

Approved Premises Handbook

Chapter 1 Introduction

1.1	Introduction	5
1.4	Background	5
1.5	Legislation	5
1.6	National Standards	6
1.7	Residents' programmes and activities	6
1.9	Enquiries	6

Chapter 2 Role of Managing Bodies

2.1	Legislation	7
2.3	Policy for the Approved Premises	7
2.11	Staff	9
2.16	Personal safety and local reporting procedures	10
2.18	The care of residents	10
2.25	Medical care	11
2.27	External relations	12

Chapter 3 Role of Managers

3.1	Introduction	13
3.2	Management	13
3.8	Voluntary managed and probation shared resources	14
3.9	Voluntary managed Approved Premises/Probation Service relationships	14
3.10	Equal opportunities and diversity	14
3.12	Recruitment and selection	15
3.16	Pay and conditions of service	15
3.17	Staffing levels and grades	16
3.19	Grievance and harassment procedures	16
3.20	Disciplinary procedures	16
3.24	Complaints procedure	17
3.26	Community relations	17

3.28	Criminal justice relationships	18
3.29	Dealing with complaints from local residents	18
3.32	Contingency planning	19

Chapter 4 Staffing and Training Needs

4.1	Introduction	21
4.2	Staffing issues	21
4.3	Supporting staff	21
4.7	Creating a learning environment	21
4.8	Resource implications and Joint training with the local probation service area	22
4.9	Induction	22
4.11	Training	22
4.20	Supervision and appraisal	24

Chapter 5 Health, Safety and Welfare

5.1	Introduction	25
5.2	Span of health and safety issues	25
5.5	Positive environment	26
5.6	No smoking policy	27
5.7	Storage and issuing of medication	27
5.11	Sharps bins	28
5.13	Personal safety and use of force	28
5.14	Strategies for managing violence	29
5.16	Accident and incident reporting and investigation	29
5.19	Serious incidents and deaths	30
5.21	European Working Time Directive	30
5.22	Staff handovers	30
5.23	Records	31
5.24	Cash transactions	31

Approved Premises Handbook

5.25	Safety technology	31	6.40	Repayment	42
5.28	Building design and layout	32	6.41	Miscellaneous financial matters – leave of absence	43
5.31	Building maintenance	33	6.42	Stay in hospital	43
5.32	Furniture	33	6.43	Budget submission	43
5.33	Closed circuit television (CCTV)	33	6.44	Financial control and monitoring	43
5.34	Resident feedback	33	6.47	Audited statements of income and expenditure	44
5.35	First aid	33			
5.36	Food safety	34			
5.38	Environmental issues	34			

Chapter 6 Finance

6.1	Introduction	35	Chapter 7 Admissions, Risk Assessment, Induction and Resettlement		
6.2	Revenue grant	35	7.1	Introduction	45
6.3	Additional supplements	35	7.2	Admissions	45
6.4	Payment of grant	36	7.6	Assessment of risk of harm	46
6.5	Residents contributions	36	7.10	Multi-Agency Public Protection Panels (MAPPPs)	47
6.9	Circumstances in which maintenance charges may be waived	37	7.13	Induction of residents	47
6.11	Overseas nationals	37	7.20	Residents' property	49
6.12	Benefits	37	7.21	Protocol for resettlement of residents	49
6.13	Bad debt and lost income	37	Chapter 8 Effective Regimes in Approved Premises and Programmes		
6.14	Personal allowance	37	8.1	Effective practice	51
6.15	Travelling expenses	38	8.3	Pro-Social Modelling	51
6.17	Income from other sources	38	8.6	Joint supervision	52
6.18	Expenditure	38	8.8	"What Works" – some implications for approved premises	52
6.19	Council tax	39	8.12	Work with bailees	53
6.20	Expansion and new Approved Premises	39	8.13	Encouraging healthy lifestyles	54
6.22	Insurance	39	8.14	Community re-integration	54
6.26	Maintenance and new Approved Premises	40	8.16	Employment skills	54
6.29	Loss of income: refurbishment and emergencies	40			
6.34	Inflation/pay awards	41			
6.35	Carryforward	41			
6.36	Capital expenditure	42			
6.39	Procedures for capital funding	42			

Chapter 9 Drugs Issues

9.1	Introduction	55
9.5	Enforcement in respect to drug misuse issues	55
9.6	Staff training with respect to drug misuse issues	56
9.10	Conclusion	57

Chapter 10 Children and Young people in Approved Premises

10.1	Introduction	59
10.3	Children as visitors to approved premises	59
10.5	Children as residents in approved premises	60

Chapter 11 Tenancy Rights and Room Searches

11.1	Introduction	61
11.2	Tenancy issues	61
11.6	Room searches in approved premises	61
11.10	Some practical issues on room searches	62

Chapter 12 Enforcement and Supervision

12.1	Introduction	65
12.4	Pre-Sentence Reports (PSRs) on residents	65
12.6	Enforcement	66

12.9	Multi-Agency Public Protection Panels (MAPPPs)	66
12.10	Curfew	66
12.12	Supervision	67

Chapter 13 Recording and Monitoring

13.1	Introduction	69
13.2	Local	69
13.3	National	69
13.4	Violent incidents	69
13.5	Race and ethnic monitoring	69
13.7	Monthly monitoring	70
13.8	Confidentiality and data protection	70
13.9	Financial	70
13.10	Electronic monitoring	70

Introduction

Appendices

A	Approved Premises Regulations 2001	73
B	National Standards – Part F	79
C	List of main duties of managing bodies	83
D	Summary of HMIP recommendations on staffing in Approved Premises as set out in Probation Circular PC13/2000	85
E	List of current relevant health and safety legislation	87
F	Probation Circular PC71/1998 (Serious Incident Reporting)	91
G	An example Resident Feedback Form	101
H	Probation Circular PC48/1998 (Drugs Issues)	105
I	Summary of 1996 Department of Health Task Force Report	113
J	An example of how Probation Circular PC78/2000 (Case Transfer Instructions) might work in practice (Flow Chart)	115
K	H1 form and instructions	117

Introduction

- 1.1 This handbook provides general information and guidance on the management of Approved Premises. It applies both to Approved Premises which are managed by local probation boards and to Approved Premises which are managed by a voluntary management committee.
- 1.2 Approved Premises (previously known as approved probation and bail hostels) are an important part of the Criminal Justice System. They provide an enhanced level of residential supervision in the community as well as a supportive and structured environment. They are intended as a base from which residents take full advantage of community facilities for work, education, training, treatment and recreation.
- 1.3 The information and guidance given in this handbook is prefaced by the need for those managing Approved Premises to take all necessary steps to ensure that discrimination in any form and on any grounds is not tolerated. Approved Premises should operate to create a culture which celebrates diversity rather than simply accommodating difference. Providing a culturally sensitive environment for staff and residents is crucial and underpins all aspects of good practice that are promoted in this document.

Background

- 1.4 The *Report of a Thematic Inspection on the Work of Approved Probation and Bail Hostels*, by Her Majesty's Inspectorate of Probation, published in 1998, stated that **Approved Premises, "including those managed by voluntary committees, unquestionably demonstrated their ability to accommodate and work successfully with some of the most difficult, damaged and potentially dangerous defendants and offenders within the Criminal Justice System, in a manner which gave due regard to public safety."** The good work done in Approved Premises has also been publicly recognised on many occasions by Government Ministers.

Legislation

- 1.5 Statutory provision relating to Approved Premises is made by Section 9 of the Criminal Justice and Court Services Act 2000. Section 9(1) gives the Secretary of State power to approve premises in which accommodation is provided for persons granted bail in criminal proceedings, and for, or in connection with, the supervision or rehabilitation of persons convicted of offences. Section 9(3) gives the Secretary of State the power to make Regulations for the regulation, management and inspection of Approved Premises. These Regulations are The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001, included at Appendix A of this handbook.

Role of Managing Bodies

National Standards

1.6 As well as the Approved Premises Regulations 2001, Approved Premises are also governed by the National Standards, in particular Part F of the Standards. A copy of this is included at Appendix B of this handbook. National Standards require all probation service areas, and organisations working on their behalf, to operate fairly and consistently with all offenders and residents in Approved Premises, and to avoid inappropriate discrimination on grounds of race, nationality, ethnic origin, sex, age, disability, religion, sexual orientation or any other improper ground.

Residents' programmes and activities

1.7 The regime of each Approved Premises should provide for:

- i. the reinforcement of the supervision of residents, and the provision of a stable and positive environment which motivates residents to co-operate with the terms of their supervision;
- ii. the enhancement of group living and staff/resident relations; and
- iii. the development of the ability of offenders to engage effectively with local communities, and helping them to progress safely towards independent living.

1.8 Since Approved Premises are designed to meet the need for enhanced supervision of defendants and offenders, these objectives, rather than simple accommodation needs, should provide the starting point for this valuable resource in the criminal justice system.

Enquiries

1.9 Any enquiries about this handbook or associated topics should be addressed to the Approved Premises section, National Probation Directorate, Home Office, First Floor, Horseferry House, Dean Ryle Street, London SW1P 2AW, from whom further copies can also be obtained.

Legislation

2.1 Section 9(4) of the Criminal Justice and Court Services Act 2000 allows the Secretary of State to provide money towards the expenditure of any person in carrying on, or enlarging or improving, any Approved Premises. Approved Premises are run by either the local probation area or by a voluntary sector organisation and are managed by managing bodies. The Approved Premises Regulations define managing bodies as follows:

- a) in relation to Approved Premises provided by a local probation board, that board, and
- b) in relation to any other Approved Premises, the management committee established for those premises.

2.2 The Regulations place a number of duties on managing bodies, in particular requirements about financial control, the conduct of residents and medical care. Requirements are placed on those who manage Approved Premises regarding the keeping and inspection of records. The Regulations also require the managing bodies of all Approved Premises to adopt admissions policies, and place restrictions on the circumstances in which certain residents may be asked to leave. They also indicate the steps which must be taken in a case where a person required to reside in the Approved Premises is asked to leave or absconds, or breaches the terms of his or her residence.

Policy for the Approved Premises

2.3 The relationships between the managing body, the Home Office, the Probation Board and the local probation area are illustrated overleaf. The diagram overleaf itemises the key functions of these bodies.

2.4 *Liaison between the voluntary management committee, the Approved Premises, the Probation Board and the Probation Service will occur at a number of different levels for a number of different purposes. It is important for the committee to be clear about who is responsible for liaising with whom in order to avoid omission and duplication, and to agree these in writing.*

2.5 The Probation Board is responsible for the strategic direction and performance of the probation area. Appendix C contains a list of some of the main duties of managing bodies within this.

2.6 The managing body should ensure that each Approved Premises complies with all legal requirements with regard to such matters as health and safety as they relate to staff and residents, equal opportunities, standards of staff conduct, personal record keeping, and staff/resident contact.

2.7 Managing bodies should also ensure that all staff are fully aware of the importance of diversity issues, and are able to relate this to work undertaken with all the residents.

Role of Managing Bodies

2.8 The managing body has the further responsibility of making sure that work undertaken in Approved Premises is monitored and reviewed. For Approved Premises managed by probation service areas, this responsibility will be delegated to the Chief Officer and his or her staff. For Approved Premises managed by a voluntary management committee, it is recommended that such monitoring should involve visits by committee members to the Approved Premises, scrutiny of reports and records, reading and signing the logbook, and taking the opportunity to

talk to both staff and residents. Regular reports, both oral and written, should be made to the committee following visits by an individual committee member. Regulation 7 also requires the committee to produce an annual report, and to supply a copy to the Home Office. It is good practice for members of the local probation board to also visit Approved Premises regularly.

2.9 As set out in the Approved Premises Regulations 2001 (Regulation 8(1)(c)), management must ensure that two supervisory members of staff will be on

duty at all times. Both should always remain in the Approved Premises while on duty unless there are exceptional circumstances which may mean that one of the supervisory members of staff leaves the Approved Premises for a short period of time.

2.10 The Guidance Manual for Assistant Chief Officers (ACO) (1996) provides considerable detail for the Senior Manager. There is also a Guidance Manual for Voluntary Committees (1996).

Staff

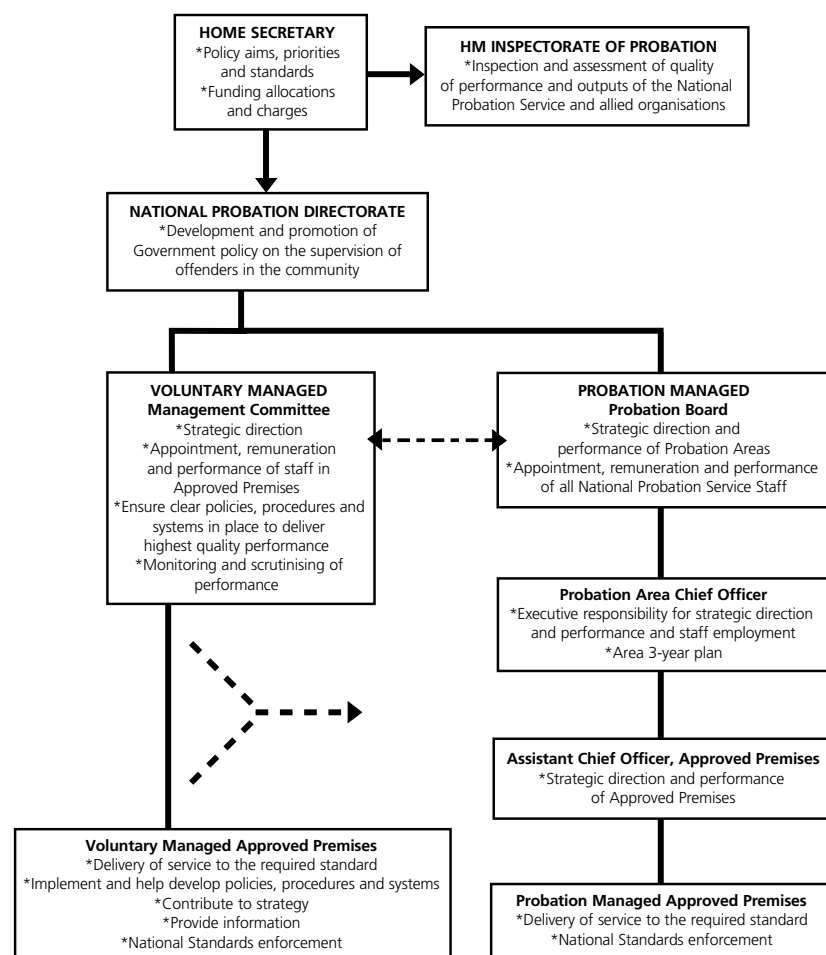
2.11 Regulation 8(3) makes managing bodies responsible for the appointment, training, discipline and dismissal of staff of the Approved Premises. The managing body should, when appointing staff, ensure that those selected have the appropriate qualifications, competencies and experience, and that their characters and antecedents make them suitable to work in the Approved Premises. *If voluntary management committees are unable to obtain information from the police on the antecedents of a proposed appointee, they should ask the local probation service area to obtain this information for them.*

2.12 The facilities management provider will be expected to work within the context of the team ethos, and managers of Approved Premises should facilitate this. The staff provided by the facilities management provider will be expected to have an understanding of pro-social

modelling and the importance of this in the Approved Premises environment.

2.13 It should be noted that the Home Secretary has established targets for the recruitment and retention of staff from minority ethnic backgrounds within the National Probation Service of England and Wales, and Approved Premises are expected to contribute to the achievement of these targets. It will be a requirement of the facilities management contract that all staff employed under these arrangements comply with the same provisions.

2.14 Policy and practice on issues regarding the appointment, training, discipline and dismissal of staff are well developed throughout the National Probation Service, and staff in Approved Premises should not be treated differently. Each managing body should have an equal opportunities policy in line with the most recent legislation on sex discrimination, race relations, and disability discrimination. Employers have a legal responsibility to take such steps as are reasonably practicable to prevent unlawful discrimination. Managing bodies should also exercise good practice in avoiding discrimination against gays, lesbians and transsexuals. These responsibilities should extend to recruitment, selection, training, promotion and dismissal procedures. Every managing body should also have clear disciplinary and appeal procedures in place for staff which are consistent with the policies of the National



Probation Service. It will be a requirement of the facilities management contract that all staff employed under these arrangements comply with the same provisions.

- 2.15 *Voluntary management committees should have an employment policy that incorporates good practice, and must, in particular, be aware of relevant employment law. This should be compatible with the policies of the National Probation Service and ACAS guidance.*

Personal safety and local reporting procedures

- 2.16 The managing body of each Approved Premises should have a violence at work policy which defines “violent incidents” and sets out how these should be recorded and reported. Health and safety legislation imposes a requirement to record and report any injury to a member of staff.
- 2.17 All managers should ensure that the procedures are known and used by staff and contractors. It is the responsibility of all staff to be aware of and adhere to the procedures.

The care of residents

- 2.18 It is the responsibility of the managing body to ensure that proper arrangements are in place to ensure that the rights of residents are not infringed by staff, contractors or other

residents. This includes the right to equal treatment as set out in Part A1 of the National Standards and elsewhere. Particular attention should be paid to creating a safe environment for female residents, particularly in Approved Premises which are mixed.

- 2.19 Consideration will need to be given to admissions policies with respect to offenders who are charged with or convicted of violent or sexual offences. Wherever such offenders are admitted, procedures should be in place for managing their risk effectively within the Approved Premises, which may mean possible additional restrictions. Particular consideration will need to be given in respect of those convicted of domestic violence e.g. in mixed Approved Premises.
- 2.20 Approved Premises should also have in place procedures for managing residents charged with or convicted of offences of “hate crime”, such as those of a racist or homophobic nature, and where there is a risk of self-harm.
- 2.21 Most, if not all, Approved Premises will have mentally disordered residents with them from time to time. It is good practice to establish close liaison with the local Community Mental Health Team, and seek their advice where appropriate. Many Approved Premises receive regular visits from Community Psychiatric Nurses, who are a good source of advice and support.

- 2.22 It is also important to ensure that all Approved Premises adequately meet the needs of minority ethnic residents and provide a culturally sensitive environment. Approved Premises should work together locally and regionally on this issue. Some examples of how this can be done include trying to ensure that there are a suitable number of minority ethnic staff, trying to avoid situations where a resident from a minority ethnic group is the lone resident from that group in the Approved Premises, the provision of culturally appropriate literature and images, and the provision of culturally appropriate meals. Managing bodies should also have a policy relating to racially motivated offenders, which includes how such offenders will be dealt with in the Approved Premises whilst providing a safe environment for minority ethnic residents and staff.

- 2.23 Approved Premises are subject to relevant legislation on disability, currently the Disability Discrimination Act 1995. As far as possible facilities should be physically accessible to those with disabilities e.g. drink making facilities, light switches, counters in reception areas, hearing loop etc., but managing bodies also need to foster, through policy and practice, a positive and inclusive environment, where everyone can participate whatever their individual situation. All new Approved Premises buildings must have at least one bedroom suitable for a wheelchair user or disabled resident.

- 2.24 Approved Premises should also aim to provide an environment in which staff, contractors and residents can feel confident and be open about their sexual orientation and gender identity.

Medical care

- 2.25 Regulation 16 places a duty on managing bodies to ensure that all residents have access to necessary medical and dental treatment. There is no statutory requirement for Approved Premises to appoint a Medical Officer, or contract with one General Practitioner to look after all the residents in the Approved Premises, but it can be helpful to do so. The Department of Health has advised that as a general principle, because residents in Approved Premises are in the community, they are entitled to receive “general medical services” free on the NHS. However, they advise that the phrase “general medical services” means basic, non-specialist treatment. In practice any Approved Premises receiving free GP services will usually find that their residents will be registered with several different GPs locally.
- 2.26 It is recognised that many Approved Premises will wish to have a relationship with one GP who will look after all the residents in the Approved Premises. Since residents often present with more specialised needs, the Department of Health feels that it is legitimate for this to be recognised financially. Although GPs cannot legally accept extra money if

Role of Managers

they are only providing “general medical services”, the Department of Health believes that it may be right for Approved Premises to enter into a contract with a local GP for the provision of “enhanced services”. There is no additional funding available from the Home Office for this, and any Approved Premises which enters into a contract with a GP will have to pay for this from the normal Home Office revenue grant.

External relations

- 2.27 Regulation 10(3) places a duty on managing bodies to notify the courts in the local area of the terms of the admissions policy of the Approved Premises. It is also helpful for the admissions policy to be explained to other staff within the Probation Service, within the Prison Service and other criminal justice agencies. This can be done in the form of a leaflet, outlining the purpose of the Approved Premises, its aims and objectives, its policies, procedures leading to breach, house rules, access to facilities etc.

Introduction

- 3.1 Whilst the managing body (Probation Board or Management Committee) in the local area has ultimate responsibility for the operation of Approved Premises, the strategic and operational arrangements for the Probation Service are normally allocated to a Chief Officer/Divisional Manager grade. *Voluntary managed Approved Premises must develop liaison arrangements in partnership with their local probation service.*

Management

- 3.2 Senior management has responsibility for the strategic and operational aspects of Approved Premises performance. Competence based job descriptions should be produced, based primarily on the Management Standards (1998). Example job descriptions (including for Hostel Manager) are available in the Management Standard Guide, but given the specialist nature of residential work in Approved Premises, this may need to be supplemented to accommodate all aspects of the role.
- 3.3 The competencies are designed to be flexible in terms of choosing those most appropriate to a particular role. Given the considerable differences in line management structures which exist between the voluntary sector and the Probation Service (and sometimes between probation areas), these standards are able to cover satisfactorily the range of variations, including both operational and strategic tasks.

- 3.4 The Assistant Chief Officer (ACO) provides a key link between the National Probation Service, the Criminal Justice System and the managing body. The relevant ACO is likely to have a wide range of responsibilities to manage as well as the Approved Premises. He or she is likely to have responsibility for the strategic direction (within national, regional and area policy) of the Approved Premises, and operational responsibility for the performance of this sector. It is his or her responsibility to ensure that policy is translated into practice, and that Approved Premises operate efficiently and attain the relevant targets and performance levels. *The relevant ACO is likely to be a person with adviser status on the management committee of any local voluntary managed Approved Premises, under Regulation 7 of the Approved Premises Regulations 2001.*
- 3.5 Senior managers working in the National Probation Service are often in a position to ensure that Approved Premises operations are fully integrated with the rest of the work in the Service. It is important that they promote the work undertaken in all Approved Premises (both voluntary managed and probation managed), and take a significant role in ensuring that *staff in voluntary managed Approved Premises are integrated and have the same opportunities as their field colleagues, for example in terms of training and career development.*

- 3.6 The Approved Premises Manager has a pivotal role in the performance of the residential establishment. He or she will oversee a broad range of tasks, from ensuring that there is a safe, positive and constructive regime, to the material quality of the building.
- 3.7 Staff and managers of Approved Premises have a responsibility to promote their work actively within the Criminal Justice System, to encourage the flow of suitable referrals and to ensure that the proper links exist between the Approved Premises and other facilities in the community. This will enable residents to make the best use of their time and to move on in a managed and planned way.

Voluntary managed and probation shared resources

- 3.8 There are great advantages in probation managed and voluntary managed Approved Premises staff working together, over staffing as with other issues. The training needs of staff in both kinds of Approved Premises are identical and this area is one where shared resources/activities have always been successful. Probation service areas should include staff from voluntary managed approved premises in their training plans and provision. It may be helpful to integrate staffing arrangements by sharing referral arrangements, standby cover and a pool of relief staff.

Voluntary managed Approved Premises/Probation Service relationships

- 3.9 *Voluntary managed Approved Premises provide a resource to the Criminal Justice System. Their aims and objectives therefore need to complement the National Probation Service strategy for the supervision of offenders in the community.*

Equal opportunities and diversity

- 3.10 Equal opportunity and diversity issues arise throughout employment, particularly in recruitment, selection and promotion. Employers who actively encourage equal opportunities within their organisations will not only have a more satisfied workforce but will also find that they use their human resources more effectively. The Equal Opportunities Commission and the Commission for Racial Equality issue various free publications on equal opportunities. These include codes of practice which are available from Job Centres or ACAS offices. It is the manager's responsibility to ensure policies and procedures are operated in a fair and anti-discriminatory manner.
- 3.11 Many aspects of equal opportunities are covered by specific legislation. For example, under the Sex Discrimination Act 1975, it is unlawful for employers to discriminate on grounds of sex or marital status. Under the Race

Relations Act 1976, and the Race Relations (Amendment) Act 2000, direct and indirect discrimination and victimisation are unlawful on the grounds of colour, race, nationality (including citizenship), ethnic or national origins. The Disability Discrimination Act 1995 sets out the provisions for enabling people with disabilities to secure employment, and not suffer discrimination as a result of their disability.

Recruitment and selection

- 3.12 All posts should have a job description (detailing the main purpose, the main tasks and the scope of the job) based on the competencies outlined in the relevant Occupational Standards. A person specification of the type of candidate who would best fit the job should then be prepared. Managing bodies should ensure they do not ask for unnecessary skills/qualifications which may preclude applicants from a particular group or groups.
- 3.13 The method and criteria for selection should be competence based and free from discrimination. In order to attract qualified and suitable applicants, advertisements should be worded in a way that is attractive and not discriminatory to a particular group. Advertisements should cover all sections of society and may need to be targeted at specific groups. A range of creative methods should be used. Approved Premises will contribute to

the national and regional targets for the number of minority ethnic staff employed.

- 3.14 Candidates must be required to declare all previous convictions since this may have a bearing on their suitability for the post. The agreement of the Chief Officer should normally be obtained before any decision is taken to employ as a member of staff at Approved Premises, whether probation or voluntary managed, any person who has a conviction for an indictable offence.
- 3.15 Information about any indictable convictions should be fully detailed and recorded. A defensible recommendation about whether to appoint or not will be made by the line manager, in conjunction with the Chief Officer where necessary. Whilst the ultimate decision lies with the managing body, this authority may be delegated to a particular manager. The level of this authority should be detailed in the recruitment policy.

Pay and conditions of service

- 3.16 Pay and conditions are usually among the incorporated terms of most contracts of employment and if not they should be spelt out in detail. Employees must be given a written statement of particulars within eight weeks of commencing employment.

Staffing levels and grades

- 3.17** A clear and detailed analysis of the work that is to be done, its weighting, scope and volume, should provide the basis for decisions about the levels and grades of staff. Out of this should emerge competence-based job descriptions and patterns of attendance. Staff should have suitable skills, experience and qualifications to undertake the relevant role. A National Job Evaluation Scheme has been agreed by the NNC and is currently being implemented.
- 3.18** The staffing and shift roster must ensure that two members of the supervisory staff will be on duty at all times. If staff classed on the rota for double cover purposes do exceptionally need to leave the Approved Premises for a short period of time they should carry equipment that enables staff left on site to make contact with them, with the expectation that they will return quickly to the Approved Premises if required. Health and safety considerations would dictate that if one of the supervisory staff needs to leave the Approved Premises there should be sufficient other staff working in the premises to ensure that no worker is left in isolation for a prolonged period. An assessment of risk should be applied at all times which may necessitate a change of plans at short notice. However, it is stressed that there should never be a situation where one member of staff is left on their own in the building.

Grievance and harassment procedures

- 3.19** Procedures whereby individual employees can raise grievances with management should be set out and clearly communicated in writing to all employees. If grievances are not dealt with, they are likely to fester and result in poor employee/employer relations. In some cases they may develop into major disputes. Grievance procedures should aim to settle grievances at the lowest level, quickly and fairly, to help prevent minor disagreements developing into more serious disputes. Copies of the Model Procedures (1st April 2001) for:
- Grievance, discipline and capability
 - Harassment policy/procedure
- are in the National Negotiating Council for the Probation Service pay and conditions of service. They can also be found at www.probationboards.co.uk

Disciplinary procedures

- 3.20** Regulation 8(3) of the Approved Premises Regulations 2001 requires managing bodies to be responsible for the discipline (and dismissal) of staff. The contract of employment should specify any disciplinary rules and where they may be found (e.g. service handbook). It should also inform employees of the procedures for appealing against a disciplinary decision with which they are dissatisfied.

- 3.21** Every employee should have access to a copy of the service or *voluntary management committee* rules, codes of conduct and disciplinary procedures. An explanation of these should be given to all new employees, with special care being taken to ensure that the rules and procedures are understood by all employees.
- 3.22** The procedure should explicitly allow for appeals against any disciplinary action to be dealt with speedily. Wherever possible, the appeal should be heard by an authority higher than that taking the disciplinary action, but not below the rank of Senior Probation Officer or Approved Premises Manager.
- 3.23** The ACAS Code of Practice "Disciplinary and Grievance Procedures" (September 2000) contains more detailed and specific guidelines on following disciplinary procedures.

Complaints procedure

- 3.24** A standard National Complaints Procedure took effect from 1 September 2001, and all staff should familiarise themselves with this. Among those eligible to make a complaint are those who have been provided with accommodation in premises approved by the Secretary of State in accordance with Section 9 of the Criminal Justice and Court Services Act 2000.
- 3.25** *In relation to complaints or comments from residents, it is recommended that*

voluntary management committee members should decide on a policy to make themselves appropriately accessible to residents during visits, always bearing in mind their professional responsibilities to staff in the Approved Premises, and balancing this with their interest in the welfare of the residents.

Community relations

- 3.26** Management committees and probation boards should work together to manage public relations effectively. Probation areas with public relations personnel should ensure that this specialist resource is used to the benefit of both the Probation Service managed and voluntary managed Approved Premises with which it works. The production of joint public relations material will very often be not only beneficial to all concerned, but also resource efficient.
- 3.27** Members of the managing body should be pro-active in seeking ways to encourage good relations with the local community. Great care should always be taken in dealings with the media. However, it can prove helpful for managing bodies to seek to make and maintain good contact with the local media as a means of promoting public confidence and fostering a positive image of the Approved Premises.

Criminal justice relationships

3.28 Managers and staff in Approved Premises should work with other organisations in the Criminal Justice System, and the community, in order to foster positive and productive professional relationships with a high level of knowledge. In particular, there should be regular contact with:

- Links with courts and court open days
- Clerks, CPS, (new) magistrates and judges training
- local councillors and MPs
- local legal representatives e.g. solicitors and barristers
- Drug Action Teams
- Community safety/crime and disorder committees
- Community plans/local fora
- Supporting People teams
- Health Authority and other providers of services
- Prison staff and contracted service providers (e.g. CARATs (Counselling, Advice, Referral, Assessment and Throughcare services)).

This will encourage the flow of appropriate referrals and ensure that proper links exist between the Approved Premises and other facilities in the community. Good inter-agency relationships which facilitate positive reintegration opportunities are to be nurtured as these enable residents to make the best use of their time in the

Approved Premises and to move on in a managed and planned way.

Dealing with complaints from local residents

3.29 There should be a process in place for dealing with complaints from the local community. Local residents should be made aware of this, as appropriate, and feel able to address any complaints relating to the Approved Premises direct to staff on duty on a 24-hour basis. Any such complaints, which should be recorded in the logbook, should be dealt with speedily and courteously irrespective of whether it is oral or written. It should also be possible for the complainant to have a personal interview with the Approved Premises manager, a chief officer (if appropriate), or a member of the managing body if the complainant remains dissatisfied.

3.30 Generalised complaints about excess noise, loitering or general nuisance and intimidation of neighbours should be addressed by staff in a house meeting with the resident group and with individual residents as appropriate. The aim of this should be to make residents aware not only of the effect of their behaviour on the local community but also of how this affects the standing of the Approved Premises. In all cases Approved Premises staff should be seen to act swiftly in taking the local community's concerns seriously and working to resolve issues where a problem does exist. A balance should

however be struck between allaying the fears of the community and meeting the needs of the residents, in terms of building confidence, showing trust and generally giving support, particularly where accusations seem unjust or community reactions to certain events seem excessively negative.

3.31 Every Approved Premises should normally have a local community liaison group whereby representatives of the Approved Premises and the local community can meet together on a regular basis.

Contingency planning

3.32 From time to time emergencies can arise, which may mean that all or some residents need to be moved at very short notice; for example, in case of a fire or flooding, or if the building came under attack. Every Approved Premises must have a contingency plan in place to deal with these sorts of emergencies. Such a plan may need to be agreed by local police, and can involve the use of voluntary sector accommodation if appropriate.

Staffing and Training Needs

Introduction

- 4.1 This chapter gives general information on supporting and appraising staff and on training for staff in Approved Premises.

Staffing issues

- 4.2 Mobility between field and residential activities, and secondments/exchanges can be constructive in integrating Approved Premises with the rest of the National Probation Service. Staff in Approved Premises will function more effectively if they understand their part in the probation service/voluntary sector and their role as part of the Criminal Justice System. Included at Appendix D of this handbook is a summary of issues to do with staffing which were raised by the Inspectorate following the 1998 HMIP Thematic Inspection.

Supporting staff

- 4.3 The residential environment is an intense one and it can be understandably difficult for staff to come to terms with the after effects of any serious, or violent, or life threatening incident. It is therefore important that managers at all levels respond appropriately, so as to avoid unnecessary burdens being placed on staff, irrespective of grade or status, and including relief and casual staff and volunteers, which could undermine their effectiveness. This is particularly

important with regard to relatively inexperienced staff. Staff in Approved Premises, including relief staff, should be made aware of, and feel free to discuss, the typical signs and symptoms of post incident stress. Management has a responsibility to provide policies and practices which support staff.

- 4.4 There are sometimes circumstances in which staff are required to give evidence in court. As this can be a stressful experience it is vital that all staff in this position are given adequate information to understand the process, offered support at court, and, where appropriate, representation.
- 4.5 Supporting front line staff can be a demanding role, and therefore managing bodies need to provide adequate support for managers.
- 4.6 Sometimes taking the major role in supporting staff cannot be easily reconciled with responsibilities for investigating incidents. In some circumstances, it may be best to seek assistance for the staff support role from outside the line management responsibility.

Creating a learning environment

- 4.7 Staff are our biggest asset and essential to the work of Approved Premises. It is therefore important that they receive suitable training, coaching and mentoring to develop skills and deliver quality

Staffing and Training Needs

performance. The role of the manager in creating a learning environment within the staff group cannot be underestimated. Their role is pivotal in supporting, delivering and reviewing learning opportunities for all grades of staff.

Resource implications and joint training with the local probation service area

4.8 Managing bodies should ensure that their training policy is manageable within the constraints of the budget, and ensure that there are contacts with the training section of the local probation service area. Managing bodies should develop, in conjunction with the probation service area representative, an agreed joint plan that will meet both the needs of Approved Premises staff, and provide opportunities for field staff to enhance their own development through events organised by the Approved Premises.

Induction

4.9 The induction period is to help the new member of staff to settle down quickly into the job by becoming familiar with the people, the surroundings and the work. It is important not only to give a recruit a good impression on the first day of work but also to have a systematic induction programme, spread out over a number of days and weeks, to cover issues in the shortest effective time. Appropriate staff induction is of prime importance in ensuring their

personal safety and the safe running of the Approved Premises. Managers are responsible for ensuring that the induction of staff is undertaken to a satisfactory standard. This will include determining which elements need to be completed very quickly (e.g. health and safety) and those which may be undertaken over a longer period of time.

4.10 It is good practice to provide an induction checklist as an *aide memoir* to those involved. In drawing up and periodically reviewing this checklist, managers should be mindful of those situations with which a new member of staff may have to deal with at a very early stage. Certain elements of the programme will apply to **all** staff such as bursars and administrators as well as supervisory staff, including relief staff.

Training

4.11 In this context:

- i. *Staff* refers to all those who are employed, as well as relief staff and volunteers;
- ii. Training does not equate with attendance on courses, but covers opportunity for learning and participating in a range of activities which will improve skills and knowledge and the application of this knowledge in the work setting. Examples of this are things like coaching, mentoring, observing etc;

iii. The Approved Premises staff constitute a major resource in terms of learning and development, for other employees, both in and outside the Approved Premises.

Managers should also refer to paragraph 5-13 of this handbook in relation to training in the management of violence.

4.12 Managing bodies should have a policy relating to the training and career development of Approved Premises staff. The policy needs to consider the learning needs of staff and its primary focus should be on the development of those skills which staff require whilst working in the Approved Premises. It is planned that a Probation Circular will be issued in Spring 2002 with a checklist of the sort of issues that should be covered.

4.13 The training policy should result in an annual Approved Premises training plan which will link with plans from:

- i. other Approved Premises in the area;
- ii. the National Probation Service;
- iii. regional/consortia arrangements; and
- iv. inter-agency e.g. Drug Action Teams (DAT), Area Child Protection Committees (ACPC), community safety, MAPPPs.

4.14 The plan should be discussed in draft form with a member of the probation area training section, both to explore issues of joint training, how far the

service can meet development needs of Approved Premises staff, and how far the needs of service staff should be met within the Approved Premises or by Approved Premises staff. It is expected that Approved Premises staff will have equal access to relevant training provided by the National Probation Service, and that this will be provided free of charge. Any monies in the Approved Premises training budget will generally be reserved for training which is specific to the residential sector. Wherever possible, Approved Premises should work jointly on this type of training as this can facilitate useful sharing of learning across the sector.

4.15 Managers should ensure that their training policy is achievable within the constraints of the budget. They will agree a joint training plan with the probation area representative that will meet both needs of Approved Premises staff, and provide opportunities for field staff to enhance their own development through events organised by the Approved Premises. The use of the training video (see below) should form part of the training policy, and will be of particular benefit at a time of constraints on resources.

4.16 The Training and Development competencies will help managers and staff in identifying the key issues that enable learning to take place. The CJNTO (Criminal Justice National Training Organisation) have devised a number of "route maps" that enable those using the competencies to identify the relevant

ones. In being competent as staff trainers, so managers will find that they can meet many of their staff's learning needs.

- 4.17 The Community Justice National Training Organisation have put in place NVQs for Work with Offending Behaviour at Levels 3 and 4, which have been extended, in 2000, to include new specific occupational standards units, or competences, to support work in residential settings. These awards would be appropriate for both assistant managers and managers in residential settings as they include management units as well as practice. The Certification in Community Justice is an accredited learning programme providing underpinning knowledge for the level 3 NVQ, and includes a learning module on supported housing. The Certificate provides progression on to the Diploma in Probation Studies. CJNTO has produced exemplar pathways of routes through the Level 3 NVQ and the Certificate in Community Justice, including a pathway for staff working in supported housing or residential settings.
- 4.18 The Probation Training Unit in NPD has developed an important training resource, in the form of a trigger training video called "Thinking it Through". This, and the accompanying workbooks, have been specifically designed to meet the development needs of residential staff. It portrays a number of incidents that have arisen in Approved Premises. Because the video is such a powerful medium, it is essential that it is used only for those

staff who need to develop the necessary knowledge and skills. A number of triggers feature administrative or support staff and it is expected they will be included in some training sessions.

- 4.19 The training video will also be of help to candidates working towards Community Justice Standards (2000) NVQ Levels 3 and 4 and assessors working towards the relevant Training and Development Lead Body Awards.

Supervision and appraisal

- 4.20 All staff should receive regular supervision and appraisal from their line manager. This should:
- i. Link appraisal objectives into Approved Premises, area and national plans.
 - ii. Be positive, providing both support and accountability within the principles of Pro-Social Modelling and effective practice.
 - iii. Focus on evidence of performance with the responsibility of the appraisee as well as the appraiser to substantiate achievements.
 - iv. Include an annual learning needs assessment (relevant to job description and forward career competencies) and a personal development plan to deliver this.
 - v. Be clearly recorded, with a copy provided to both parties.

Introduction

- 5.1 The Health and Safety at Work etc. (HSW) Act 1974 requires all employers to provide a safe working environment and systems of work, as well as placing duties for the Health and Safety (H & S) on all people at work (employers and employees). Individuals, as well as or instead of the organisation, may be prosecuted for breaches of the Act. The HSW Act also imposes a duty on all employers with five or more employees to produce a written H & S policy. H & S matters should form part of the induction of both staff and residents. In both cases when complete this should be recorded. In addition to a comprehensive annual H & S risk assessment, a routine procedure should be established that ensures regular H & S checks are made and recorded, with points for action and follow up with dates of when the work was completed. Appendix E of this handbook contains a list of some of the main health and safety legislation.

Span of health and safety issues

- 5.2 In addition, a central requirement of the Management of Health and Safety at Work Regulations 1999 is that employees must carry out a risk assessment on all work tasks and activities. Risk assessments should be written as and when necessary by named, competent persons, who will have attended training in how to write

health and safety risk assessments. They must be given sufficient time to carry out the assessments.

- 5.3 A risk assessment must identify the following:

Hazard: something with the potential to cause harm.

Risk: the likelihood of that harm occurring.

Severity: the potential severity of that harm (could it kill or injure someone).

Who: will be affected? (Attention should be paid to inexperienced staff or other groups possibly more at risk).

What: measures are already in place to deal with this hazard?

Control Measures: is there anything else that needs to be done to protect staff or visitors?

Risk assessments must be formally recorded on the pro-forma available and must be reviewed and revised if necessary. While an annual review will be sufficient in most cases, reviews and perhaps revisions will be needed if the nature of the work changes. Where there is a recognised trades union, and accredited health and safety representatives have been appointed, these reps should be involved from the earliest stages of assessment.

5.4 Some aspects of H & S policy apply across a broad range of work environments. Specific regulations should be followed, such as in the case of cleaning materials (environmentally friendly products should always be considered), fire precautions and the processing of food. Such guidance will include C.O.S.H.H. (Control of Substances Hazardous to Health) and The Food Safety (General Food Hygiene & Temperature Control) Regulations. H & S policy and practice should also cover aspects that are more specific to the particular work environment of Approved Premises, e.g.:

- i. violence from and between residents;
- ii. risk of Hepatitis and HIV transmission;
- iii. safety information/training for residents, especially if using electrical appliances machinery and kitchen equipment;
- iv. safe cleaning practices linked to drug misuse issues;
- v. use of equipment such as pool cues and balls as weapons;
- vi. the safety of any contractors in the Approved Premises, and the need to provide them with information on potential hazards; and
- vii. an awareness of discrimination and its effects.

More generally, health and safety policy would also include the following:

- Health and safety inspections
- Legionnaires disease
- No smoking policies
- Safe interviewing facilities
- Alarms
- New and expectant mothers
- Money transfers
- Manual handling (of heavy furniture etc.)
- Waste disposal
- Spills of bodily fluids
- Visitors
- Furniture, fixtures and fittings to meet fire regulations
- Stress
- VDUs
- Fire and emergency procedures
- Electricity and electrical equipment

Positive environment

5.5 Staff in Approved Premises should control the display of posters and pictures in residents' rooms, and be conscious of the offence that some sexually explicit, racially offensive or other material may cause to others. As a general rule, the only material that should be on display in Approved Premises should be of a style that would be considered acceptable in a public place and a professional working environment. Positive imagery, that counteracts stereotypical views, for display in Approved Premises, should be obtained from appropriate organisations. These will address issues such as sexuality, sexism, racism and discrimination against those with disabilities.

No smoking policy

5.6 There should also be a clear policy on regulating smoking within the Approved Premises which should always include a communal area where smoking is not allowed.

Storage and issuing of medication

5.7 As set out more fully in Probation Circular PC48/1998, all Approved Premises must have a system in place for the collection, safe-keeping and administering of prescribed medication, including any controlled drugs which may be prescribed to any resident. The following guidance must be followed:

- i. Residents using prescribed medication should not be permitted to collect it from a pharmacy or retain it themselves. Where possible, Approved Premises should use pharmacy delivery services. Where this is not possible, and staff are involved in collection, care should be taken to alter the members of staff responsible and the times of collection. It would be equally acceptable for residents' medication to be administered under supervision at a pharmacy or doctor's surgery.
- ii. Prescribed medication should be kept in a secure cabinet, and nominated members of staff should be responsible for issuing all

prescribed medication, which should be signed for by both the resident and the nominated member of staff.

- iii. Medicines remain the property of the resident. Some medicines need to be kept on the resident personally (e.g. ointments, inhalers) but staff should be aware that these are in use and record this on the residents log.
- iv. If a resident is thought to be under the influence of drugs or alcohol or other substances, or staff believe that the resident may overdose, staff should refuse to administer the prescribed medication without first seeking medical advice. This advice along with the advisors name should always be clearly recorded. The National Health Service Direct (NHS Direct HelpLine (Tel No: 0845 4647)) is useful in such cases. In certain circumstances, it might be desirable to require a urine test or swab test if that facility is available.

5.8 One nominated member of staff at any given time should be responsible for issuing all prescribed medication. The resident and the member of staff dispensing the medication should also sign a register when it is dispensed. The register should include a note of the time, date and amount of medication given. Staff should be required to supervise the consumption of medication and only one resident should be present in the room at that time.

5.9 Supervised arrangements for intravenous injection of medication are not normally practical in the Approved Premises setting and should not therefore be provided.

5.10 There is a view that by storing controlled drugs, in the manner required by Home Office guidance, staff in Approved Premises may be committing the criminal offence of possession of a controlled drug, under the Misuse of Drugs Act 1971. The National Probation Directorate has received legal advice to the effect that staff following the guidance are not committing any offence, because Regulation 10(2) of the Misuse of Drugs Regulations 1985 allows a person to have a controlled drug in his possession for administration for medical purposes in accordance with the directions of a practitioner.

Sharps bins

5.11 Where a harm reduction approach is adopted, sharps bins should routinely be provided for the safe disposal of used syringes. These should be secure and sited unobtrusively but careful consideration of their location in individual Approved Premises will be necessary for security and harm minimization reasons i.e. to avoid them being broken into. They should not be located in an area that is accessible to the wider public. Residents should also be advised about local facilities and services for drug misusers e.g. needle exchange and the provision of condoms. Where Approved Premises

test for drugs a protocol should be drawn up which considers the basis under which this is carried out.

5.12 Residents at induction should be asked to sign a consent form to the effect that they understand that the taking of prescribed drugs at the right time and in the proper doses always remains their responsibility and not that of the staff at the Approved Premises, and that they understand that they may be refused access to their medication under certain circumstances where it appears to the staff inappropriate for them to receive it.

Personal safety and use of force

5.13 Violent incidents can occur even in Approved Premises which are well run. Staff need to receive appropriate training and good practice guides should be available for staff on the management of aggression and violence. In exceptional circumstances it may be necessary for staff, because there is absolutely no alternative, to use force to restrain violent residents or to defend a colleague. The use of force is never inevitable, and staff should be aware that if they do become involved in physical contact they must be able to justify the use of force and the degree of force that was used. It is helpful for staff to have some knowledge of control and restraint techniques. Such incidents must be recorded on the resident's file and reported to the appropriate Assistant Chief Officer.

Strategies for managing violence

5.14 Each Approved Premises must have a strategy for the management of violence. Training should give staff an awareness of the possibilities of each of the following occurring:

- i. threatening behaviour that could become violent;
- ii. threats and actions towards staff or between residents;
- iii. incidents involving residents outside hostel premises in the locality;
- iv. residents inflicting harm on themselves, or attempting to do so;
- v. drugs overdoses; and
- vi. ex-residents/visitors involved in threats or violent actions.

5.15 Proper procedures and good teamwork can play a significant part in reducing the possibilities of aggressive behaviour becoming dangerous particularly at times when only two staff are present in the building. If there are times when only two staff are on duty there should be an awareness at all times of the whereabouts of the other worker. Good practice would dictate that when a member of staff retires to their sleep-in room they should confirm with the other staff that they are safely in the room. Any disturbance through the night, by

residents, should be reported to the other staff member(s) resulting in a joint response to deal with issues that arise. Panic alarms must be carried at all times.

Accident and incident reporting and investigation

5.16 All accidents, incidents, near misses and dangerous occurrences arising out of or in connection with work must be reported on the internal accident report form. This includes violent incidents which the Health and Safety Executive defines as "any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work" and covers verbal, racial and sexual abuse and intimidating gestures.

5.17 A copy of the accident report must be sent to the designated manager. Managers must try to ascertain the cause of the accident, incident, near miss or dangerous occurrence, and take action to minimise the likelihood of a reoccurrence. In certain cases, incidents must be notified in writing within ten days to the Health and Safety Executive, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 1995 (RIDDOR). These notifiable events include:

- major injuries (listed in Schedule 1 of the Regulations); and
- an injury involving someone at work, which arises from an accident and results in them being unable to do

their normal work for more than three days. (An accident under RIDDOR includes an act of non-consensual violence done to a person at work).

- 5.18** Where there is a recognised trade union, and safety representatives have been appointed, the Safety Representatives and Safety Committee Regulations give reps the right to carry out an inspection after there has been a notifiable accident or dangerous occurrence or where a notifiable disease has been contracted.

Serious incidents and deaths

- 5.19** Probation Circular 71/1998, a copy of which can be found at Appendix F of this handbook, set out procedures for reporting serious incidents and deaths of Approved Premises residents within 48 hours of the incident occurring. Procedures should include provision for the reporting of all incidents where a resident is charged whilst under supervision with:

- Murder
- Attempted Murder
- Arson with intent to endanger life
- Manslaughter
- Rape
- Any other serious violent or sexual offence, armed robbery (defined as robbery involving a firearm), assault with a deadly weapon or hostage taking

- Any other offence which has attracted or seems likely to attract significant media interest (this may relate to staff) or is thought likely to raise wider issues of national interest. Also incidents involving Schedule I offenders or offences against children may need to be reported.

All serious incidents should be reviewed locally by senior managers.

- 5.20** All deaths of hostel residents should be reported to the Approved Premises Section of NPD within 48 hours, as set out in Paragraph 7 of Probation Circular PC71/1998

European Working Time Directive

- 5.21** Management should ensure, with regard to the principles contained within the working time directive, that shifts are organised in lengths that prevent staff becoming overtired and unable to work safely. Regard should also be given to the mix of experience, and where inexperienced staff are employed, their shifts should coincide with more senior staff where appropriate. The timing of shifts should also take into account the safety of staff on their journey home where possible.

Staff handovers

- 5.22** It is important for the good management of the Approved Premises

that staff are fully conversant with the current state of the Approved Premises prior to taking over responsibility for their shift, and so sufficient time must be allowed for a “handover” session to take place. The handover session should include the following:

- i. Reading of log books and new residents files by incoming staff and time to be advised of current events by outgoing staff.
- ii. Anticipated areas of concern should be identified and appropriate action considered.
- iii. Checks of petty cash monies and other cash transactions should be carried out in a secure office.
- iv. Staff should be aware of who is available for standby cover and back up in emergencies with easily accessible telephone numbers.
- v. Approved Premises should have in place Back up Contingency Plans (BCPs) to deal with serious incidents as in the case of a prolonged evacuation of the building.

Records

- 5.23** Staff need reliable and up-to-date information about the state of the Approved Premises and individual residents. It is therefore important for safety and good order that individual records and the daily record/register are used, maintained and easily accessible.

Cash transactions

- 5.24** Effective systems should be in place for the safekeeping of money within the Approved Premises and for dealing with resident’s maintenance payments and any allowances and taking monies to the bank. Such systems should include the following:
- i. Money should be kept in a safe and petty cash should be kept in a safe and secure place (Approved Premises may need to take advice on this from their insurers).
 - ii. A limit should be set for the amount of cash to be kept in any Approved Premises.
 - iii. A limit should also be set for the amount of petty cash.
 - iv. There should be secure procedures for conveying cash to and from the bank.
 - v. All cash transactions should be carried out in a safe environment.

Safety technology

- 5.25** All staff in Approved Premises should have ready access to an alarm. A wide range of security equipment suppliers are available to give information on this and other security aspects of the building, but many of them only advise on their own systems. The local crime prevention officer will be able to give unbiased advice.

5.26 If the Approved Premises does not have an integral personal alarm system, individual personal alarms should be available for all staff, and these must be carried by staff at all times when on duty. Staff should be trained in the appropriate use of personal alarms at an early stage of their employment in the Approved Premises. There should be a clear routine, which is recorded on each occasion, for checking regularly that the system is functioning as it should. A record should also be kept of all occasions when an alarm is activated due to an incident. The detail should include who activated the system, what the circumstances were, and the response time of those whose assistance was requested.

5.27 The fire alarm of the Approved Premises must also be tested on a regular basis and regular fire drills should be undertaken.

Building design and layout

5.28 The physical layout of the building, which should include adequate external lighting and security, is an important aspect of ensuring the safety of residents and staff. Chapter 4 and Appendix B of the Hostels Development Guide (which was issued in 1997) gives details of the principles of layout and design, and building standards and outlines specification which should be observed. It suggests the following:

- i. That Approved Premises should be organised in three zones to assist informal control. These “zones” are as follows:
 - Residents’ zones – areas to which residents have free access,
 - Staff zones – areas into which residents may go only by invitation,
 - Domestic and service zones – areas where residents are not permitted.
- ii. That Approved Premises should be designed to assist orderly conduct and staff confidence by the provision of casual observation of all common parts, from the general office (which is usually on the ground floor).
- iii. That the building should be designed so as to ensure that there is a clear view from the general office to allow staff to see anyone entering the building through a well lit main entrance from the street.
- iv. That the Approved Premises building should have audible fire and intruder/exit alarms.
- v. That Approved Premises should be of robust construction and pleasantly decorated.

5.29 In addition, other security measures should be fitted to the doors of staff sleeping-in rooms such as spy holes, chains etc.

5.30 Where female residents are to be accommodated in mixed Approved Premises, discreet accommodation must be provided for them, which they should be able to identify as their own space, and in which they feel secure.

Building maintenance

5.31 Poor building maintenance does nothing to enhance the image of the Approved Premises and does not give residents any incentive to have respect for the property. A schedule of regular and routine maintenance should be carried out. A same day repair policy should be established for some instances of vandalism or damage to the property. An annual property review, where the physical state of the building is examined and plans for improvement made, is good practice. Members of staff who take on this responsibility should be known to all relevant staff.

Furniture

5.32 Replacement furniture should meet the standards specified in Chapter 1 of the Hostels Development Guide (1997)

Closed circuit television (CCTV)

5.33 It is not appropriate to install closed circuit television surveillance in resident rooms. Such surveillance may be appropriate for communal areas such as in the case of corridor areas, but advice

must be sought from NPD before installing such equipment. There is no substitute for staff moving around the building to create an active presence and to monitor what is taking place whilst on duty.

Resident feedback

5.34 During residency and on departure residents should be encouraged to comment and make suggestions for positive change. This can be encouraged through regular residents meetings and the use of customer satisfaction questionnaires (As an example – see Appendix G of this handbook). Occasionally residents may feel dissatisfied with regard to an aspect of their stay. It is important that residents should be made aware on arrival at the Approved Premises of their right to use the complaints procedure. The resident induction should include a user-friendly guide of the full policy, which would be copied to the resident on request. Residents should also be advised that they may be able to discuss any issues of concern with probation board members or with members of the voluntary management committee.

First aid

5.35 All staff must be trained in first aid to a level appropriate to their grade. Nominated staff need to be trained to hold the First Aid At Work certificate which will need updating every three

years. Residents should be encouraged to participate in first aid training where this is possible. Supervisory staff should be trained in first aid, including resuscitation.

Food safety

- 5.36** Training in the current Food Safety (General Food Hygiene) Regulations and the current Food Safety (Temperature Control) regulations should be given to all staff that handle food. Such training can also be helpful to residents, some of whom may seek employment in catering at a later date. Full information must also be given to residents who use a microwave oven.
- 5.37** Procedures in the kitchen should be compliant with what is commonly known as the Hazard Analysis and Critical Control Point (HACCP). Guidance relating to this can be obtained from the Department of Health. Other issues which will need to be addressed include registration with the local authority and the use of suitable protective clothing.

Environmental issues

- 5.38** Approved Premises should ensure that consideration is given to energy management and green issues to both protect the environment and conserve energy and resources. Policy should include:

- i. waste recycling, either on site or at facilities provided by the local council (it may be possible for Approved Premises to negotiate on site recycling facilities that will be available for use by the local community);
 - ii. energy efficient heating, insulation, appliances and lighting;
 - iii. environmentally friendly cleaning products;
 - iv. the use of recycled products; and
 - v. water saving measures.
- 5.39** Probation Circulars PC42/1997, PC42/1998 and Chapter 5 of The Development Guide (PC22/1997) give a background to energy management and green policy in Approved Premises. Consideration should be given to identified areas for action within the rolling programme of maintenance within the Approved Premises.

Introduction

- 6.1** This chapter gives general advice on some aspects of financial matters relating to Approved Premises.

Revenue grant

- 6.2** The Home Office provides 100% grant to Approved Premises in respect of their day to day running costs, although residents are also expected to pay a small weekly charge towards their maintenance at the Approved Premises. It is at the discretion of managing bodies as to how the grant is actually spent. The Home Office grant is made up of a Core Grant, an Occupancy Grant, and in the case of some Approved Premises, additional supplements. The amounts are set out in a Probation Circular issued annually. The various elements of the funding formula are explained below;

- i. Core Grant – This is calculated using a banding system of five bands, depending on the number of bedspaces at each Approved Premises. In accordance with Regulation 9(1) of the Approved Premises Regulations 2001, it is important that all Approved Premises should advise the Home Office of any change in bedspace numbers before this occurs. The five bands are; 12 - 17 bedspaces, 18 - 24 bedspaces, 25 - 31 bedspaces, 32 - 38 bedspaces, and 39 and over bedspaces.

- ii. Occupancy Grant – Residents in Approved Premises are no longer eligible to claim Housing Benefit, and Approved Premises can no longer claim any Flat Rate from Local Authorities. Instead, the Home Office pays an annual occupancy grant made up of the former Housing Benefit and Flat Rate elements.

Additional supplements

- 6.3** Additional supplements are payable as follows:
- i. Cluster units – Because Approved Premises with cluster units incur additional staffing and running costs, supplements have therefore been agreed for the time being which relate to 1-2, 3-4 and 5 or more units of accommodation, rather than to individual cluster bedspaces.
 - ii. Female bedspaces – In view of the additional cost and/or reduced income which results from such bedspaces, revenue grant is increased for each bedspace specifically designated for female residents.
 - iii. London weighting – To reflect the relatively high cost in Greater London of staff area allowances, Approved Premises in that area receive additional revenue grant.

- iv. Voluntary managed Approved Premises – A supplement is currently paid to all voluntary managed Approved Premises to reflect certain expenditure which is not incurred by probation service managed Approved Premises, and also to reflect the fact that economies of scale are not possible.
- v. Small/Large Approved Premises supplement – Approved Premises of 39 beds or more currently receive an additional supplement.

Payment of grant

- 6.4 The revenue grant is normally paid monthly, although different arrangements may apply to voluntary managed Approved Premises.

Residents contributions

- 6.5 All residents in Approved Premises are required to contribute towards the cost of their accommodation through the payment of a weekly maintenance charge. As set out in Part F of National Standards, this is a part of the house rules by which the resident agrees to abide when accepting a condition of residence to an Approved Premises.
- 6.6 The maximum level of these maintenance charges is set annually by the Home Office under Regulation 15 of the Approved Premises Regulations 2001. The Home Office has an agreement with the DTLR and the DWP

that Approved Premises will be exempted from rent officer arrangements on the understanding that Approved Premises will charge no more than the rates set by the Home Office. The Home Office only sets a maximum amount and does not prescribe a standard maintenance charge level across the whole sector, recognising that there may be particular local conditions which need to be taken into account. It may be appropriate for Approved Premises to have a sliding scale of charges to reflect the fact that some residents earn more than others, either because they are in employment, or because they receive higher benefits.

- 6.7 Maintenance charges (both half-board and self-catering) are normally expressed in weekly rates. Where residents stay for less than a week or for incomplete weeks, they are liable to a daily charge which should be calculated by dividing the appropriate weekly charge by seven. Residents who are temporarily absent from the Approved Premises on leave, and whose accommodation is reserved for them, should be charged for that accommodation at the same rate as self-catering residents.
- 6.8 The normal maintenance charges do not include the provision of midday meals from Monday to Friday; where additional meals or services are provided, the managing body may make a suitable charge to the resident.

Circumstances in which maintenance charges may be waived

- 6.9 Residents are required as a condition of their stay in the Approved Premises to pay the maintenance charges regularly, but it is recognised that there can sometimes be circumstances in which, through no fault of the resident, this may not be possible. The manager of the Approved Premises may consider waiving the maintenance charge wholly or in part in these circumstances.
- 6.10 Where the maintenance charge is waived in these circumstances, action should not be taken subsequently to recover the unpaid charge from later earnings. When making such decisions, it is important for the Approved Premises manager to take into account that there is no subsequent compensation for income lost in this way, and therefore that any effects will have to be managed within the cash limited budget.

Overseas nationals

- 6.11 It is recognised that not all overseas nationals referred to Approved Premises by the courts are eligible for benefits. Managers of Approved Premises have discretion to waive the maintenance charges for such residents, but should consider, where appropriate, contacting the relevant embassy or consulate to seek funding.

Benefits

- 6.12 This handbook does not set out to provide guidance on the benefits available to residents or the procedures whereby they may be obtained. Detailed guidance of this kind is normally available from the local Job Centre Plus office. Managers of Approved Premises are encouraged to develop good liaison arrangements with their local offices and it may be advantageous for a staff member to develop a knowledge of the benefits available in order to be able to give assistance to residents.

Bad debt and lost income

- 6.13 Managers of Approved Premises should always consider the potential loss of residents contributions when calculating their income budgets. All bad debts and lost income should be fully recorded for audit purposes.

Personal allowance

- 6.14 It is recommended that all residents should have control of their personal income (whether they are employed or not), paying to the Approved Premises from that income the weekly maintenance charge and retaining the remainder. However, there may be some residents whose income is insufficient to meet the full maintenance charge or who, having paid the full charge, are left with only a small amount of personal spending money. Regulation 14 of the

Approved Premises Regulations 2001 allows the managing body to make arrangements for the payment of an allowance in cases of hardship. The payment of such an allowance should not be made to supplement the income of a resident whose benefit has been reduced as a penalty.

Travelling expenses

6.15 It is not appropriate, within a unified national service, for Approved Premises in different probation areas to send invoices to each other in respect of travel costs for residents. The policy on travel costs is therefore that residents in Approved Premises should normally be expected to pay for their own travel to and from court. This is entirely appropriate, since, for example, a bailee who is not resident in an Approved Premises would have to meet this cost from their own personal finances. However, if this is not possible, and the resident is unable to pay these costs and is running the risk of being breached, then the Approved Premises where the person is resident should pay for the cost of travel if this is necessary so as to enable the resident to attend court as required. It is also recognised that on some occasions a bailee can be placed in an Approved Premises in another probation area a long distance from the court, either because of victim issues, or other issues such as possible intimidation where the court has considered it necessary to bail the person to another area. In these

circumstances the Approved Premises where the person is resident should pay for the necessary travel.

6.16 Travel to and from prison for prisoners on Release on Temporary Licence may also need to be met by the Approved Premises, although normally HM Prison Service should pay for this.

Income from other sources

6.17 Although Approved Premises can no longer claim income from local authorities, it is still expected that prisons pay the maintenance charges for a resident on temporary leave from the prison to the Approved Premises.

Expenditure

6.18 The Home Office Revenue Grant, combined with residents contributions, is expected to be sufficient to meet all the running costs of the Approved Premises. This includes the following items:

- i. All staff costs. The revenue grant includes an element for employers superannuation contributions within the staffing costs, and also assumes staff absences of 32 days per year annual leave/bank holidays, 10 days per year sick leave and 10 days per year for training, as well as additional allowances for weekly staff meetings and shift handovers. However, other absences must be provided for, and shifts must always be organised so that double cover is available at all times.

- ii. Other costs, including the cost of council tax, the cost of insurance and covering any indemnifiable losses, the costs of providing medical services for residents if charges are made by the provider, and the costs of all routine repairs and maintenance, as well as any other day to day running costs.

- iii. Emergency items.

- iv. All other day to day running costs.

Further information on some of these items which do not attract additional revenue funding is given below.

Council tax

6.19 Although Approved Premises are liable for council tax, residents have "status discounts". In effect, therefore, they are excluded from an Approved Premises council tax calculation and the Approved Premises should be liable for the 50% property element only. Liability for council tax on cluster units falls on the owner of the property, who may of course pass on the costs by raising rents. The financial burden that council tax may therefore place on Approved Premises with cluster units is reflected in the additional payments included in their unit costs.

Expansion and new Approved Premises

6.20 Where an Approved Premises, after seeking the agreement of the Home

Office under Regulation 9(1) of the Approved Premises Regulations 2001, increases its total bedspaces during the year, its revenue grant allocation will be raised if this increase takes it into a higher banding. This will be calculated on a pro-rata basis, taking account of when the additional bedspaces have come on stream. Similarly, a permanent loss of bedspaces involving a change of banding will result in a reduction of grant.

6.21 In the case of new Approved Premises, an additional payment of up to two months' unit costs is usually made to cover both the appointment of staff etc prior to the opening. Setting up costs will continue to be considered on a case by case basis.

Insurance

6.22 It is the responsibility of managing bodies to operate their budgets in such a way as to meet all appropriate costs whilst remaining within the cash limit. This includes providing cover for indemnifiable losses as the Home Office has no provision to indemnify Approved Premises against such claims.

6.23 As probation area managed Approved Premises are now Crown property, they should not have buildings insurance. Claims made against probation service managed Approved Premises are the responsibility of the local probation board in the first instance. Boards are expected to fund the first £5,000 of any successful claim out of their revenue

budget. Successful claims in excess of £5,000 will be met by the National Probation Directorate.

6.24 *In the case of voluntary managed Approved Premises, the Home Office expects the management committee to ensure that the Approved Premises is adequately insured; this includes the building and its contents, as well as covering public liability and personal accident. Where this becomes a difficulty the Home Office may be approached to consider a more restricted form of insurance.*

6.25 In the case of cluster accommodation, responsibility for the insurance of the property remains as provided for within the terms of the lease.

Maintenance and new Approved Premises

6.26 New arrangements for the maintenance of the Approved Premises estate through a facilities management contract are expected to take effect from September 2002, when it is planned that there will be a single contract for facilities management for all probation area managed Approved Premises throughout England and Wales. This new development will mean a change in budgetary arrangements. Until then all maintenance issues should continue to operate as now. Approved Premises are therefore expected to plan for and undertake routine repair and maintenance from within their revenue

budget until September 2002. More extensive maintenance or refurbishment may be the subject of capital funding from the National Probation Directorate, with an allowance for loss of revenue while the Approved Premises places are unavailable.

6.27 The management of large new build or extension projects together with the securing of new sites will become the responsibility of the Estates Team in the National Probation Directorate. This will also be effective from September 2002. The identification of new sites will be a joint project between probation areas and the NPD Estates Team.

6.28 A full dialogue process on the development of a new site must be undertaken. This must be in line with the general policies currently being developed. It should be assumed that all new Approved Premises developments will come under the approval procedure currently being established through the National Probation Directorate Partnership Board Programme.

Loss of income: refurbishment and emergencies

6.29 Given that the revenue grant is cash limited, in year additions to the grant are not normally made.

6.30 The two possible exceptions to this are, firstly, when there is a temporary reduction in bedspaces due to planned

and approved refurbishment, although reimbursement would only be made where there has been a real loss of income. No payment will be made for a loss of bedspaces totalling 20% or less of the total approved figure, and where possible, loss of bedspaces due to refurbishment etc should be planned not to exceed 20% of the Approved Premises total approved figure. A loss of bedspaces greater than 20% will first be measured against the performance of the Approved Premises over the preceding six months to assess whether the beds lost would actually have been filled and therefore whether there has been an actual loss of income. The need to run down occupancy prior to refurbishment, and to rebuild it afterwards, will be taken into account.

6.31 Secondly, a major loss of bedspaces due to emergencies such as a fire, or a serious reduction in referrals due to temporary local problems. In such cases the Home Office will consider reimbursing Approved Premises for losses in income up to the 80% ceiling, again taking into account past performance.

6.32 It must be stressed, however, that loss of income grant will now only be paid on an exceptional basis, where it can be shown that income will actually be lost during the period of any closure of any bedspaces. NPD will also take into account any savings that might occur, such as not having to pay relief staff costs, and any other savings on utilities and food etc.

6.33 Approved Premises which are forced to close completely, will be dealt with on a case by case basis. The National Probation Directorate will give consideration to providing some financial assistance to help with any exceptional additional closure costs, although this will normally be limited to a maximum of two months normal revenue funding.

Inflation/pay awards

6.34 The revenue grant allocation is normally adjusted each year to take account of inflation and pay awards, and other than in the case of expansion or refurbishment, there will not normally be any further in-year increases. Once allocations have been notified, therefore, Approved Premises should budget accordingly.

Carryforward

6.35 The Home Office revenue grant is expected to be used in its entirety during the financial year in which it is given. Under Treasury rules, managing bodies are not allowed to carry forward any underspend (or overspend) into the following financial year. If there is likely to be an overspend, the Home Office should be contacted as soon as possible and discussions will take place as to how this can be dealt with. Similarly, if there is likely to be an underspend, the National Probation Directorate of the Home Office should again be advised,

so that arrangements can be made for these funds to be used elsewhere within the probation service.

Capital expenditure

6.36 Broadly, only the following four types of expenditure are regarded as capital items:

- i. the provision of a new Approved Premises (including land/property purchase);
- ii. major refurbishment works;
- iii. any other works which are considered to affect the fabric of the building, e.g. roof replacement, major electrical/mechanical installation, comprehensive fire precautions or environmental health improvements, large scale window replacement; and
- iv. associated fees for the above. These may include fees for projected management, planning and public relations consultants.

6.37 It follows that smaller items such as fridges, freezers, photocopiers, furniture (apart from that required for additional bedspaces) and minor maintenance works should normally be planned for and accommodated in the revenue budget. Approved Premises should draw up a replacement and refurbishment programme that allows for the acquisition of such items.

6.38 However, it is recognised that this may not always be possible to achieve due to budgetary constraints. Under current arrangements it is permissible to bid for such items from capital, but bids of this type will receive lower priority with approval being given subject to availability of funds and after more major bids have been considered. All such approvals will be subject to a repayment undertaking, based on agreement with the Home Office over a fixed term period.

Procedures for capital funding

6.39 Bids for capital funding can now be made at any time. The Home Office will not normally fund any project with a value of less than £25,000. To be able to accurately manage the capital expenditure the National Probation Directorate will require a monthly cash flow return on every Approved Premises project.

Repayment

6.40 *Capital funds to voluntary management committees in respect of voluntary managed Approved Premises are subject to a repayment undertaking that, if the Approved Premises (or any of its buildings) was purchased through Home Office funding but ceases to be approved under Section 9 of the Criminal Justice and Court Services Act 2000, the premises should be disposed of to the best advantage and all the money repaid to the Exchequer. Where capital grant*

was given to refurbish or enhance a building that was not purchased with Home Office funding, or for items such as furniture, plant and machinery, each case is considered on its own merit and a negotiated settlement is reached.

Miscellaneous financial matters – leave of absence

6.41 In the case of an absence at the end of which the resident is expected to return to the Approved Premises, the resident should be charged for the maintenance of the place at the self-catering rate for a period of not more than five days. If the period of leave is at the end of the period of residence, and the resident is not expected to return, no charge should be made. The resident can be received back into the Approved Premises later, and the normal financial arrangements resumed, if the leave arrangements prove unsuccessful. Fares and other expenses incurred during leave of absence should be met as far as possible from the resident's own funds. Any balance of the costs may be met by the managing body of the Approved Premises at their discretion.

Stay in hospital

6.42 If the resident is likely to return to the Approved Premises and the residential requirement remains in force, the managing body should continue to reserve a place for the first five days. In

exceptional circumstances the managing body could consider reserving the place in the Approved Premises for a longer period.

Budget submission

6.43 The Home Office requires a budget submission from all probation service managed Approved Premises in January each year, as part of the main area plan and budget submission for probation boards.

Financial control and monitoring

6.44 Under Regulation 8(2) of the Approved Premises Regulations 2001, managing bodies have a responsibility to exercise effective control over all expenditure incurred in connection with the Approved Premises, and to prepare annual statements of accounts.

6.45 All Approved Premises should have in place financial management and recording and monitoring systems which establish a clear audit trail and allow for accurate cost management in a cash limited environment. Such systems should provide accurate and up to date information for both Approved Premises managers and the managing bodies. In tandem with the Daily Register, it should also show details of income received, charges waived, and bad debts.

Admissions, Risk Assessment, Induction and Resettlement

6.46 All probation service managed Approved Premises must submit regular monitoring returns as required to the National Probation Directorate. *Voluntary managed Approved Premises should submit quarterly monitoring returns to NPD.*

Audited statements of income and expenditure

6.47 All Approved Premises are required to submit an audited statement of expenditure and income at the end of each financial year. This statement should be submitted to the Home Office by 30 June of the following financial year in unaudited form, and by 31 August in audited form. The appropriate forms and instructions are issued by the Home Office annually. All statements must normally be verified by an independent auditor approved by, and acting in accordance with, instructions issued by the Audit Commission. It is important that the audited statements are clearly stamped and signed by the relevant auditor.

Introduction

7.1 Residents should only be admitted to Approved Premises after a referral procedure and a full risk assessment has taken place. This process should be free from any unnecessary discrimination at all stages.

Admissions

7.2 Each Approved Premises must produce a written admissions policy (as set out in Regulation 10 of the Approved Premises Regulations 2001) that incorporates the following points and any local considerations that apply:

- i.** National Standards Part F4 makes it clear that Approved Premises must not operate a policy that automatically excludes particular categories of offender.
- ii.** Regulation 9(3) of the Approved Premises Regulations 2001 makes it clear that persons should not normally be admitted for residence unless they are on bail or subject to statutory supervision. However in exceptional cases, as set out in the Regulations, residents can be accommodated on a voluntary basis.
- iii.** It should be made explicit in the admissions policy that the current profile of the resident group at the time of each new referral may have

a bearing on acceptance. Making this factor clear will help to dispel perceptions of inconsistency.

- iv.** Approved Premises should be capable of accepting referrals in relation to persons subject to electronic monitoring. Where practicable, arrangements with the local contractor should be made such as may reduce the disruption to the Approved Premises of new arrivals. This might include the permanent installation of some equipment.
- v.** Approved Premises must be prepared to facilitate or deliver testing according to local arrangements for Drug Treatment and Testing Orders. Probation areas should consult fully with staff about the range of issues relating to methods of testing and arrangements for joint working with relevant local resources.
- vi.** Lack of eligibility for income or benefit should not prevent acceptance. Many in this category will be foreign nationals and in any such cases where there is little or no understanding of English, interpreter services may be engaged to ensure adequate explanation of the rules and health and safety requirements. Other creative ways of assisting communication should be investigated.

Admissions, Risk Assessment, Induction and Resettlement

7.3 The referral procedure should provide as quick a response as possible consistent with a thorough consideration of the necessary information. In the case of bailees, this will enable court waiting time to be kept to minimum and will encourage referrals in the future. Documents should usually be obtained by the quickest means (in practice this is normally by fax).

7.4 The referral form should collect all the data required for statistical recording and risk assessment purposes. It is recommended that referral forms be standardised where possible and that a telephone process gathers the information so that the referrer can be asked supplementary questions and by so doing gain a better sense of the person being referred.

7.5 In the case of high risk offenders, planning for the future, including referral to Approved Premises, should start in sufficient time to allow for planned resettlement. This will include referral to MAPPPs where appropriate. Ideally planning should start at least six months in advance of release for long-term prisoners.

Assessment of risk of harm

7.6 It is the responsibility of the employer to provide a safe environment for staff, and a duty of care towards residents. In practice this is usually delegated to the Approved Premises manager, who is

accountable for health and safety within the scope of his/her line management authority and puts into effect the responsibility of the employer to provide a safe environment for staff and the duty of care towards residents. Risk assessments (e.g. OASys) must be carried out in all cases. This responsibility includes:

- i. risk to staff,
- ii. risk to residents,
- iii. risk to local community,
- iv. the capacity of the Approved Premises to provide a safe and appropriate environment for the resident.

7.7 Acceptance for all referrals whose offences are regarded as serious should be a decision for the manager of the Approved Premises. This will include decisions relating to sex offenders, serious violence, and offences focused on particular groups (often described as "hate crime"), mental/physical health issues and those with significant substance addictions.

7.8 If the manager's assessment is that the risks to staff, residents or local community are unacceptable, he or she may refuse the referral in the first instance; however the decision must be defensible and clearly recorded. This decision may sometimes be reviewed and changed at Chief Officer or

Assistant Chief Officer level. Sometimes this will be because additional resources have been made available which mean that the resident can now be more safely accommodated, such as additional staff or extra security measures.

7.9 The manager should encourage a confident and positive culture that seeks to find ways of accepting each referral unless there are sound reasons to refuse. This will ensure that the public are better protected and that the Approved Premises maintains its target occupancy, thus utilising this valuable resource in the Criminal Justice System to good effect.

Multi-Agency Public Protection Panels (MAPPPs)

7.10 Approved Premises are in a good position to contribute to the local Multi-Agency Public Protection Panels (MAPPPs) and the annual Public Protection Report. Details about the joint statutory responsibility for the police and probation services are found in Sections 67 and 68 of the Criminal Justice and Court Services Act 2000.

7.11 Approved Premises must always comply with agreements undertaken as part of MAPPPs. It is also important that Approved Premises fully comply with the strategic agreements made in each area on exchange of information.

7.12 Managers and staff of Approved Premises will normally participate in a MAPPP before agreeing to the

admission of a dangerous offender. There should also be full liaison with the local and area risk management systems, agencies and databases on these matters. The Approved Premises staff will usually be in an excellent position to provide up to date information and views in relation to residents.

Induction of residents

7.13 The quality of the induction process will significantly affect the success or failure of the period of residence. It is important that the referrer is asked and enabled to ensure that the defendant or other prospective resident is fully aware of the house rules and the typical activities in which they will be required to participate. It is recommended that the prospective resident sign, or at least have sight of, the house rules before sentence or bail determination, or release from prison.

7.14 Care should also be taken to provide clear travel instructions to reach the Approved Premises and that a positive welcome is afforded, recognizing that the new arrival will be apprehensive and quite possibly emotionally affected by their experiences in custody or court. It should always be borne in mind that this might be expressed indirectly in the form of truculent or angry behaviour. It is important that the Approved Premises contains positive and welcoming images relating all potential arrivals. There should also be an assessment of the person's

Admissions, Risk Assessment, Induction and Resettlement

ability to understand the process and creative ways of communicating information should be explored.

7.15 The induction should begin as soon as practically possible. In order to ensure all elements are covered it is strongly recommended that a checklist is employed.

7.16 The first action should be to ensure that the resident understands and accepts the rules and signs a copy if they have not already done so.

7.17 The essential elements of induction are:

- i.** Confirmation of the rules
- ii.** Health and safety within Approved Premises, including fire procedures
- iii.** Registration procedure with local GP
- iv.** Access to medical records consent form
- v.** Review of current medication
- vi.** Assessment of self harm issues
- vii.** Ethnic monitoring and specific cultural, dietary or religious issues
- viii.** An explanation of the requirements Sex Offenders Act 1997 if applicable
- ix.** Confirmation of the curfew times and the consequences of breaking them

x. Details of the regime (e.g. meal times, activities etc)

xi. Financial arrangements

xii. Explanation of keyworker system and allocation of the resident to a keyworker

xiii. Complaints procedure

xiv. The management structure

xv. Items of property

7.18 Induction materials should meet the needs of all those being admitted. Consideration should be given to producing induction materials in different languages, and to making materials accessible for those with learning difficulties. Induction should be handled sensitively, and special considerations may apply to the induction of particular groups; e.g. women, minority ethnic offenders or bailees etc.

7.19 The above list is not exhaustive and each Approved Premises will include its own issues and information. The principle is that each new arrival should have full knowledge about what is expected of them and have the information necessary to enable them to comply and begin positively to use their stay. It is also important that the Approved Premises be able to demonstrate that this information was given.

Residents' property

7.20 A disclaimer form should be discussed and signed that informs the resident of the legal right of the Approved Premises to dispose of property if not collected before three months has elapsed, and explaining the limitations of the Approved Premises' responsibility for losses occurring through theft and damage. Items of high value should be noted and safe storage offered if practicable. Every effort should be made to locate ex-residents and if disposal is necessary it is the manager's responsibility to ensure that legally defensible procedures are adopted.

Protocol for resettlement of residents

7.21 Resettlement is a vital element in reducing the risk of re-offending. Therefore it is important that residents make constructive use of their time in Approved Premises, and staff should encourage residents to participate in appropriate community activities, such as, for example, further education. Work undertaken as part of a supervision plan can count towards contacts as part of the requirements in National Standards. It is also important that all Approved Premises play an active part in the work done by the local probation service area in identifying and working with voluntary sector housing providers, to assist with move-on.

7.22 Approved Premises offer a level of contact, support and supervision that exists nowhere else in the probation service. Residents are seen on a daily basis and staff become involved in the resident's life to a very high degree; giving advice, offering support and exercising control and supervision, and liaising with the rest of the service and a wide range of agencies. This high level of support means that many residents make good progress. However, because the resident will not have the same level of contact and assistance after leaving the Approved Premises, preparations for discharge need to be handled carefully. Such preparations may involve other agencies in the Criminal Justice System and voluntary sector partners.

7.23 Approved Premises should have a clear link with the Accommodation Strategy for the area and specific protocols should be drawn up and adhered to for the resettlement of residents with particular regard for the suitability and stability of the move on accommodation. The local probation area should have close links with voluntary sector accommodation providers to assist with resettlement. Preparation for move on should start from the date that the resident is admitted to the Approved Premises.

Effective Regimes in Approved Premises and Programmes

Effective practice

- 8.1** All staff in Approved Premises, no matter what role they fulfil, can make a significant contribution to reducing re-offending. An effective establishment is one which has a positive atmosphere, where cultural and social needs are accommodated as far as possible, where discrimination is challenged by all staff and residents, and where **all** staff behave in a pro-social manner. This will require that all staff, irrespective of role, have a good awareness of a range of issues, such as homophobia, sexism and racism. The relationship between the keyworker and the resident is an important one and should be based on mutual respect.
- 8.2** National Standards defines the purpose of Approved Premises as being “to provide an enhanced level of residential supervision with the aim of protecting the public and reducing the likelihood of offending”. Therefore Approved Premises play an important part in reducing the likelihood of re-offending. Approved Premises are normally only suitable for cases assessed medium or above risk of harm or re-offending. It is normally inappropriate, and a poor use of a scarce and expensive resource, for those within low risk of harm or re-offending to be referred to Approved Premises.

Pro-Social Modelling

- 8.3** The residential experience is an intense one for all residents. It is therefore recommended that work done in

Approved Premises should be underpinned by the behavioural technique known as “Pro-Social Modelling” (PSM). It is recommended that all staff, including non-supervisory staff, should normally receive training in PSM.

- 8.4** Pro-Social Modelling is a cognitive behavioural technique described by Chris Trotter (Marash University, Victoria, Australia (1993)) in the following way: PSM “involves the practice of offering praise and reward for clients’ pro-social expressions and actions...the probation officer becomes a positive role model acting to reinforce pro-social or non-criminal behaviour”. Research indicates that PSM results in higher levels of compliance with supervision programmes as well as lower re-offending rates. It is important that the probation officer explicitly identifies with the offender the pieces of behaviour to be learned and practised. The approach emphasises the importance of demonstrating respect for individuals, by being punctual, reliable, courteous, friendly, honest and open. These are characteristics which offenders value in their supervising officers and which may encourage them to undertake a difficult process of change.
- 8.5** Further examples of Pro-Social Modelling include giving and receiving effective feedback, using authority in a clear and fair way, creating a positive environment and modelling PSM as set out above, respecting the feelings of

Effective Regimes in Approved Premises and Programmes

others, expressing views about the negative effects of a criminal lifestyle and positively emphasising non-criminal trends, and generally being positive about the capacity and value of living a productive life within the legal system.

Joint supervision

- 8.6** The supervision of those subject to community sentences or on post-custody release must meet the requirements of the National Standards. In some cases, the licence or order may be held by a member of staff at the Approved Premises, while in others, a field officer/case manager may hold the order or licence. In either event, the standard of supervision must satisfy or exceed National Standards. Where the order or licence is held by a field officer/case manager, it is essential that close liaison is maintained between the field officer and the key worker in the Approved Premises, and that good information sharing takes place. It is important for the roles and responsibilities in each case to be properly clarified and recorded, for example through the resident or supervision plan. Experience has shown that in many serious incident cases there has been a lack of clarity as to who was supposed to be leading in aspects of managing the case.
- 8.7** Where the order/licence is held by a field officer, assessments, supervision plans and reviews should all be undertaken jointly where possible.

“What Works” – some implications for approved premises

- 8.8** The What Works initiative has the following goals:
- i. Interventions with offenders should always be based on the best available evidence of what will reduce the likelihood of re-offending (evidence based practice).
 - ii. Interventions should be delivered by all agencies involved in a coherent and planned way, building on what has been done (a seamless approach).
 - iii. Interventions should be provided based on consistent assessment, and to a consistent standard throughout England and Wales (equity of provision).
 - iv. Interventions should be designed and delivered in ways that make them accessible and effective for all groups of offenders, including those from minority ethnic groups, women and those with disabilities (anti discriminatory practice).
- 8.9** There are four key elements of “What Works”:
- **Offending Behaviour Programmes**
A set of accredited programmes which are proven to be successful has already been established. They include general

offending behaviour programmes as well as specialist programmes aimed at drug and alcohol misuse, sexual offences, and offences involving violence.

■ Offender Assessment

Matching offenders to appropriate programmes is the key to success in reducing re-offending. The implementation of a new system for the assessment of offenders (OASys) will mean that Pre-Sentence Reports will be based on a thorough assessment of the factors affecting an offender’s likelihood of re-offending, and will produce firm proposals on the type of intervention most likely to reduce this risk.

■ Community Reintegration

Community reintegration is crucial to achieving long-term change in an offender’s behaviour. Research shows that work to address the problems which inhibit community reintegration – such as homelessness, lack of basic skills, unemployment and substance misuse – is a vital ingredient of any effective intervention.

■ Evaluating programmes

An extensive independent research programme has been commissioned to evaluate these accredited programmes, examining the impact on offenders and reconviction rates.

- 8.10** The National Probation Directorate is committed to achieving evidence based practice. This is a shared agenda with the Prison Service, and some programmes are being jointly developed, while others

are being taken forward separately, depending on their intended use. The NPD Offending Behaviour Programmes Board and the Prison Service Accredited Programmes Expansion Strategy Board are responsible for the national identification of need and development of suitable programmes. The delivery of What Works in the community is the responsibility of NPD and of all staff in the National Probation Service areas, now and in future.

- 8.11** Staff in Approved Premises have a key task of reinforcing the messages and the lessons that residents receive from their accredited programmes. Keyworkers are likely to be involved in pre and post course work. They will also need to have a broad knowledge of the programmes that residents are attending. Keyworkers might also, after having received suitable training, be asked to run some modules in the Approved Premises such as, for example, re-integration modules.

Work with bailees

- 8.12** Work with bailees in Approved Premises, as with other residents, should normally be done in a pro-social way, so as to demonstrate positive behaviours. The work should be based around the goal of community reintegration. Bailees could engage in motivational work (possibly along the lines of developing a “life plan”) alongside other residents. It should also be possible to do some work with bailees in relation to social reintegration.

It is important, especially now that the Human Rights Act is in place, that unconvicted persons should not be required to participate in any programme which might be regarded as punishment. However, with the agreement of the bailee, it may be possible to do some work in relation to offending related needs and behaviour, especially if there are previous convictions.

Encouraging healthy lifestyles

8.13 Staff in Approved Premises should seek to promote healthy lifestyles among residents. Obtaining both leaflets and posters from the local Health Promotion Unit, which can be used in both display and organised events, can assist this. Such information will, for example, address substance misuse, healthy diets, exercise, gender specific health checks and precautions. Staff may also wish to encourage the development of supervised cooking skills, either on or off site, which alongside menus should reflect a multicultural diet (consideration will need to be given to the specific dietary needs of individual residents).

Community re-integration

8.14 The ultimate goal of residence in Approved Premises is a lifestyle change which results in the reintegration of the individual back in the community where he or she can live without breaking the law. Residential staff can contribute significantly to moving residents in this direction, not only in tackling offending

behaviour but also in supporting participation in a range of community activities. These can include improving primary health care access (e.g. to medical and dental treatment), physical activities which improve fitness (e.g. access to gyms, sporting clubs and outdoor activities) and other leisure pursuits (e.g. clubs and societies). Key workers can explore interests with residents and help motivate them to start the process.

8.15 It is important that reintegration activities involve problem solving, life skills and confidence development by the resident, with support from the worker, rather than residents becoming passive recipients of organised activities. That is not to deny the intrinsic worth (e.g. in developing skills and confidence) that organised activities may have, but reintegration should be based around activities which residents can continue themselves in the future without the resource support from the establishment.

Employment skills

8.16 In addition to various activities, residents should have access to education, including basic numeracy and literary skills, training and employment opportunities. These may be provided by the Probation Service (or a contracted service) or the community. Keyworkers and other staff can offer considerable assistance in motivating and supporting residents in undertaking such learning, offering positive recognition of achievements.

Introduction

9.1 Probation Circular PC48/1998, copied at Appendix H of this handbook, set out detailed guidance on working with drug misusers in approved hostels. This guidance should be followed in all Approved Premises.

9.2 In summary, the guidance makes it clear that work in Approved Premises can be a crucial factor in achieving a successful outcome of enabling the offender to stop using illegal drugs. All managing bodies should have a clear, written drugs policy for the Approved Premises that they manage, which should reflect the drugs policy of the local probation service area, and should reflect the efforts of staff in Approved Premises to maintain a drugs-free environment. The National Standards make it clear that controlled drugs should not be used in Approved Premises unless they have been prescribed to the resident.

9.3 However, the fact that a person has been misusing illegal drugs is not, in and of itself, a bar to admission to Approved Premises. It is one of a number of risk factors that must be considered prior to agreeing admission. A Department of Health Taskforce Report (1996) stated that "because of the chronic relapsing nature of drug misuse, many users will need several attempts at treatment, and whilst abstinence should remain the ultimate goal, providers need to be flexible in their approach". A summary of the report can be found at Appendix I of this handbook.

9.4 Admission of drug misusers should be conditional on their willingness to co-operate with programmes/regimes designed to control, reduce or eliminate their drug misuse. Prospective residents should be clearly informed at the assessment stage of the expectations of the Approved Premises of all residents in relation to drug misuse. An additional bail condition, "to comply with assessment and treatment of drug misuse" may sometimes be helpful and is consistent with the philosophy underpinning the Drug Treatment and Testing Order. Liaison with officers supervising residents on community rehabilitation orders with or without conditions of treatment and licensees/parolees is also important.

Enforcement in respect to drug misuse issues

9.5 National Standards set out requirements for enforcement in relation to community sentences and residents in Approved Premises and this should be followed. Additionally, the following points should be borne in mind:

- i. Admission of drug misuse should not necessarily, in and of itself, form grounds for breach action, but it should give rise to consideration of breach.
- ii. Any illegal drug misuse should always be challenged and not condoned.

- iii. The discovery of drugs in Approved Premises should always give rise to appropriate enforcement action, usually in conjunction with the police.
- iv. Signs of drug misuse and the finding of any drugs paraphernalia should also give rise to appropriate enforcement action, again usually in conjunction with the police.
- v. Evidence of dealing in drugs within or connected to the Approved Premises must be reported to the police.
- vi. Room searches authorized by the manager or the deputy should be undertaken on a random basis and also where it is suspected that illicit drugs are present within the Approved Premises. Searches should be carried out by two members of staff, with the resident also present if this can be managed safely. Police co-operation may be sought, including the use of sniffer dogs etc.
- vii. The results of room searches and health and safety room checks should always be logged. Records should also be kept of any overdoses in the Approved Premises, and of any drug related and other deaths.

A report published in 2000 by The Advisory Council on the Misuse of Drugs, called "Reducing drug related deaths", also includes some useful information and advice.

Staff training with respect to drug misuse issues

- 9.6 All staff in Approved Premises should have an understanding of drug misuse issues and all supervisory staff employed in Approved Premises need to develop the necessary competencies to deal with the management of drug misusers in a residential setting. Training should cover the following areas:
- i. Drugs commonly misused, their appearance, properties and effects and how they are misused
 - ii. Effects of drugs and indications of misuse
 - iii. Harm reduction, health and safety issues and principles and practice
 - iv. Drug misuse, offending and the law
 - v. Drug treatment and services, methods and objectives of treating drug misuse
 - vi. Measuring improvements
- 9.7 Staff should be familiar with the local Approved Premises drugs policy, which should contain clear procedures and instructions on how to deal with situations they will commonly face, such as residents in possession of or using drugs, unconscious or with breathing difficulties, and needing to search a room for drugs. It is important to keep a written record of any drug overdoses

that occur within the Approved Premises, both on the resident's case record and on an incident file.

- 9.8 In cases of suspected drug overdoses, where a resident is unconscious or has breathing difficulties, resuscitation should normally only be attempted by someone who has already received first aid training, and should be done in accordance with appropriate health and safety guidance. Supervisory staff should be trained in resuscitation methods.
- 9.9 It is good practice for managers and staff to keep up to date with recent drug research and reports. The local Drug Action Team co-ordinator should be able to assist with up to date information, or the ACO with responsibility for drugs in the local service.

Conclusion

- 9.10 The Home Office has issued guidance in the form of Probation Circulars on Drug Treatment and Testing Orders, Drug Abstinence Orders, Drug Action Teams, and the National Treatment Agency. This Handbook cannot duplicate that guidance, but all staff in Approved Premises are encouraged to familiarise themselves with it. Approved Premises should make every effort to make contact with and liaise with local schemes for dealing with drug misuse, and refer their residents to suitable schemes. There is a great deal of expertise available in the community,

and Approved Premises should try and utilise this knowledge, and work together with appropriate schemes in order to ensure that residents get immediate access to treatment.

Children and Young People in Approved Premises

Introduction

- 10.1** Regulation 9(2) of the Approved Premises Regulations 2001 states that except with the prior consent of the Secretary of State, no-one must be present in the Approved Premises if he is outside of the age limits approved by the Secretary of State. The policy on this issue was set out in two letters to all Chief Officers and managing bodies dated 16 August 1993 and 18 October 1993, under references CPO 46/1993 and CPO 59/1993. In brief the policy is that while it is legally possible for 16 and 17 year olds, as a result of their own personal involvement with the Criminal Justice System, to be admitted to Approved Premises, no-one under the age of 18 should normally be admitted to an Approved Premises.
- 10.2** An Approved Premises is rarely if ever likely to be an appropriate setting for 16 or 17 year olds. Therefore a 16 or 17 year old on bail or convicted of an offence can only be admitted in exceptional circumstances and only with the express approval of the Secretary of State. The National Probation Directorate should always be contacted if the admission of a 16 or 17 year old is being considered. It should also be noted that if a Schedule I offender is resident in the Approved Premises, this would automatically preclude the admission of anyone under the age of 18.

Children as visitors to Approved Premises

- 10.3** With regard to children visiting Approved Premises, as noted above, Regulation 9(2) of the Approved Premises Regulations 2001 make it clear that children (i.e. those under the age of 18) can only be present if the Secretary of State gives prior approval. In practice, the Secretary of State is unlikely ever to give such approval. Approved Premises often accommodate dangerous offenders, including Schedule I offenders, and are unlikely to be appropriate environments for children to be in. More importantly Approved Premises may not always have the proper resources to ensure that children are kept safe at all times if they do visit an Approved Premises. In any event it will usually be a fairly simple matter to arrange for parents, who are residents in Approved Premises, to see their children and family on regular occasions away from the Approved Premises.
- 10.4** The question then arises as to whether this ruling is open to legal challenge, in particular under Article 8 of the European Convention on Human Rights, which guarantees the right to family and private life. The National Probation Directorate have received advice to the effect that Article 8 should not have any impact on the policy set out here, because as noted above most residents in Approved Premises will still be able to have regular contact with their children, albeit that this will always need to be away from the Approved Premises.

Tenancy Rights and Room Searches

Children as residents in Approved Premises

- 10.5** There have been several legal challenges made to the Prison Service's policy on Mother and Baby Units. The courts have held that the best interests of the child must be the primary consideration. Therefore it is acknowledged, with regard to Approved Premises, that there may be some occasions where refusal to allow a child to remain with their mother or father, whilst the parent is resident in an Approved Premises, may not be justifiable.
- 10.6** Such occasions are likely to be rare. In most cases there is likely to be no breach of Article 8 of the European Convention on Human Rights (incorporated into our law by the Human Rights Act 1998) by maintaining the policy set out above; i.e. that no-one under the age of 18 should ever be present at an Approved Premises. Refusal to allow toddlers or older children to reside in an Approved Premises with their mother (or father) could be justified on many grounds. For example, that the regime of an Approved Premises already allows acceptable levels of contact away from the premises, or that the mother (father)/child bond has already formed by that age, or that the usual length of stay in an Approved Premises is relatively short, or that an Approved Premises is not a safe or appropriate environment for the child to be in, etc.

- 10.7** Refusal to allow babies to reside in Approved Premises is also likely to be justifiable on many of the same grounds set out above. However, there may be an occasional case where it would be difficult to justify a complete ban. One example that might occur is where a mother and her new baby are allowed to remain together in a mother and baby unit in prison. On release on licence, the mother is admitted to an Approved Premises, and has found it impossible to make alternative childcare arrangements. The baby may still be bonding with the mother, and a few weeks of separation may be critical in that process. In this case it might be appropriate to allow the baby to reside with the mother in the Approved Premises.
- 10.8** Every case will be treated on its individual merits, and if there are instances where it is exceptionally felt that residence in an Approved Premises is appropriate for a young child or baby, Secretary of State approval should be sought from NPD.

Introduction

- 11.1** This chapter gives advice on tenancy issues, and also gives some guidance on room searches.

Tenancy issues

- 11.2** The National Probation Directorate has sought legal advice on whether residents in Approved Premises, in particular those who are not subject to any statutory supervision, automatically acquire any tenancy rights, and also how best to avoid giving them such rights of tenancy. It is very important that Approved Premises are able, when the need arises, to swiftly evict any residents who are being disruptive, whether voluntary residents or those residents subject to statutory supervision.
- 11.3** The legal advice is that in all cases it is a matter for the courts to interpret whether the residence is a tenancy, but it is generally settled that so long as certain steps are followed, no tenancy arises. In substance this means that there should be rules within each Approved Premises, which taken in total demonstrate that the occupant does not have exclusive possession of their personal accommodation.
- 11.4** Therefore the rules should ensure that the local probation board or voluntary management committee retain control of the rooms occupied. This can be shown by, for example, things like duplicate keys being held by staff, and

applying restrictions on visitors. The rules should also ensure that local boards and voluntary management committees (managing bodies) provide fixtures and fittings which remain their property. Managing bodies should also be responsible for cleaning and other types of maintenance for the rooms occupied. They should also exercise control over and restrict access of any unauthorised persons into the rooms of the residents. It should also be ensured that residents are required to comply with the directions of the manager employed by the managing body, and that managing bodies can change the room allocations. Finally, managing bodies should have a key to each room and be able to enter at any time.

- 11.5** These sorts of arrangements should already exist in all Approved Premises, and therefore, in the light of the legal advice that has been received, the situation of a resident acquiring legal tenancy of an Approved Premises room will not occur. However, it may prove helpful for each Approved Premises to also have a house rule, under which the resident agrees that he is there as a "licencee", in the sense of that word under the Landlord and Tenant Act, and that they agree that they acquire no right to remain.

Room searches in Approved Premises

- 11.6** Article 8 of the European Convention on Human Rights (ECHR) concerns the

Tenancy Rights and Room Searches

right to privacy. It has been argued by some that searching a resident's room, or personal belongings in that room, amounts to a breach of this right. For ease of reference, the Article is reprinted here:

Article 8 – Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

11.7 However, it is essential, in order to maintain good order and safety in Approved Premises, that staff should be able to search a resident's room and its contents at any time. However, all such searches should be in accordance with the law. There have been concerns amongst some that it is unclear that a member of staff of a hostel is acting in accordance with the law in searching a resident's room. Whereas prison staff, when on duty, have the powers of a constable, contained in primary

legislation (under Section 8 of the Prisons Act 1952), there is no similar provision for staff in approved hostels.

- 11.8** Article 8 of ECHR allows a person's right to respect for his private life to be interfered with by a public authority, such as the probation service, so long as the interference is in accordance with the law. It is therefore important that every Approved Premises should have a house rule on room searches. We would also advise that if drug testing is to take place in the Approved Premises, that there should be a house rule on this aspect as well. The resident is asked to sign his or her agreement to comply with the house rules of the Approved Premises on admission, and these should have been explained to them before admission anyway.
- 11.9** Voluntary residents, who should only be accommodated in exceptional circumstances, must also sign their agreement to comply with the house rules, which will include their willingness to allow their room, and any possessions in the room, to be searched at any time. In any event voluntary residents can be evicted at any time.

Some practical issues on room searches

11.10 This handbook cannot cover all the practical considerations around this issue, but the following general points should be borne in mind.

1. When searching a room, the search should be conducted in a systematic manner. Gloves should normally be worn, and staff should always keep their hands in view when conducting the search.
 2. Room searches should normally be undertaken by two members of staff. In exceptional circumstances one member of staff may undertake the search of a room. However room searches should not ordinarily be undertaken by temporary or administrative or support staff. It is good practice to allow the resident to view the search of the room as it is being undertaken (but not obstruct the search) if this can be done safely.
 3. Room searches should be confined to looking for prohibited articles: legal correspondence should not be read.
 4. Health and safety room checks should also normally be undertaken by two members of staff.
 5. It is not normally appropriate for a male member of staff to search the room of a female resident.
 6. Room searches should be undertaken on a regular basis, not just where there is a suspicion of illicit drugs being present in the hostel.
 7. The results of room searches and health and safety room checks must always be logged.
 8. Staff in Approved Premises should not undertake body searches. This should be left to the police.
- 11.11** Advice should always be sought from local health and safety officers and local legal advisers on any issues of concern. Further advice is also available in Code B of the Police and Criminal Evidence Act 1984. Although this Code gives detailed advice to police officers some of the advice contained in it may be useful to staff in Approved Premises. Health and Safety precautions must be followed at all times. Specific queries on the conduct of searches should be referred to local health and safety and legal advisers as appropriate.

Enforcement and Supervision

Introduction

- 12.1** All Approved Premises provide enhanced supervision. National Standards state that Approved Premises enhance supervision by:
- i. imposing a supervised night time curfew which can be extended to other times of the day (for example, as required by a court order or licence condition);
 - ii. providing 24 hour staff oversight;
 - iii. undertaking ongoing assessment of attitudes and behaviour;
 - iv. requiring compliance with clearly stated house rules which are rigorously enforced; and
 - v. providing a programme of regular supervision, support and daily monitoring that tackles offending behaviour and reduces risks of harm and re-offending.
- 12.2** Chapter D of the National Standards sets out minimum required levels of contact and minimum requirements to enforce supervision. It should be noted that Paragraph F7 of the Standards has a requirement that for all residents in Approved Premises, a planned programme for their stay must be produced within seven days of their admission. This is different from, and additional to, the requirements for a Supervision Plan set out in Chapter D of the Standards.

- 12.3** The Approved Premises Regulations 2001 (S.I. 850/2001) make it clear that Approved Premises can also be used for voluntary residents, where the Chief Officer, someone acting on his/her behalf or the Secretary of State considers that residence in the Approved Premises is necessary for the protection of the public or to enable supervision or treatment to be given.

Pre-Sentence Reports (PSRs) on residents

- 12.4** Approved Premises staff quickly acquire a body of knowledge about residents and become able to use this in making sound and balanced assessments. Whenever a PSR is written on a resident in Approved Premises, the report writer should include the staff's assessment of that stay (as detailed in the National Standards paragraph B4). The Approved Premises manager has a responsibility to work with field colleagues to ensure this happens.
- 12.5** Probation areas should ensure that positive information about all Approved Premises provision is available to all probation staff and should effect constructive liaison between residential and field staff. It is the responsibility of middle managers across the area to ensure Approved Premises facilities are used appropriately with due regard to the assessed risk of re-offending/harm, the degree of seriousness of the offence, and the restriction on liberty which is intrinsic in a condition of residence.

Enforcement and Supervision

Enforcement

12.6 Paragraphs F11 and F12 of the National Standards place a requirement on staff in Approved Premises to:

- i. ensure that residents comply with all requirements imposed by the courts or included in their licence;
- ii. notify the police of any serious or repeated instances of failure of a resident to comply with any requirements, including compliance with house rules; and
- iii. notify the police immediately if any resident on bail either fails to arrive or any resident commit a further offence.

12.7 The National Standards also states that each Approved Premises should have a clear policy in respect of the enforcement of house rules. It advises that minor infringements may be dealt with by informal local warnings, which must be recorded. However, serious or repeated breaches will result in recall to prison, breach action, or application for revocation of bail as appropriate. It is important that Approved Premises staff and field officers support each other in reaching these decisions. Part D of the National Standards gives further detailed advice about enforcement.

12.8 Staff have an important role to play in securing the co-operation of residents in order to minimise the necessity for any

action leading to breach. Also any system for dealing with minor infringements of the house rules must be seen to be fair and appropriate in all cases.

Multi-Agency Public Protection Panels (MAPPPs)

12.9 Approved Premises are in a good position to contribute to the local Multi-Agency Public Protection Panels (MAPPPs) and the annual Public Protection Report. Indeed, it is essential that Approved Premises should take an active role in Multi-Agency Public Protection arrangements. They must comply with agreements undertaken as part of Multi-Agency Public Protection Panels (MAPPPs). It is also important that Approved Premises fully comply with the strategic agreements made in each area on exchange of information. Details about the joint statutory responsibility for the police and probation services under Sections 67 and 68 of the Criminal Justice and Court Services Act 2000. NPD has produced two Guidance documents on the establishment of MAPPPs and arrangements for the production of the Annual Report.

Curfew

12.10 A minimum of two resident room checks should be carried out daily in the core building of all Approved Premises. This may be in addition to the normal routine curfew check. All communal areas, including bathrooms, showers and toilets

must be checked regularly. This process should confirm the well being of each resident, and if, for example, a resident appears to be asleep in bed, it should be physically ascertained that this is indeed the case. Checks over and above these basic checks will be dictated by risk factors such as self-harm. The results of all room checks must be recorded along with the times in the log book.

12.11 With regard to the operation of cluster buildings, daily contact should be made with each resident. This may be combined with curfew checks, but again this must ensure the well being of those residing in the cluster accommodation.

Supervision

12.12 Supervision on Community Rehabilitation Orders and after release from custody must meet the requirements of National Standards. Approved Premises, by offering enhanced supervision, can often be a significant positive factor in ensuring that an offender does not break his court order or licence conditions. It is therefore important that they should be fully integrated into the wider service. If orders are held by a member of the residential staff, care needs to be taken that the standard of supervision is comparable to that which is being applied to offenders who are not under a condition of residence and that residents are fully integrated into the full range of service activities. If orders are held by case managers based outside the Approved Premises, both residential staff

and field supervisors should consider how best to maintain effective links, ensuring roles and responsibilities are agreed, recorded and adhered to. Close liaison over this is vital.

12.13 If a resident absconds, Regulation 13 of the Approved Premises Regulations 2001 requires the Approved Premises manager, "the person in charge of the premises", to notify the field supervisor (for Community Rehabilitation Orders) or the court, the police and any field supervisor assigned to the case (for bailees). Residents on parole or other post-release supervision should be dealt with in accordance with the National Standards on Supervision before and after release from custody and any individual conditions which may have been imposed.

12.14 Probation Circular PC78/2000 outlines case transfer arrangements for those residing in Approved Premises. Included at Appendix J of this handbook is an example of one way that these instructions can be put into practice. The general arrangement is that where an individual is residing for longer than six weeks, the case should be transferred (via the court for bailees) from the home area to the area where the Approved Premises is situated, to be supervised locally. However, resettlement would normally be back to the originating area, so the order should normally be transferred back before the end of the statutory supervisory period.

Recording and Monitoring

Introduction

13.1 This chapter should be read in conjunction with Paragraphs F9 and F10 of National Standards.

Local

13.2 Information is recorded and monitored first and foremost for the following local managerial purposes:

- i. to provide for the appropriate assessment and supervision of individual residents;
- ii. to inform the process of management of the resident group; and
- iii. to allow performance assessment of the Approved Premises by staff themselves, by managers and employers and by other interested parties.

National

13.3 Performance must also be monitored in line with current monitoring procedures.

Violent Incidents

13.4 All Approved Premises should have an incident reporting procedure which allows:

- i. a prompt response when an incident is detected;

- ii. collection of statistics and information for reporting and legal purposes;
- iii. management to follow-up the incident and consider the need for any further action to be taken to minimise or eliminate future risk; and
- iv. an overview of the degree of violence and aggression faced by staff and their ability to deal with it.

Race and ethnic monitoring

13.5 Race and ethnic monitoring information is needed on all residents. All referrals should therefore be obtained where possible through use of the standard race and ethnic monitoring form. Many residents in Approved Premises are already in contact with the probation service. The information contained in this form should therefore already be available and the expectation is that systems should be set up to retrieve this information whenever possible. The intention is to avoid repeating the interview but this might not always be possible. Approved Premises managers are responsible for ensuring that the form is completed on all residents.

13.6 Managers of Approved Premises should ensure that referral forms make it clear that what is required is an assessment by that individual about their own race and ethnicity, and that the information is sought for monitoring purposes and has no bearing on the decision making process.

Monthly monitoring

- 13.7** The H1 returns provide the Home Office with regular and up to date statistical pictures in some areas of work in Approved Premises. The current form and instructions for completion are at Appendix K of this handbook.

Confidentiality and data protection

- 13.8** Where personal information is held on computer, managing bodies have the responsibility to comply fully with the Data Protection Act 1984. The eight principles of this Act are set out in Annex E of Probation Circular 47/1994.

Financial

- 13.9** Records of income should tally with records of occupancy and managers must be able to trace matters such as bad debts and any income waived. Approved Premises managers should seek advice from their auditors regarding the appropriate period for the storage of all financial records.

Electronic monitoring

- 13.10** The use of electronic monitoring is increasing, and this handbook cannot hope to cover all the possible ways that such monitoring might be used in the future. Most Approved Premises now have equipment installed for monitoring residents electronically.

- 13.11** National Standards make it clear that protocols should be agreed with contractors for dealing with curfew variations and violations where electronic monitoring has been imposed as a licence condition or with a curfew order. Staff in Approved Premises should also ensure that residents subject to electronic monitoring are fully conversant with the operation of the equipment and understand the conditions imposed. Arrangements must also be in place to enable 24 hour access to the Approved Premises by contractors.

- 13.12** The most common uses of electronic monitoring at present are Home Detention Curfew (HDC) and electronically enforced curfew orders under Sections 12 and 13 of the Criminal Justice Act 1991. However, the Criminal Justice and Court Services Act 2000 includes powers to increase greatly the use of electronic monitoring. None of these powers have yet been introduced, but some are currently being piloted. The Act allows for the possibility of additional requirements to be included in any of the following community orders; Community Rehabilitation Orders, Community Punishment Orders and Community Punishment and Rehabilitation Orders, including curfew requirements, which may be enforced electronically. The Act also allows for courts to impose new exclusion orders, which may be enforced electronically, including the use of Voice Verification when available.

- 13.13** There is also currently a pilot of a scheme to electronically monitor curfew conditions for prisoners on licence. Another scheme currently being piloted is the electronic monitoring of the curfew conditions of dangerous offenders under the Early Warning Scheme, which was introduced nationally on 1 February 2001.

Approved Premises Regulations 2001

STATUTORY INSTRUMENTS

2001 No. 850

PROBATION

The Criminal Justice and Court Services Act 2000
(Approved Premises) Regulations 2001

Made 8th March 2001
Laid before Parliament 9th March 2001
Coming into force 1st April 2001

In exercise of the powers conferred upon him by section 9(3) of the Criminal Justice and Court Services Act 2000^(a), the Secretary of State hereby makes the following Regulations:

1. Citation and commencement

These Regulations may be cited as the Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001 and shall come into force on 1st April 2001.

2. Interpretation

In these regulations –
“admissions policy”, in relation to approved premises, means a policy which specifies the categories of person suited to reside at the premises;
“approved premises” means premises approved under the section 9 of the Criminal Justice and Court Services Act 2000;
“community sentence” has the meaning

given to it by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000^(b);

“management committee” has the meaning given to it by regulation 5;
“managing body” means:

- a) in relation to approved premises provided by a local probation board, that board, and
- b) in relation to any other approved premises, the management committee established for those premises under regulation 5;

“relevant local board”, in relation to approved premises, means the local probation board in whose area the approved premises are situated;

“resident” in relation to approved premises, means a person who lives in the approved premises otherwise than in the course of his employment, and “reside” shall be construed accordingly.

- (2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

3. Revocation

The Approved Probation and Bail Hostel Rules 1995^(c) are hereby revoked.

^(a) 2000 c. 43.

^(b) 2000 c. 6.

^(c) S.I. 1995/302.

Approved Premises Regulations 2001

4. Management of approved premises that are not provided by local probation boards

Regulations 5 to 7 shall apply to approved premises which are not provided by a local probation board.

5. Management committees

All approved premises to which this regulation applies must be managed by a committee (in these Regulations known as a "management committee).

6. Management committees: constitution

(1) Each management committee must prepare a written constitution, which shall not become effective until it has been agreed with the relevant local board.

(2) The constitution must deal with the membership of the management committee, the duration of appointments to it, the frequency of its meetings, its quorum and such other matters as the management committee or the relevant local board consider appropriate.

7. Management committees: meeting and reports

(1) Each management committee must notify the relevant local board of the dates and times of its meetings and must permit:

- a) a member of the relevant local board;
- b) an officer of the relevant board of the grade of assistant chief officer or above; and
- c) a person appointed by or on behalf of the Secretary of State, to attend its meetings for the purpose of giving advice to the management committee.

(2) Each management committee must keep minutes of its meetings and make them available for inspection by or on behalf of the Secretary of State and by any auditor appointed to audit its accounts.

(3) Each management committee must publish an annual report containing the names of its members and such other information as the Secretary of State may require.

8. General duties of the managing bodies of approved premises

(1) Each managing body must ensure that:

- a) the approved premises under its management are maintained in a condition which is satisfactory having regard to their purpose;
- b) the premises are run in a manner which promotes public protection and the reduction of offending behaviour; and

c) at least two members of staff are present on the premises at all times.

(2) The managing body must exercise effective control over all expenditure incurred in connection with the approved premises and must prepare such statements of accounts as the Secretary of State may require.

(3) The managing body shall be responsible for the appointment, training, discipline and dismissal of the staff at the approved premises.

(4) The managing body must prepare house rules for the approved premises, governing the conduct of residents, which must comply with any requirements of the Secretary of State as to the content of such rules.

(5) The managing body must bring the house rules prepared under paragraph (4) above to the attention of every resident of the approved premises and take all appropriate measures to ensure that they are complied with by all such residents.

9. Residence conditions

(1) Except with the prior consent of the Secretary of State the number of residents at any approved premises at any time must not exceed such number as may be approved in respect of those premises by the Secretary of State.

(2) Except with the prior consent of the Secretary of State the managing body of any approved premises must not allow any person to be present on the premises if he is outside such age limits as may be approved by the Secretary of State in respect of the premises.

(3) The managing body of any approved premises must not allow any person to become a resident of the premises or, where he is a resident, allow him to continue to reside here unless:

a) he is on bail in criminal proceedings (within the meaning of the Bail Act 1976^(a));

b) he is serving a community sentence

c) he is on licence, or is subject to supervision by virtue of section 65 of the Criminal Justice Act 1991^(b);

d) the chief officer of the relevant local board, someone acting on his behalf or the Secretary of State considers that residence at the approved premises is necessary for the protection of the public; or

e) the chief officer of the relevant local board, someone acting on his behalf or the Secretary of State considers that the person ought to receive supervision or treatment and that residence at

^(a) 1976 c. 63.

^(b) 1991 c. 53.

Approved Premises Regulations 2001

the approved premises is necessary in order to enable him to receive it.

10. Admissions

- (1) Every managing body of approved premises must adopt an admissions policy for the premise.
- (2) The admissions policy must:
 - a) comply with any requirements of the Secretary of State as to the admissions policies of approved premises; and
 - b) where the approved premises are premises to which regulations 5 to 7 apply, be approved by the Secretary of State.
- (3) The managing body must notify the courts for the area in which the approved premises are situated of the terms of its admissions policy.
- (4) Subject to regulation 9, every managing body of approved premises must admit as a resident of the premises any person who falls within one of the categories of person specified as suitable in the admissions policy, but no other person.

11. Residents subject to a residence requirement

- (1) Where a person is subject to a requirement (in this regulation

referred to as a "residence requirement") to reside at the approved premises by virtue of:

- a) a term of any court order; or
 - b) any condition of a licence or requirement imposed under section 65 of the Criminal Justice Act 1991, the managing body must not, except in the circumstances described in paragraph (2) below, require him to end his residence before the expiry of the residence requirement.
- (2) The circumstances referred to in paragraph (1) above are:
 - a) that an emergency has arisen; or
 - b) that the resident has broken the house rules and that breach has been reported -
 - i) in a case to which paragraph (1)(a) applies, to the court which made the order; or
 - ii) in a case to which paragraph (1)(b) applies, to the Prison Service.
 - (3) Where the managing body for any approved premises intends to require a person who is subject to a residence requirement to end his residence at the premise, it must give reasonable notice of that intention to any officer of a local probation board

responsible for the residence and, in the case of the resident on bail, to the court which granted bail.

12. Periods of leave

A person residing at approved premises who is required to reside at the premises by any provision of a community sentence, may, with the consent of the officer responsible for supervising that order and the person in charge of the premises, leave the premises for a period of not more than five consecutive days.

13. Absconding

Where a resident absconds from approved premises, the person in charge of the premises shall immediately notify:

- a) in case of a resident required by or under any provision of a community sentence to reside at the approved premises, the person responsible for supervising that sentence;
- b) in the case of a resident required by virtue of any condition of a licence or any requirement imposed under section 65 of the Criminal Justice Act 1991 to reside at the approved premises, the person responsible for supervising that licence or notice of supervision; and
- c) in the case of a resident who is on bail and is required as a condition

of that bail to reside at the approved premises, the court which granted bail, the police and any officer of a local probation board assigned to the resident's case.

14. Financial hardship

Where a resident of any approved premises is suffering from financial hardship, the managing body for the premises may make arrangements for him to be paid an allowance.

15. Expenses

Every managing body must charge residents in respect of the expenses of their maintenance, such sums as the Secretary of State may determine.

16. Medical care and advice

- (1) Every managing body must ensure that facilities are available for the provision of any necessary medical and dental treatment.
- (2) The managing body may appoint a medical officer to assist in discharging its functions under paragraph (1) above.

17. Records and returns

Every managing body must arrange for the keeping of all registers and records required by the Secretary of State and must cause to be sent to the Secretary of

National Standards – Part F

State such returns, statements and other information as may be required by him from time to time.

Inspection

18. Every managing body must arrange for the approved premises for which it is responsible to be open at all times to inspection by or on behalf of the Secretary of State and must, in connection with any such inspection, make available for examination the books and records of the approved premises.

*Home Office
8th March 2001*

*Barbara Roche
Minister of State*

Purpose

- F1. The purpose of Approved Premises is to provide an enhanced level of residential supervision with the aim of protecting the public by reducing the likelihood of offending. Approved Premises are for bailees, those subject to community sentences with a condition of residence in the Approved Premises, and post custody licencees where their risk of causing serious harm to the public or other likelihood of reoffending means that no other form of accommodation in the community would be suitable. Exceptionally, voluntary residents may also be accommodated in Approved Premises, so long as the chief officer, someone acting on his behalf, or the Secretary of State considers that the residence is necessary for the protection of the public, or that the person ought to receive supervision or treatment and that residence at the Approved Premises is necessary in order to enable the offender to receive it.
- F2. Approved Premises enhance supervision in that they:
- impose a supervised night time curfew which can be extended to other times of the day (e.g. as required by a court order or licence condition);
 - provide 24 hour staff oversight;
 - undertake ongoing assessment of attitudes and behaviour;

- require compliance with clearly stated house rules which are rigorously enforced; and
- provide a programme of regular supervision, support and daily monitoring that tackles offending behaviour and reduces risks.

Rules

- F3. In addition to these Standards, Approved Premises shall operate within:
- the Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001;
 - a set of local house rules dealing with the requirements and restrictions on residents. These shall include:
 1. requirements and prohibitions on:
 - the use of alcohol, solvents and controlled drugs, other than on prescription and following notification to approved premises staff;
 - any conduct or language that reasonably give serious offence to approved premises staff, other residents or members of the public;
 - theft of, or damage to, the property of the approved premises, staff, electronic monitoring contractors or residents; and shall also

- require residents to be in the approved premises between 23.00 and 06.00;
 - require prompt payment of the weekly charge.
2. provisions as to the measures to be taken to enforce the requirements and prohibitions, including the power to search the resident's room and any possessions kept at the approved premises.

Admission policy

- F4. Approved Premises staff must respond to each referral as soon as possible. Approved Premises admissions shall be based on risk assessment procedures, using the relevant elements of OASys, when implemented, which:
- do not automatically exclude any category of offence except where agreed with the National Probation Directorate;
 - identify the risk of serious harm to the public, Approved Premises staff, the individual or other residents;
 - reflect the ability of the approved premises to manage and reduce the risks identified in accordance with local public protection policies and practices; and
 - reduce the likelihood of reoffending.

Supervision

- F5. Supervision in the approved premises shall:
- address and reduce offending behaviour;
 - challenge offenders to accept responsibility for the crimes committed and their consequences;
 - contribute to the protection of the public;
 - motivate and assist residents towards a greater sense of personal responsibility and discipline; and
 - aid reintegration of offenders as law-abiding members of the community
- F6. All Approved Premises residents must have a written assessment in relation to the risks they present of causing serious harm to victim(s) of the offence, to the public, to staff or to themselves.
- F7. Approved Premises staff shall:
- ensure that, as soon as practicable after arrival, every new resident is interviewed by a member of the supervisory staff when the house rules will be explained fully and signed by the resident;
 - within seven working days of each resident's arrival, and based on the

assessment of the resident, produce a planned programme for the expected duration of stay at the Approved Premises which:

- addresses offending behaviour;
- is congruent with any other orders to which the resident may be subject;
- addresses the management of identified risks of harm posed by the resident;
- does not conflict with any reasonable employment requirements or the offender's religious considerations;
- ensure that residents take part in Approved Premises-run or other programmes on how to avoid offending. Programmes should be designed according to the principles of effective practice;
- plan for the resident's community reintegration, including arrangements for the resident's discharge from the Approved Premises; and
- contribute to any report to the court on the resident and include details of any serious or repeated failure to comply with the court order or the rules of the Approved Premises, as well as achievements.

- F8. For offenders subject to statutory supervision there must be a supervision plan, as identified in Section C of these Standards. Sometimes this will be the responsibility of approved premises staff, sometimes of the supervising probation officer located elsewhere, in which case a copy must be made available to the approved premises manager once the plan, and any reviews, are completed. Any approved premises programme for a resident must be consistent with a supervision plan. There should always be close liaison and sharing of information between approved premises staff and field probation officers.

Recording

- F9. In addition to the general recording requirements of these National Standards, approved premises staff shall record the following information in respect of each resident on arrival:
- name, date of birth, sex, ethnicity home address, next of kin (with address and telephone number);
 - sentencing court, and charge or conviction resulting in the residence requirement;
 - any bail, order or licence conditions;
 - any future court dates and reports required;
 - any supervising probation officer;

List of some main duties of managing bodies

- any religious or cultural considerations;
- any prescribed medication, medical conditions, diet; and
- the paying authority

F10. Staff must subsequently record any changes to these items plus any significant events, including violent or racist incidents and failure to comply with the rules, in the resident' records. In addition, Approved Premises are required to keep up to date a logbook in which significant incidents, and complaints, are to be recorded.

Enforcement

F11. Approved Premises staff shall:

- ensure that residents comply with all requirements imposed by the courts or included in their licence;
- notify the police of any serious or repeated instances of failure of a resident to comply with any requirements, including compliance with the house rules; and
- notify the police immediately if any resident on bail either fails to arrive or any resident commits a further offence.

F12. Each Approved Premises shall have a clear policy in respect of enforcement of the house rules. Minor infringements of

the house rules may be dealt with by informal local warnings, which must be recorded. However, serious or repeated breaches will result in recall to prison, breach action or application for revocation of bail as appropriate. Staff are to be guided in their judgements by the requirements in these Standards concerning enforcement (see Section D).

Arrangements for electronic monitoring

F13. Approved premises management, in conjunction with contractors, shall ensure that:

- they follow a protocol agreed with the contractors for dealing with curfew variations and violations where electronic monitoring has been imposed as a condition of parole licence or with a curfew order;
- residents subject to electronic monitoring are fully conversant with the operation of and equipment and understand the curfew conditions imposed; and
- arrangements are in place to enable 24 hour access to the approved premises by contractors.

The following list is not exhaustive, but covers some of the main responsibilities that managing bodies are expected to fulfil:

1. Under Regulation 7(1) of the Approved Premises Regulations 2001 every management committee must invite a member of the relevant local probation board to its meetings, for the purpose of giving advice to the committee. Therefore in practice in every probation area where there is a voluntary managed Approved Premises, the Probation Board of that area will have a member who is also on the management committee of the voluntary managed Approved Premises.
2. The management committee must also invite an officer of a grade of Assistant Chief Officer or above from the local Probation area to attend meetings for the purpose of giving advice. Therefore in practice an ACO will be able to liaise between the probation area and the voluntary managed Approved Premises, and this non-voting member of the management committee is thus a key resource, able to contribute significantly to the flow of information and the raising of issues.
3. All managing bodies, within the Regulations, and the requirements of National Standards, are responsible for the policies of each Approved Premises. These responsibilities

include the broad outline of the regime of the Approved Premises.

4. Under Regulation 8(4) all managing bodies are also responsible for the setting of local house rules, and the enforcement of those rules.
5. All managing bodies are also ultimately responsible for the financial management of the Approved Premises.
6. Under Regulation 10 all managing bodies must adopt an admissions policy for their Approved Premises. Voluntary managed Approved Premises must submit a copy of their admissions policy to the National Probation Directorate for approval.
7. All managing bodies are also responsible for the recruitment, training and dismissal of staff in the Approved Premises.
8. All managing bodies are also responsible for the public relations of the Approved Premises.
9. All managing bodies must ensure that all residents have access to necessary medical and dental facilities.
10. All managing bodies must ensure that the approved premises for which it is responsible is open at all times for inspection by or on behalf of the Secretary of State.

Summary of staffing issues contained in the Probation Circular PC13/2000

Probation Circular PC13/2000, including Annex B, outlined recommendations on how the 1998 HMIP Report on the Thematic Inspection of Approved Hostel work should be taken forward. The main issues in relation to staffing are summarised below:

1. Regular staff supervision sessions and competence based appraisals should take place, recorded and reviewed, with supervisors receiving appropriate training.
 2. Work in Approved Premises should receive greater attention in staff induction programmes.
 3. Mobility policies for residential staff should be reviewed and implemented.
 4. Staff working in Approved Premises should have sufficient training – local managers have a responsibility to ensure that this is provided.
 5. Managing bodies (management committees and probation boards) should work together to ensure that the training needs of voluntary managed staff are addressed in accordance with probation managed staff.
 6. The training and career prospects of Approved Premises staff should be enhanced, with staff encouraged to work for the appropriate NVQs.
- Suitable training and support should be available for those interested in becoming probation officers.
7. Clearly defined competencies should exist for staff, constantly reviewed and tied in with occupational standards.
 8. Approved Premises staff should be encouraged to move to other areas of probation work at a similar level, including swapping posts to gain experience.

List of current relevant health and safety legislation

1. **The Health and Safety at Work etc Act 1974 (HSWA)**
 - Information and training
 - New and expectant mothers
 - The HSWA is an enabling Act which sets out the broad, general duty on employers to maintain places of work so that they are safe and without risks to health. Detailed requirements for specific areas are then set out in regulations which are legally binding. Approved codes of practice (ACOPs) are generally issued with regulations to give practical guidance on complying with the law. Guidance may also be issued on how to comply with the law; such guidance is not legally binding but are examples of good practice.
 - Some important issues are not covered by specific regulations so the legal duties of the employer are covered by the broad terms of the HSWA and the requirement to make risk assessments e.g. stress, violence, bullying and harassment. The Health and Safety Executive publish guides that cover these topics and many more.
2. **The Management of Health and Safety At Work Regulations 1999**
 - These Regulations cover:
 - Risk assessments
 - Health surveillance
 - Appointment of competent persons
 - Procedures for serious and imminent risk
3. **The Workplace (Health, Safety and Welfare) Regulations 1992**
 - These lay down minimum Standards for the workplace, the working environment and welfare facilities, and cover everything from ventilation, temperature, lighting, cleanliness, space, windows, traffic routes and doors, to sanitary, washing and drinking facilities.
4. **The Control of Substances Hazardous to Health (COSHH) Regulations 1999**
 - These cover the control of works from hazardous substances including chemicals, large quantities of dust and biological agents.
 - For Approved Premises the principal issues are:
 - Cleaning products
 - Hepatitis, tuberculosis, HIV infection.
 - The first step to complying with COSHH is that a non-hazardous substance is obtained. Non hazardous, preferably environmentally friendly products will not need to have a formal COSHH assessment and should be considered before the purchase of any hazardous substances.

List of current relevant health and safety legislation

- Hazardous substances used as part of an employee's work must be assessed to determine whether they are safe to use for a specific purpose and in a certain manner. The assessment will also identify what personal protective clothing is necessary. All staff must be aware of the hazardous substances they are using and what protective measures they should take to protect themselves. All staff using hazardous substances must attend a training course on the control of substances hazardous to health.
5. **The Health and Safety (Display Screen Equipment) Regulations 1992**
- Under these regulations the employer must assess the risks to users' health from Display Screen Equipment (DSE) workstations and reduce the risks identified to the lowest level reasonably practicable (if a workstation is shared by more than one user, the assessment must be repeated for each individual).
 - The Schedule to the Regulations lays down the minimum requirements for workstations and includes details about the screen, the keyboard, the work desk or surface, the work chair and the "software". Other parts of the Regulations deal with eyesight tests and planned breaks from the screen.
6. **The Manual Handling Operations Regulations**
- These apply whenever manual handling operations are carried out – i.e. physical lifting, carrying or moving a load.
 - Where a task cannot be redesigned to avoid moving a load or automating or mechanising the process then a risk assessment must be done.
 - The assessment process will take account of the load to be handled, the task at hand, the working environment and the capability of the individual carrying out the operation. Assessments will identify the degree of risk and the necessary control measures required to reduce that risk. All such assessments shall be brought to the attention of the employees concerned. Any remedial action recommended as a result of such an assessment, e.g. the provision of a trolley, must always be implemented and used.
 - Guidance should be issued on safe lifting techniques.
7. **FIRE: Fire Precautions (Workplace) Regulations 1997 (as amended), the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions Act 1971.**
- The basic elements of the employer's responsibilities are to:
 1. carry out a written fire risk assessment;
 2. provide suitable fire fighting equipment;
 3. provide adequate training for all staff; and
 4. organise fire evacuation drills.
8. **The Electricity at Work Regulations 1989**
- The main implications for Approved Premises work are as follows:
- All portable electrical equipment provided by the employer and used by staff must be formally tested by a competent person annually or in accordance with manufacturer's recommendations, with records of such tests and examinations being kept.
 - Electrical systems themselves must also be tested for safety every five years or as recommended by a competent person.
 - Only specialist contractors should be employed to undertake electrical equipment inspection and testing.
 - Electrical equipment brought into the Approved Premises by staff or residents must be visually checked locally prior to use. Staff may confiscate electrical equipment if it appears to be in a dangerous condition. Staff must ensure that dangerous electrical equipment is taken out of use.
 - Only qualified electricians can undertake electrical work or repairs. No member of staff should undertake any electrical work/repairs.
9. **RIDDOR 1995**
10. **Health and Safety (First-Aid) Regulations 1981**
11. **Working Time Regulations 1998**
12. **Safety Representatives and Safety Committees Regulations 1997**
- This covers the following:
- Appointing safety reps
 - Inspections rights
 - Accident investigation
 - Information and consultation rights
 - Health and Safety Committee

Probation Circular PC71/1998 (Serious Incident Reporting)

Probation Service Division

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29 October 1998

To: Chief Probation Officers
 Secretaries to Probation Committees

Probation Circular No.71/1998

SERIOUS INCIDENT REPORTS: ANALYSIS

1. Purpose

This circular covers an analysis undertaken by the Home Office Research, Development and Statistics Department of serious incidents reported to the Probation Unit during the period January - July 1997. It also restates the requirements of the incident reporting system and provides guidance on the procedures to be followed when notifying the Home Office if an offender or defendant under probation service supervision (including all residents in approved hostels), or person in contact with the family court welfare service, is charged with murder or other very serious offences. The circular also updates guidance on how to carry out the subsequent management review and as such replaces PC 79/96.

- 1.2 The circular does not affect existing arrangements for notifying the Parole and Lifer Review Group or Mental Health and Criminal Cases Unit (MHCCU) of incidents in those cases where the Home Office has responsibility for recall.
- 1.3 Nor does this circular affect the arrangements for notifying the Probation Unit of the death or serious injury to a child. The Probation Unit should continue to be informed of any case in which a probation service is involved, where a child dies or suffers serious non-accidental injury or other abuse after the commencement of probation service involvement.
- 1.4 A serious incident may include family court welfare work as well as supervision. Services should inform the Probation Unit as soon as such an incident occurs and should forward a copy of the management review prepared for the Area Child Protection Committee (ACPC), together with the ACPC report when it is ready. As with other serious incidents HMIP will liaise with the service about any concerns they may have.
- 1.5 New arrangements for reporting deaths in hostels now apply (see para 7).
- ##### 2. Summary
- 2.1 When an offender or defendant under probation service supervision, or a person involved with the service through the family courts, is charged

Probation Circular PC71/1998 (Serious Incident Reporting)

with a serious offence, or there is a death in an approved hostel, there can be a number of consequences.

2.2 Such cases may reveal deficiencies in practice, policy or legislation. These deficiencies may not solely relate to the probation service, but may involve other agencies with whom it works. Such deficiencies may become more apparent in the course of reviewing a number of cases nationally than they do in individual services who may encounter such cases only rarely. The attached RDS analysis is an attempt to give an overview of the reporting system across services during an identified six month period. The report examines information contained in management reviews, received from the services, about the characteristics of the offenders involved and how they were assessed and supervised including compliance with National Standards and liaison with other agencies. It was found that information requested in PC 79/96, the previous circular on this subject, was frequently missing from the management reviews and the report reminds services of the importance of comprehensive and accessible reviews if lessons are to be learned both locally and by services as a whole from reported incidents. The report highlights the main areas in which improvements in documentation are needed.

2.3 Whilst an average of four serious incident reports are received each week by the probation unit it is important to put this figure in context. Those

involved in serious incidents represent less than a tenth of one per cent of all offenders being supervised by the probation service. Nevertheless the report indicates that the number of serious incidents being committed whilst an offender or defendant is under probation service supervision is increasing and services are reminded that they **must continue to notify the Probation Unit of the Home Office of the following offences:**

- a. murder;
- b. attempted murder;
- c. arson where there is intent to endanger life;
- d. manslaughter;
- e. rape;
- f. any other very serious violent or sexual offence, armed robbery (defined as robbery involving a firearm), assault with a deadly weapon or hostage-taking; and
- g. any other offence which has attracted or seems likely to attract, significant media interest or is thought likely to raise wider issues of national interest.

Services are particularly asked to note the importance of (g) as media interest, which if not properly handled, can undermine the credibility of the

probation service as a whole. It is important that the Home Office and the relevant services are properly prepared. Media interest may arise where charges are first brought, or much later, when the case comes to trial. It might also occur where, for example, a member of the probation service is arrested or charged with an offence.

Services are not required to routinely report offences of conspiracy to rob, robbery, GBH, ABH and malicious wounding unless they fall within (g) above.

3. Initial action

3.1 In all cases covered by this circular, the Probation Unit should be informed within 48 hours of an offender or defendant, or person in contact with the family welfare service, being charged, or of a hostel death. Initial notification should be by fax (020 7273 3944) and should be followed as soon as possible by the report of a management review of the case (but see para 7 for deaths in hostels). There has been some concern about at what point a management review should commence. This circular reiterates that a not guilty 'plea' does not affect the undertaking of a review, and that the review should continue even if the charge is reduced. It is recognised that in some cases services will only be able to provide a preliminary note of the facts of the case and that a full review will only be available once a case has

completed the trial process or once disciplinary investigations against staff are have come to an end.

3.2 The initial notification, except for hostel deaths, should include the following information:

- name of person charged;
- date of birth;
- sentence currently being served (including dates) or type of probation service involvement in family court welfare;
- offence charged and date of commission; and
- contact telephone number of an ACPO or above who can advise on any local media interest.

4. Management reviews

4.1 The purpose of the management review is to enable local services to make an objective assessment of their involvement in the case, both in terms of the management of the individual case and the procedures which the service has in place. It is not the purpose of the management review to allocate blame but to assess what has occurred so that any lessons are learned both by individual services and, where appropriate, by the service as a whole. Much of the thrust of the HMIP Thematic Inspection on Dealing With Dangerous People was that

Probation Circular PC71/1998 (Serious Incident Reporting)

responsibility for managing dangerous offenders needed to be recognised as one held by the service and not solely by individual staff members.

- 4.2 The primary recipient of the management review is the local probation service management but the local Probation Committee should also always receive a copy of the report, not just when it is deemed necessary. The report to the Home Office of the management review is to enable the Home Office to consider the assessment of the case by the local service, including an assessment of its procedures, the conclusions of the management review, and any action taken as a result. If HMIP has concerns about the quality of supervision exercised or service provided, or the service's procedures, they will pursue these directly with the service concerned. HMIP will include examination of any procedures intended to be put in place following a review in their annual inspection programme. The management report will also be used to inform the consideration of national issues which affect the probation service as a whole.
- 4.3 In normal circumstances, the review should be carried out by someone of chief officer grade who has not been concerned with the line management of that particular case. In any event, the review should be endorsed by someone of chief officer grade who, when reporting to the Home Office, should indicate whether any service-wide issues

need to be addressed. The report to the Home Office should clearly indicate that it has been copied to the chief probation officer and the local Probation Committee.

- 4.4 Guidance on issues which need to be considered during the management review is contained in the checklist annexed to this circular. This incorporates suggested improvements in documentation highlighted by the RDS report. The list is not, however, exhaustive and chief officers should continue to supplement it with any other relevant local or other policy issues felt to be relevant. Whilst the list is aimed at the criminal justice work of the service, many of the factors will be applicable to the family court welfare service.
- 4.5 In general, services produce high quality management reviews of cases and the hard work spent in preparing them is much appreciated by the Probation Unit and HM Inspectorate of Probation. The reviews help us to identify issues which need to be addressed and the lessons learnt are assisting us in the development of work on risk assessment and risk management, especially regarding identification and management of dangerous offenders. 46% of the reviews looked at in the RDS analysis indicated that the service was planning to take action in the light of the incident. This included: wider training across the service (39% of the total case sample); improvements in inter-agency cooperation and

information exchange (15% of cases). In 38 of the 49 cases in which action had been taken or was planned, an assessment was made of how likely this was to prevent future incidents. This assessment of management reviews by the local service is vital in order to determine if lessons can be learned about how procedures and/or practices might be improved.

- 4.6 Although the management reviews looked at during the RDS analysis identified deficiencies in 39% of cases, it is also clear that in many cases the offender's history and circumstances did not point to the commission of a very serious offence. It is also important to note that the incidents analysed by RDS predated the issuing of the joint ACOP/Home Office Management and Assessment of Risk Resource pack issued last year which outlined good practice for services to follow in the establishment of multi-agency arrangements to identify and manage potentially dangerous offenders in the community. It is likely that services ability to analyse risk will have improved as a result of this pack and the follow-up training.
- 4.7 Additionally a number of services are taking positive action to deal with some of the difficulties associated with assessing the risk related to persons under their supervision. A questionnaire issued earlier this year by ACOP Risk and Public Protection Group to all services revealed that 52 services have a policy in relation to public protection

(the other two were in the process of formulating one); 44 have a published strategy and/or practice guidelines for working with dangerous offenders. Forty-one services have inter-agency protocols for sharing information and but three maintain a register of 'dangerous offenders'. All of this work ties in well with the effective practice initiative which is looking at ways of developing and evaluating new and better ways of supervising offenders and managing caseloads.

- 4.8 That being said, the RSD analysis found that shortcomings in supervision and failures to meet particular aspects of the National Standards were identified in a number of cases and whilst it is noted that these shortcomings may not have contributed to the offence, they did make it difficult for a service to defend the supervision of a case. Chief probation officers are asked to note the key points of the attached analysis and in particular the supervision shortfalls identified. These include non-preparation of supervision plans within ten days of a court order or within a few days of an offender leaving prison (the RSD survey found this Standard was met in only 54% of cases); the need for a thorough initial assessment of risk to the public (in only two-thirds of cases was an initial assessment of risk of reconviction recorded although the management reviews stated that a risk assessment had been conducted in 90 of the 107 cases as soon as supervision had begun) together with ongoing risk

Probation Circular PC71/1998 (Serious Incident Reporting)

assessment (this was only made in half of the cases analysed); and the need to make better use of available risk assessment tools (in this case, OGRS scores, calculated by RDS on 69 offenders, indicate that only 14 offenders (20%) had less than a 50% chance of reconviction and 18 stood more than a 3 in 4 chance of being reconvicted).

5. Report to the Home Office on probation service involvement with offenders/defendants charged with serious offences

5.1 The report to the Home Office should contain a short executive summary of its findings and the information detailed below, laid out in the following format:

Name of probation service
 Name of officer who conducted the management review (contact telephone number)
 Name of chief officer grade (if different from above) (contact telephone number)
 Defendant/offender's name
 Date of birth
 Current sentence being served/status e.g. on bail
 Commencement and termination date of order/licence/bail period
 Most recent conviction to which this relates
 Except for hostel deaths, details of the offence/incident with which the offender is now charged, including date (please provide details as fully as possible, including the circumstances of

the offence)
 Previous convictions (in chronological order)
 History of the probation service's involvement with the offender (in chronological order)

5.2 It should also contain:

- details of supervision under the current sentence (including an assessment of the degree to which supervision met the requirements of the relevant National Standard and on the frequency of contact, and the quality of supervision and enforcement); any details of the PSR proposal (if any) and the extent to which the subsequent supervision was consistent with the order made by the court; and details on the extent to which additional requirements attached to a probation order, licence conditions or bail conditions have been implemented, supervised and enforced;
- an account of the service's policies and procedures for assessing and managing risk and of whether ongoing risk assessment was undertaken in this case;
- details of any action which the service proposes to take as a result of the management review;
- details (where appropriate) of any relevant involvement by other

agencies (eg. health/drug services etc), any review that may have been carried out and any issues which the probation service will be pursuing as a result.

5.3 Where appropriate, any other documents which may usefully inform the assessment or report to the Home Office should also be submitted eg. PSR, supervision plan or risk management plan (where these are available).

5.4 The report should have a conclusion which describes the service's assessment of the following issues:

- risk assessments – did this take place in accordance with National Standards, and local policy and procedures? How was risk assessed and was it predicted accurately?
- risk management – does the service have a risk management policy? Was the person assessed as posing a risk of serious harm to others and, if so, was he or she supervised in accordance with risk management policy?
- supervision – is the service satisfied that this case was supervised satisfactorily? Were there deficiencies? What, if anything, should have been done differently?
- if factors such as alcohol, drug misuse, violence, or psychiatric or other mental disorder had been

identified, was appropriate action being taken to address these and what was that action?

- was there appropriate liaison with other agencies to assist work on offending behaviour and what was the nature of that liaison?

6. Report to the Home Office on family court welfare service involvement with persons charged with serious offences

6.1 The report to the Home Office should contain a short executive summary of its findings and the information detailed below, laid out in the following format:

Name of probation service
 Name of officer who conducted the management review (contact telephone number)
 Name of chief officer grade (if different from above) (contact telephone number)
 Name of person charged with the offence
 Date of birth
 Current involvement of family court welfare service
 Details of the offence/incident with which the person is charged, including date of commission (please provide details as fully as possible, including the known circumstances of the offence)
 Previous convictions (in chronological order)

Probation Circular PC71/1998 (Serious Incident Reporting)

6.2 It should also contain:

- details of family court welfare service involvement with the person and family (including an assessment of the degree to which the involvement met the requirements of the national standards)
- an account of the service's policy and procedures for managing risk and of whether ongoing risk assessment was undertaken in this case
- details of any action which the service proposes to take as a result of the case review
- details (where appropriate) of any involvement by other statutory or voluntary agencies; any review that they may have carried out and any issues the family court welfare service will be pursuing as a result.

6.3 Any other documents which may usefully inform the assessment or report to the Home Office should also be submitted where these are available.

6.4 The report should also have a conclusion which describes the probation service's assessment of the following issues:

- did risk assessment and child protection take place in accordance with local policies and procedures?
- is the service satisfied that family court welfare involvement with this

case was satisfactory? Were there any deficiencies? What, if anything, should have been done differently?

- was there appropriate utilisation of other agencies?

In relation to the information contained in 5 and 6 above, the RDS report suggests that if we are to build on current knowledge about serious incidents being committed by those under probation service supervision then there are a number of areas for improvement in the case management review documentation as follows:

- i. National Standard requirements re: timing and preparation on the supervision plan and frequency of appointments throughout the period of supervision – including any gaps during change of supervisor [HMIP will shortly be publishing a report on the recent inspection of offender assessment and supervision plans which will be relevant to this];
- ii. attendance at appointments and responses to non-attendance;
- iii. involvement of line management in case management;
- iv. enforcement and breach action (to include relevant dates)
- v. assessment of risk of reconviction and risk of harm to the public – initial and subsequent assessments;

vi. plans to manage level and nature of risk identified;

vii. manager's judgement as to whether assessment and management of risk in line with service's policies and procedures;

viii. criminal history of offender, including previous convictions;

ix. whether when incident occurred offender under influence of drugs or drink; and

x. details of work undertaken during the period of supervision including details of the focus of the work; the offenders attendance and response to the intervention.

7. Deaths in approved hostels

7.1 The approved hostels section of the Home Office Probation Unit should be informed of all deaths of hostel residents, irrespective of circumstances. Notification should include:

Name of the deceased
Date of birth
Background (time at hostel, behaviour, etc)
Resident status (probation/bail/licence/other)
Offences for which resident was previously convicted/charged
Circumstances of death (including place of death and date of any inquest)
Police involvement
Media interest

With the exception of deaths in approved hostels, on receipt of a report the Probation Unit will consider the findings and action proposed to be taken, brief its Communication Directorate if necessary, and refer cases of a particular concern to HMIP for review. A management review may not be appropriate in all cases where death has occurred in an approved hostel. The Home Office should however be notified of all outcomes, including follow-up action, inquest result and media comment. When notifying the Home Office of a serious incident, please ensure that it is clear whether the notification relates to a serious incident or simply to a death in a hostel.

8. Previous relevant circulars

8.1 Probation Circulars 41/95, 79/96 and 36/97; probation Circular 35/98 on the effective supervision of offenders; and a forthcoming circular on enforcement together with HMIP's forthcoming report on the thematic on offender assessment and supervision plans.

9. Contact for enquiries

Any queries about this circular should be directed to Matthew Bird at the above address (telephone 020 7273 3077).

10. Action

Chief probation officers are asked to note the contents of the attached RDS report and to continue to ensure that all serious incidents are reported to the

An example Resident Feedback Form

Home Office Probation Unit as soon as they are aware that such an incident has occurred. A management review of the case should commence shortly after notification even where there is an expectation that the charges will be dropped or reduced. It is recognised that in many cases a complete review will not be possible until all of the facts of the case have been heard in court or until disciplinary investigations are complete.



**RESIDENT FEEDBACK FORM
HOME OFFICE APPROVED PREMISES
NORTHUMBRIA**



RESIDENT'S NAME:	
DATE:	
DATE OF BIRTH:	AGE:
GENDER: (please circle)	MALE	FEMALE
HOSTEL NAME:	
TYPE OF ACCOMMODATION: (please circle)	HOSTEL	CLUSTER
KEYWORKER'S NAME:	
SUPPORT NAME:	

An example Resident Feedback Form

BEFORE YOU MOVED INTO THE HOSTEL

Before you moved into the Hostel, where were you living?

Own accommodation
 With family
 In prison
 Other hostel
 Homeless

How did you hear about the Hostel?

At court
 In prison
 Probation officer
 Solicitor
 Other

Was this the only hostel you were told about?

Yes
 No

What made you decide to move into the Hostel?

No option
 Alternative to custody
 Homeless
 Other

WHEN YOU MOVED INTO THE HOSTEL

What were your first impressions of the welcome you received from the hostel staff?

Excellent
 Good
 Fairly good
 Poor

How did you find the introduction process on entry into the hostel?

Excellent
 Good
 Fairly good
 Poor

Did you have a keyworker while you were at the hostel?

Yes
 No

Did you find your keyworker approachable?

Yes
 No

If yes, were they:

Excellent
 Good
 Fairly good
 Poor

How often did you meet with them?

Weekly
 Fortnightly
 Monthly
 Never

DURING YOUR STAY AT THE HOSTEL

What are your views on the food that was offered to you during your stay?

Excellent
 Good
 Fairly good
 Poor

Is there anyway we could improve on this?

.....

What were your thoughts on your living conditions?

Bedroom:

Excellent
 Good
 Fairly good
 Poor

Bathroom:

Excellent
 Good
 Fairly good
 Poor

Lounge Area:

Excellent
 Good

Are there any areas in the living quarters that could be improved?

.....

Have you at any time during your stay in the hostel felt discriminated against for any reason?

Yes
 No

Have you at anytime during your stay in the hostel felt bullied or intimidated?

Yes
 No

If you have answered yes to either of the above questions, was the matter reported to a member of staff? If no, please give reason why not.

Yes
 No

If yes, did you feel this was dealt with promptly and effectively and did you feel supported?

Yes
 No

Probation Circular PC48/1998 (Drugs Issues)

Background

7. HM Inspectorate's thematic inspection report on the work of the probation service with drug misusers addressed the particular needs and problems of hostel staff and residents. While commenting that much good practice was observed, it noted that:

"in the absence of any central or national guidance, managers were developing varied practices. It is therefore recommended that:

The Home Office should, in consultation with the Association of Chief Officers of Probation, develop guidance for the management of drug misusing offenders in probation hostels."

8. The Probation Unit formed a working group comprising representatives of the unit, HM Inspectorate, ACOP's social policy and housing and hostels committees, NAPBH, CPC and practicing hostel managers in response to this recommendation. The attached guidance is the product of their labours and has been widely circulated in draft for comments.

E A Grant

Probation Unit

GUIDANCE ON WORKING WITH DRUG MISUSERS IN APPROVED PROBATION AND BAIL HOSTELS

Introduction

- 1.1 The rôle and practice of approved hostels with drug misusers can be a critical factor in achieving a successful outcome.
- 1.2 **Managing committees should have a clear, written drugs policy for their hostels, which should be available to all staff and residents and which should reflect the area probation service's own overall policy.**
- 1.3 **National Standards for the Supervision of Offenders in the Community (1995) makes it entirely clear that the use of controlled drugs in hostels is only permissible when they are prescribed and hostel staff have been notified of their use. Use of illicit drugs and misuse of prescribed drugs is also, of course, an offence under the Misuse of Drugs Act 1971 and residents should be left in no doubt of the potential consequences of their offending and, specifically, of misusing drugs on the premises.**

2 Admissions and assessment

- 2.1 Misuse of illegal drugs is not, in itself, a bar to hostel admission.

- 2.2 Decisions about the admission of drug misusers to hostels will need to take account of the following considerations:

- illegal drug misuse is often associated with other criminal behaviour and can increase the risk to staff, other residents and the local community;
- hostel residents who continue to misuse drugs will probably fund usage by committing property crime or other offences. The consequences of re-offending and of drug misuse on the premises should be made clear to each resident on admission;
- hostel managers need to ensure that opportunities to tackle individuals' drug misuse and associated offending effectively are available, whilst containing and managing the risks involved; and
- it is **equally** important that hostels are able to create a safe and constructive environment for residents who do not misuse drugs.

- 2.3 **An evaluation of individuals' drug misuse should always be made at the referral stage as part of the formal risk assessment process in order to enable the level of risk to other residents, the community and staff to be assessed and to enable expectations and motivation to be clarified. Preliminary decisions can then be made on how risk can be managed.**

(National Standards makes it clear that risk assessment is an ongoing process and, particularly where a resident is undergoing treatment, it is important that that assessment is reviewed and revised in the light of progress or the lack of it.)

- 2.4 However, it should be recognized that, at referral, defendants may be reluctant to disclose drug misuse fearing this might prejudice the granting of bail. **A further detailed assessment should always therefore be made following admission by hostel staff.** This would be greatly assisted by having drug testing facilities available. Services/hostels may wish to develop a standard assessment pro forma to assist in this process. Where appropriate this should lead to immediate access to specialist services.

- 2.5 **Admission of drug misusers should be conditional on their willingness to co-operate with programmes/regimes designed to control, reduce or eliminate their drug misuse. Agreement to room searches is also necessary.** An additional bail condition, "to comply with assessment and treatment of drug misuse" may be helpful and is consistent with the philosophy underpinning the planned Drug Treatment and Testing Order. Liaison with officers supervising residents on probation orders with or without conditions of treatment and licensees/parolees is also important.

Probation Circular PC48/1998
(Drugs Issues)

2.6 *Prospective residents should be clearly informed of the hostel's expectations of residents in relation to drug misuse at the assessment stage. Additionally, as part of the supervision plan for any hostel resident a written contract¹ clarifying expectations whilst resident at the hostel should be agreed with, given to and signed by the resident.* Both should include:

- expectations regarding continued misuse or abstinence;
- the prohibition of drug misuse on the premises contained within the rules of the hostel and the action which will follow any infringement;
- co-operation with assessment and treatment processes;
- the circumstances in which information regarding individual drug misuse will be shared with other partner agencies; and
- confirmation that disclosure of drug misuse will not in itself result in breach action.

2.7 Where appropriate this may be a three way contract between the resident, the hostel and the provider of drug services. An example of such a contract is provided at Appendix 1.

2.8 *It is recommended that drug*

misusers should not be admitted to a hostel without the provision of and access to appropriate services. Hostels should make the necessary arrangements for the provision of services before deciding to target drug misusers.

3 Provision of medical and allied services

3.1 *All residents should, if possible, be registered with a GP, preferably with a GP or practice willing to take all the residents of the hostel. Where possible, the GP should hold a weekly surgery at the hostel and have an emergency call out system. Where hostel visits are not possible, residents should have regular access to a surgery.*

3.2 *Hostel managers should ensure that induction and support are provided to GPs involved in hostel work where necessary so that GPs understand the nature of hostel work, and to ensure that liaison and communication channels are provided.*

3.3 *It is crucial that bail conditions and conditions of residence are enforced according to the contract agreed with the resident.* Urinalysis is the most common method of testing whether drug users are complying with treatment programmes. This is a legitimate practice for hostels to use with hostel residents so long as clear health and safety guidance and

instruction have been given².

3.4 *Contracts for dedicated drug treatment services for hostel residents should ensure that random testing and its frequency are addressed and that clear agreements are reached about sharing results with hostel staff at the earliest opportunity.*

4 Managing Drugs in the Hostel³

These recommendations are consistent with and should be read in conjunction with paragraphs 2.13, 2.14 and 2.15 of the *Hostels Handbook*.

4.1 *Residents using prescribed medication should not be permitted to collect it from a pharmacy or retain it themselves. Where possible, hostels should use pharmacy delivery services. Where this is not possible, care should be taken by staff transporting medication, altering the members of staff responsible and the times of collection. It would be equally acceptable for residents' medication to be administered under supervision at a pharmacy or doctor's surgery.*

4.2 *Prescribed medication should be kept in a secure cabinet. Nominated members of staff should be responsible for dispensing all prescribed medication, which should be signed for by both the resident and the nominated member of staff and recorded on receipt at the*

hostel. The resident and the member of staff dispensing medication should also sign a register when it is dispensed. The register should include a note of the time, date and amount of medication given. Staff should be required to supervise the consumption of medication and only one resident should be present in the room at that time.

4.3 *Supervised arrangements for intravenous injection of medication are not normally practical in a hostel setting and should not therefore be provided.*

4.4 *If a resident is thought to be under the influence of non-prescribed substances staff should refuse to administer prescribed medication without first seeking medical advice.* In certain circumstances, it might be desirable to require a urine test if that facility is available.

4.5 *Where a harm reduction approach is adopted, sharps bins should routinely be provided for the safe disposal of used syringes.* These should be secure and sited unobtrusively but careful consideration of their location in individual hostels will be necessary for security and harm minimization reasons i.e. to avoid them being broken into.

4.6 *Residents should be advised about local facilities and services for drug misusers e.g. needle exchange,*

¹ The term "contract" is used throughout this document to mean an agreement – it would be possible to apply for breach of a community order on the basis that an offender had not complied with the terms of the agreement contained in the "contract" but it would not be possible to take any other legal action.

² Drug services will normally be able to provide this.

³ There will be certain permissible exceptions to the recommendations contained in this section; for example, prescribed drugs for asthma sufferers, insulin for diabetics or adrenaline for those suffering from certain allergies might be retained by the offender as authorized (in writing) by their GP.

provision of condoms. Hostel programmes should contain sessions covering drug information including risks, harm reduction and available services.

5 Enforcement

5.1 National Standards set out requirements for enforcement in relation to community sentences and residents in approved hostels and should be followed.

5.2 The following additional points should be kept in mind:

- an admission of drug misuse should not in itself form grounds for breach action;
- any illegal drug misuse should always be challenged and not condoned;
- discovery of drugs on hostel premises should always give rise to appropriate enforcement action;
- evidence of dealing in drugs within or connected to the hostel should be reported to the police; and
- room searches authorized by the manager/deputy should be undertaken where it is suspected that illicit drugs are present within the hostel. Searches should be carried out by two members of staff.

5.3 These points should be reflected in the contract/agreement with the

resident and signed on admission.

6 Training

6.1 All supervisory staff employed in approved hostels need to develop the necessary competences to deal with the management of drug misusers in a hostel setting. Training should cover the following areas:

- drugs commonly misused, their appearance, properties and effects and how they are misused;
- harm reduction, health and safety issues and principles and practice;
- drug misuse and its links with offending; and
- drug treatment and services, methods and objectives of treating drug misuse.

6.2 Staff should be issued with a personal copy of the hostel drugs policy, which should contain clear procedures and instructions on how to deal with situations they will commonly face, such as residents in possession of or using drugs, unconscious or with breathing difficulties, needing to search a room for drugs.

6.3 It may be appropriate, where necessary, to seek assistance with training from the organizations providing programmes within hostels.

A SAMPLE CONTRACT

I agree to be assessed by staff from the hostel and by staff from the drugs agency concerning my drug misuse, and to co-operate with treatment programmes arranged for me.

I agree to supply a urine sample on request from staff.

I understand that information provided to either hostel staff or to drugs agency staff about drug misuse or about offending will be shared with workers from the other agency.

I understand that residents in approved hostels are expected not to re-offend and that those who are charged with new offences whilst in residence are likely to lose their place at the hostel.

It has been explained to me that evidence of continuing misuse of illegal drugs, after treatment services have been provided, will result in a review of the decision to maintain treatment supported by hostel residence.

I have been given a copy of the rules of this hostel and the drugs policy, which have also been explained to me, to keep.

..... Signed

..... Date

Summary of 1996 Department of Health Task Force Report

Treatment of Drug Misusers – Outcome Domains

The Task Force to Review Services for Drug Misusers* has established a set of measures against which services to drug misusers can be assessed. These are listed in Parts A, B and C below. In this context some of the measures listed below can be used as output measures towards the desired, sustained outcome listed at A1 below.

A. Drug use

1. Abstinence from drugs
2. Near abstinence
3. Reduction in quantity consumed
4. Abstinence from street drugs
5. Reduced use of street drugs
6. Change from depot (injection) to oral consumption
7. Reduction in frequency of injecting

B. Physical and psychological health

1. Improvement in physical health
2. No deterioration in physical health
3. Improvement in psychological health (this could include self esteem and respect)
4. No deterioration in psychological health
5. Reduction in sharing
6. Reduction in sexual health

C. Social functioning and life context

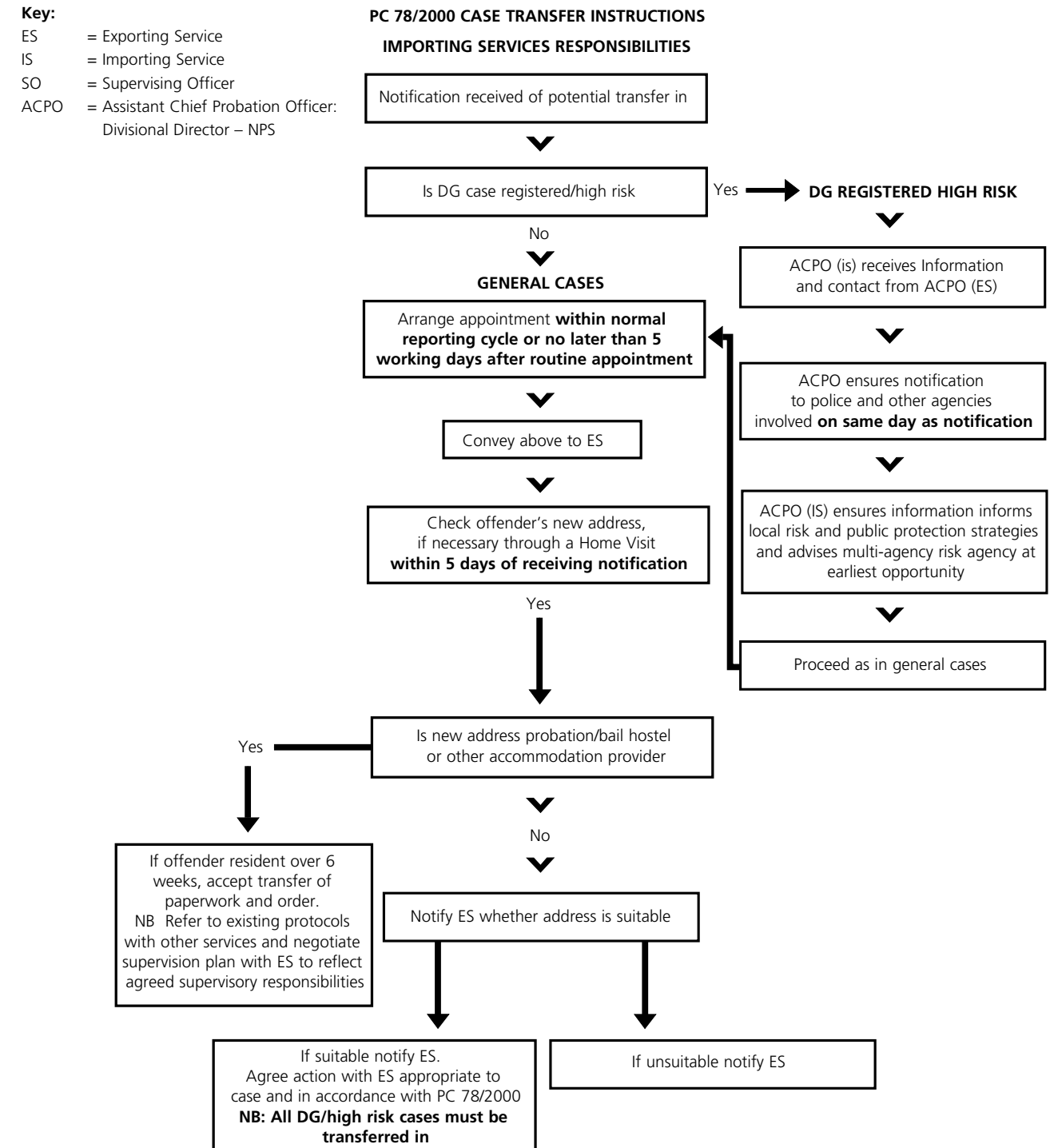
1. Reduction in criminal activity
2. Improvement in employment status
3. Fewer working/school days missed
4. Improved family relationships
5. Improved personal relationships
6. Domiciliary/stability/improvement

D. Other outcomes

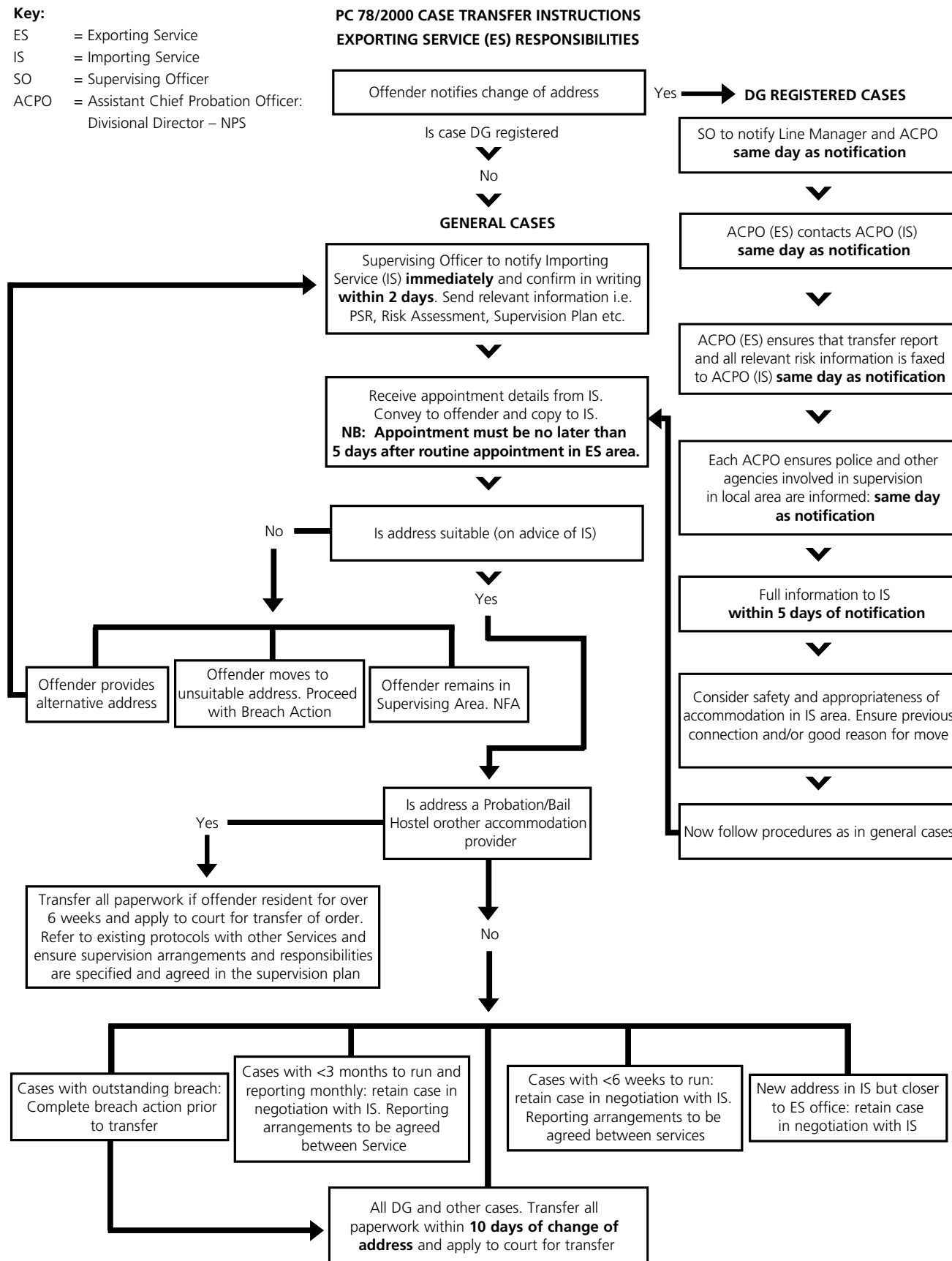
1. Constructive use of time
2. Behaviour in the Approved Premises
3. Reduction in dangerousness (risk of harm to others)

*Department of Health: 1996 The Task Force to Review Services for Drug Misusers – Report of Independent Review of Drug Treatment Services in England: published by HMSO.

An example of how Probation Circular PC78/2000 might work in practice



H1 form and instructions



Annex A of Probation Circular PC9/2002

EXPLANATORY NOTE-REVISED INSTRUCTIONS FOR COMPLETION OF H1 FORM

From 1 April 2001 the old SMIN 9 regarding successful completions was re-designated as SPM 10. The old KPI 8 for occupancy has now become SPM 18. The method of recording and calculating these figures have remained the same, and amended instructions and a new H1 form to be used from 1 April 2002 are attached. It is hoped that the revised form and instructions will provide a set of figures that give a more realistic indication of success and a better basis for comparing performance across the Approved Premises sector.

The H1 form enables the National Probation Directorate to calculate accurate occupancy and successful completions rates for each Approved Premises, and thus compare performance across the whole sector. It is important that each Approved Premises should send in an accurately completed H1 form as soon as possible after the end of the month, and in any event no later than the 8th of the following month. This will allow the forms to be input in NPD in good time each month.

Occupancy in Approved Premises is a Supporting Performance Measurement (SPM18). The current target is for average national occupancy across the Approved Premises sector to be 90% each year. The successful completions rate is also a Supporting Performance Measurement (SPM10), but there is currently no target for this.

H1 form and instructions

At the end of each month the return should be completed to give a percentage successful completion for the month. The calculation is completed as follows:

A Completed calendar months residence

The number of residents who have completed a full calendar month's residence during the month in question.

B Number of successful completions

Number of residents who have moved on from the Approved Premises in a planned way.

C Number of failed completions

Number of residents who have been breached or had beds withdrawn, etc.

D Others

Those whose departures from the Approved Premises will not be counted as a success or a failure.

Successful completion calculation formula

$$\frac{\text{Completed months} + \text{successful completions}}{\text{Completed months} + \text{total departures}}$$

For example:

A	completed months residence	20
B	successful completions	15
C	failed completions	10

$$\frac{A + B}{A + B + C}$$

$$\frac{20 + 15}{20 + 15 + 10} = \frac{35}{45} = 0.778$$

Successful completion rate = **77.8%**

Annex B

APPROVED PREMISES

Instructions for completion of monthly return form H1

These forms should be returned to the Approved Premises section, National Probation Directorate, Home Office, First Floor, Horseferry House, Dean Ryle Street, London SW1P 2AW as soon as possible, and in any event, **within eight days of the end of each month.**

H1 Form & Instructions

1. Line 1: Boxes 1-4 Enter the three digit Q code for your hostel as given in the attached listings. Please note that all entries on this form should be made with figures right justified. For example, Approved Premises with the codes Q1 and Q99 would be entered:

Q	0	0	1	&	Q	0	9	9
01	02	03	04		01	02	03	04

2. Line 2: Boxes 5-8 Enter two digits for the month followed by two for the year. Thus July 2002 would be recorded

0	7	0	2
05	06	07	08

and October 2003 as

1	0	0	3
05	06	07	08

- 3.(i) Line 3: Boxes 9-12 Enter the number of bedspaces – this figure is obtained by multiplying the number of approved beds by the number of days in the month. For example, 20 approved beds in the month of January gives a total of 620 bedspaces for the month, which would be entered as

0	6	2	0
09	10	11	12

- 3.(ii) Line 4: Boxes 13-16 Enter the number of spaces multiplied by the number of days beds were lost. For example, 4 beds lost for 13 days, and 2 beds lost for 31 days gives a total for the month of 114 days:

0	1	1	4
13	14	15	16

A bedspace can only be counted as lost if the National Probation Directorate of the Home Office have given approval for this, and would normally only be for exceptional circumstances such as refurbishments or emergencies.

- 4.(i) Line 5: Boxes 17-19
20-22
23-25
26-28
29-31

For a community sentence, if a condition to reside in the Approved Premises has been attached to the order and there are 5 such residents for the whole of July, the entry in boxes 17-19 is calculated as five (residents with a condition to reside in an Approved Premises on a community sentence) x 31 (days) = 155.

1	5	5
17	18	19

Similar figures should be entered for the other categories of occupancy.

Under "other", entries should include any persons on community sentences without a condition of residence, and any voluntary residents.

Note, the entries in boxes 17-31, when added together, should equal the figure you place in boxes 32-35.

- 4.(ii) Line 10: Boxes 32-35

Enter the actual number of resident days, for each type of resident, e.g. 12 residents for 31 days and 6 more for 10 days would be 0372 + 0060 =

0	4	3	2
32	33	34	35

- 4.(iii) Line 11: Boxes 36-38

Enter here the total number of approved beds (boxes 9-12) minus the total number of resident days (boxes 32-35), and excluding any figure already recorded in boxes 13-16. Using the figures in the examples above, the calculation would be 620 - 432 - 114 =

0	7	4
36	37	38

H1 form and instructions

- 4.(iv) Line 12: Boxes 39-42 Enter the number of males resident e.g. 12 for 6 days and 20 for 1 days would be written as
- | | | | |
|---|---|---|---|
| 0 | 6 | 9 | 2 |
|---|---|---|---|
- 39 40 41 42
- 4.(v) Line 13: Boxes 43-46 Enter, in a similar manner, the relevant figures for females.
5. Line 14: Boxes 47-70 Enter the numbers of referrals refused for each reason for refusal of a referral.
- 5.(i) Line 22: Boxes 71-74 Enter the total number of referrals refused. Note, this figure should equal the total of the entries in boxes 47-70.
6. Line 23: Boxes 75-78 Enter the number of referred residents not admitted. This category should include residents who fail to arrive at the Approved Premises.
7. Line 24: Boxes 79-82 Enter the sum of all admissions in the month. Please note that the making of a further bail order by the court in respect of an existing resident does not constitute a new admission.
- 8.(i) Line 25: Boxes 83-85 Enter the total number of residents in all categories who have successfully completed a calendar month in the Approved Premises based on the date of entry to the Approved Premises. For example, a resident entering the Approved Premises on 4 June and leaving on 16 August would count two successes, one recorded in each of the July and August returns.
- 8.(ii) Line 26: Boxes 86-88 Enter the total number of completed conditions of residence in all categories. Conversion of a bail/bail assessment case to a community sentence, moving on from the Approved Premises through a bail variation, and completing bail up to the point of sentence should also be counted.
- 8.(iii) Line 27: Boxes 89-91 Enter here each failure to complete a condition of residence in all categories.
9. Line 28: Boxes 92-95 Enter the total number of resident departures in the month. Note that it is likely that this figure will not match the sum of the figures in boxes 86-88 and 89-91 as the following do not count as successes or failures:
- Transfer of a resident to another Approved Premises. Death of an Approved Premises resident. Resident arrested for offences, all allegedly committed prior to entry to Approved Premises. Failure to arrive at Approved Premises from court.

H1 form and instructions

Annex C



PROBATION STATISTICS – MONTHLY APPROVED PREMISES RETURN – H1

ALL ENTRIES SHOULD BE RIGHT JUSTIFIED

1 APPROVED PREMISES CODE	1 - 4	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
2 MONTH/YEAR	5 - 8	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
3 BEDSPACE		
(i) TOTAL NUMBER OF BEDS	9 - 12	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(ii) TOTAL TEMPORARY LOSS OF BEDSPACES	13 - 16	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
4 OCCUPANCY		
(i) TOTAL DAYS BY TYPE OF RESIDENT		
COMMUNITY SENTENCE	17 - 19	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
BAIL ASSESSMENT	20 - 22	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
BAIL	23 - 25	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
LICENCE	26 - 28	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
OTHER	29 - 31	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(ii) TOTAL NUMBER OF RESIDENT DAYS (Sum of boxes 17-31)	32 - 35	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(iii) VACANCIES (Exclude figures already recorded in boxes 13-16)	36 - 38	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(iv) NUMBER OF MALE RESIDENT DAYS	39 - 42	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(v) NUMBER OF FEMALE RESIDENT DAYS	43 - 46	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

(Revised January 2002)

5 NUMBER OF REFERRALS REFUSED

NO VACANCIES	47 - 49	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
INSUFFICIENT INFORMATION	50 - 52	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
OFFENCE TOO MINOR	53 - 55	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
RISK TO COMMUNITY	56 - 58	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
RISK TO STAFF	59 - 61	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
RISK TO RESIDENTS	62 - 64	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
RISK TO SELF	65 - 67	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
OTHER	68 - 70	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

TOTAL NUMBER OF REFERRALS REFUSED	71 - 74	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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6 TOTAL ACCEPTABLE REFERRALS NOT ADMITTED	75 - 78	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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7 TOTAL NUMBER OF ADMISSIONS IN MONTH	79 - 82	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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8 SUCCESSFULLY COMPLETED CALENDAR MONTH	83 - 85	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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COMPLETED ORDERS/CONDITIONS OF RESIDENCE	86 - 88	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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FAILED TO COMPLETE	89 - 91	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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9 TOTAL NUMBER OF RESIDENT DEPARTURES IN MONTH	92 - 95	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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COMPLETED BY: _____

ADDRESS: _____

DATE OF COMPLETION: _____ TEL: _____

Completed form to be returned to: Approved Premises section,
National Probation Directorate, Home Office, First floor, Horseferry House,
Dean Ryle Street, London SW1P 2AW.
Tel: 020 7217 0771 Fax: 020 7217 0756