



National Offender Management Service

PROVISION OF OFFENDER RISK INFORMATION TO HOME OFFICE IMMIGRATION ENFORCEMENT REGARDING FOREIGN NATIONAL OFFENDERS WHO ARE BEING CONSIDERED FOR DEPORTATION

This instruction applies to:-		Reference:-
Prisons National Probation Service		PSI 34/2014 PI 52/2014
Issue Date	Effective Date	Expiry Date
10 July 2014	1 August 2014	31 July 2017
Issued on the authority of	NOMS Agency Board	
For action by (who is this instruction for)	All staff responsible for implementation of these revised procedures in <input checked="" type="checkbox"/> Public Sector Prisons <input checked="" type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> National Probation Service (NPS) Directorate <input checked="" type="checkbox"/> Governors <i>*If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i>	
Instruction type	Service improvement	
For information	Deputy Directors of Custody; NPS Divisional Deputy Directors; Chief Executives of Community Rehabilitation Companies. This is provided as guidance for Community Rehabilitation Companies.	
Provide a summary of the policy aim and the reason for its development/ revision	The policy aim is for Prisons and NPS to provide, on request, 'offender risk information' regarding Foreign National Offenders who are in scope for deportation to Home Office Immigration Enforcement (HOIE), who will convey it to Tribunals of the Immigration and Asylum Chamber where applicable, in order to enable those bodies to take account of public safety considerations in their decision making about Foreign National Offenders who are eligible for deportation. These arrangements were originally introduced in 2007 and require updating in line with subsequent changes in both offender management and in deportation procedures. The revised procedures, mandatory for Prisons and NPS, have been developed so that they may also be used as guidance by Community Rehabilitation Companies to support their information sharing with HOIE about CRC allocated Foreign Nationals where HOIE is considering deportation. (see paragraph 1.5 for details)	
Contact	Richard Pearce Offender Management and Public Protection Group, NOMS Email: NOMSOffenderManagement@NOMS.gsi.gov.uk	
Associated documents	PI 05/2014 - PSI 14/2014 - Case Allocation PSI 52/2011 - Immigration, Repatriation and Removal Services PSI 29/2014 - PI 26/2014 – Release on Licence for Foreign National Prisoners pending Deportation. NOMS Service Specification – Manage the Custodial and Post Release Periods (2014)	

[PSI 18/2014 - Licences, Licence Conditions and Polygraph Examinations](#)
PI 11/2014 Licences, Licence Conditions and Polygraph Examinations &
Temp Travel Abroad

Replaces the following documents which are hereby cancelled: PC 11/2007 - Deportation of EEA National Prisoners; and PC 32/2007 - Management of FNPs, Licences, Bail Hearings, Releases from Immigration Detention and Deportation. ***All hard copies of these Instructions must be destroyed***

Audit/Monitoring: Deputy Directors of Custody, Controllers, Director of NPS in England and Director of NOMS in Wales will monitor compliance with the mandatory requirements in this instruction.

Introduces amendments to the following documents: None

Notes: ***All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.***

CONTENTS

Section	Subject	For reference by
1	Executive Summary	All staff in Prisons and NPS who assess and manage Foreign National Offenders (FNOs) who are being considered for deportation.
1.1	Background	
1.6	Desired outcomes	
1.7	Application	
1.8	Mandatory actions	
1.9	Resource Impact	
2	Operational Instructions	
2.1	Introduction	
2.2	Background	
2.4	The revised arrangement with HOIE and IAT	
2.11	Transitional arrangements	
2.12	Other considerations	
2.14	Data Protection	
Annex A	Form - Request from Home Office Criminal Casework for offender risk information	
Annex B	Providing an OASys Assessment to Home Office Immigration Enforcement: A step-by-step guide to maximise the security of information	

Executive Summary

Background

- 1.1 The revised arrangement for responding to requests by HOIE for offender risk information about Foreign National Offenders (FNOs) requires Prisons (for offenders in custody sentenced to 12 months and over, other than those subject to Offender Management Phases 2 or 3) or the National Probation Service (for NPS allocated offenders subject to licence or directly managed in custody as above) to send a copy of the current OASys, with other specified information if requested, to HOIE on request.
- 1.2 This Instruction introduces two main changes to the 2007 procedures. First, the offender risk assessment that is already required for offender management purposes for offenders sentenced to 12 months and over, an OASys, will be sent, rather than transposing that information onto separate (NOMS1 and EEA NOMS) forms. Second, whereas previously the arrangement with HOIE was that offender risk information was sent by Probation offender managers only, the information regarding offenders managed by an offender supervisor in the custodial part of their prison sentence will be sent by the responsible prison Offender Management Unit (OMU). These planned changes take place at a time where HOIE are actively pursuing deportation in an increased number of cases.
- 1.3 In this Instruction the term 'offender risk information' covers i) OASys, produced as an electronic file in the approved PDF format (hereafter 'OASys') ii) comments by community offender managers to assist HOIE to determine which type of HOIE provided accommodation would be most appropriate, if a Tribunal was to decide to bail, in order that HOIE can source such accommodation and iii) confirmation by community offender managers of whether a FNO's proposed immigration bail address is acceptable to the offender manager for licence purposes, if a Tribunal was to decide to bail. The term 'AIT' is used to refer to Tribunals in the Immigration and Asylum Chamber. The term Foreign National Offender (FNO) is used here to refer only to foreign nationals who, at any point of sentence, are being considered for deportation by HOIE. The term 'licence' includes a licence and notice of supervision, where applicable, once the relevant sections of the Offender Rehabilitation Act have been commenced in order to provide a minimum of 12 months statutory supervision on release for offenders sentenced to custody.
- 1.4 The mandatory requirements in this Instruction apply to the management of FNOs i) in custody , serving an immediate custodial sentence of 12 months and over, and ii) on licence (whether in the community or in immigration detention) and managed by NPS, at the time of the HOIE request.
- 1.5 Although Foreign National Offenders who are identified at post-sentence allocation stage as eligible for deportation are retained by NPS (in line with PI 05/2014 and PSI 14/2014 – Case Allocation) , it is possible that in some cases HOIE might subsequently decide to take deportation action in respect of an offender who is being managed by a CRC. In this eventuality, CRCs are advised to use the steps set out in this Instruction, in order to assist them to comply with their contractual responsibility to provide information for immigration enforcement purposes. This may mean adapting the steps if a CRC is submitting an offender's plan, prepared in a NOMS approved format, instead of OASys.

Desired outcomes

- 1.6 That staff who manage FNOs liable for deportation obtain, check, and send securely to HOIE a copy of the most up to date OASys, or other specified offender risk information, when requested by HOIE, to support HOIE/ AIT decision making.

Application

- 1.7 NPS and Prisons Foreign National Offender Single Points of Contact/Leads; Offender Supervisors/Offender Managers; case administrators and staff with designated responsibility for information security are required to read this instruction so that they are familiar with the correct processes.

Mandatory action

- 1.8 *The Prison Offender Supervisor/NPS Offender Manager responsible for managing a FNO liable for deportation at the time of a request by HOIE, must complete and return that form, sending the offender risk information that has been requested in the individual case to HOIE, using the procedures set out in this Instruction.*

Resource Impact

- 1.9 The net effect of a) substituting existing offender risk information for the existing NOMS1 arrangements b) providing information in the greater number of cases that HOIE are pursuing, is an increase from the existing 3040 hours undertaken nationally by Probation to 3370 hours undertaken on an approximately equal basis by Prisons and Probation. This calculation accounts for receiving and responding to requests, including checking that the OASys is current. The calculation does not include the core tasks of preparing and reviewing OASys and other offender assessments, and approving proposed licence addresses as these are already required as part of core offender management.

(Signed)

Digby Griffith
Director of National Operational Services, NOMS

2. Operational Instructions

Introduction

- 2.1 The HOIE is obliged to take into account the propensity of a FNO to reoffend; the risk of serious harm posed, and the risk of absconding in many decisions concerning whether a FNO should be deported and if so whether they should be detained, pending deportation, once the custodial period of the prison sentence has ended. AITs also take factors such as these into account when hearing applications for immigration bail and appeals against deportation.

Background

- 2.2 Since 2007 arrangements have been in place (as set out in Probation Circulars 11/2007 and 32/2007) for Probation Trusts to provide information about offenders to HOIE (and its predecessor the UK Border Agency) to assist decision making in some deportation cases and all detention cases. This involved the completion and return of NOMS 1 and EEA NOMS forms, largely based on OASys information obtained as part of the sentence planning process.
- 2.3 Since then, changes have taken place in immigration practice and in offender management that affect these arrangements. First, HOIE have been considering an increased proportion of FNOs for deportation, with a consequent increase in the number of requests for offender risk information. Second, HOIE and AITs have stated their preference for a copy of the OASys itself. Third, offender management in custody has developed so that Prison based staff now have prime responsibility for offender assessment during the custodial period. Finally, NOMS service specifications make clear that the same offender assessment and sentence planning framework applies to FNOs liable to deportation as for all other offenders. Specifically, OASys assessments and reviews are required for all FNOs serving custodial sentences of 12 months plus, during both the custodial period and on licence, whether the offender is supervised in the community or is in immigration detention. For these reasons a revised arrangement was required which enables NOMS, within resource constraints, to supply HOIE with offender risk information.

The revised arrangement with HOIE and IAT

The request

- 2.4 HOIE will request offender risk information about FNOs from the offender supervisor or offender manager responsible for the case, using a Request for Risk Information (RRI) form ([Annex A](#)) sent via secure email. On the form they will specify the details of the HOIE caseworker, details of the offender, what decision the information is required for, which type of offender risk information is being requested, and the date by which that information is required.

Request for OASys (custodial or licence part of sentence – see 2.8 and 2.9 for the responsibilities of prisons and NPS respectively)

- 2.5 *Where an OASys is requested on the RRI form, the offender manager/offender supervisor must send a copy of the current OASys on the relevant offender, by secure email to HOIE, in PDF format using the method outlined in [Annex B](#), together with a completed RRI form. There is no expectation that a request for offender risk information of itself would trigger a*

revision to OASys and where a request is made in the first few weeks of custody a PSR OASys may suffice initially. Offender managers and offender supervisors are already obliged to review offender assessments when there is a 'significant change in circumstances'. Whether the provision of a new proposed release address (see below) or any other factor triggers a review of an offender assessment, at that point in time, is a matter of practitioner judgement. *Where an offender assessment had not been completed at all, or was inaccurate because it had not been reviewed following a previous 'significant change in circumstances', the current offender manager or offender supervisor must complete an up to date OASys and send it to HOIE.*

Comments on HOIE plans to provide section 4 accommodation (normally licence cases only, completed by NPS)

- 2.6 In certain cases, HOIE may ask for information to help them assess which type of placement in HOIE Section 4 accommodation to provide should an AIT be prepared to bail a FNO to such accommodation. This HOIE assessment will take into account information about the offender which would be relevant in deciding whether he or she was suitable to share accommodation with other adults of either gender, or children, or needed more specific arrangements. *In order to assist this HOIE assessment, the Offender Manager must provide their comments, based on their knowledge of the offender, to help HOIE determine the most appropriate level of accommodation.* The Offender Manager should ask for advice where needed from the HOIE case owner and provide the requested comments in an expedient manner. Information about the types and levels of HOIE accommodation is available in [PSI 29/2014](#) - PI 26/2014 – Release on Licence for Foreign National Prisoners pending Deportation and updated information will be made available periodically on the Foreign National Offenders page for Probation on EPIC (Service Delivery/Foreign Nationals) and on the Prisons intranet (Foreign Nationals page being developed), and provided to CRCs.

Confirmation of approval of offender's proposed address (normally licence cases only, completed by NPS)

- 2.7 *In cases where HOIE indicate on the RRI form that the offender is applying for immigration bail, the community Offender Manager must notify HOIE on the RRI form whether or not they approve, for licence purposes, the address the offender is proposing for immigration bail.* This information is to assist HOIE and Tribunal decisions about whether an offender need be detained and to ensure that a proposed bail address (whether a private address or Section 4 accommodation) does not conflict with the conditions of the licence. When an offender manager is considering suitability of an address for licence purposes, the threshold for suitability is no different than it would be for a UK national when undertaking pre-discharge enquiries and completing a PD1 Form or considering a change of address during licence. *Offender managers must note that the HIOE and AIT have to make decisions within stringent timescales and costs may be incurred by HOIE if Section 4 bedspace is held.* It is therefore imperative that address checks are undertaken without delay, as required by [PSI 29/2014](#) - PI 26/2014 – Release on Licence for Foreign National Prisoners Pending Deportation.

The responsibilities of Prisons and NPS

- 2.8 Prison based OMUs will be responsible for responding by secure email to all requests for OASys for offenders who are serving the custodial part of their sentence, with the following exception. Where a Prison OMU is asked to provide risk information on an offender who is

being managed by a NPS offender manager under Offender Management Phase 2 or 3, the Prison OMU should forward the request to that offender manager to deal with, copied to HOIE. Where, exceptionally, pre-release, HOIE ask for information about release addresses or suitability of HOIE provided accommodation on release, the Prison OMU should liaise with the offender manager to establish their views.

- 2.9 Community based offender managers will be responsible for responding by secure email to requests for offender risk information on all offenders who are within their licence period, and also offenders managed under Offender Management Phase 2 or 3 arrangements throughout the prison sentence. It is important to note that FNOs who are in their licence period but who have been detained under immigration powers are the responsibility of the community offender manager, irrespective of physical location.

Further enquiries from HOIE

- 2.10 *Following the sending of offender risk information, offender supervisors and offender managers must respond, with such information as is readily available, to further reasonable enquiries from HOIE.* Such enquiries would most commonly be to inform the HOIE's statutory 28 day review of continued detention; or for further detail about a factor that the HOIE has identified from the OASys as a prime factor in its decision making, or whether an OASys submitted some months previously had been superseded by another. This arrangement is unchanged from the 2007 arrangements.

Transitional arrangements

- 2.11 In order to avoid excessive demands on offender managers and supervisors as the new arrangements become established, NOMS will not ordinarily provide an OASys that (having checked that it is still current) pre-dates a NOMS1 form that had already been fully completed and provided under the previous arrangements. The offender manager or supervisor may, however, provide such an OASys where it is easily apparent that the OASys contains significant risk information that had not been included in the NOMS1.

Other considerations

- 2.12 There should ordinarily be no need to provide further information about licence conditions to HOIE/IAT as the former are sent a copy of the licence by the prison at the end of the custodial period of the prison sentence.
- 2.13 There is no arrangement between NOMS and HOIE/AIT for offender managers or offender supervisors to attend AIT hearings, or for any other member of NOMS staff to provide information and/or attend an AIT hearing, at the request of the Tribunal itself; offenders or their representatives. Nor is there any arrangement for NOMS to provide offender risk information direct to AIT; it is HOIE's responsibility to provide AITs with the offender risk information that has already been provided to them by NOMS.

Data Protection

- 2.14 The National Probation Service and Prisons providing OASys and other offender risk information requested will be compliant with the Data Protection Act through full adherence to the procedures in this Instruction. First, the HOIE and AIT have stated the legal basis on which they are obliged to take into account risk of reoffending when determining deportation and detention decisions and NOMS legal advisors have confirmed that

provision of such information is legal and proportional. Second, the OASys system has well developed arrangements for secure access, training of assessors and quality assurance. Third, all communication of 'risk information' between NOMS, HOIE and AITs will be by secure email or approved postal methods in line with the Government Security Classification of OASys records. *Fourth, any risk information submitted to AIT must also be provided by HOIE to the offender and/or their legal representative, in addition to the offender's subject access rights.*

- 2.15 In the longer term, we are developing an Information Sharing Agreement with HOIE to cover provision of 'risk information'.



National Offender
Management Service



Home Office

Request from Home Office for Risk Information (RRI form)

SECTION 1: Request Information (HO Criminal Casework Case Owners to Complete All Boxes)

A. Type of Request:	
A: OASys (or CRC risk/needs assessment in a NOMS approved format)	<input type="checkbox"/>
B: Comments on proposed Section 4 accommodation (immigration bail case)	<input type="checkbox"/>
C: Confirmation of approval of proposed address (immigration bail case)	<input type="checkbox"/>

B. From Criminal Casework Case Owner:
Name
Email address
Telephone Number
Date of Request (DD/MM/YYYY)

C. To Offender Manager/Supervisor:
Name
Email Address
Telephone Number
Prison or NPS/CRC Office

D. Regarding Foreign National Offender:		
First Name		
Surname		
Aliases/Alternative Spelling		
Address at time of sentence		
Home Office Reference Number	PNC Number	P-NOMIS Number
Date of Birth (DD/MM/YYYY)		
Nationality		
Current Offence		
Date of Sentence	Sentence Length	
Prison/ Immigration Removal Centre/ Community Please select		
Address		

Date Information Required By (DD/MM/YYYY):

SECTION 2: Risk Information (both HOIE CC Case Owner and Offender Supervisor/Manager to Complete)

Criminal Casework Case Owners: please complete Boxes A1, B1 or C1.

Offender Manager/Supervisor: please complete Boxes A2, B2 and/or C2 and return to the HOIE CC Case Owner by the date specified above. N.B. the information provided may be presented by HOIE to an Immigration Tribunal in the presence of the FNO.

A. Request for the most up to date OASys or CRC risk assessment			
A1. CC Case Owner to Complete		A2. Offender Supervisor/Manager to Complete	
Case Type	Please Select	Does the previous information sent remain current? <i>If 'no' please complete the below</i>	Please Select
Date last risk information was provided (if applicable) (DD/MM/YYYY)		Date of OASys/ assessment attached (DD/MM/YYYY):	
		Comments:	

B. Request for comments on proposed Home Office Section 4 accommodation (current bail application)			
B1. CC Case Owner to Complete		B2. Offender Supervisor/Manager to Complete	
Level(s) of accommodation under consideration	Initial <input type="checkbox"/> Dispersed <input type="checkbox"/> Complex <input type="checkbox"/>	Comments	

C. Request for confirmation of approval, for licence purposes, of a proposed bail address			
C1. CC Case Owner to Complete		C2. Offender Supervisor/Manager to Complete	
Type	Please Select	Approved for licence purposes?	Please Select
Address			
Contact details of accommodation provider		If 'No' please supply a reason:	
		Date of decision (DD/MM/YYYY):	

Date Information Returned (DD/MM/YYYY):

Providing an OASys Assessment to Home Office Immigration Enforcement: A step-by-step guide to maximise the security of information

Applies to offenders managed by Prisons and National Probation Service at the time of the HOIE request. This guidance may also be used (and adapted if they are providing an offender assessment other than OASys) by CRCs.

The Request

Requests by HOIE for offender risk information will be triggered by whichever decision they need to make in the individual case. As a rule, risk information is needed early in the custodial period for European Economic Area (EEA) nationals where HOIE have to make a decision whether to pursue deportation. It may be needed later (usually during the licence period) for EEA cases and non EEA cases (where previous consideration for deportation had been automatic), where decisions need to be made about detention pending deportation.

This guidance is about the provision of OASys but relevant sections can be applied to the provision of an offender's Plan by CRCs. In CRC cases it will be vital to ensure that information not to be disclosed to the offender is not included in the Plan sent to HOIE. The PDF version of OASys automatically excludes the section on information not to be disclosed to the offender (see Step 3 below).

The availability of an OASys

All FNOs serving a prison sentence of 12 months and over are subject to Offender Management throughout their sentence and subject to OASys assessment at start of sentence and following a 'significant change in circumstances', whether in custody or on licence.

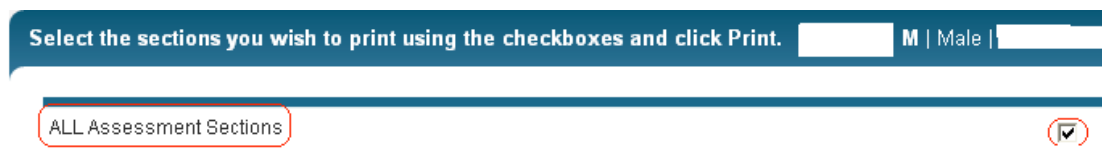
Process

- 1) Home Office Immigration Enforcement (HOIE) completes Form RRI. This ensures that the receiving offender manager or offender supervisor is clear which offender the request pertains to, and whether the request is for one or more of i) an OASys ii) address approval or iii) comment on HOIE accommodation, together with the date by which the information is required.
- 2) HOIE sends Form RRI marked Official Sensitive by secure email to:
 - The Prison Offender Management Unit for offenders serving the custodial part of their sentence, or
 - The NPS Offender Manager for offenders subject to licence, whether supervised in the community or in immigration detention.
- 3) The offender manager or offender supervisor should:
 - a) Identify the most recent OASys assessment and
 - Check that OASys is sufficiently up to date i.e. that it has been reviewed following any significant change(s) , and if not undertake or review an OASys
 - Redact the OASys if it contains material that should only have been included in the Information Not to be Disclosed to the Offender section because it would put victims or others at risk if known to the offender.

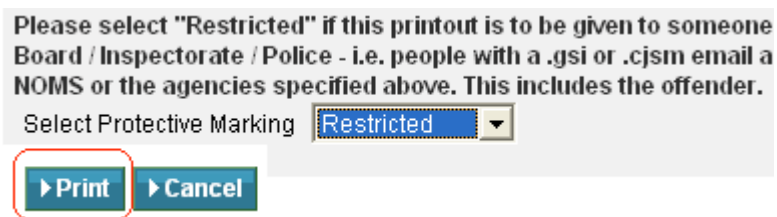
- 4) Where the current offender manager or offender supervisor is not the author of the most up to date OASys Assessment he/she is still responsible for dealing with the request and in doing so should:
 - Inform the author of the OASys Assessment, of the request
 - Take advice, if required, from the author regarding any particularly sensitive or complex issues.
- 5) Once the OASys has been checked (see 3), prepare a PDF of the OASys as follows:
 - Select the OASys assessment that to be sent to HOIE
 - Click on the PRINT option



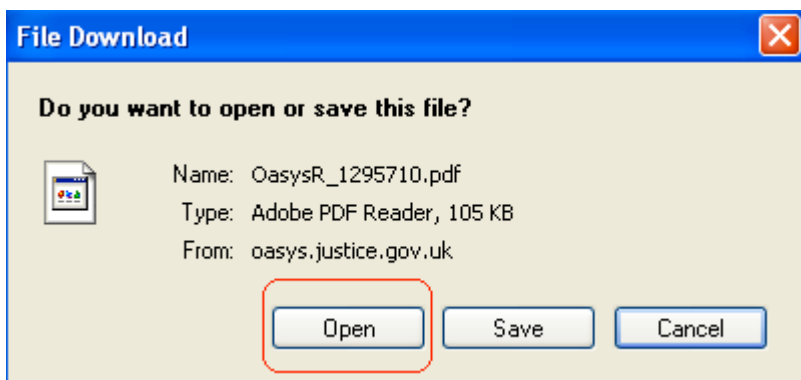
- Select ALL ASSESSMENT SECTIONS



- Scroll to the bottom of the page
- Click on PRINT



- Select OPEN in the File Download screen



- Save the OASys Assessment as a PDF Document

Offender:
PNC:
Prison LIDS No:
Prison NOMIS No:

RESTRICTED

OASys Assessment

Case ID - Offender Information

Surname		Forename(s)	
Surname Alias(es)		Forename Alias(es)	
DOB		DOB Alias(es)	
Gender	Male		
Religion	Roman Catholic	Religion (other)	ROMA
Police National Computer (PNC) Number		Criminal Records Office (CRO) Number	

- 6) Send the PDF by secure email to the email address provided in the request, together with the completed RRI, marked Official Sensitive.