



National Offender Management Service

Case Allocation

This instruction applies to		Reference:-
Providers of Probation Services Prisons		PI 05/2014 PSI 14/2014
Issue Date	Effective Date	Expiry Date
22 December 2015 (Revised)	01 June 2014	N/A
Issued on the authority of	NOMS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> Public Sector Prisons <input checked="" type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> National Probation Service (NPS) <input checked="" type="checkbox"/> Community Rehabilitation Companies(CRC) <input checked="" type="checkbox"/> NOMS Rehabilitation Contract Services Team <input checked="" type="checkbox"/> Other providers of Probation and Community Services <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service improvement	
For information	NOMS Youth Justice Board	
Provide a summary of the policy aim and the reason for its development / revision	<p>The allocation of offenders to either the National Probation Service (NPS) or Community Rehabilitation Company (CRC) will be carried out by the NPS. The Case Allocation System (CAS) is a new activity generated by the implementation of one of the key principles of the Rehabilitation Programme.</p> <p>This Instruction sets out the mandatory requirements of the allocation process and provides operational guidance to enable the practitioner to understand the allocation system.</p> <p>Update 11 August 2015 – This instruction has been updated at paragraphs 1.1, 1.2, 1.9, 1.15, 2.2, 2.6, 2.22 to reflect the change in working practice for case allocation from one working day to two working days. The instruction was previously updated on 24 October 2014 to account for changes in the early phases of the Transforming Rehabilitation Programme.</p> <p>Update December 2015 – Paragraph 2.17 clarifies the case allocation responsibilities with regard to a Community Order or Suspended Sentence Order with a singleton prohibited activity or exclusion, residence, non-electronically monitored curfew requirement. The paragraph numbering has also been reformatted.</p>	
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Associated documents	PI 57/2014 - PSI 41/2014 Process for Community Rehabilitation Companies to refer cases in custody or the community to National Probation Service for Risk Review including escalation PI 07/2014 Case Transfers: For Offenders Subject To Statutory Supervision Either Pre Release From Custody Or Whilst Completing An Order Or Licence. PI 26/2014 Release on Licence for Foreign National Prisoners Pending Deportation PI 10/2014 Extremism Target Operating Model
Replaces the following documents which are hereby cancelled: None	
Audit/monitoring: Mandatory elements of instructions must be subject to management checks (and may be subject to self or peer audit by operational line management/contract managers), as judged to be appropriate by the managers with responsibility for delivery. In addition, NOMS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.	
Introduces amendments to the following documents: None	
Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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1. Executive summary

Background

- 1.1 The responsibility for the allocation of cases through the Case Allocation System (CAS) to the NPS, CRC or Electronic Monitoring (EM) provider sits with the NPS. It is not the responsibility of the NPS to allocate cases to individual practitioners this will be done by the respective organisations This Instruction sets out the mandatory processes and associated operational guidance to enable this key activity to be implemented. The allocation system set out in this Instruction applies to all sentenced offenders. For the purposes of this Instruction the term Offender Manager is used and refers to the individual who is responsible for case management and instructing the offender and fulfils the role of the Responsible Officer as set out in Section 197 of the CJA 2003
- 1.2 The NPS will determine case allocation to the NPS, CRCs or EM provider.
Allocation will take place:
- at the point of sentence or;
 - when transferred from other UK jurisdictions or from abroad where the transfer is from prison to prison
 - at the point of youth to adult transition
- 1.3 All cases will remain the responsibility of the NPS until the date of allocation.
- 1.4 The NPS decision on allocation will be final in each case.

Desired outcomes

- 1.5 All convicted offenders are either allocated to the CRC or EM contractor or retained by the NPS.

Application

- 1.6 All relevant NPS staff and those that have a direct responsibility for managing the sentence of the court are required to familiarise themselves with this Instruction to ensure they are familiar with the correct processes.

Mandatory actions

- 1.7 *Case allocation must be recorded by the NPS in n-Delius.*
- 1.8 *Where screening indicates that a full RoSH analysis is required this must be completed prior to allocation in all cases unless the Offender Manager can evidence why this activity is not required (see section 2.1)*
- 1.9 *Allocation to the NPS or CRC must take place within two working days of sentence (see section 2.2).*
- 1.10 *For cases that have an indicative risk level which requires confirmation, the NPS will provide confirmation of the risk level to the CRC within one working day of allocation (see section 2.6)*

- 1.11 *Where the analysis indicates risk-specific circumstances which may require the case to be referred back for review the NPS must communicate this decision to the CRC within one working day following allocation (Annex B)*
- 1.12 *The following cases must be retained by the NPS (Annex A)*
- *Cases requiring management under MAPPA at all categories and all levels*
 - *Cases not managed under MAPPA but nevertheless assessed at the outset as presenting at least a high RoSH*
 - *Cases where there is exceptional public interest in management being retained in the public sector (see section 3)*
 - *Cases where the risk of seriously harmful reoffending is above the agreed RSR threshold*
 - *Offenders subject to a deferred sentence (see section 2.21)*
 - *Any offender who is a foreign national and who is sentenced to an immediate prison sentence of 12 months and above or who has been recommended for deportation by the sentencing Court (Annex C) .*
- 1.13 *The NPS must provide, where applicable and if in the possession of the NPS, all paperwork as soon as is practicable. This includes but is not limited to:*
- *the sentence of the Court including any requirements*
 - *a signed copy of the licence (where the licence was issued at court)*
 - *details of any post-sentence interview*
 - *case specific risk information (Annex B) which must be recorded on the OASys RoSH full analysis including a date for re-referral if necessary*
 - *a copy of the SDR/FDR or a written copy of the oral report*
 - *record of previous convictions*
 - *CPS bundle*
 - *any other information relevant to the offender e.g. notifications to Children's Services*
- 1.14 *Where a CRC is of the view that the circumstances of a current case have changed to the extent that the exceptional public interest definition applies they are responsible for referring the case to the NPS for consideration if the case does now meet the exceptional public interest definition (see section 3.3).*
- 1.15 *Where an offender receives a custodial sentence the case allocation decision must be sent by email 'notification of allocation' to the receiving prison establishment within 24 hours of allocation*

Resource Impact

- 1.16 This Instruction introduces new working ways of working and a different business process, the NPS Case Allocation Process, (CAS) into the allocation of sentenced offenders to providers of probation services. The resources identified are included in the Transforming Rehabilitation Programme business case.

Colin Allars
Director of Probation, NOMS

2. Operational Instructions

Allocation

2.1 The Case Allocation System (CAS) consists of three sections which are set out below. Within the CAS framework the NPS practitioner can apply professional judgement when carrying out the case allocation function (see guidance notes 3.13 and 3.12)

- i) **Risk of Serious Recidivism (RSR) Score.** The Risk of Serious Recidivism (RSR) tool will generate a summary score to indicate the likelihood of the offender committing a seriously harmful re-offence within two years. The RSR score will be used to decide how to allocate a case. It is based on static factors but can include dynamic offending related factors, where they are available from a clinical assessment; for example PSR interview and/or OASys.
- ii) **Revised Risk of Serious Harm Screening.** *The CAS includes a RoSH screening which must be completed on all offenders.* Application of the RoSH screening will identify indicators of potential risk of serious harm and identify those cases that require a fuller assessment. *Where the screening indicates the requirement for a full RoSH analysis this must be completed unless there is sound justification for not doing so.* In most cases this will be undertaken as part of the PSR process. Where this is not possible, the full analysis will take place within one working day post-sentence. Where a RoSH analysis has been undertaken in the last six months, this can be used pre-sentence to inform the risk assessment and allocation decision where there has been no evidence of other risk indicators or occurrences which would require a new RoSH analysis to be completed.

Where the screening does not indicate that a full RoSH assessment is required but the practitioner identifies risk of serious harm issues that require further investigation or action then these should be recorded in the Case Allocation System (CAS).

Where, at the point of allocation a practitioner identifies case-specific circumstances which, should they materialise, indicate a high risk of serious harm the CRC or EM contractor can be asked to refer the case back to the NPS should those circumstances occur for a review of the risk of serious harm level (Annex B Case Specific Risk Information and Case Review).

- iii) **Case Allocation Decision.** Section 3 of the CAS lists the criteria which decide allocation. *The cases which must be allocated to the NPS are listed In Annex A.*

Application of the Case Allocation System (CAS)

2.2 *The CAS must be completed on all cases by the NPS either pre sentence or within two working days of sentence where the offender is in scope for probation services.*

2.3 *Allocation must take place at the earliest opportunity so that wherever possible the offender is clear before they leave court where and to whom they need to report and for the provider to be notified in a timely manner that they have offender management responsibility for the case.*

2.4 *All elements of the CAS must be completed as much as possible based on the information available to the NPS at the time. The NPS must make all reasonable attempts to provide, where applicable and if in the possession of the NPS, all paperwork as soon as is practicable.*

Where there remains a lack of information the NPS must indicate on the CAS the basis of the allocation decision.

- 2.5 The case is considered to have been allocated when notification is sent by the NPS to either NPS or CRC through n-Delius.
- 2.6 All cases will be allocated to the CRC within two working days of sentence. For cases that have an indicative risk level which requires confirmation the NPS will provide confirmation of the risk level to the CRC within two working days of allocation. For example, where the RoSH is not high and further assessment is required to determine whether the RoSH is low or medium.
- 2.7 Where the case meets the criteria for automatic allocation to the NPS the CAS can be completed post sentence.
- 2.8 Most cases will continue to have a Pre-Sentence Report prepared and presented on the day, within 5-days or within 15 days. Where an adjournment for a report has been requested by the court, NPS staff should seek to complete the indicative allocation of an offender. The information required during the adjournment e.g. nature of current offence, previous offences, will be the same information required to allocate an offender to the appropriate provider. However, the offender cannot be allocated to a provider until they have been sentenced.
- 2.9 There are five routes through sentencing that impact on the CAS. The following operational instructions are a guide to staff on implementation of the allocation activity for each of those five routes.

1. Sentencing following completion of a Pre-Sentence Report (PSR)

- 2.10 Decisions regarding the PSR format will continue to follow the current Probation Instruction PI 05/2011 Determining Pre-Sentence Reports.
- 2.11 Whether a PSR is completed on the day or during a period of adjournment, the RSR, Revised risk of Serious Harm (RoSH) screening and where indicated, the full RoSH analysis will always be completed.
- 2.12 If a PSR delivered within 5-days or on the day is prepared, the RSR and RoSH screening will always be completed. The RoSH screening will either confirm a Low RoSH level or provide an initial indication of factors relevant to establishing the offender's RoSH level. Where the screening confirms RoSH as Low, completion of the CAS can be undertaken without need for further assessment.
- 2.13 A PSR adjournment for 15-days will require an appropriate OASys assessment and Risk of Serious Harm full analysis to be completed to provide all the required information to complete the CAS and allocate the case.

2. Sentencing to custody without completion of a Pre-Sentence Report

- 2.14 Where possible, the NPS should interview the offender in the court cells and complete the requirements for CAS. If this is not possible, the CAS can still be applied where no offender interview has taken place. In these circumstances, it is likely that only the static version of the RSR tool can be undertaken. On completion, the NPS will inform the CRC and HMPS of the sentencing and allocation outcome. NPS will create an n-Delius record and record the details.

- 2.15 Where the Prison Escort Custody Service (PECS) removes the offender from the court cells before the NPS has had an opportunity to conduct an interview, the RSR and other case allocation information will need to be completed without an offender interview and allocation made on this basis.
- 2.16 On those occasions where an offender is sentenced to custody without a PSR and there are indications that the offender poses a high RoSH, the same process for community orders will apply.

3. Sentencing to a standalone requirement without completion of a Pre-Sentence Report

- 2.17 The Court in some circumstances proceed to sentence to a Community Order or Suspended Sentence Order with a singleton prohibited activity or exclusion, residence, non-electronically monitored curfew requirement without the benefit of a PSR. Once the NPS is notified of these orders they will create an N-Delius record, undertake the CAS (sometimes in the absence of the offender) and, as appropriate, inform the CRC that such cases have been allocated to the CRC. The NPS will be reliant on HMCTS informing them of such sentences and will need to ensure that local arrangements for communicating court results supports allocation.
- 2.18 Where an Attendance Centre Requirement is imposed for non payment of fines, the case will be allocated by the NPS to the CRC. *All relevant paperwork must be forwarded to the CRC including a copy of the Court Order.* The Officer in Charge of the Attendance Centre will ensure that the details of the Order are recorded. On completion of the hours, the Officer in charge will notify the Court and the NPS. NPS will record the completion on n-delius.
- 2.19 Where a Hospital direction is given at or during sentence, or Determinate Prisoners are detained under the Mental Health Act (MHA) for all or part of sentence, offenders are in scope as they will be in scope for pre and post release supervision. The allocation criteria will need to be applied and the case allocated to either NPS or CRC. Any Indeterminate sentenced prisoners who are those detained in hospital under MHA for all or part of their sentence would automatically be allocated to NPS due to their MAPPA eligibility.

4. Deferred Sentences

- 2.20 Cases subject to a deferred sentence will remain the responsibility of the NPS for the period of deferment. The NPS should create an n-Delius record. If the court has requested additional conditions as part of the deferment period these will be delivered by the CRC and it shall be the responsibility of the NPS to inform the CRC of this. During the period of the deferment, the NPS will carry out an interview(s) with the offender and CRC where applicable to obtain an update of their progress towards completion of the conditions of the deferment. The NPS will complete the CAS process and any associated assessments in preparation for the subsequent hearing.
- 2.21 Post sentence and following the period of deferment allocation to a provider the offender will be instructed to attend the office of that provider. The NPS will inform the provider of the sentence and allocation and update N-Delius.

5. Case Allocation where the offender is released at Court due to sentence/time served)

- 2.22 In cases where the offender on remand is released from court as time served, the NPS will interview the offender before they leave court in order for the NPS to serve the licence on the offender. The CAS information should be completed and recorded and the offender given reporting instructions to the relevant provider.

Foreign National Offenders

- 2.23 *If a case is allocated to the NPS and the Home Office subsequently decides not to pursue deportation, the offender must be reallocated to a CRC (providing they do not meet other criteria for retention by NPS) if they are still serving the custodial part of their sentence and with more than 12 weeks to release i.e. not within the pre-release period.*

Allocating transfers in (This section to be read in conjunction with PI 07/2014 Case Transfers For Offenders Subject To Statutory Supervision Either Pre Release From Custody Or Whilst Completing An Order Or Licence)

- 2.24 The CAS should be used when:
- cases are being transferred from other UK jurisdictions
 - At the point an offender makes the transition from the youth justice system to the adult justice system
- 2.25 All transfers in from other UK jurisdictions will be managed by the NPS.
- 2.26 Where an offender is being transferred from another jurisdiction that jurisdiction must contact the NPS in the first instance.
- 2.27 The NPS will confirm the allocation outcome and have responsibility for communicating that outcome to the referring authority and where Offender Management responsibility rests with a CRC the NPS are required to notify the CRC of that decision. It is the responsibility of the referring authority and the CRC to agree how the actual transfer of the offender will be managed. Further guidance can be found in PI 07/2014 Case Transfers: For Offenders Subject To Statutory Supervision Either Pre Release From Custody Or Whilst Completing An Order Or Licence
- 2.28 Application of the CAS is not required in transfers between providers either within the NPS or CRC.

Transfers in from YOTs

- 2.29 The NPS will apply the allocation process described above in all cases where a Youth Offending Team (YOT) notifies the NPS that a child or young person sentenced as a juvenile should transfer from the youth to the adult system.
- 2.30 In recognition of the principles of the Youth to Adult Transitions Framework (Y2A), and that a move from a juvenile to an adult system can be a difficult transition for some young adults, the NPS YOT seconded Offender Manager can apply the CAS using the RSR tool. Where the YOT does not have a seconded NPS OM then the CAS should be applied by NPS.
- 2.31 It will be the role of the seconded OM and the relevant NPS or CRC provider to agree the appropriateness of the transfer and subsequent management on a case by case basis. This could result in the young adult remaining with the YOT for the remainder of their sentence where it is more appropriate for them to stay under YOT supervision.

3. Cases involving exceptional public interest

- 3.1 These are cases involving offenders who have committed or are otherwise associated with a notorious offence which is, or has, already attracted significant and prolonged media attention because of the nature of the offence and/or extreme vulnerability of the victim. This can also include cases where an individual has not committed the main offence but is associated with the offender.
- 3.2 Other cases falling into this category could be individuals who are of interest to partner agencies because of their involvement in serious, organised and complex crime, gangs/and or potential extremist offending and where partner agencies have a continued interest in the ongoing management of the case these cases may not necessarily be MAPPA registered, high RSR or high RoSH.
- 3.3 Not all exceptional public interest cases will be evident at the point of allocation. As such, the definition can be applied both at the point of allocation and during the management of the sentence. For example, concerns around offenders involved in extremist activities or gangs might not become apparent until well after sentence, at the point of release or well into a community sentence. Where a CRC Offender Manager assesses that the circumstances of a current case have changed to the extent that the exceptional public interest definition applies they are responsible for referring the case to the NPS.
- 3.4 Once referred the NPS will make the final decision on whether the case meets the exceptional public interest definition.
- 3.5 *Allocation decisions regarding cases which fall into the exceptional public interest domain must be referred to the NPS Deputy Director for final sign off*
- 3.6 In instances where the exceptional public interest definition applies but there is a risk that allocation or transfer to the NPS will alert the offender to the fact that they are of interest to a partner agency (particularly the security services) the NPS may make the decision that on these grounds the case should remain with the CRC. It will be the responsibility of the CRC to manage the case and to liaise directly with the partner agency to ensure the offender is safely managed.
- 3.7 Critical Public Protection Cases (CPPC) are not automatically included in the exceptional public interest definition outlined above. CPPC's should continue to be subject to national arrangements as per PI 06/2012.

Concurrent Orders

- 3.8 Where a concurrent Order is made on a case allocated to the NPS and the original order is not revoked by the Court, the case will automatically be retained by the NPS regardless of the outcome of the CAS.
- 3.9 Where a concurrent Order is made on a case allocated to the CRC and the existing Order is not revoked by the Court, the CAS will need to be completed. Then if the case meets the criteria for NPS, the new Order would be allocated to the NPS and the existing Order would be transferred to the NPS (there is no requirement to complete a further risk review). Otherwise the Case will remain with the CRC.

- 3.10 Where the existing Orders are revoked by the Court, the case will be treated as a new allocation and allocated on the basis of the CAS irrespective of which organisation previously held the Case.

Completing the Full RoSH Analysis

- 3.11 *Where the RoSH screening indicates that there are risk indicators a RoSH full analysis must be completed in order to determine a RoSH level and to identify the risks involved. A full RoSH analysis does not require the completion of OASys section 1-13. For cases that are automatically allocated to the NPS this can be completed post sentence.*
- 3.12 *Where the RoSH screening indicates that there is the potential for serious harm to be caused but there are no immediate indicators that the risk is high, a full RoSH analysis must be completed in order to determine the RoSH rating: low or medium. For cases not automatically allocated to the NPS, this will need to be undertaken prior to sentence or within one working day of allocation or Sentence. Where there is a recent OASys assessment (completed within the last 6 months) the RoSH rating can be used for the PSR and for allocation purposes.*
- 3.13 If an exemption from completion of a full RoSH analysis is considered to be the correct course of action, an appropriate NPS manager will approve the override (that the full analysis has been indicated by the screening, but is not needed for the purposes of sentencing and will therefore be completed post sentence). The responsibility of the NPS manager is to confirm that based on the available information at that time, the offender does not appear to be a high RoSH harm. The analysis will then be used to confirm whether the RoSH is low or medium.

Applying Professional Judgement when applying RSR above 3%

- 3.14 There will be cases where the RSR score is below the threshold for automatic NPS allocation however the assessment by the practitioner indicates that there is justification for a High Risk of Serious Harm level. The RSR tool does not predict offences of child neglect or domestic violence (as there is no offence of domestic violence in statute), despite this it is not expected that all such cases will necessitate a high RoSH analysis neither is it expected that offences that fall outside of these categories cannot be included in the professional judgement rules.
- 3.15 *The judgement as to whether a case meets the high RoSH definition must be very clearly evidenced and both the impact of the offence and the likelihood of the offence occurring must be met in order to meet the test of whether a case is High RoSH or not. Analysis of data has shown that where the RSR score is between 3% and 6.89% and by combining this score with a RoSH assessment the assessed RoSH level is high the quality of the predictor is improved. In these instances, the case can be allocated to the NPS.*

Applying Professional Judgement when applying RSR below 3%

- 3.16 *Where the assessed RoSH level is high however the RSR score is below 3% the practitioner must set out the exceptional circumstances that would warrant allocation to the NPS and appropriate management approval must be gained for the case to be retained by the NPS. In these circumstances, the actuarial predictor indicates that the offender's likelihood of committing a seriously harmful offence is within the typical range for all offenders; therefore there must be compelling evidence that the offender's presenting behaviour and/or circumstances represents a high risk of serious harm. As a general principle practitioners will need to evidence in their assessment that:*

- (a) the offender presents a high risk of serious harm through child neglect or any other serious offence outside the scope of the RSR predictor¹ or;
- (b) there is clear evidence from the analysis in OASys section R10 to demonstrate that the offender is likely to commit a serious offence inside the scope of the RSR predictor, or
- (c) there is good reason to believe that the offender's RSR score has been underestimated due to a partial or total absence of criminal history data, and there are reasonable grounds to believe that retrieval of this data would result in an RSR score of 6.9% or above.

Information to be communicated to the provider

- 3.17 *The NPS must make all reasonable attempts to provide, where applicable and if in the possession of the NPS, all paperwork as soon as is practicable. This includes but not limited to: the sentence of the court including any requirements; where the licence was issued at court, a signed copy of the licence; details of any post sentence interview; case specific risk information which can be recorded on the OASys RoSH full analysis including a date for re-referral of Risk Review if necessary; a copy of the PSR if prepared; a written copy of any oral report, a record of previous convictions, the CPS bundle; information about notifications made (e.g. to Children's Services) any other information relevant to the management of the offender including any assessments completed at the PSR stage.*

Cases automatically allocated to the NPS

The following cases will be retained for the NPS to manage:

- Cases which fall to be managed under Multi Agency Public Protection (MAPPA)
- Cases not managed under MAPPA but in which the offender is nevertheless assessed at the outset as posing a high risk of serious harm to the public
- Cases in which there is an exceptional public interest in management being retained by the NPS.
- Cases of Foreign National Offenders who are sentenced to 12 months' immediate imprisonment or more and or who are recommended by the sentencing court for deportation. NB: if Home Office Immigration Enforcement (HOIE) subsequently decide not to deport the offender whilst they are serving the custodial element of their sentence and the offender is not assessed as a high RoSH then the case should be reallocated to the CRC unless the offender is within the final 12 weeks of the custodial part of the sentence .(Annex C)
- Please note that in those cases where the courts have deferred sentence, the NPS will act as supervisor for the period of deferment until the point of sentence

Cases managed by the NPS

- Cases transferred back to the NPS due to an escalation to high Risk of Serious Harm
- Cases may be retained following assessment and review
- Cases not assessed at the outset and subsequently found to be high Risk of Serious Harm

Case Specific Risk Information and Case Review

If the NPS identifies at allocation stage that a case should be allocated to a CRC but it is such a borderline case, e.g. the case is on the very cusp of between medium and high RSR the NPS can choose to select the case for further review. The process for doing so involves the identification of case specific circumstances that, if they were to become apparent, would lead to the CRC referring the case back to the NPS for review.

The requirement upon the CRC to request a case review should only be made in cases where it is possible to identify specific, rather than general, risk factors and where there is evidence of the offender's potential to cause serious harm.

Case-specific circumstances may be identifiable if there are acute dynamic factors which were present at the time of previously seriously harmful offending and which, if they recurred, would require a review of risk management activity and a possible review of the RoSH level.

A review at a specified time may be possible when there are identifiable dynamic risk factors and the clear potential for RoSH to increase within the early stages of an Order. In these circumstances the NPS should specify the point at which the case review should take place e.g. within 3 months of allocation

The CRC when referring the case back to the NPS under either of the above scenarios will be required to send the most recent copy of their assessment of risk of serious harm and sentence plan review and any additional information as required by the NPS

Process

The identification of either case-specific circumstances or the need for a review at a specified time should only occur in cases where the following applies:

- An offender has a borderline RSR score of 3%
- And
- A RoSH full analysis has been completed for this sentencing event or within the last 6 months which confirms that the offender has the likelihood to cause serious harm.

Potential Outcomes of a Case Review:

The purpose of the case review process ideally held face to face is to enable a discussion between the CRC Responsible Officer and the NPS about the current level of assessed risk of serious harm. The result of the case review should be to outline whether the NPS agrees with the CRC assessed risk level. The case review is not for the NPS to give advice to the CRC on how they should be managing the case. The result of the case review should be to outline whether the NPS agrees with the CRC assessed risk level. The rationale for the case review should be documented. If the NPS has significant concerns regarding CRC practice they should feed this back to the CRC and notify NOMS account manager.

There are three possible outcomes from the case review process.

- no evidence of increase in assessed risk of serious harm. No further action required
- no increase in assessed risk of serious harm level, but some risk indicators continue to exist
 - further case review requested;

- assessed risk of serious harm level has increased to high - case transferred to the NPS

The NPS cannot direct further risk management activity from the CRC other than requesting a further review. The CRC will retain responsibility for managing the offender and for making decisions on risk management notwithstanding any advice offered by the NPS.

Recording

At the point of allocation if the NPS decides to identify either case-specific circumstances or the need for a review at a specified time, this should be recorded on nDelius. The case-specific circumstances should be phrased clearly within the OASys full RoSH analysis and it will be the responsibility of the CRC to check the nDelius record and case papers that follow with the offender to seek clarification if there is any uncertainty.

Where the CRC is requested to return the case to the NPS where specific case factors materialise, they should do so using the nDelius system.

At the point of a case review the CRC should record that a case review has been requested and the NPS should record the outcome of the case review.

Annex C

Foreign National Offenders eligible for deportation

A key aim of allocating Foreign National Offenders to the National Probation Service is to promote close links with Home Office Immigration Enforcement (HOIE) as they make important decisions regarding whether offenders are deported and detained post release date, as well as to ensure the rehabilitation and effective risk management of those Foreign National Offenders who are released on licence.

Other foreign nationals outside the scope of automatic allocation to NPS will be managed by CRCs including those where HOIE are considering deportation or removal on other than criminality grounds , e.g. visa overstayers or others who do not have a right to remain. *In these cases contracts will stipulate that CRCs must provide HOIE with information for immigration enforcement purposes.*

1 Initial Case Allocation**Eligibility criteria**

For initial allocation purposes there are two groups of offenders who meet the eligibility criteria

- An offender who has been recommended for deportation by the sentencing court
- An offender who is a foreign national and has been sentenced to 12 months immediate imprisonment or over.

Exclusions

There are two exclusions.

- Prisoners with 'dual nationality' when one of them is British, cannot be deported and for case allocation purposes should not be considered as foreign national prisoners.
- Nationals of the Republic of Ireland should not be considered as foreign nationals for the purposes of this case allocation process.

Verifying nationality at Court

Nationality information may be available from the CPS, in prosecution papers, stated in Court or contained in an NPS sentencing report if available. For those cases where nationality is not available from an official source, or an offender's self-declaration is unclear or unreliable, or where there is conflicting information, the established process below, should be followed.

NPS Staff can contact the **Home Office's Command & Control Unit Telephone Helpline** to verify or establish nationality. Phone **0161 261 1640**, quoting the current NOMS password stating that the request is urgent, for case allocation. Passwords are changed for information security purposes, 6 monthly

To check the current NOMS password CTRL/ click below or go to EPIC/Service Delivery/Foreign Nationals. [EPIC - Foreign Nationals](#)

For queries regarding Foreign National Prisoners, contact NOMS Equality Rights and Decency Group on 0300 0 47 5682/6022

Ireland. Please note that for case allocation purposes nationals of the Irish Republic should not be considered as foreign nationals

Cases allocated in Error

It is likely that there will be some cases that need to be re-allocated due to either technical or user errors that could involve:

- cases initially allocated to the NPS which should be allocated to a CRC;
- cases initially allocated to a CRC which should be allocated to the NPS; or
- cases initially allocated to one CRC which should be allocated to a different CRC;

The process for re-allocating such cases will be separate from existing procedures applying to case transfers and risk escalation. Errors in allocation can be highlighted by both the NPS and CRCs. An appeal process in the event of a disagreement over a case highlighted by CRCs will sit with the NPS. The final decision on the re-allocation will sit with the NPS.

Process

Where a case is allocated in error to a CRC and should have instead been allocated to the NPS or a different CRC, the following steps should be followed.

1. a) If the CRC that the case has been allocated to in error has not yet ACCEPTED the transfer, the request should be rejected using one of the following rejection reasons:
 - Case Allocated in Error – User
 - Case Allocated in Error – Technical
- b) If the CRC has already accepted the transfer request, then they should initiate a transfer back to the NPS using the EXTERNAL TRANSFER functionality and one of the following transfer reasons:
 - Case Allocated in Error – User
 - Case Allocated in Error – Technical

A user error would be where the user has simply selected the wrong provider from the drop down list.

NOTE: The Offender, Order and any Supervision Requirement/Licence Condition will need to be transferred back to NPS.

2. Once NPS has accepted the transfer back, they should correctly assign to a responsible officer in the NPS using the INTERNAL TRANSFER functionality or to the correct CRC using the EXTERNAL TRANSFER functionality.

In both cases, one of the following transfer reasons should be used:

- Adjusted Initial Cohort Allocation
- Adjusted New Cohort Allocation

The first option applies where this is a NEW offender, the second where the offender has been subject to one or more previous Orders/Licences.

The same reasons for Transfer should be used where cases have been incorrectly assigned to NPS and need to subsequently be allocated to a CRC Cohort. This will usually only apply to technical errors.

Case Allocation Process

Annex E

