender

- Where breach action is by way of a warrant the letter advises the offender of this fact and that he/she should contact the Police Service of Northern Ireland (PSNI) and/or his/her legal representative to discuss the warrant.

- The Probation Officer may have personal safety concerns and/or concerns about the safety of others relating to how and when the offender is dealt with if he/she makes contact with PBNI following breach action. These concerns need to be discussed with the Area Manager and appropriate actions agreed to protect others, including victims and staff, and, in the case of a warrant, a decision taken as to whether or not to delay the letter until the warrant has been executed.

<p>| 5a.14 | Within <strong>1 working day</strong> of breach action being initiated the Probation Officer shall notify the offender (and the offender’s parent/guardian/carer in the case of a Young Offender) by recorded delivery of the decision to take breach action. |</p>
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| **5a.15** | Where it is considered both safe and appropriate to do so, the offender shall be offered an appointment to take place within 5 working days of the breach action being initiated. | **Contact during breach period**<br>• The appointment letter also advises that a willingness to adhere to the requirements of a revised supervision plan (work contract in the case of a Community Service Order) may help when he/she returns to court on the breach but that any decision about the outcome of the breach action is a matter for the court.  
• The period between the issuing of a summons and the offender appearing in court offers an opportunity for re engagement with the offender particularly if there is a significant delay between the summons being issued and the offender appearing in court for the breach.  
• This letter also informs the offender that if he/she fails to attend that no further appointment (work instructions withdrawn in the case of a CSO) will be offered unless he/she re-establishes contact on their own initiative.  
• The purposes of the appointment offered to the offender are:  
  o to address non-compliance and how compliance can be secured and strengthened; and  
  o to review the supervision plan (work contract in the case of a CSO) and level of contact particularly to cover the period up to the court date; |
| **5a.16** | Where contact has been re-established and the offender again fails to comply on 1 further occasion supervision shall cease (work instructions withdrawn in the case of a CSO) until after the court appearance. | **Delay in Breach being heard at Court**<br>• Informing the Area Manager of an undue delay is particularly important where, subsequent to breach action being initiated, there has been a **significant change** in the offender’s circumstances, behaviour and/or attitudes which indicate increased risks and where **Immediate Action** is required to speed up the return of the offender to court, including the request for a warrant. (Refer also to **5a.2**). |
| **5a.17** | The Probation Officer shall inform the Area Manager in any case where there is an undue delay in the breach being heard at court. | |

12th April 2011
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| **5a.18** In the event of a breach being proved and the offender sentenced the Probation Officer shall within 5 working days of the outcome of the breach:  
- inform the PBNI Victim’s Unit of the outcome of the breach.  
- update the case record | **Breach Action - Purpose**  
- The purpose of breach action is to enforce the sentence of the court by returning the offender to court, and where proven  
- The Probation Officer will normally make a clear proposal for a proven breach to be made by:  
  - a specific sentence such as a fine or Community Service  
  - revocation of the Order and re-sentencing  
  - revocation of Article 26 Sex Offender Licence  
- Where considered both safe and appropriate, the Probation Officer may suggest a short adjournment to the court to test out the offender’s motivation to comply with the Order.  
- An adjournment may also be required to facilitate the preparation of a Pre Sentence Report (PSR) where the court has revoked the Order and is seeking to re-sentence the offender. The PSR may include suitability Assessments, for example, an Approved Programme or Curfew and/or Electronic Monitoring as Additional Requirements where these are considered necessary and appropriate to secure the future compliance of the Offender on an Order. In the event that there are issues where it may be appropriate for a Pre Sentence Report (PSR) to be written by a Probation Officer other than the supervising Probation Officer this needs to be discussed with the Area Manager.  
- There may be occasions where it is appropriate to make an application to the court (through a separate summons) to coincide with the Breach hearing to amend an Order by inserting an additional requirement considered necessary to secure the Offender’s future compliance.  
- The fact that Breach action has been taken is a relevant factor that is taken into account where further non-compliance occurs and could result in immediate breach action without any further warnings. (Refer to 5a.4 and 5a.5) |

| **5a.19** When informed about the likelihood of a contested breach the supervising officer shall bring this to the attention of the Area Manager in advance of the court hearing. | **Contested Breach Cases and appeals against Breach Outcomes**  
- The consultation with the Area Manager is to ensure that the necessary arrangements for consultation with the Public Prosecution Service (PPS) are in place.  
- It is important that the breach report to the court and any related documentation provides clear and defensible evidence supporting the decision to initiate breach action. |
### Performance Standards | Best Practice Guidance

| 5a.20 | Where a request for recall is being considered as a result of a failure to report or otherwise comply with the conditions of a licence, the Probation Officer shall consult with the Area Manager:
- immediately where **Immediate Action to protect others** is required; or
- within **1 working day** for all other situations. |

### Recall
- The following guidance is provided to support, not replace, professional judgement in respect to a decision to request a recall of an offender on Licence supervised by PBNI (See Breach action for Article 26 Sex Offender Licences at 5a.13).
  - Recall to custody is the ultimate sanction against a failure to report or otherwise comply with Licence Conditions. Recall is not in itself a punishment but rather a procedure to protect the public against risks, both in terms of the likelihood of re-offending, harm and, where appropriate, risks related to serious harm where it has been assessed that the risks can not be managed safely in the community.

### Discussion with Area Manager
- A decision to request recall can be made at any time in the course of the period of a relevant licence and does not necessarily depend on prosecution and conviction for a fresh offence, itself a breach of Licence conditions. The request for recall can be reached prior to any previous written warnings being issued to the offender particularly where the Probation Officer and/or the Area/Lifer Manager have reason to believe that there are concerns about the increase risk of serious harm to others. (Refer to 5a.2 *Immediate Action to protect others*).
  - The Probation Officer and Area Manager also need to keep in mind the purpose of securing offender compliance with the **conditions** of the Licence, and, where it both safe and appropriate, consider the use of variation and application to insert additional licence conditions such as Electronic Monitoring and/or Curfew, Approved Accommodation or attendance at an Approved Programme.
  - The discussion between the Probation Officer and the Area/Lifer Manager regarding the offender who has reached the threshold of recall focuses on the level of assessed risks including serious harm and likelihood of re-offending and judgement as to whether the offender can, or cannot, be managed safely in the community.
  - In the case of a DCS the discussion with the Area Manager includes consideration of a notification to the ORU to issue a *Warning Letter*, where it is decided that this action may secure compliance with the Licence Conditions without the need to request a recall. (Refer also to 5a.30)
  - In the case of a Life Licence Indeterminate and Extended Custodial Sentences and Higher Level Application cases where there is a second subsequent failure to comply, the discussion with the Area Manager also includes consideration of the need to hold a ‘disciplinary meeting’ with the offender. (See also 5a.5)
### Decision to request a Recall

- The decision to request recall is taken following a discussion between the supervising officer and Area Manager at which the following, where appropriate, will normally be taken into consideration:
  - whether or not there are increased risks relating to harm including serious harm and/or likelihood of re-offending;
  - whether the behaviour suggests that supervision objectives have been undermined;
  - enforcement and other actions to secure and strengthen compliance to date actions;
  - whether further offending is of a sexual or violent nature;
  - whether or not the offender can be managed in the community;
  - need to communicate with other agencies and organizations in accordance with agreed Risk Management Plans, protocols, policies or procedures e.g. Police, Social Services, Prisons, Hostels and Hospitals;
  - where appropriate, reference to PBNI Victim Information Scheme;
  - any holding actions required to manage the non-compliance and/or any increased risks whilst recall actions are progressed.

### Recall of Life Licence, Indeterminate Custodial Sentence (ICS), Extended Custodial Sentence (ECS) cases.

- The decision to request the recall of an offender subject to a Life Licence, ISC or ECS can be taken where it has been assessed that:
  - the offender has failed to comply with one or more of the licence conditions and the offender's behaviour has undermined the objectives of supervision;
  - the risks posed by the offender cannot be managed in the community – unacceptable risk/likelihood of committing a further serious or violent offence; and
  - where recall is required to protect the public from serious harm.

(See also 5a.5)

### Recall of Determinate Custodial Sentences (DCS)

- The decision to request the recall of an offender subject to a DCS can be taken where it has been assessed that:
  - the offender has failed to comply with one or more of the licence conditions and the offender's behaviour has undermined the objectives of supervision; and/or
  - the risks posed by the offender cannot be managed in the community – unacceptable risk in terms of likelihood of committing a further offence; and
  - where recall is required to protect the public from harm;

*Harm* is not defined and professional judgement has to be applied as to the assessment of harm caused by the offender committing a further offence.
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| **5a.21** Where a request for recall has been agreed between the Supervising Officer in consultation with the Area Manager the appropriate Route to Recall shall be followed in accordance with the level of risks posed by the case and the approved recall procedures, processes and timescales relating to the Recall Route applied in the case. | **Recall Routes**
- There are two agreed routes to recall, **Standard** and **Emergency**, each progressing in terms of the speed of response required to deal with increased risks resulting from a failure to comply with licence requirements. Where there are concerns about the risk of serious harm to others it is important in that the appropriate route for recall is used to avoid delay.
- The normal ‘**Standard Recall**’ route is to request and obtain a recommendation from the Parole Commissioners Northern Ireland (PCNI) for the offender to be recalled to custody. Such a recommendation from the PCNI can usually be obtained **within 48 hours** of the request from PBNI being made. The Standard recall route includes those cases where a more urgent response is required to recall an offender in order to protect the public from **serious harm** and where it is practical to seek the recommendation of the PCNI.
- Legislation* allows for an exceptional ‘**Emergency Recall**’ route where an offender can be recalled to custody without a recommendation from the PCNI where it is considered expedient in the public interest to recall before a recommendation is practical. It is only in exceptional circumstances where there are significant concerns about the risk of serious harm to the public and where it is not practical to obtain the recommendation from the PCNI that the ‘**Emergency Recall**’ route should be used to recall the offender to custody - usually a decision being made within a matter of a **few hours**.

* See Article 28(2) of the Criminal Justice (Northern Ireland) Order 2008 which is similar to Article 91 of the Life Sentence (Northern Ireland) Order 2001

| **5a.22** Within **2** working days of the decision to request a recall, the Probation Officer shall prepare and submit an up to date recall report to the Area Manager for authorisation. Such reports shall employ the approved PBN[1] template. | **Standard Recall Route**
- If and when the occasion arises for the Probation Officer, or in other authorised PBN[1] person, to request recall a succinct and verifiable account of the licensee's misconduct, failure to comply with conditions of licence and/or concerns about the Risk of Serious Harm to others shall be discussed with the Area Manager.
- At the time of submission of the request for recall, if the relevant AD has not already been consulted, the Probation Officer shall inform the relevant AD that a request for recall has been made.
- When preparing a recall report it is important to be alert to the possibility of self harm resulting from a request and/or subsequent recall to prison, and take appropriate actions to notify others including, where appropriate, staff in the relevant Offender Management Unit and PSNI.

(Refer also to **Section 3c4**)
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| **5a.22 Cont.**       | **Evidence from an external source.**  
- In relation to evidence from a source outside of PBNI, this needs to be presented in the form of a written statement and accompanied by any additional documentation. For example, where a member of staff at an approved hostels has reported a breach of licence condition, the tendered written evidence from that hostel staff member along with a copy of the written log/incident report should be provided.  
- There may be occasions when the person providing the written evidence is required to attend a PCNI recall hearing in person. Probation Officers need to be be aware of the need to attend a PCNI hearing in person and to be questioned about the Recall report and evidence.  
In addition the Probation Officer will inform the PBNI **Victim's Unit** of the outcome of the PCNI Recall hearing. |
| **5a.23** Within 1 working day of receipt of the Recall Report  
the Area Manager shall  
- endorse the report;  
- submit it for the attention of the PCNI; and  
- side copied to the ORU and relevant Prison Probation Manager  
| **Submission of Recall Report**  
- The time period set for the submission of these reports to the PCNI by the Area Manager is short and it is therefore important for the Probation Officer to ensure that the report is complete and accurate and that all relevant accompanying documentation is available to the Area Manager in sufficient time for the submission deadline to the PCNI to be met.  
- Once recall has been agreed and the licence revoked, unless already in custody, an offender will be treated as unlawfully at large until returned to prison.*1  
*Article (27(6)).Criminal Justice (Northern Ireland) Order 2008 |
| **5a.24** In the event of a **significant change** in an offender’s circumstances, behaviour and/or attitude following a request for recall and prior to his/her return to custody, the Probation Officer, in discussion with the Area Manager, shall alert the ORU, and where appropriate and necessary, the PSNI, to the changes.  
| **Significant Change following request for Recall**  
- Where there are concerns that the **significant change** indicate increased risks relating to serious harm **Immediate Action to Protect Others** (refer to 5a.2) may be appropriate, including the need to request a more urgent response (refer to 5a.25), or, where appropriate and authorised by the relevant AD, escalate to the **Emergency Recall** route (refer to 5a.27).  
- The assistance of the PSNI may be appropriate to help manage the increased risks whilst recall is on-going. |
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| 5a.25 Where the Probation Officer and/or Area Manager in the case of a Standard recall that a more urgent response is required the Probation Officer shall prepare and submit a Recall report to the Area Manager without delay using the approved template. | **Standard Recall requiring a more urgent response**
- According to the urgency of the situation and in order to ensure swift action, the recall report needs to be provided to the Area Manager without delay (normally within 4 hours from the decision to request the recall). It is important that the Recall report is complete and accurate and that all relevant accompanying documentation is available to the Area Manager in sufficient time for the submission to the PCNI. |
| 5a.26 Immediately upon receipt of the recall report the Area Manager shall:
  - endorse the report;
  - submit it for the attention of the PCNI marked ‘Urgent’ and side copied to the ORU and relevant Prison Probation Manager;
  - notify relevant Assistant Director (AD) of recall request. | **Out of Hours Arrangements – Recall Requests to PCNI**
- Contact with the Parole Commissioners at evenings, weekends and holiday periods is through the agreed out of hours arrangements which will normally require direct phone contact with a Parole Commissioner followed up with the secure submission of the Recall Report.

**Escalating to Emergency Recall Route,**
- Where there is a **significant change** (refer also to 5a.25) in the circumstances, behaviour or attitudes of the offender following a Standard recall requiring a more urgent response, or where there is a delay in obtaining a recommendation for recall form the PCNI, it may be appropriate to escalate from to an **Emergency Recall,** following a discussion between the supervising officer and the Area Manager, and after the relevant AD has authorised the **Emergency Recall** route to be requested (refer to 5a.28).

**Emergency Recall Route**
- The Emergency Recall is available in **exceptional circumstances** where it is impractical for Parole Commissioners to make a recommendation to the ORU, and it is expedient in the public interest to recall the offender.
  - A decision to request an emergency recall of a licence can be made at any time in the course of the period of a relevant licence and does not necessarily depend on prosecution and conviction for a fresh offence but more on the level of risk of serious harm a licensee is considered to present to the public.
  - Protection of the public is paramount and recall can be requested prior to any previous written warnings being issued to the offender particularly where the Probation Officer and/or the Area Manager have reason to believe that public safety, or of probation or other staff may be threatened.
### Emergency Recall Route-Cont.

- The ORU will require relevant and up to date details and evidence (including an up to date copy of the criminal record) to support the request for an emergency recall and will inform the relevant Area Manager at the time of the phone request whether or not recall will follow the emergency process.

- Where the Emergency Recall route is initiated the Area Manager shall request the Probation Officer to provide a recall report within the agreed timescale to facilitate the report being authorised and forwarded to the ORU within **1** working day of the initial phone request.

- There may be circumstances where it is considered appropriate to have relevant details of a case available in advance of any decision to request a recall in order that there is minimal delay on providing such details in the event of a recall being requested.

- Where a request for recall has been decided but the relevant AD is of the opinion that an emergency recall is not required, the supervising officer shall be advised to follow the more urgent process within the Standard recall route.(Refer to 5a.25).

### Informing Offender of request for recall

- The letter informing the offender of the recall request is forwarded to the relevant Offender Management Unit and available to share with the offender within **1** working day of his/her recall to custody. Any concerns regarding the possibility of self harm should also be communicated to the relevant Offender Management Unit.

- It is important for staff to be aware that the period following a decision to recall to custody can present a higher risk of self harm.

- The field probation officer may have personal safety concerns and/or the safety of others, including the offender, relating to how the offender is dealt with if he/she makes contact with PBNI after their request for recall has been made and agreed. These concerns shall be discussed with the Area Manager and appropriate actions agreed in order to safeguard PBNI staff and the public and to agree what the offender is told regarding the request to recall. It may be appropriate to inform the offender who makes contact at that the failure to comply has been reported and to await the outcome.
### Performance Standards

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<td><strong>5a.30</strong></td>
<td>Within 2 working days of a decision to notify the Offender Recall Unit (ORU) requesting a ‘Warning Letter’ to be issued, the supervising officer shall prepare and submit a Notification Report to the Area Manager for authorization using the agreed template.</td>
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<tr>
<td><strong>5a.31</strong></td>
<td>The Area Manager shall endorse the Notification Report and, within 1 day of its receipt, submit it for the attention of the Offender Recall Unit (ORU)</td>
</tr>
<tr>
<td><strong>5a.32</strong></td>
<td>Within 1 working day of the decision to notify the ORU, the Probation Officer shall inform the offender in writing of the decision to report the non compliance.</td>
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<tr>
<td><strong>5a.33</strong></td>
<td>Where an offender fully complies with the requirements of his/her sentence for a period of 12 Months (6 months for a Young Offender) from the date of the last warning issued, and where it is considered both safe and appropriate to do so, the next subsequent warning shall be issued as if it were the first unacceptable failure to comply.</td>
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### Best Practice Guidance

**Request to the Offender Recall Unit to request Warning Letter- Determinate Custodial Sentences only:**

- This additional graduated response to non-compliance applies to **Determinate Custodial Sentence** cases only. This involves a request to the Offender Recall Unit for a ‘Warning Letter’ to be issued to the offender in order to secure compliance and the completion of the sentence without recall.

**Where a ‘Warning Letter’ has been issued by the Offender Recall Unit the supervising officer shall discuss this with the offender at the next appointment emphasizing the seriousness of the situation and encouraging the offender to comply with the requirements of the Licence.**

Refer also to **5a.2, 5a.4 and 5a.17**

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**NI Standards Review Project**

Draft Proposal

12th April 2011
### Performance Standards

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<th>5a.34</th>
<th>Where considered appropriate, the Probation Officer shall seek to revoke an Order where:</th>
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<td>• an offender has made good progress or responded satisfactorily to supervision and supervision is no longer considered necessary; or</td>
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<td>• the Order is considered unworkable;</td>
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### Best Practice Guidance

#### Revocation of Order with or without re-sentencing

- Revocation also includes those circumstances where an offender has made **good progress** or has **responded satisfactorily to supervision**. The court takes into account the 'extent to which the offender has complied with the requirements of the relevant order'. *

The court may

(i) revoke the order; or

(ii) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence. *

- The court can also **revoke** an order where the offender has received a custodial sentence subsequent to the order being made and it is considered appropriate to do so 'in the interests of justice'. *


#### Revocation where an Order is unworkable

- Very occasionally, for unforeseen reasons, an offender’s situation changes to such an extent that he/she is unable, rather than unwilling, to comply with the requirements of the **Order** over an extended period of time. Examples of this may be that the offender:
  - has unexpectedly had to undertake **sole responsibility** or the care of a **severely incapacitated** close relative which would render attending for work on a regular basis impossible) or office based reporting impossible;
  - has been certified sick **by a doctor** and is unable to respond to instructions for an extended period of time;
  - is admitted to hospital as an in-patient and the recovery period is forecast by doctors to be a very lengthy one.

  - In relation to **Community Service** if such, or like, circumstances extend beyond a continuous period of (6) six weeks or, are repeated intermittently over a period of (8) eight weeks and there is no indication of the situation easing, then the Community Service Order should be returned to court with a view to revocation. Revocation in such circumstances should be because the Order has become unworkable.
<table>
<thead>
<tr>
<th><strong>Performance Standards</strong></th>
<th><strong>Best Practice Guidance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5a.34 Cont.</strong></td>
<td><strong>Revocation of Order - Offender not engaging in case / risk management plan</strong></td>
</tr>
<tr>
<td></td>
<td>• An application for revocation may also be considered in respect of an order where an offender is complying with the formal requirements of an order but not engaging substantively with the case/ risk management plan and where the Order is considered unworkable.</td>
</tr>
<tr>
<td><strong>5a.35</strong></td>
<td>In relation to a <strong>Supervised Activity Order (SAO)</strong> where an offender refuses to sign the Order or engage with the SAO process and this remains the case following a warning that breach action could result, the Probation Officer shall activate the enforcement process and action to revoke the Order within 10 days of the First Interview taking place. The Area Manager shall be informed of the decision.</td>
</tr>
<tr>
<td><strong>5a.36</strong></td>
<td>Where the Probation Officer is alerted to the fact that an offender has committed a further offence during the period of licence the supervising officer shall:</td>
</tr>
<tr>
<td></td>
<td>• <strong>Immediate Action to protect others</strong> including the need for recall or revocation of Order(refer also to 5a.2 and 5a.34);</td>
</tr>
<tr>
<td></td>
<td>• in the case of a Licence notify the ORU /Life Sentence Unit of the further offence</td>
</tr>
<tr>
<td></td>
<td>• where the offence is a serious offence complete the appropriate internal PBNI notification(refer to section 5b);</td>
</tr>
<tr>
<td></td>
<td>• where appropriate and required, initiate a review of ACE/RA1/Risk Management/Case Plan as relevant.</td>
</tr>
<tr>
<td></td>
<td>• take other actions, as required and appropriate, including increasing level and type of contact and/or application to amend, vary or insert additional requirement of Order or condition of Licence.</td>
</tr>
</tbody>
</table>

**Commission of further Offence during period of a Licence**

• The commission of a further offence during the period of a licence is a direct breach of the licence condition requiring the offender not to commit any further offence.

• Where the licence condition, as in the case of an Article 26 Sex Offender Licence, refers to not taking any action which would jeopardise supervision objectives, the commission of a further offence may be considered to place the offender in breach of the Licence condition.

• It is important to be aware that where a sex offender is required to notify the police under the Sexual Offences Act 2003 a failure to do so constitutes a criminal offence.

**Commission of further Offence during period of an Order**

• The commission of a further offence during the period of an Order is not a direct breach of the Order requirements but in the assessment of the probation officer may demonstrate that the offender in not engaging in a substantive way with the case/risk management plan and, revocation of the Order may need to be considered.

(Refer to 5a.34)
Section 5b: Serious Further Offence
### 5c: Serious Further Offence (SFO)

#### Key Outcomes

4. Appropriate management of offenders under PBNI supervision in respect of Enforcement, Breach, Recall, Revocation and Serious Further Offending.

#### Outputs

30. Case Records evidences that the SFO procedures for notification have been completed appropriately.

31. Documentation made available for the case to be reviewed and outcome from review detailing the decisions taken and lessons to be learned.
5b: Serious Further Offence (SFO)

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>5b.1</td>
<td>On the same day that a Probation Officer becomes aware that an offender under their supervision has been charged with a Serious Further Offence (SFO) the Area Manager (or Assistant Director in his/her absence) shall be verbally informed.</td>
</tr>
</tbody>
</table>

### Serious Further Offence-process

**Offender Criteria**
- The Serious Further Offence process applies to **all** offenders under any form of supervision by the Probation Board, and offenders whose supervision ended within **20** working days of a Serious Further Offence (SFO) being committed.

**Offence Criteria**
- Offender charged with a serious further offence(s) listed below, including those committed in another jurisdiction:
  - Murder /attempted Murder
  - Abduction/ Unlawful Imprisonment/Attempted Abduction
  - Arson (where there is an attempt to endanger life
  - Manslaughter
  - Rape /Attempted Rape
  - Serious Sexual Assault*
  - GBH with intent (Section 18), Malicious Wounding*; or
- if an offence, which is below the offence criteria set out above, is likely to attract significant public or media interest. This could be due to the circumstances or type of offence, public profile or identity of the offender or the victim.

* There will be offences that do not meet the threshold of serious sexual or physical assault but where it is considered appropriate to report under the SFO process. Examples include cases where young children are victims or where there are multiple charges. Where staff have uncertainty about whether a further offence falls within the process these should be discussed with the line manager.

- This significant change requires the Probation Officer to review ACE/RA1/Case/Risk Management Plan and Level of Application and to take any **Immediate Action to Protect Others**. (Refer to 5a.2)

### Serious Further Offences- Staff support

- Many offenders under probation supervision lead chaotic lifestyles, have mental and physical health problems including addictions and whilst probation supervision based on Standards and Best Practice Guidance is designed to be effective, it is not possible to eliminate risk and reoffending completely for all offenders.
- It is recognised that PBN1 staff supervising an offender who is charged with a serious further offence can feel isolated, anxious and vulnerable. PBN1 staff are not responsible for the offending behaviour of offenders under supervision but rather have a responsibility to adhere to Standards and Best Practice Guidance applicable to the each supervised case.
- It is important that managers at all levels provide leadership and support in this area to ensure that staff are provided with appropriate training to undertake this work and support practitioners responding to a Serious Further Offence incident.
<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5b.1 Cont.</strong></td>
<td><strong>Learning from Serious Further Offences</strong></td>
</tr>
<tr>
<td></td>
<td>• It is important to investigate any serious further offending on a proportionate basis in order to learn lessons to reduce the likelihood of others becoming victims of crime and to keep relevant staff of notified of progress.</td>
</tr>
<tr>
<td></td>
<td>• Equally, it is essential that learning from SFOs is shared appropriately with practitioners and Managers through a variety of methods including where appropriate practice notes, practitioners’ fora, reference groups, staff training, individual learning, team meetings and multi agency learning</td>
</tr>
<tr>
<td><strong>5b.2</strong></td>
<td><strong>Informing the Relevant Assistant and Deputy Director (Operations)</strong></td>
</tr>
<tr>
<td>Unless already notified of the SFO, the Area Manager shall verbally inform the relevant <strong>Assistant Director</strong> without delay, who in turn shall inform the relevant Deputy Director (Operations).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The information provided at this stage may be limited but will normally include:</td>
</tr>
<tr>
<td></td>
<td>o Offender details</td>
</tr>
<tr>
<td></td>
<td>o Serious Further Offence and victim details, as available</td>
</tr>
<tr>
<td></td>
<td>o Any <strong>Immediate Actions to Protect Others</strong> (Refer also to <strong>5a.2</strong>) including breach, recall, risk management meeting/review.</td>
</tr>
<tr>
<td><strong>5b.3</strong></td>
<td>Informing the Board Chairman and Department Of justice.</td>
</tr>
<tr>
<td>The Deputy Director (Operations), on the same day as he/she is notified, shall verbally <strong>inform the Director</strong> that an offender has been charged with a SFO.</td>
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<tr>
<td></td>
<td>• It is essential that in these circumstances that details of the SFO are communicated without delay.</td>
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<tr>
<td></td>
<td>• The Head of Communications should attend any formal meetings chaired by the Director or Deputy Director (Operations) regarding the progress of the case through the Criminal Justice System.</td>
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<tr>
<td></td>
<td>• A record of each meeting will be kept in the register compiled by the Deputy Director(Operations)- refer to <strong>5b.11</strong></td>
</tr>
<tr>
<td><strong>5b.4</strong></td>
<td>In situations where <strong>death or serious injury</strong> has occurred, or <strong>exceptional injuries</strong> have arisen the <strong>Director</strong> will immediately be informed by the Deputy Director (Operations) and in turn without delay shall inform:</td>
</tr>
<tr>
<td></td>
<td>• the Board Chairman or Chair of Policy and Practice committee;</td>
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<td></td>
<td>• Department of Justice</td>
</tr>
<tr>
<td></td>
<td>• PBNI Head of Communications</td>
</tr>
<tr>
<td>Performance Standard</td>
<td>Best Practice Guidance</td>
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</tr>
<tr>
<td><strong>5b.5</strong> Within 3 working days of learning of the Serious Further Offence (SFO) the Probation Officer shall complete the relevant pro-forma and forward via the Area Manager to the relevant Assistant Director.</td>
<td><strong>Serious Further Offence - Details</strong>&lt;br&gt;The details provided will, where appropriate, normally include:&lt;br&gt;- Details of the offender and the offence for which they are currently on supervision&lt;br&gt;- Details of the alleged further serious offence (including date )&lt;br&gt;- A summary of the criminal history&lt;br&gt;- The level of assessed risk&lt;br&gt;- Any <strong>Immediate Action to Protect Others (Refer also to 5a.2)</strong>&lt;br&gt;- The area manager will also complete and sign a summary report on file audit against Standards and Best Practice Guidance and comment on the management of the case.</td>
</tr>
<tr>
<td><strong>5b.6</strong> The Deputy Director (Operations) shall inform the Assistant Director of the decision taking in respect of the SFO. The Assistant Director shall inform the Area Manager of the decision.</td>
<td><strong>Serious Further Offence - Recommendation(s)</strong>&lt;br&gt;The Deputy Director (Operations) will make one or more of the following recommendations:&lt;br&gt;i  For information only&lt;br&gt;ii  For notification to the Board Chairman and Policy &amp; Practice Committee or Board&lt;br&gt;iii  For notification to NIO/Department of Justice&lt;br&gt;iv  For an Internal review to be completed by the Assistant Director&lt;br&gt;v  For an external review to be completed by an independent person&lt;br&gt;This will include notification at (ii) and (iii) above&lt;br&gt;The Deputy Director (Operations) will formally report any further serious offending.</td>
</tr>
<tr>
<td><strong>5b.7</strong> Where the Deputy Director (Operations) believes that an Internal Review is required, the details of the review shall be set out in writing.</td>
<td><strong>Internal Review.</strong>&lt;br&gt;The details of the Internal Review will include:&lt;br&gt;- Date by which the report is required- which normally be within 20 working days&lt;br&gt;- List of people to be interviewed including, where appropriate,:&lt;br&gt;  o Probation Officer&lt;br&gt;  o pair Probation Officer&lt;br&gt;  o previous Probation Officers&lt;br&gt;  o line manager&lt;br&gt;  o other relevant Pdni staff.&lt;br&gt;In addition to the Director, the Deputy Director will provide a copy of the Internal Review to the Area Manager and Probation Officer.</td>
</tr>
<tr>
<td><strong>5b.8</strong> The Deputy Director shall provide a copy of an Internal Review available to the Director and agree any further actions, where necessary.</td>
<td><strong>Independent Review</strong>&lt;br&gt;- A register of appropriate persons suitably qualified to carry out such reviews will be maintained by the Probation Board.&lt;br&gt;- The first draft of the independent review report will normally be completed within 30 working days of commission.&lt;br&gt;- The Deputy Director (Operations) will provide a copy of the review report to the Director and relevant Assistant Director. The report will be made available to any further independent report commissioned by the relevant Minister.&lt;br&gt;- Feedback is provided to the Area Manager and Probation Officer.</td>
</tr>
<tr>
<td><strong>5b.9</strong> Where the Deputy Director (Operations), in discussion with the Director, believes the serious further offence is so serious that an independent review is required, he/she shall convene such a review under the agreed Terms of Reference.</td>
<td></td>
</tr>
<tr>
<td>Performance Standard</td>
<td>Best Practice Guidance</td>
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</tbody>
</table>
| **5b.10**            | **Serious Further Offence - Recording.**  
  It is important that the PNI Case Management System is updated, contains any relevant documentation relating to the SFO and provides a clear record of the SFO process in order to maintain a proper audit trail of how an incident was reported and dealt with.  
  The Area Manager will ensure that all details of any outstanding SFOs are made available to their successor if they change post. |
| The Probation Officer or Area Manager shall inform the Assistant Director when the date of any trial becomes known and any subsequent court dates. |
| **5b.11**            | **Monitoring and Annual Report**  
  The Deputy Director will normally review the register in January and June of each year.  
  At the end of each financial year the Deputy Director (Operations) will provide a summary report to the Policy and Practice /Probation Board outlining any significant internal or external review reports.  
  The Deputy Director (Operations) will ensure that any recommendations from review reports which have implications for the review of Standards and Best Practice Guidance are recorded and included in the next review. |
| The Deputy Director (Operations) shall maintain a register of SFO notifications, along with a record of meetings undertaken in particular cases and recommendations to the Director. |
| **5b.12**            | **Public Protection Arrangements Northern Ireland (PPANI)**  
  Current PPANI guidance sets out criteria where the Strategic Management Board (SMB) can set up a serious case review.. The SMB will then determine what type of review should take place (either an internal agency review or an independent serious case review).  
  Where the offender is under PNI supervision the process outlined in **5b.1-5b.6** and **5b.10** are followed. The relevant Assistant Director, in discussion with the Chair of the Strategic Management Board, will decide as to any further report. |
| If an offender who is PPANI Category 2 or Category 3 is charged with a further serious sexual or violent offence (as defined in the PPANI guidance) the PBI Chair of the Local Area Public Protection Partnership (LAPPP) shall notify in writing the Chair of the SMB via the Strategy and Policy Co-ordinator |
Probation Board for Northern Ireland

Section 6

Effectiveness
Effectiveness

Contents:

Introduction

Section 6a: Recording
Section 6a1: Recording - Approved Hostels
Section 6b: Gatekeeping

Section 6c: Monitoring Practice
Section 6c1: Monitoring and Evaluation - PBNI Approved and NOMS Accredited Programmes
Section 6c2: Monitoring Approved Hostels

Section 6d: Evaluation and Research

Section 6e: Audit
Section 6f: Inspection
Effectiveness

Introduction

1. Why measure effectiveness?

- It is important for PBNI to measure effectiveness in order to:
  - facilitate accountability for the work undertaken
  - be able to evidence and demonstrate the provision of best practice and Value For Money development;
  - increase staff confidence, motivation and commitment;
  - maintain confidence and support of key stakeholders about the value and importance of probation within the criminal justice system;

- The purpose of measuring effectiveness is not just to be in a position to collect record and analyse information data, but also to be able to use the findings from such activities:
  - to better inform decision making at different levels within PBN; and
  - to improve practice and service delivery.

2. What is measured?

- Gathering information and making judgements about performance requires a degree of rigour and PBNi is committed to ensuring that there are effective structures and systems in place at individual, team and organisational levels to measure how well PBNi practice is performing in relation to the Key Outcomes and Outputs as well as compliance with Performance Standards and Best Practice Guidance.

- The Best Practice Framework Incorporating Northern Ireland Standards detailed in Section 1 requires the different parts of PBNi to work closely together to deliver on effectiveness. Any measure of effectiveness has to take into account the stated purpose of the organization. The combined Key Outcomes and Outcome Indicators contained in each section provide a measure of how effective PBNi is in adhering to the Standards and Best Practice Guidance and to the overall Best Practice Framework.\(^1\)

- The Key Outcomes and Outputs provide a basis on which to measure the effectiveness of PBNi in delivering an effective service and achieving its overall purpose.

3a: Assessment, Risk Assessment, Risk Management and Review.

That PBNi Assessments, Risk Assessments and reviews shall be completed in a way which maximises, encourages and supports the following key outcomes:

<table>
<thead>
<tr>
<th>Key Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Positive/constructive/meaningful offender engagement in process, including offender self assessment.</td>
</tr>
<tr>
<td>2. Offender motivation to begin, and continue, to change offending behaviour.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Purpose of assessment/review shared with offender and relevant others.</td>
</tr>
<tr>
<td>2. Individualised Assessments/reviews linked directly to supervision planning, risk management and interventions.</td>
</tr>
</tbody>
</table>

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\(^1\) Refer to Section 1- Organisational Purpose
3. All relevant sections of assessments are thoroughly, fully and accurately completed; the assessments are evidenced, verified and, where required, validated.

4. The assessment is **timely** and prior to the completion of the PSR;

5. There is evidence that the defendant has been given an opportunity to participate in the assessment and that the language reflects offender ownership and participation.

<table>
<thead>
<tr>
<th>3c: Assessment Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>That PBNI Assessment Reports shall be completed in a way which maximises, encourages and supports the following key outcomes:</td>
</tr>
</tbody>
</table>

**Key Outcomes**

3. Quality reports which will assist the court in sentencing and assist in decision making at key stages.

**Outputs**

6. Reports completed within appropriate timescales.

7. Reports are written in accordance to Standards and Best Practice Guidance.

8. Information contained in the reports is accurate and verified, impartial and free for any discriminatory language and stereotype.

9. Reports accurately indicate the level of Risk-Likelihood of reoffending and Risk of Serious Harm to Others and contain, where applicable, Risk Management/Supervision Plan.

10. Offenders understand and are aware of the process and how the report is to be used and the report is shared with them.

<table>
<thead>
<tr>
<th>3d: Suitability Assessments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Key Outcomes</strong></td>
</tr>
<tr>
<td>2. Offender motivation to begin, and continue, to change offending behaviour.</td>
</tr>
</tbody>
</table>

**Outputs**

11. Purpose of suitability report and programme shared with offender.

12. Content of report is written in accordance with Standards and Best Practice Guidance

13. Programme linked to offender need/risks.

14. Successful completion of programme
### 4b: Induction

#### Key Outcomes

2. Offender motivation to begin, and continue, to change offending behaviour.

#### Outputs

15. Order/Licence served, signed and dated confirming receipt and understanding of requirements/conditions and consequences for non compliance.

16. Information provided and shared with offender to confirm their understanding of Complaints procedure, Disclosure of offending, Protecting the Public, including Children and Vulnerable Adults and Victim Information scheme.

17. Induction summary pro forma signed and dated by offender.

### 4c: Case Planning

#### Key Outcomes

2. Offender motivation to begin, and continue, to change offending behaviour.

#### Outputs

18. Case plan is completed in accordance with Standards and Best Practice Guidance.

19. Clear, fully completed and individualized case plan (including Risk Management Plan where required) which appropriately addresses risk, need and responsivity issues.

20. Elements of case plan are clearly connected, sequenced and understood by offender and relevant others.

21. Evidence of offender engagement and contribution to the case plan including his/her priorities motivation and goals, including victim issues.

22. Relevant documentation is signed and dated by offender, supervising officer and relevant others.

### 4d: Intervention

#### Key Outcomes

1. Positive/constructive/meaningful offender engagement in process, including offender self assessment.

2. Offender motivation to begin, and continue, to change offending behaviour.

#### Outputs

23. Offenders appropriately selected for interventions.

24. Clear communications between supervising officer and others delivering approved interventions which adhere to the principles and practices of Risk Need and Responsivity.

25. Victim issues have been appropriately addressed.

26. Successful completion of interventions.

12th April 2011
5a: Offender Compliance - Enforcement, Breach, Recall and Revocation

Key Outcomes

1. Positive/constructive/meaningful offender engagement in process, including offender self assessment.

4. Appropriate management of offenders under PBNI supervision in respect of Enforcement, Breach, Recall, Revocation and Serious Further Offending.

Outputs

27. Clear and fair boundaries in place which the offender understands.

28. Appropriate action taken and clearly recorded as appropriate.

29. Procedural fairness and legitimate use of authority are evidenced.

5c: Serious Further Offence (SFO)

Key Outcomes

4. Appropriate management of offenders under PBNI supervision in respect of Enforcement, Breach, Recall, Revocation and Serious Further Offending.

Outputs

30. Case Records evidences that the SFO procedures for notification have been completed appropriately.

31. Documentation made available for the case to be reviewed and outcome from review detailing the decisions taken and lessons to be learned.

3. How is effectiveness measured?

- There is a wide range of quantitative and qualitative data, recorded, collated and analysed which contributes the measurement of PBNI’s effectiveness.

- Appropriate structures, systems and practices are in place to gather data, evaluate performance and improve practice which include:
  - objective qualitative and quantitative outcome and output measures- (as detailed in 1. above )
  - recording
  - gatekeeping
  - monitoring practice
  - evaluation and research
  - audits
  - inspections
  - feedback into practice.

12th April 2011
Section 6a: Recording
Recording

- Recording is integral to all elements of probation practice. It is a core element to in terms of gathering and analysing information, defensible decision making, risk management, planning, intervention and reviewing.

- Staff throughout PBNi have a responsibility for recording of information.

- Good recording supports best practice by:
  - Being compliant with the relevant legislation, policies, procedures and protocols relating to the storage, access, retention and communication of information held on record;
  - Providing a documented record and audit trail of the work undertaken with offenders and others connected with a case;
  - Promoting offender engagement in terms of openness of records and offender access
  - Providing continuity of service when a case or Probation Officer is transferred
  - Supporting supervision, reflection and continuous professional development
  - Providing individual and organisational accountability in terms of adherence to Standards and Best Practice Guidance and relevant Policies and Procedures
  - Helping in the appropriate allocation of resources
  - Facilitating monitoring, evaluation, audits, serious further offending and Inspection processes
  - Providing data which can be used for research purposes.
### 6a: Recording

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6a.1</strong></td>
<td>An accurate record shall be recorded on PBNI Case Management System of:</td>
</tr>
<tr>
<td></td>
<td>- all planned and other contacts with the offender and others, including efforts made to obtain and verify information and involve the offender and relevant others in the assessment and assessment report process;</td>
</tr>
<tr>
<td></td>
<td>- all assessments and risk assessments</td>
</tr>
<tr>
<td></td>
<td>- all planned and other contacts with the offender supervision in the community and/or during custody;</td>
</tr>
<tr>
<td></td>
<td>- all key events and decisions.</td>
</tr>
<tr>
<td></td>
<td>All entries shall be made not later than 5 working days after an occurrence.</td>
</tr>
</tbody>
</table>

**Case Record**

- A Case Record and other recordings are essential to evidence PBNI has complied with the Performance Standards and Best Practice Guidance in all cases and settings from the initial assessment stage through to sentence completion and case closure. It facilitates accountability for the work of PBNI with offenders and others as well as encourages engagement of offenders.
- A complete and up to date case record provides continuity over the duration of contact with offenders and through any changes in supervising officer that may occur.


**A Quality record will, where appropriate, normally:**

- be accessible;
- be complete and up to date;
- contain relevant and justifiable information;
- be clear, accurate, factual and easily understood;
- be compliant with relevant legislation, policies, procedures and protocols relating to information held on record;
- detail key events including
  - **significant changes** in an offender's circumstances, behaviour and/or attitudes;
  - failure to comply;
  - follow up actions including acceptability or otherwise of any explanations given;
  - enforcement actions including warnings, applications to vary or insert additional requirement or condition;
  - decision to/not to breach or request recall and reasons for decision;
  - decision to seek revocation or, in the case of a Life Licence, decision to seek a discontinuation of probation supervision.
- reflect work completed during contact;
- for CSO/SAO cases, detail of work completed and progress or otherwise towards target dates-
- detail progress or otherwise towards case /risk management plan objectives;
- bear all relevant signatures where require;
The case record shall contain a full set of documents consistent with:
- Level of Application;
- stage the Order or Licence or Assessment Report
- PBNI Victim Information Scheme

<table>
<thead>
<tr>
<th>Case Record - Essential documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is the responsibility of the Probation Officer to ensure that the case record contains a full set of documents and that each of those documents are recorded and up to date as required.</td>
</tr>
<tr>
<td>This also relates to PBNI Victim contacts regarding reports to the Parole Commissioners on Attitude and Concerns of Victims.</td>
</tr>
<tr>
<td>Performance Standards</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>6a.2 Cont.</strong></td>
</tr>
</tbody>
</table>
|                       | - The case record refers to the information contained within the electronic PBNI Case Management system, but also to relevant information held as a hard copy within a paper file. Where appropriate, the case record will normally include:  
  - complete and up to date record of contacts;  
  - complete and up to date assessment/assessment review;  
  - complete and up to date Ra1/r and RMM/review as applicable;  
  - complete and up to date case/sentence plan/review  
  - PSR and other Assessment Reports;  
  - Depositions;  
  - Victim impact statements (where available);  
  - Psychology, Psychiatric and other specialist reports and assessments where available and relevant;  
  - Breach, recall and progress reports. |

**Case Record- Data Protection Act 1998**

- The case record is an open document to which the offender (and parent(s)/guardian(s)/carer(s) in the case of a Young Offender) should be afforded **hard copy** access to on request. An explanation of this normally forms part of Induction.

- Under the Data Protection Act 1998 an individual has a right to see all personal information held by PBNI on them unless there is an exemption to disclosure. A decision to withhold information can only be applied by the relevant Senior Manager (i.e. Director; Deputy Director; Assistant Director; Head of Department) in conjunction with PBNI Communications Unit (Compliance Section).

- Relevant information may also include rough notes or any other assessment material used to inform the content of final documents, for example a Pre Sentence Report (see also 6a.5). Notes, even rough notes however, still need to be legible, justifiable and relevant. **All information** contained within a file is potentially disclosable under the Data Protection Act 1998.

- Any recorded information in a file, regardless of its origins, is subject to disclosure unless an appropriate exemption applies under the Data Protection Act or, where applicable, the Freedom of Information Act 2000.

- All personal information is required to be held securely and given the appropriate protective markings to denote its sensitivity and value.

- Confidentiality of information will be maintained and information only shared in line with the individual’s rights, that is, with their consent, or if the law requires information to be shared or allows it, and PBNI believe it is important to share the information, for example to protect children, vulnerable adults, victims or others.
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **6a.2 Cont.** | **Case Record - Data Protection Act 1998 - cont.**  
- Information originating from a third party which may be restricted should be marked restricted. Although protectively marked documents may also potentially be disclosed under the Data Protection Act, PBNi will, where possible and appropriate, seek the consent of the originator of the information before taking a decision to release.  
- All personal information will be disposed of when no longer required in accordance with PBNi’s current Retention and Disposal Schedule.  
- Offenders will normally be provided with copies of relevant leaflets detailing how information is gathered and used and how they can gain access to their personal information as well as how they can make a complaint. |
| **6a.3** | The offender shall be offered the opportunity to view a hard copy of the case record:  
- every 16 weeks;  
- annually for Life Sentence and other prisoners serving more than 5 years in custody;  
- on request from the offender (parent(s)/guardian(s) in the case of a Young Offender).  
**Offender requesting access to Information**  
- It is important to keep in mind that the offender can make a written subject access request to see all material held on him/her.  
- Requests to access information including information received from a third party and/or protectively marked information has to be made in writing.  
- The information will only be disclosed following consultation with the relevant manager and the Communications Unit (Compliance Section). |
<p>| <strong>6a.4</strong> | The supervising officer shall inform the relevant administrative staff if and when a change to the status of a case requires a change to the PBNi colour coding of the paper file. |</p>
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
<tbody>
<tr>
<td>6a.5</td>
<td>Handwritten notes (assessments) used in the preparation of a Pre Sentence Report shall be retained in accordance with PBNi’s retention and disposal schedule.</td>
</tr>
<tr>
<td></td>
<td><strong>Retention of Handwritten Notes- PSRs and Assessments</strong></td>
</tr>
<tr>
<td></td>
<td>- Handwritten notes used in the preparation of PSRs should only be recorded on approved pro-forma e.g. on ACE /Ra1 documents, or if loose leaf, using a jotter page or refill pad page.</td>
</tr>
<tr>
<td></td>
<td>- As notes are potentially disclosable, not just in Court, but also under the Data Protection Act 1998, they must be legible, factual, relevant and accurate. The date when the note was made should also be recorded on the handwritten note.</td>
</tr>
<tr>
<td></td>
<td>- The notes are to be retained under ‘Other’ (right hand side) of the hard file.</td>
</tr>
<tr>
<td>6a.6</td>
<td>Potential Life Sentence Prisoners Pre-Trial/ Pre-Sentence</td>
</tr>
<tr>
<td></td>
<td>A record of all transactions with the prisoner shall be kept.</td>
</tr>
<tr>
<td></td>
<td><strong>Potential Life Sentence Prisoners Pre Trial/ Pre Sentence.</strong></td>
</tr>
<tr>
<td></td>
<td>In the event that the defendant being acquitted, entries in the case record covering the remand period, which are related to the charges of which the defendant has been found not guilty, shall be deleted as agreed by the Area Manager after discussion with the PBNi Records Officer.</td>
</tr>
</tbody>
</table>
**6a1: Recording - Approved Hostels**

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **6a1.1** The member of residential staff who conducts the induction interview shall complete the standard induction form before the interview is terminated and provide the supervising Probation Officer with a copy. | **Good Quality Recording**  
- Good quality recording is required. (Refer also to 6a.1)  
- The record of contact is a valuable working tool and cannot be considered complete unless it contains all of the documents required and that an up to date record of events and progress is maintained.  
- The case record will normally be made accessible in hard copy to the offender at the monthly review meeting or at other agreed intervals.  
- It is important to keep in mind that the offender can make a written subject access request to see all material held on him/her.  
- Requests to access information including information received from a third party and/or protectively marked information has to be made in writing. |
<p>| <strong>6a1.2</strong> The residential key worker shall record any subsequent changes to the information recorded at induction within two days of a change occurring and notify the supervising Probation Officer of such changes at the next available opportunity. | |
| <strong>6a1.3</strong> The residential key worker shall record progress (or otherwise) of the offender in terms of the residential supervision plan at intervals of no longer than 10 days and forward a copy of these recordings to the supervising Probation Officer at four weekly intervals. This action shall be reciprocated by the supervising Probation Officer. | |
| <strong>6a1.4</strong> Duty residential staff shall, on the day of the occurrence, enter into the individual's record of supervision any significant events related to the offender including failure to comply with house rules, any complaint made by the offender or any complaint made by others about the conduct of the offender. | |</p>
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **6a1.5** In addition to entries made in individual records of supervision, the hostel manager shall ensure that a daily log is maintained in which shall be entered on a daily basis:  
- reported/observed breaches of the house rules and how these have been dealt with;  
- complaints made by residents and how they have/will be responded to;  
- complaints about/observations of unacceptable conduct by residents and how these have/will be investigated;  
- untoward or violent incidents and the outcomes of these. A copy of the record of such incidents shall be forwarded to the relevant AD for discussion at a future hostels forum.  
- any other significant events in the life of the hostel. | **Hostel Daily Log**  
- It is good practice to ensure that the daily log is completed immediately before every staff changeover and that entries are dated, signed and legibly entered.  
- A copy of the record of each and every untoward and/or violent incident and premature termination shall be forwarded to the relevant AD. Other than taking any necessary and immediate action the AD shall include these matters as a recurring item on the agenda of meetings of the Hostels Forum as appropriate. |
Section 6b: Gatekeeping
Gatekeeping

- Assessment reports are central to the work undertaken by PNI and facilitate key decisions in terms of sentencing and release from, and recall to, custody. Gatekeeping refers to the process of quality checking reports prior to their submission.

- The Gatekeeping measures employed by PNI are designed to improve the quality of assessment reports which in turn will improve the effectiveness of this aspect of practice.

- A graduated Gatekeeping approach ensures that the level of gatekeeping is proportional to the level of the report and the experience and competence of staff undertaking the assessment report and is regarded as integral to the Assessment Report process.

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Key Outputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved competence of staff in Assessment Report Writing</td>
<td>Gatekeeping records completed</td>
</tr>
<tr>
<td>Improved quality of Assessment Reports</td>
<td>Evidence from Monitoring and Evaluation, Audits and Inspections, stakeholder feedback demonstrating improved quality of Assessment Reports and adherence to Performance Standards and Best Practice Guidance.</td>
</tr>
<tr>
<td>Increased confidence of Courts and Parole Commissioners regarding the impact of assessment reports on sentencing and release and recall decisions.</td>
<td></td>
</tr>
<tr>
<td>6b.1</td>
<td>Where required, Assessment Reports shall apply the appropriate level of gatekeeping. The relevant Gatekeeping Record shall be completed and recorded on PBNI’s Case Management System.</td>
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</tr>
<tr>
<td><strong>Gatekeeping</strong></td>
<td>The level of gatekeeping is normally determined at the time of allocation of the Assessment Report. The <em>purposes</em> of gatekeeping are to: 1. ensure that each Assessment Report is of the required quality before it is submitted. 2. provide a progressive means of assisting all report writers to continuously improve their report writing skills.</td>
</tr>
<tr>
<td><strong>Level 1 Gatekeeping</strong></td>
<td>The Report writer takes sole responsibility for gatekeeping and shall complete Parts 1 and 3 of the approved Gatekeeping Record when the Report is ready for submission.</td>
</tr>
<tr>
<td><strong>Level 2 Gatekeeping</strong></td>
<td>All Crown Court PSRs allocated on Murder Serious and/or Specified Offences will normally be subject to gatekeeping by a designated gatekeeper. Other PSRs and assessment reports, as considered appropriate, will be subject to Gatekeeping by a designated gatekeeper. In complex cases and those where there is likely to be a high profile media interest the level of gate keeping may extend to the relevant Assistant Director (AD).</td>
</tr>
<tr>
<td>6b.2</td>
<td>The Report writer shall complete Part 1 of the applicable Gatekeeping Record and ensure it is available along with the Assessment Report for the designated gatekeeper at least: 1. <strong>5 working days</strong> in advance of the submission date of a Case Manager’s Report to the PCNI; 2. <strong>2 working days</strong> in advance of the submission date for a PSR all other Assessment Reports.</td>
</tr>
<tr>
<td><strong>Quality gatekeeping</strong></td>
<td>will, where appropriate and relevant, normally check the degree to which a draft Report: 1. adheres to the required structure and format; 2. follows content and best practice guidance; 3. distinguishes between verified fact and opinion; 4. provides a balanced, objective and impartial view; 5. is free from: o excess material; o irrelevancies, unexplained jargon or presentational flaws; o discriminatory and stereotyping language;</td>
</tr>
<tr>
<td>6b.3</td>
<td>The designated gatekeeper shall provide feedback to the Report writer within <strong>1 working days</strong> of receipt of the Gatekeeping Record and Assessment Report.</td>
</tr>
<tr>
<td>Performance Standards</td>
<td>Best Practice Guidance</td>
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</tbody>
</table>
| **6b.3 Cont.**        | **Gatekeeping Responsibilities**  
- It is essential that officers assigned as gatekeepers have **relevant experience and proven ability** to fulfill the role adequately.  
- In undertaking the task of evaluating and commenting on the draft report the gatekeeper automatically accepts responsibility for:  
  o fulfilling the task within the guidance provided,  
  o using the approved gatekeeping documentation  
  o completing the task within the deadlines set.  
- Where there are **unresolved issues** between the Report writer and the gatekeeper as to whether the report meets the Best Practice Guidance the Area Manager or, where appropriate, the relevant AD, is the final arbiter in making this determination. |
| The Report writer shall make any necessary amendments to the draft Assessment Report and then complete Part 3 of the Gatekeeping Record at the time of submitting the finalised Report. |
Section 6c: Monitoring Practice
Monitoring Practice

- Monitoring relates to the recording and collection of information in a planned, structured and systematic way. Monitoring provides information on an ongoing basis on how an organisation is doing against criteria, including outputs and outcomes, setting out what an organisation will do. The information from monitoring provides feedback on progress, identifies problems which are impacting, or have impacted, on progress and, where necessary, facilitates adjustment to activities.

- PBNI is committed to ensuring that there are effective systems and practices in place which monitor individual, team and organisational compliance with the Best Practice Framework Incorporating Northern Ireland Standards.

- Practitioners and managers at all levels in PBNI have important roles to play in relation to monitoring which should be considered as an integral responsibility including the self regulation of practice.

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Key Outcome Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Progress and performance of PBNI is measured appropriately.</td>
<td>• All monitoring and evaluation requirements are completed and recorded within the agree time intervals.</td>
</tr>
<tr>
<td>• PBNI practice is compliant with Best Practice Framework Incorporating Northern Ireland Standards, legislative responsibilities and key policies and procedures.</td>
<td>• Non compliant, poor and/or unsafe practice is identified early and actions taken to improve practice.</td>
</tr>
<tr>
<td>• Safe and effective practice and protection of the public through offenders desisting from offending.</td>
<td>• Monitoring and evaluation information is collated to inform practice audits and inspections.</td>
</tr>
<tr>
<td>• PBNI accountability securing confidence in PBNI’s practice from courts, public, victims, Criminal Justice and other agencies and offenders.</td>
<td></td>
</tr>
<tr>
<td>• Appropriate funding secured.</td>
<td></td>
</tr>
<tr>
<td>• Perception of PBNI operations as being legitimate and procedurally fair.-offenders victims and communities?</td>
<td></td>
</tr>
</tbody>
</table>
### 6c: Monitoring Practice

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</thead>
</table>
| **6c.1** The Probation Board shall ensure that there are effective structures and systems in place which monitor compliance of practice with:  
- Legislative responsibilities  
- Best Practice Framework Incorporating Northern Ireland Standards  
- Key policies and procedures | Monitoring  
- PBNI as an organisation collects and records a wide range of information about how it is performing and meeting its aims and objectives and purpose.  
- Monitoring systems and practices will be subject to evaluation by senior managers. |
| **6c.2** Where required, all monitoring documentation shall be completed accurately and within the agreed timeframe using the agreed pro forma. | Quality Monitoring  
- **Quality** monitoring, will, where appropriate, normally  
  - Capture relevant and required information accurately and within the agreed time intervals  
  - Be applied in a diligent and systematic manner  
  - Obtain not only quantitative data but qualitative data focusing on quality outcomes  
  - Be able to identify and report on good and poor practice  
  - Will include feedback and evaluations from key stakeholders and service users  
  - Be able to establish links between past present and future interventions and activities and outcomes  
  - Will inform key management decisions and help guide improvement in practice and service delivery  
  - Involve all relevant staff throughout PBNI.  
  - Linked directly to staff supervision*  
*Refer also to current PBNI Guidance on Staff Supervision |

**Monitoring - Responsibilities**  
**Probation Officers/Probation Service Officers**  
- Monitoring responsibilities include:  
  - Recording (Refer also to section 6a)  
  - Checking and affirming that all tasks have been completed in accordance with relevant Performance Standards and Best Practice Guidance and that in all instances where practice has fallen short reasons have been fully recorded.  
  - Completion of, or contribution to completion of, monitoring documentation using the agreed pro forma and within the agreed time interval  
  - Undertaken any remedial actions as required
<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| 6c.3                  | **Monitoring - Responsibilities**  
 |                        | **Area Managers**  
 |                        | • Area Managers have key responsibilities for improving practice through the monitoring and evaluating the quality of work and adherence to Performance Standards and Best Practice Guidance in relation to, where appropriate, the following practice areas:  
 |                        |   o Assessment and Risk assessments,  
 |                        |   o Assessment Reports  
 |                        |   o Gatekeeping  
 |                        |   o Risk management,  
 |                        |   o Induction  
 |                        |   o Offender complaince  
 |                        |   o Case planning  
 |                        |   o Implementation of case plans and Interventions  
 |                        |   o Reviews  
 |                        |   o Transfer  
 |                        |   o Closure  
 |                        | • Area Manager Monitoring tasks will, where appropriate, normally include:  
 |                        |   o Checking and confirming adherence to Performance Standards and Best Practice Guidance across caseloads  
 |                        |   o Observation of practice  
 |                        |   o Identifying strands of practice where practice needs to improve and taking appropriate actions to encourage and support improved practice across the team or at an individual practitioner(s) level including: further training; guidance; instruction; coaching and/or increased level of support and monitoring.  
 |                        |   o Acknowledge and record good practice of, as well as improved performance by, team or individual practitioner(s).  
 |                        |   o Maintain record of Monitoring and submit Summary report to relevant Assistant Director (AD)  
 |                        | • Monitoring requires sampling cases across the range of staff, types and Level of Application of cases and across the different stages of an Order or Licence. Sampling can be directed to areas where improvement or and/or consolidation of practice is needed.  
 |                        | • It is important that Area Managers are aware of the importance of regular monitoring of **Higher Level Application** cases in decision making and helping to manage and reduce risks. |
### Performance Standards

| 6c.4 | **Assistant Directors** shall analyse and aggregate his/her findings from the Area Managers’ Quarterly Monitoring Report, together with a detailed statement of the Assistant Directors own remedial responses, to the relevant Deputy Director(Operations) at the required intervals and using the agreed format. |

| 6c.5 | **Deputy Directors** (Operations) shall consider the AD quarterly reports and advise of any necessary actions and guidance. |

| 6c.6 | The **Director** shall be informed as necessary of any potential inability of PBNI, or any part of it, to discharge its duties in line with Performance Standards and Best Practice Guidance. |

| 6c.7 | The results of monitoring and evaluation activity and any consequential management decisions shall be made available, on request, to the Criminal Justice Inspectorate/Office of Social Services to assist in periodic external inspection of PBNI compliance with the Best Practice Framework Incorporating Northern Ireland Standards. (Refer to section 6) |

### Best Practice Guidance

#### Monitoring - Responsibilities

**Assistant Directors**
- It is the joint responsibility of the Assistant Directors to assure incremental improvements in the quality of performance and practice across the organisation by securing improvements in and the effectiveness of Area Manager monitoring practice.
- Selection of issues for review should be governed by the known strengths and weaknesses of Area Manager monitoring and/or from the caseloads of practitioners who have been identified as requiring additional guidance and assistance.
- Assistant Directors are required to provide written feedback about their findings to Area Managers.
- Where considered necessary, Assistant Director may select and review one or more case records for review without giving prior notice.

**Deputy Directors**
- The Deputy Directors are pivotal in driving for, and coordinating the quest for continuous improvement to assist the Director of Probation and the Probation Board to fulfill its functions.
- It is important that monitoring and evaluation development is kept high on the agenda at all levels of the organisation.

**Director**
- The Director of Probation is responsible for all aspects of PBNI’s professional probation work and is the principle advisor to the Probation Board on professional matters.
### 6c1: Monitoring and Evaluation - Approved/ Accredited Programmes

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
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</table>
| **6c1.1** The Head of Interventions shall ensure that appropriate and effective systems are in place for each PBNI Approved and Accredited Programmes in order to provide relevant monitoring and evaluation information. | **Monitoring and Evaluation-Approved/ Accredited Programmes**  
- The information required for monitoring and evaluation may, where appropriate, include:  
  - Referral details by type of Order or Licence.  
  - Demographic details.  
  - Section 75 and Equality details.  
  - Attendance, compliance, completion and non-completion details.  
  - Significant issues regarding programme delivery.  
  - Evaluations from Programme Facilitators and offenders.  
  - Programme assessments.  
  - Psychometric data.  
  - Participant feedback.  
  - Changes in risk factors - attitudes, behaviour, thinking, skills, motivation - as targeted by the programme  
- Refer also to **6a.1-Recording**. |

| **6c1.2** Staff involved in PBNI Approved and Accredited Programmes shall complete all required monitoring and evaluation documentation accurately and within the agreed time intervals. | |

### 6c2: Monitoring - Approved Hostels

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6c2.1</strong> Hostel staff with responsibility for a resident offender shall complete all required monitoring and evaluation documentation accurately and within the agreed time intervals.</td>
<td></td>
</tr>
<tr>
<td><strong>6c2.2</strong> Hostel staff are accountable to the Hostel Manager for ensuring that they have fulfilled all of their responsibilities in line with Performance Standards AND Best Practice Guidance.</td>
<td></td>
</tr>
<tr>
<td><strong>6c2.3</strong> The hostel manager shall satisfy him/herself that each member of staff is familiar with the relevant Performance Standards and Best Practice guidance and that staff are applying them consistently.</td>
<td></td>
</tr>
<tr>
<td><strong>6c2.4</strong> Where staff fall short of meeting Standards the hostel manager shall require remedial action to be taken and ensure that it has been taken.</td>
<td></td>
</tr>
<tr>
<td><strong>6c2.5</strong> Each Approved Hostel shall have in place a Statement of Purpose.</td>
<td></td>
</tr>
<tr>
<td><strong>6c2.6</strong> Each Approved Hostel shall have in place a complaints procedure.</td>
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</tbody>
</table>
6d - Evaluation and Research
Evaluation and Research

- Evaluation is concerned with using information which has been recorded and collected to make judgements about how an organisation is performing. Evaluation includes the objective measurement of practice outcomes, outputs and processes in order to measure an organisation’s effectiveness.

- Sources of data for evaluation include:
  - Documentary – monitoring and auditing of files, case records, assessments and reports
  - Direct observation of practice
  - Analysis-
    - Self Report- surveys and feedback from key stakeholders and service users

- Research can provide evidence relating to effectiveness both in terms of what is working well and effective, and what is perhaps not working so well and needs to be improved. An effective probation service values knowledge and the ability to use knowledge. There is a wide range of research undertaken which is limited in its application to actual practice and it is important that an organisation provides structures, systems and supports to facilitate, first of all, relevant research and, secondly, the application of research to improve its practice.

- Research undertaken or commissioned by PBNI shall be ethically based and fully compliant with the Data Protection Act 1998 in respect to how personal data is used.

- Individual Practitioners are encouraged to take responsibility for their own learning which includes accessing, understanding and testing out in practice relevant research and evidenced based findings to improve their own practice under the supervision and support of their line manager and in adherence with the applicable Standards and Best Practice Guidance.

- Individual practitioners are encouraged to monitor, evaluate and reflect on their own practice to help determine what works best and what is effective. This process can improve the quality of individual performance and an increased capacity for effectiveness.

- Research and best practice is integrated into the Standards and Best Practice Guidance provided to staff which covers all areas of their practice. By adhering to these Standards and Best Practice Guidance staff will be applying research to their practice. Different grades of staff have fed their own practice experiences into the review and development of Standards and Best Practice Guidance and so supports a process of continuing practice improvement.

- PBNI is committed to developing a learning organisation and nourishing a culture of excellence which supports and provides opportunities for the continuous learning and development of staff, including those staff who as part of their registration with the Northern Ireland Social Care Council, and for the sharing of best practice at individual, team, organisational and wider context.

- PBNI collates and has access to rich source of data, both quantitative and qualitative, and encourages the pro-active development of research links with Universities to undertake ethical and practically relevant and applicable research to improve practice. PBNI will facilitate such relevant research as agreed at an Organisational, team and individual practitioner level.

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2 Evidence Based Practice A Guide to Effective Practice- Chapman, T. Hough, M. HMP Inspectorate of Probation 1998
3 Improving the use of research in Social Care Practice. Walter, I. Nutley, S. Percy-Smyth, J. McNeish, D. Frost, S. SCIE 2004
4 ‘The Board may conduct or promote, or assist (by grant or otherwise) any person in conducting, research relevant to the functions of the Board.’ Article 13- Probation Board Northern Ireland Order 1982.

12th April 2011
### 6d: Evaluation and Research

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Key Outcome Indicators</th>
</tr>
</thead>
</table>
| Research is conducted and/or proactively promoted or commissioned. which is relevant to the functions of PBNI and its purpose in  
  o Ensuring sentence compliance  
  o Reduction in likelihood of reoffending  
  o Minimising Harm, including Serious Harm  
  o Developing Responsible Citizenship | Levels of successful completion of Orders and Licences supervised by PBNI  
Levels of formal and more substantive compliance  
Reduction in the ACE Assessment Scores and further reoffending during period of supervision  
Reduction in level of risk of serious harm  
Reconviction data demonstrates reduction in reconviction rates  
Relevant and ethical research undertaken involving PBNI.  
Key research findings and evidenced informed practice are incorporated into probation practice.  
Evidence of research being included in the review of the Best Practice Framework Incorporating Northern Ireland Standards.  
Offender integration into community as evidenced by  
  o Reduced social isolation  
  o Increased employment, training, educational |
<p>| Relevant research is appropriately disseminated throughout PBNI and has informed practice. |  |</p>
<table>
<thead>
<tr>
<th></th>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
</table>
| **6d.1** | The relevant Senior Manager shall ensure that appropriate links are made with Universities to facilitate the conducting, promotion and/or commissioning of practically applicable research relevant to the work of the Probation Board and its purpose. | **Promoting Research**  
- The Probation Board may conduct, promote and/or finance research which is relevant to its functions.*  
- The relevance of research can be enhanced through:  
  - the development of appropriate links to Universities  
  - adopting a proactive approach to highlighting the type and range of research relevant to the functions and purpose of PBNI and  
  - promoting research which is applicable to probation practice.  

*Refer to article 13 Probation Board (Northern Ireland) Order 1982 |
| **6d.2** | The relevant Senior Manager shall ensure that there are appropriate structures and systems in place to facilitate the dissemination of key findings from relevant evaluations and research both internally within PBNI and externally to other relevant organisations. | **Dissemination of Evaluations and Research**  
- There are a range of ways that can be used to share research findings including, where appropriate:  
  - Practice notes  
  - Seminars  
  - Workshops and other training events  
  - Team meetings  
  - Individual learning  
  - E-learning opportunities where available  
  - Multi agency learning opportunities  
  - Professional Journals |
| **6d.3** | Line Managers, as required, shall include evaluation and research findings relevant to probation practice within team meetings and staff supervision sessions. | **Supporting and encouraging staff to access and use Evaluations and Research**  
- Evaluations and Research are important components to continual professional development and it is important that this aspect of practice is supported at team and individual practitioner levels.  
- Encouraging and facilitating staff to access and appropriately apply and share research and evidenced informed practice is also important aspect of the Line Manager's role. |
| **6d.4** | Where required and agreed with the relevant Senior Manager, staff shall contribute to evaluations and research conducted or commissioned by PBNI. | **PBNI Staff involvement in evaluation and research**  
- PBNI staff may be involved directly in undertaking evaluations and research or indirectly through making a contribution to evaluations and research conducted externally, for example by a university. |
Section 6e: Audit
Audit

- Where necessary, PBNI will undertake internal audits of practice
- Occasional management audits should be used to check the efficacy of the flow of monitoring information and effectiveness of monitoring practice.
- Audits, provide feedback on practice highlighting effective and, where applicable, ineffective practice and where improvements could and should be made.

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Key Outcome Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Adherence to Best Practice Framework Incorporating Northern Ireland Standards is evidenced</td>
<td>• PBNI fully cooperates with Audits and Inspections</td>
</tr>
<tr>
<td>• Continuous Improvement in Probation Practice</td>
<td>• Recommendations for improvement are acted upon to improve practice</td>
</tr>
<tr>
<td></td>
<td>• Recognition is given to good and excellent practice</td>
</tr>
<tr>
<td></td>
<td>• Recommendations taken into account when reviewing Performance Standards</td>
</tr>
<tr>
<td></td>
<td>and Best Practice Guidance</td>
</tr>
</tbody>
</table>
PBI Internal Audit.
- Internal audits are essential in the process of improving practice by providing valuable information regarding:
  - How well practice is adhering to Performance Standards and Best Practice Guidance
  - Quality outcomes and achievement of PBNIs purpose and legislative functions
  - Identifying best practice which could be shared and reinforced throughout PBNI
  - Identifying gaps in practice and poor practice which needs to be improved.

Quality PBI Internal Audits
- Quality Audits will, where appropriate, normally include the following:
  - Cooperation and involvement of a range of staff and grades
  - Clear communication with Managers and other staff in advance of the audit including details of:
    - purpose,
    - areas of practice to be covered measured against defined criteria e.g. relevant Performance Standards and Best Practice Guidance
    - information and case records and files required
    - staff conducting the audit
    - feedback arrangements on the audit findings
  - Clear objectives set and followed throughout the audit process
  - Examination of sufficient, relevant and available information in a fair, open and unbiased and non-judgemental manner;
  - Recommendations adequately supported consistent with the audit findings are circulated promptly after the audit including any action steps to improve practice, amend Performance Standards and Best Practice Guidance and details of good and/or excellent practice are highlighted.

<table>
<thead>
<tr>
<th>6e.1</th>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PBI shall undertake audits of practice at periodic intervals as considered appropriate and necessary to improve practice.</td>
<td><strong>PBI Internal Audit.</strong></td>
<td></td>
</tr>
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<td></td>
<td>- Internal audits are essential in the process of improving practice by providing valuable information regarding:</td>
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<td></td>
</tr>
</tbody>
</table>

| 6e.2 | Management audits shall be used to test the efficacy and effectiveness of monitoring and evaluation practice. |

| 6e.3 | Staff shall cooperate with an Audit by ensuring that the case record and related documentation are available at the date, time and location requested. |
6f: Inspection
Inspection

- The Probation Board is subject to external inspection[^5] and staff are required to cooperate fully with any such inspections undertaken.

<table>
<thead>
<tr>
<th>Key Outcomes</th>
<th>Key Outcome Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adherence to Best Practice Framework Incorporating Northern Ireland Standards is evidenced</td>
<td>PBNI fully cooperates with Audits and Inspections</td>
</tr>
<tr>
<td>Continuous Improvement in Probation Practice</td>
<td>Recommendations for improvement are acted upon to improve practice</td>
</tr>
<tr>
<td></td>
<td>Recognition is given to good and excellent practice</td>
</tr>
<tr>
<td></td>
<td>Recommendations taken into account when reviewing Performance Standards and Best Practice Guidance</td>
</tr>
</tbody>
</table>
### 6f: Inspection

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Best Practice Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6f.1</strong></td>
<td>The results of monitoring and evaluation, audit activity and any consequential management decisions shall be made available: on request, to the Criminal Justice Inspection Northern Ireland or Office of Social Services to assist in periodic external inspection of PBN; and in an appropriate format as feedback to staff in order to share and promote best practice and improve performance.</td>
</tr>
<tr>
<td><strong>6f.2</strong></td>
<td>PBN shall cooperate fully with any authorised External Inspection by ensuring that relevant staff, the case record and all relevant documentation are available at the date, time and location requested.</td>
</tr>
</tbody>
</table>

**External Inspections**

The Probation Board (Northern Ireland) Order 1982 states:

‘14.-(1) An inspector may, with the approval of the Secretary of State, at any time carry out an inspection by the Board and the members of the staff of the Board of their functions under this Order or any other statutory provision, or such of those functions as the Secretary of State may direct.

Where an inspector is carrying out an inspection under paragraph (1), the Board and the members of the staff of the Board shall-

(a) furnish the inspector with, and permit him, such accounts, records, documents and papers of the Board as the inspector may reasonably require and give the inspector such explanation of them as he may reasonably require;

(b) furnish the inspector with such other information with respect to the property and activities as the inspector may reasonably require.’