



HM Prison &
Probation Service



Community
Payback

Community Payback Operating Manual

Mandatory requirements and good practice
for the delivery of Unpaid Work



The Probation Service 2021

Change History

Date	Version	Nature of Change	Edited by	Sections Affected
April 2020	0.1	PDP - Edition 5 for Unified service	GS	All
Dec 2020	0.2	Revised for NPS management	GS	All
Jan 2021	0.3	Revised for day 1 adjustment	GS	All
Feb 2021	0.4	Update pre-consultation	GS	All
March 2021	1.1	Update post-consultation / union engagement	GS/SC	All

Table of Contents

1. Introduction	5
Unpaid Work under the Unified Model	6
Best Practice	6
Overview of Unpaid Work and Community Payback.....	7
Core Principles	8
The Unpaid Work Process.....	10
2. Projects / Placements	11
Arrangement of Projects/Placements	12
National project agreements	14
Public awareness / high-visibility tabards.....	14
Scheduling Arrangements.....	15
Travel Time	15
Financial Contributions/Income Generation	16
Assurance.....	17
Prevention of Stand Downs	18
Safe Working Environment.....	19
Reporting accidents, incidents and near misses	20
Vehicles.....	21
Tools and Equipment.....	22
3. Eligibility, individual needs and protected characteristics.....	23
Eligibility and suitability criteria.....	24
Age.....	24
State benefits and eligibility	25
Neurodiversity	26
Religion	26
Maturity.....	27
Women	27
Gender reassignment	28
4. Staff.....	29
Core Staffing structure.....	30
Unpaid Work Operations Manager.....	30
Unpaid Work Placement Coordinator	31
Unpaid Work Supervisor.....	31

Training and Support	32
Modelling Good Behaviour	33
5. Promoting Unpaid Work	35
Publicising the benefits of Unpaid Work	36
Informing sentencing decisions	36
6. Delivering Community Payback	38
Risk & Needs Assessment	39
Induction	39
Placement allocation	40
Transferring Requirements	41
Youth Offending Team cases	42
High Risk and MAPPA Eligible Cases	42
Work Instructions	43
Intensive Working	44
Group Sizes	45
Training & Employment Opportunities	45
Review Progress and completion within 12 months	46
Enforcement and compliance	47
7. Appendices	49

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1. Introduction



Unpaid Work under the Unified Model

This Operating Manual describes the changes in practice resulting from the unification of probation providers in June 2021 and replaces previous Community Payback Practice Guidance/Manuals. It provides detailed guidance on the new operating model, mandatory requirements and good practice for delivering the Unpaid Work Requirement.

This 'day 1' Operating Manual will be updated in time, to reflect the end state design intentions for the delivery of Unpaid Work under The Probation Service, as set out in the Target Operating Model¹. It is aimed at staff who manage and deliver Community Payback and is intended to establish a common understanding of the new operating model.

A smooth transition from Community Rehabilitation Company (CRC) to NPS delivery is a priority and 'day 1' changes are therefore being minimised to ensure continuity for supervised individuals, staff and stakeholders. CRCs innovated and introduced new and creative methods of delivering Community Payback; the new operating model embraces these concepts.

This Operating Manual describes the core staffing structure for Unpaid Work teams within the new Regional structures. Unpaid Work teams will be comprised of Supervisors, Placement Coordinators and Managers. They will work alongside Probation Practitioners (formally referred to as either Offender Managers or Responsible Officers), administrative colleagues and other teams/colleagues.

Commented [A1]: New initialism from NPS to TPS? Amend throughout once confirmed.

Best Practice

This Operating Manual describes the effective practice which has been found to improve rehabilitative outcomes, and compliance with the Unpaid Work Requirement². This includes:

- Arranging projects which are experienced as useful and rewarding
- Creating opportunities to develop employment-related skills
- Arranging projects which meet the needs of people with protected characteristics

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf

² <https://www.gov.scot/publications/evaluation-community-payback-orders-criminal-justice-social-work-reports-presumption-against-short-sentences/>

- Commencing the work promptly, and being able to work regularly
- Staff promoting and demonstrating inclusive and pro-social behaviour
- Staff providing clear information and consistent application of the rules

Overview of Unpaid Work and Community Payback

- i. Unpaid Work as a sentence of the Courts started in 1973 as 'The Community Service Order'. The Criminal Justice and Court Services Act 2000 renamed the Community Service Order as a Community Punishment Order.
- ii. The Criminal Justice Act 2003 created the Community Order, a sentence that can be made up of one or more Requirements; Unpaid Work is one of these Requirements. The same Requirements apply to the suspended sentence order. Courts can impose sentences of between 40-300 hours, reflecting the seriousness of the offending.
- iii. Community Payback is the term used to refer to any work done as part of an Unpaid Work Requirement within a Community Order (CO) or Suspended Sentence Order (SSO). It also refers to the organisational structures required to deliver Community Payback in the community. The term will be used to describe teams or units, on websites and in any promotional material. The sentence of the court remains an Unpaid Work Requirement (imposed as part of a court order) which is set by legislation.
- iv. Community Payback was launched in 2005 to promote public awareness and understanding of the Unpaid Work Requirement. This was done by focusing on greater visibility, raising public understanding of the sentence and giving the public a chance to nominate work projects. The primary purpose of this activity was to improve public confidence in Community Payback and other community sentences. The 'Justice Seen, Justice Done' campaign during 2009/10 significantly raised the profile of Community Payback. Research tracking the campaign found that public awareness of Community Payback increased from 49% in November 2008 to 74% in early 2010.
- v. The Offender Rehabilitation Act 2014 (section 2) introduced Post-Sentence Supervision (PSS). The Court can impose a Supervision Default Order (SDO) for failure to comply with PSS and this can include an Unpaid Work Requirement of between 20 and 60 hours³. All Community Payback hours imposed as part of an SDO must be completed before the end of the PSS which cannot be extended. Enforcement for failure to comply with Community Payback hours must be brought whilst the supervision default order remains in force (Schedule 19A CJA 2003).

³ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/breach-of-post-sentence-supervision/>

- vi. NPS Regions are responsible for making the Unpaid Work Requirement available to the Criminal, Civil and Military courts. Unpaid Work is available to the Civil Courts as a requirement of an Enforcement Order, imposed as a penalty for breach of a Child Contact order. A Contact Order under the Children Act 1989⁴ imposes a legal obligation upon the person with whom a child lives (a.k.a. the resident parent) to let the child in question have contact with the person specified in the Order. A Child Contact Order can be made to give children the right to see both of their parents and enable a continued relationship to exist between them. Further information in relation to Enforcement Orders can be found in PI 07/2016.
- vii. Unpaid Work is available as a sentence of The Courts Martial. Service Courts may sentence a supervised individual, whether armed forces personnel or a civilian subject to Service discipline, to a Service Community Order (SCO) or a Suspended Sentence Order (SSO), Under the Armed Forces Act 2006 section 178, but these sentences can only be awarded to service personnel if he or she is also dismissed from the Service. PI 20/2014 explains the procedures to be followed when Service Community or Suspended Sentence Orders are imposed by The Courts Martial.
- viii. Unpaid Work is not available as a condition of a licence on release from a prison sentence.
- ix. Community Payback should be seen by the public to be a credible punishment providing reparation to the community. However, the punishment aspect of Community Payback is inseparable from the rehabilitative potential of the sentence. Reparation and rehabilitation can include learning basic employment skills through a positive work experience and the opportunity to gain vocational or skills-based training
- x. In the Police, Crime, Sentencing and Courts Bill 2021⁵ the Government are proposing to *“Create a requirement for probation officials to consult key local and regional stakeholders on the delivery of Unpaid Work”*.

Core Principles

- **Credible Punishment** – Unpaid Work is primarily a punishment with rehabilitation of supervised individuals being a secondary, although important consideration. The Requirement must be completed within 12 months of sentence.

⁴ <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

⁵ <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-community-sentences-factsheet>

- **Rehabilitation** – Unpaid Work can support the rehabilitative aspects of a Community Order, for example, through developing work ready skills, such as good timekeeping and working cooperatively with others. The opportunity to develop vocational skills in a practical work environment is available in some placements.
- **Public Safety** - The safety of the public, staff and the supervised individual are paramount. Risk assessment and risk management are shared responsibilities of the Probation Practitioners and the Unpaid Work team. The Probation Practitioner is primarily responsible for monitoring and managing the risk to the public and the with the Unpaid Work team focussing on the health and safety risks of delivering the Requirement.
- **Procedural justice**⁶ - There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes. Supervised individuals have stressed the importance of their relationships with practitioners, stating that they value practitioners who are respectful, non-judgemental, consistent, fair and accountable.
- **Public Involvement** - The public can nominate Community Payback projects and receive feedback on their progress. The range of projects NPS Regions provide should engage, and be relevant to, all sections of the community. To support this, Unpaid Work teams are required to consult with key local and regional stakeholders (including Police and Crime Commissioner, Community Safety Partnerships and groups representing victims) on the design and delivery of Unpaid Work.
- **Diversity** - Partnerships, staff recruitment and project/placement arrangements will reflect diverse communities. Attendance on Community Payback must not be prevented or restricted because of a protected characteristic that could lead to discrimination or behaviour that creates exclusion. The Unpaid Work Operational Manager has a specific remit to work with the regional equalities lead to champion diversity in the delivery of Unpaid Work. They will work with partner agencies to identify placements within specialist agencies or organisations that support the integration and inclusion of specific cohorts of people with protected characteristics.
- **Reparation to the Community and Community Benefit** - Placements should be 'local' to supervised individuals, meaning that they should not travel more than a total of 90 minutes each way from home to the initial worksite unless exceptional reasons apply. A significant restorative outcome can be realised where both supervised individuals and stakeholders recognise the benefits of Community Payback activities.

⁶ <https://www.justiceinspectorates.gov.uk/hmiprobation/research/the-evidence-base-probation/models-and-principles/procedural-justice/>

- **Paid Work by Others and Income Generation** - Community Payback must not directly replace paid employment by others. However, it can add value to the work undertaken by public bodies, voluntary organisations, community groups and social enterprises. NPS Regions must seek to reduce costs by working with appropriate partner organisations. State Aid Regulations and forced labour conventions such as Article 4 of the European Convention on Human Rights⁷ must not be infringed and beneficiaries must not exploit competitive advantage by the provision of free labour. Income generated must be recorded for management information and should be reinvested into projects that meet a priority need identified by the Head of Unpaid Work e.g. where the beneficiary is unable to contribute towards the cost of materials.

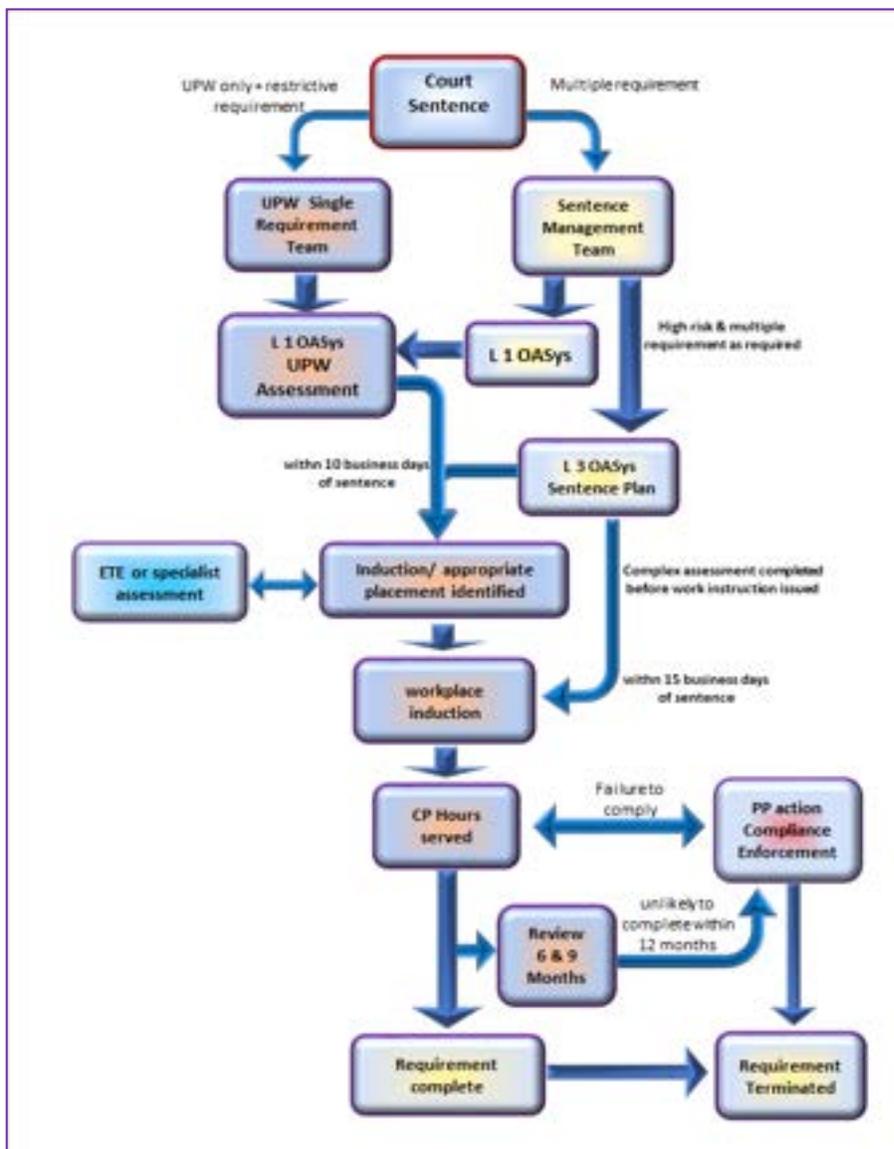
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⁷ <https://www.equalityhumanrights.com/en/human-rights-act/article-4-freedom-slavery-and-forced-labour>

The Unpaid Work Process

Commented [A2]: Need an updated process map once the model is finalised

The following diagram outlines the key stages for day 1 delivery of the Unpaid Work Requirement.



2. Projects / Placements



Arrangement of Projects/Placements

- 2.1 A broad and varied range of projects which adhere to the principles of Unpaid Work must be arranged to ensure service delivery throughout the year. Unpaid Work hours can be completed in variety of methods, depending on the risks and needs of the supervised individual:
- **Group projects:** offering the most effective way to deliver the Requirement at high volume, working as a group encourages a broad mix of individuals to work together towards a common goal; promoting team work and effective communication in a work environment
 - **Individual placements:** an effective way to enable an individual unable or unsuitable for group work to complete their hours in a more flexible manner. Placements typically include working in a charity shop with supervision being provided by the beneficiary
 - **Unsupervised projects:** an innovative delivery solution introduced in response to the social distancing restrictions imposed as a result of COVID-19. Due to the nature of this work it is not appropriate for all supervised individuals but can be used to deliver the Requirement where group or individual placements are not possible
- 2.2 The approach to sourcing projects/placements should include a focus on community integration to promote active citizenship, providing opportunities for supervised individuals to become more involved with their community through using local resources and facilities or volunteering and developing social capital. Placements are expected to be meaningful, both to the supervised individual and the community.
- 2.3 NPS Regions should encourage Placement Coordinators to focus on developing a significant proportion of placements to have an environmental or sustainability focus, in line with the Governments 25 year environment plan⁸.
- 2.4 It is good practice for Placement Coordinators to link with Local Authority areas; enabling engagement with local partnerships and attending local crime reduction forums to promote the availability of Community Payback assisting with local projects.
- 2.5 Project nominations will be processed through the Gov.uk project nominations website⁹ and shared with NPS Regions by a HQ Administrator. The link to the Gov.uk project nominations webpage should be shared via NPS social media in order to increase community engagement. Additional nomination facilities

Commented [A3]: Approach to be finalised and agreed

⁸ <https://www.gov.uk/government/publications/25-year-environment-plan/25-year-environment-plan-our-targets-at-a-glance>

⁹ <https://www.gov.uk/nominate-community-payback-project>

should also be supported, such as nomination leaflets - kept by the Supervisor and handed out to the public on request (example provided in [Annex K](#)); once completed these can be shared with Placement Coordinators to investigate further. Supervised individuals should also be encouraged to nominate projects through these means.

- 2.6 Potential project nominations should be acknowledged promptly, and within a maximum of 5 business days. The response should indicate whether the project meets the eligibility criteria and if so the subsequent stages for progressing the work. Project coordinators must maintain a record of all project nominations; indicating the means of referral, whether it was accepted or rejected and the reasons for the decision.
- 2.7 Potential projects/placements will be assessed to identify relevant risk information and ensure quality standards are met. This assessment will be recorded and available to the Placement Coordinator and Operations Manager for reference. A template Work Placement and Work Provider Agreement is provided at [Appendix A](#). This form, or an alternative for day 1, can be used to identify placement qualities and the actions required of the beneficiary. The agreement should be reviewed annually and amended when there is a significant change in the placement, or the nature of the work undertaken.
- 2.8 Community Payback is most appropriately delivered with 'not for profit' or charitable organisations. It is particularly important that where a commercial organisation is delivering services on behalf of a public organisation or charity, the project demonstrably provides an additional service not covered by the contract; e.g. litter picking with a ground maintenance contractor. Unpaid Work staff must ensure that beneficiaries are not exploiting competitive advantage by using Community Payback as an enhancement to their contract.
- 2.9 All NPS Regions should either use, or consider developing, a workshop(s) as part of their project portfolio. Workshops provide enhanced opportunities to manage the range of supervised individuals risks and needs as well as offering an opportunity for hours to be completed on projects where new skills can be learned. They also provide additional opportunities to mitigate the potential cancellation of work sessions because of extreme weather conditions.
- 2.10 Community Payback must not replace paid employment but can add value to the work undertaken by public bodies and voluntary organisations This is not always a straightforward judgement but those responsible for assessing placements must satisfy themselves that the project does not contribute to profit or substitute for paid employment.
- 2.11 Community Payback work must not involve any activity which could be regarded as direct personal care or supervision of a child or vulnerable adult, or regulated activity as defined by the Protection of Freedoms Act 2012. Beneficiaries must

Commented [A4]: May need more detail here depending on feedback from legal, including whether an alternative is acceptable?

understand that supervised individuals are not permitted to be included in this form of work.

National project agreements

- 2.12 National agreements with larger charities are currently being developed to encourage local offices of these charities to develop a relationship with their local Unpaid Work team. A standardised agreement will free up local teams from making decisions about the viability or defensibility of arranging placements and will be flexible to allow for local adaptation and variation. This allows the National charities to strategically plan their engagement and promote their own priorities, particularly through engagement with harder to reach groups and provision of training and/or volunteer opportunities. The list of current and developing National agreements will be circulated to regions periodically.

Public awareness / high-visibility tabards

- 2.13 Greater visibility of Community Payback projects has improved the profile of the Unpaid Work Requirement, improving public awareness. Unpaid Work staff must ensure that supervised individuals working on group projects potentially visible to the public are required to wear high-visibility tabards with the Community Payback logo on the front and the words Community Payback (bilingual for Welsh areas) on the back. Full details are set out in PI 00/000¹⁰. Individuals completing their hours in an individual placement are not required to wear a tabard.
- 2.14 The mandatory requirement to wear a high-visibility tabard applies to all supervised individuals over 18 years of age and includes sentences passed by the Court Martial. It does not include individuals undertaking Unpaid Work as a requirement of an Enforcement Orders under the Children and Adoption Act 2006 who are not required to wear high visibility tabards and who must not work with supervised individuals on projects where the tabards are being worn¹¹.
- 2.15 In exceptional circumstances, and where identified in the work placement risk assessment, tabards may not be worn. These circumstances may include where the tabards could pose a potential risk of harm to members of the public, staff or supervised individuals or if the beneficiary considers that they would be detrimental to the objectives of their organisation. A decision not to use the

Commented [A5]: Add PI reference

¹⁰ [Link to webpage](#)

¹¹ All other mandatory requirements of Unpaid Work/Community Payback are applicable to an Enforcement Order

tabards must be endorsed by a manager and the basis for the decision recorded. Alternative means of bringing the project to the attention of the public may be employed.

- 2.16 The Unpaid Work Team will ensure that members of the public can easily identify the staff member supervising the work group e.g. wearing a high-visibility tabard with 'Supervisor' printed on the front and back.
- 2.17 Beneficiaries of Unpaid Work will be made aware of the purpose of the tabards. Any request to exempt a project from the use of the tabards must only be agreed where convincing evidence is provided based on health and safety concerns, risk to the beneficiary or suitability of the placement.

Scheduling Arrangements

- 2.18 Effective scheduling of staff and placements is vital to achieve efficient organisation and delivery. Current scheduling is predominantly based on a series of excel spreadsheets and the scheduling facility within NDelius. These arrangements will continue for day 1 of the new service. In the longer term, a digital solution is being developed that will take the best examples of current practice to create a single, national, digital tool.

Travel Time

- 2.19 Wherever possible work placements will be local to the supervised individual, unless there are risks factors which preclude this, including proximity to the victim(s) of the index offence, gang issues etc.
- 2.20 Reporting directly to projects¹² offers benefits to both supervised individuals and the organisation as it can reduce travel time/costs and there is an environmental benefit. Eligibility decisions need to be made on an individual basis, taking into account the various issues; including availability of public transport, parking spaces etc.
- 2.21 Supervised individuals travel time to an Unpaid Work induction appointment must not exceed 60 minutes. To maximise time spent working, minimise excessive travel and maintain sentencer confidence; travel time to the work site or pick up point must be kept to a minimum. In practice this means that travel

¹² This was a change of practice introduced during the COVID-19 pandemic to continue working without the use of minibuses

time must not exceed a total maximum time of 90 minutes from the individual's home to the worksite, including the time, counted as part of the order, travelling in an NPS vehicle. The maximum time travelling under supervision and that can be credited against Unpaid Work hours is 60 minutes each way. Where more than 30 minutes is spent travelling to a pick-up point there should be a corresponding reduction in time spend in a Community Payback vehicle, up to the 90-minute maximum. Conversely a maximum 90 minutes total travel time can be used where the supervised individual reports directly to a work site.

- 2.22 Where a placement could involve multiple work sites (e.g. litter picking) travel time to the initial project site is only relevant to this measure. The local nature of work placements will mean that in most cases a supervised individual should spend far less than the maximum permissible time travelling to a project.
- 2.23 In exceptional circumstances a longer period of travel time may be acceptable. For example, to support a Government backed relief effort or when contingency plans must be put in place at short notice to avoid standing down a work group. Rurality does not constitute an exception to the maximum time allowed but may contribute to an exceptional circumstance; e.g. where a group is unavoidably cancelled, and supervised individuals are transported to a neighbouring area. Exceptional circumstances are likely to be one-off or short-lived practical difficulty or a practice decision that is required for public protection purposes. The reason for extended travel time must be recorded on the case management system and endorsed by a manager.
- 2.24 Detailed guidance relating to reimbursing travel costs to supervised individuals can be found in PI 02/2016¹³.

Financial Contributions/Income Generation

- 2.25 Unpaid Work teams should seek to reduce the cost of delivering placements by requesting contributions towards the cost of providing tools, equipment and PPE from beneficiary organisations where appropriate (see [Appendix H](#)). The following guidance must be followed:
- Contributions may be monetary or 'in kind' e.g. through the provision of staff time to supervise the work undertaken, or materials to facilitate the work
 - Financial contributions can cover some, but not all, of the costs of setting up and delivering a project

¹³ [PI 02/2016 AI 02/2016 – NPS Offender Travel](#)

- The work can provide additional benefit to the community and
- will not add to the profitability of a beneficiary.
- Projects may involve agreements with local authorities, other public bodies or social enterprises but private enterprises are unlikely to be appropriate
- Projects nominated by local community groups or charitable organisations must not be disadvantaged or rejected if they are unable to make a contribution
- Income generation must not breach State Aid regulations or constitute forced labour under the International Labour Organisation, Convention 29 of the European Convention on Human Rights
- Where there is a risk that a supervised individual's work will contribute to the profitability of that organisation, it will not usually be undertaken. However, under certain exceptional circumstances this consideration can be relaxed e.g. clearing up after an extreme weather event, clearing snow, supporting recovery work following a health pandemic

2.26 ...

2.27 All financial contributions/income generation must be processed through the NPS cost centre system so that it can be tracked and identified in the event of FOI requests. The cost centre names and codes for each NPS Region are as follows

Commented [A6]: Add detail from NPS finance leads about how to process the contributions etc

Cost Centre Name	Cost Centre Code
NPS UPW and Attendance Centres North East	10206460
NPS UPW and Attendance Centres Yath	10206885
NPS UPW and Attendance Centres East Midlands	10206025
NPS UPW and Attendance Centres West Midlands	10206800
NPS UPW and Attendance Centres Greater Manchester	10206175
NPS UPW and Attendance Centres North West	10206535
NPS UPW and Attendance Centres East of England	10206095
NPS UPW and Attendance Centres Kent, Surrey and Sussex	10206260
NPS UPW and Attendance Centres London	10206325
NPS UPW and Attendance Centres South Central	10206640
NPS UPW and Attendance Centres South West	10206715
NPS Wales UM Transition	10205885

2.28 A range of local and regional audit and inspection processes will provide assurance to the NPS and HMPPS on the quality of Unpaid Work delivery. Heads of Unpaid Work will ensure quality assurance of the following:

- **Projects/placements** – regular, unannounced spot checks should take place assessing all aspects of the work being undertaken and the conduct of both staff and supervised individuals. A sample form is included in [Appendix I](#)
- **Health and Safety Risk Assessments** – a random sample of assessments should be audited (by appropriately qualified staff) each year, and following any accident, near miss or change of circumstances, in line with Health and Safety legislation. The audit should be recorded and be accessible as required
- **Placement agreements** – a random sample of agreements are to be audited annually to ensure that quality standards continue to be met
- **Beneficiary feedback** – beneficiaries should be surveyed, either annually or at the end of the project to seek their views. A sample questionnaire is provided at [Appendix D](#)
- **Supervisor observation** – Operational Managers will observe Supervisors at work at least twice each year, providing developmental feedback in addition to routine line management meetings. The Pro-Social Modelling Action Checklist found at [Appendix C](#) may be used for this purpose. Adequate time should be taken to provide feedback to staff and identify potential areas in which practice may be improved

2.29 HMPPS will provide monthly management information/performance reports on the Performance Hub. Unpaid Work will also be subject to assurance by the Operational and System Assurance Group¹⁴ (OSAG) and HM Inspectorate of Probation¹⁵.

2.30 New performance measures will be monitored from the commencement of the unified service. These include:

- The Probation Practitioner must complete an assessment of risk and need within 10 business days of sentence.
- The work placement will start within 15 working days of sentence
- Stand downs or sessions cancelled on the day and minimised in order to maintain supervised individual engagement
- Unpaid Work hours are completed within 12 months of sentence, supported by management information on progress at six and nine months¹⁶

¹⁴ <https://intranet.noms.gsi.gov.uk/support/operational-and-system-assurance-group>

¹⁵ <https://www.justiceinspectorates.gov.uk/hmiprobation/>

¹⁶ It is good practice to conduct an early review at 3 months for all requirements with more than 200 hours

Prevention of Stand Downs

- 2.31 Unpaid Work teams will have sufficient placements available, along with contingency plans in place to deal with any unexpected difficulty. The motivation, engagement and compliance of supervised individuals can be undermined if placement sessions are cancelled and they are stood down/sent home. Repeated stand downs undermine confidence in the Requirement and the Unpaid Work team and may make it difficult for the hours to be completed within the timescale set by the Court.
- 2.32 Contingency plans are required for all eventualities and may include staff on standby to replace absent staff or the provision of alternative, indoor, work placements. They will also include a process to ensure that the same individuals are not stood down on multiple occasions.
- 2.33 If it is necessary to stand down a session after individuals have reported for work, a minimum of 1 hour and a maximum of 2 hours should be credited towards the sentence, taking account of travel time and disruption to other commitments such as time taken off work. Staff must clearly record the stand down on NDelius with the attendance time, the time allocated to the supervised individual (with justification) and reason for standing down the work session.
- 2.34 It is expected that work will continue in all but the most severe weather conditions. To retain public credibility projects/placements should take place unless the nature of the work or health and safety considerations makes this unsafe.

Safe Working Environment

- 2.35 Unpaid Work staff have a shared responsibility for their own health and safety, that of their colleagues, individuals they supervise, beneficiaries and members of the public. Health and safety instructions for undertaking work on a placement must reflect current legislation and organisational policy. Staff must understand their legal obligations as described in the Health and Safety at Work Act 1974. Training of at least - Institution of Occupational Safety and Health (IOSH) Managing Safely certificate and/or Health and Safety Level 3 - is required for staff managing work groups or arranging placements. Written health and safety information must be provided to all Supervisors and placement organisers.
- 2.36 Organisations providing agency placements are required to have suitable health and safety arrangements in place with a risk assessment for any activity involving

a supervised individual on placement. If an adequate risk assessment is not available this must be completed by suitably qualified staff within the Unpaid Work team before the project can commence.

- 2.37 Project specific health and safety assessments must be readily available to all staff and to supervised individuals. Where access to online files is limited a printed version of the assessment should be available within a project folder, accessible at the work site. A template Community Payback Work Placement and Work Provider Agreement is provided at [Appendix A](#). In the end state model this will be used to identify placement qualities and the actions required of the beneficiary. This form must be reviewed and amended when there is a significant change in the placement, or the nature of the work undertaken.
- 2.38 Health and safety risk assessments must be reviewed by a suitably qualified Placement Coordinator every 12 months and whenever there is a change to the tasks being undertaken. Reviews should also take place following an incident or a near-miss and the event should be recorded.
- 2.39 Information from the placement assessment is used when allocating supervised individuals to a project to ensure they are not allocated to a placement where they may pose a risk of harm to the public, staff, themselves or other group members. Where an individual is known to present a significant risk to others a contingency plan must be devised to ensure an appropriate response in the event of an incident.
- 2.40 A sufficient level of supervision is required for all placements, with this being a consideration of the placement assessment. Larger work groups, groups operating in remote locations, those accommodating high risk individuals or where the Supervisor is new to the role may require the presence of an additional Supervisor. This may be achieved by combining groups or establishing projects in conjunction with partner agencies able to provide a staff member to help with the supervision of the work project. Volunteer peer mentors can greatly assist the successful management of a work group but should not be included as part of the staff to supervised individual ratio.
- 2.41 Operations Managers are responsible for providing adequate oversight of placements. A duty manager system, for example, would ensure that a member of staff with expertise and authority is available for consultation with front line staff. Effective communication should be maintained with staff supervising work groups, bearing in mind that mobile telephones may not be a sufficient control measure where there is an inadequate signal.
- 2.42 During health pandemics, including COVID-19, the Head of Unpaid Work will ensure that all project activity is fully compliant with Government and HMPPS directions to manage the spread of the virus. This may involve appropriate control measures or cancelling work sessions or types of placements.

Reporting accidents, incidents and near misses

Commented [A7]: Awaiting aide memoire info from Paul Hughes

- 2.43 Unpaid Work staff are required to record and report all accidents, incidents and near misses on Community Payback projects/placements. Work related injuries and ill health have a direct adverse impact on the lives of those injured. They also have a detrimental effect on NPS' organisational performance and sickness absence levels. An effective accident/incident reporting, recording and investigation process can significantly contribute to a successful health & safety management system and can reduce the likelihood and impact of such events.
- 2.44 The NPS has a well-established process in place to support staff in reporting incidents. PI 13/2015 (Health and safety arrangement for the management of accident reporting, recording and investigation) has been updated (in 2021) to describe the process, this will be available for Unpaid Work staff from day 1.
- 2.45 The NPS EQUIP database provides a process map which describes the stages that staff need to follow in reporting an incident. Unpaid Work staff will be provided with a link¹⁷ or QR code (below) which takes them to the incident reporting database. This can be done using either an MoJ smartphone or laptop, both of which are issued to all NPS staff.

Commented [A8]: Not to be used before day 1



- 2.46 In order to ensure the incident is recorded clearly and fully the report should be submitted within 24 hours of it taking place. This will allow for it to be completed at the end of the working day if there is no wifi, or mobile data signal available on the project. The reporting process is not onerous and should be able to be completed within 15 minutes.

Vehicles

- 2.47 Vehicles used to transport supervised individuals must be suitable for purpose and maintained in accordance with the manufacturer's instructions and current

¹⁷ <https://www.rivosafeguard.com/tools/portal/accidents/LogAnonymous.aspx?4741D7A7F73B43FDB983>

regulations. The Operations Manager must ensure that drivers are competent and appropriately qualified to drive these vehicles.

- 2.48 CRC vehicle lease hire arrangements will cease at contract end date. Community Payback vehicles owned by CRCs will transfer to the NPS; being replaced by lease hire vehicles over time in line with the MoJ Fleet Management Policy.
- The Operations Manager is responsible for the day to day management of lease vehicles procured through the HMPPS central team
 - Maintaining a schedule for service or repair and routine maintenance issues is likely to be Placement Coordinator responsibility. They will report any faults and make recommendations for any additional vehicles
 - The driver remains ultimately responsible for the roadworthiness of any vehicle they use and must on every occasion go through basic checks, tyres, brakes, windscreen wiper fluid etc.
- 2.49 All vehicles used to transport supervised individuals must be fitted with a GPS tracking device and a means for the driver to request emergency support.
- 2.50 A D1 driving licence category is required to drive a minibus; this will require additional training for staff who passed their driving test after 1997. The Certificate of Professional Competency (CPC) will need to be held by vehicle drivers and this training will be arranged for relevant staff as soon as possible after day 1. The CPC gives assurance that the driver has a level of training to demonstrate they know how to ensure the safety of passengers and how to react in the event of an emergency.
- 2.51 Additional guidance on the use of vehicles for Unpaid Work can be found in [Appendix G](#).

Commented [A9]: D1 licence may be required for minibuses that transport more than 8 passengers but some CRCs transport only 8 and therefore D1 is not required.

Commented [A10R10]: Checking this and awaiting response from legal dept.

Tools and Equipment

- 2.52 Tools and other equipment used by supervised individuals must be stored and maintained in accordance with the manufacturer's instructions. Personal protective equipment must also meet the required regulations and procedures must be in place to ensure that the equipment is stored and maintained in a safe condition, being replaced as required. A schedule of available equipment and control measures to ensure the correct servicing regime for equipment will be managed by a designated Placement Coordinator(s). The method used to manage and maintain tools and equipment within a health and safety context may vary across regions as determined by the Head of Unpaid Work and reflecting local needs.

3. Eligibility, individual needs and protected characteristics



Eligibility and suitability criteria

- 3.1 Before the court can make an Unpaid Work Requirement, it must be satisfied that the individual is suitable. The Equality Act 2010 provides a cross cutting legislative framework to protect the rights of individuals and promote equality of opportunity. Unpaid Work teams must ensure there is a sufficient range and quantity of placements to meet the requirements of all supervised individuals.
- 3.2 The Equality Information Form (EIF) is mandated for completion by an NPS practitioner the at the first point of contact with a supervised individual. This information, along with the Unpaid Work assessment is essential to identify protected characteristics and individual needs, highlighting potential difficulties complying with the Requirement. Attendance on Unpaid Work must not be prevented or restricted because of a protected characteristic. In these cases, staff should discuss and agree with the individual what adjustments are required to enable them to complete their hours.
- 3.3 The Unpaid Work Operational Manager has a specific remit to work with the Regional Equalities Manager to champion diversity in the delivery of Unpaid Work. This includes working with partner agencies to identify placements that support the integration and inclusion of individuals with a protected characteristic.
- 3.4 Attendance on Unpaid Work must not be prevented or hindered as a result of a supervised individual's race, ethnic background, cultural or language requirements. Guidance on providing written or verbal information to supervised individuals who do not speak or read in English is on EQuiP.

Age

- 3.5 Advanced years alone is not a factor that should exclude individuals from the availability of an Unpaid Work Requirement. When assessing an individual's suitability for Unpaid Work, the court will be guided by the advice of an NPS Court Practitioner and is legally obliged to follow the sentencing guidelines in relation to the imposition of community sentences. As highlighted by s.199(3) of the CJA, a specific consideration in determining a requirement is the ability of a supervised individual to comply. Age alone is not a deciding factor in this decision.

State benefits and eligibility

- 3.6 It is not uncommon for courts to sentence to Unpaid Work individuals who are in receipt of benefits related to a limited ability to work¹⁸ or who claim that they are not physically able to work. To minimise the small number of cases where supervised individuals are sentenced to an Unpaid Work Requirement they cannot complete, NPS court practitioners should, where applicable, present evidence that demonstrates an Unpaid Work would be unworkable on medical grounds.
- 3.7 NPS Court practitioners should inform the Court at the pre-sentence stage that individuals claiming Employment and Support Allowance or Personal Independence Payments are unlikely to be suitable for the Unpaid Work requirement. Recipients of ESA or PIP are deemed by the Department for Work and Pensions to have limited capability for work and undertaking Unpaid Work could result in them becoming ineligible to receive these benefits. Where an individual subject to ESA or PIP is sentenced to an Unpaid Work Requirement, the Order is likely to need to be returned to court with a request for a resentencing decision.
- 3.8 In the case of supervised individuals who are sentenced to an Unpaid Work Requirement they cannot complete e.g. because of a disability or serious substance dependency; evidence should be promptly gathered by the Probation Practitioner and the Order returned to court with a request for a resentencing decision.
- 3.9 If a supervised individual submits a medical certificate, work appointments would normally be suspended until the certificate expires or a further assessment takes place with the Probation Practitioner, who may contact the doctor issuing the sick note for advice, and the Order returned to Court, if appropriate.
- 3.10 Sentencers have declined to revoke Unpaid Work Requirements on the grounds of ill-health, particularly where supervised individuals have stated they are willing and able to comply with the Requirement at the sentencing hearing. Sentencers will expect the supervised individual to complete their Unpaid Work hours with appropriate adjustments being made. In these circumstances a notice of 'fitness to work', may need to be sought from the supervised individuals GP, where possible. This may incur a charge.

¹⁸ Including Employment and Support Allowance (ESA) and Personal Independence Payment (PIP)

Neurodiversity

- 3.11 Unpaid Work staff need an awareness and understanding of how to work effectively with individuals with a neurodivergent condition.
- 3.12 Neurodivergent conditions include: Dyspraxia, Dyslexia, Attention Deficit Hyperactivity Disorder, Dyscalculia, Autistic Spectrum, Tourette Syndrome, and others. Key factors to consider include:
- Written information must be clear and concise, avoiding jargon
 - Supervisors need to be aware of an individual's neurological condition in order to prepare an appropriate strategy for managing them on a placement
 - Supervisors need to have a good level of awareness of the issues associated with neurodiversity, provided through training and learning resources
 - Additional support available should be tailored to meet the individual needs e.g. giving clear instructions, explaining what the task is and why it's important, explaining the structure of the day

Religion

- 3.13 Unpaid Work teams will recognise the need of all supervised individuals to practice their faith. It is also reasonable for staff to expect some flexibility and for some prayers to take place outside of project/placement working hours. Religious belief, and any adjustments required, will be discussed with the individual prior to them commencing Unpaid Work, to allow for this to be communicated to the Supervisor.
- 3.14 **The Islamic faith:** It is obligatory for a practising Muslim to pray 5 times a day at specific times. During a full working day there could be the need for two prayer times. An extended break at lunch time and during the afternoon break may satisfactorily accommodate prayer time. Evening work sessions or later running days may need to consult a recognised schedule¹⁹. When away from home practicing Muslims will complete the obligatory part of the reading, which will take about 10 minutes. It is important to accommodate these needs where possible. If in the judgement of the supervised individual there are no suitable places to pray at the work placement, the missed prayers can be made up at the

¹⁹ E.g. <https://www.islamicfinder.org/world/united-kingdom/>

next prayer time. Prayer is not a legitimate reason to miss Unpaid Work or to leave the placement site, unsupervised.

Maturity

- 3.15 In cases where a full OASys is completed on male individuals aged between 18 and 25²⁰ and 'promoting maturity' is identified as an area of need, an explanation of what actions will be taken by Unpaid Work staff to support engagement and compliance with the Unpaid Work Requirement is required²¹. Additional needs assessments may be appropriate and could include, for example, a specialist education and training assessments or additional information about learning difficulties.

Women

- 3.16 A sufficient range and quantity of placements must be provided to meet the specific needs of women. Successive reports have highlighted the need for different services and policies for women in the criminal justice system²² to ensure equality of treatment and outcome. Key factors to consider include:
- As part of the Unpaid Work assessment women will be asked if they would prefer to complete their hours in a mixed gender group, women only group or an individual placement (where possible)
 - Women will not be allocated to work in an all-male work group and, wherever possible groups comprising women will be managed by a female Supervisor
 - Women should be allocated to work placements which take account of their individual needs, notwithstanding the need to manage any risk factors
- 3.17 The needs of women who are pregnant or new mothers need to be carefully considered and subject to a focussed risk and needs assessment. Women are also more likely than men to be subject to enforcement orders under the provisions of the Children and Adoption Act 2006, because they are more likely to have residence of children in cases involving disputed contact. The same

²⁰ The screening tool, which is embedded within OASys, has not yet not been validated with women, so should not be used with this group. The tool is for young adult males, 18-25 years old.

²¹ <https://intranet.noms.gsi.gov.uk/news-and-updates/features/choices-and-changes-a-resource-pack-to-support-young-adult-men-with-low-psychosocial-maturity>

²² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf

considerations should apply to Unpaid Work placements for women subject to an Enforcement Order.

Gender reassignment

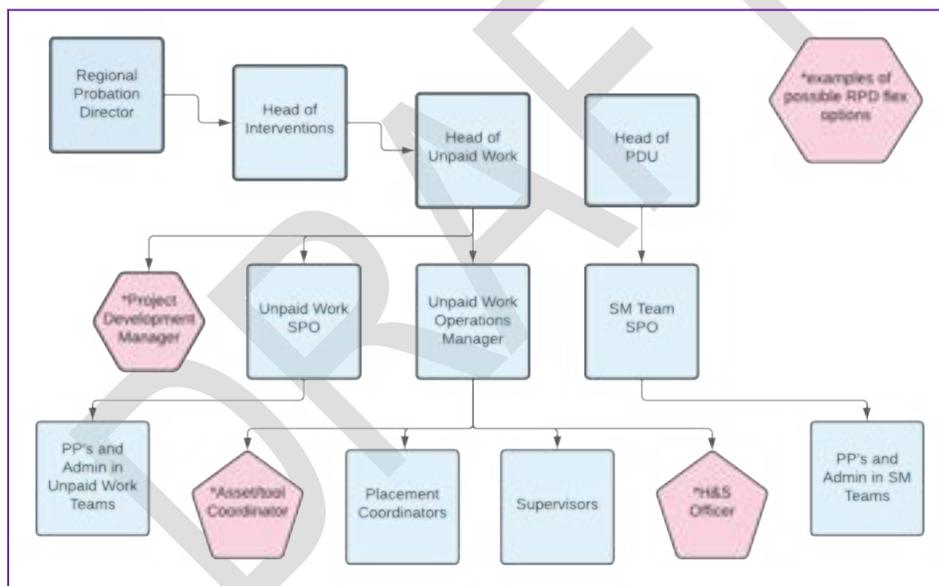
- 3.18 Under the Equality Act 2010, a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.
- 3.19 Where a supervised individual is undergoing or has undergone gender reassignment, consideration should be given by Unpaid Work staff in collaboration with the Probation Practitioner to the location and type of work placements and access to gendered spaces whilst on placement (e.g. toilets, changing areas). This must include an assessment of risk (both to and from the individual). Individuals must be supported and enabled to express their gender identity when undertaking Community Payback in accordance with any health and safety, risk, and operational assessments. The views of the supervised individual should be actively sought and considered as part of the Unpaid Work assessment and throughout the completion of their hours.
- 3.20 The Gender Recognition Act (GRA) 2004 provides that it is a criminal offence for a person who has acquired protected information in an official capacity to disclose this to any other person. "Protected information" is information which relates to a person's application for a gender recognition certificate or, where a gender recognition certificate has been issued, information which relates to the person's previous gender. It is not an offence to disclose protected information where one of the exemptions listed in section 22 of the GRA apply, including where the individual has given consent, or where the information relates to a person who does not hold, and has not applied for, a GRC. However, in these circumstances, staff should still be sensitive to the needs of the supervised individual and care should be exercised when sharing information with placement providers or beneficiaries to ensure that the requirements of the General Data Protection Regulation and Data Protection Act 2018 are met.

4. Staff



Core Staffing structure

- 4.1 The core staffing structure for Unpaid Work teams within each NPS Region is set out below. Senior Management roles within each NPS region comprise the Head of Interventions and the Head of Unpaid Work. Middle management roles are made up of Unpaid Work Operational Managers and Unpaid Work Senior Probation Officers. Operational roles are Placement Coordinators and Unpaid Work Supervisors. These roles work alongside Probation Practitioners, Administrative staff and Health and Safety staff.
- 4.2 Regional Probation Directors have the flexibility to add bespoke roles to the core staffing structure, depending on local need. As illustrated in the below diagram this could include, for example a Project Development Manager or asset/tool coordinator.



Unpaid Work Operations Manager

- 4.3 The Operations Manager provides leadership and management to the Unpaid Work Team. Core responsibilities include:
- Ensuring projects/placements are well planned, sufficiently resourced and effectively managed to ensure they deliver high quality outcomes

- Providing line management to a dispersed staff group and an on-call duty rota to ensure staff have access to management support
- Using management information to monitor and drive improvements in team performance
- Engaging with stakeholders, including: sentencers, the office of the PCC, local authority forums, community groups etc, to promote Unpaid Work, negotiate partnership agreements and support ongoing relationships
- Overseeing health and safety practice, quality assurance and ensuring learning from accidents, incidents and near misses is shared
- Promoting and demonstrating a commitment towards equality and inclusion

Unpaid Work Placement Coordinator

4.4 Placement Coordinators are primarily responsible for establishing and maintaining relationships with a range of current and future partner organisations and stakeholders. Core responsibilities include:

- Ensuring sufficient availability of work placements which meet recognised quality standards, including contingencies for wet weather or unforeseen problems
- Promoting Unpaid Work in their community, engaging with stakeholders to source and establishing new and innovative projects which offer learning opportunities for supervised individuals
- Conducting health and safety assessments of work projects/placements, ensuring compliance with organisational policy and health and safety legislation
- Identifying opportunities for promoting environmental sustainability, reducing travel and reducing carbon emissions on projects minimising or offsetting the use of power tools

Unpaid Work Supervisor

4.5 Supervisors primarily ensure supervised individuals complete their Unpaid Work hours on group projects in the community. Core responsibilities include:

- Providing instruction and guidance to groups of supervised individuals; ensuring their behaviour is managed appropriately and they are working safely

- Driving NPS minibuses/vehicles to transport supervised individuals and/or tools and equipment to projects
- Ensuring the work on projects offers a credible punishment providing reparation to the community
- Supporting supervised individuals to gain employment skills through a positive work experience
- Contributing towards a culture of continuous improvement within the Unpaid Work team
- Demonstrating a commitment towards equality and inclusion, challenging discrimination, appropriately and professionally

Training and Support

- 4.6 NPS Regions will develop and maintain a professional Unpaid Work workforce by investing in training and professional development. A mixed staffing model; using a combination of permanent, sessional and agency staff working part-time, full time and on stand-by is likely to offer the greatest flexibility and likelihood of meeting the many challenges specific to delivering high quality Unpaid Work provision, seven days a week.
- 4.7 Unpaid Work staff often work in isolation, in remote locations and with groups of supervised individuals. It is therefore essential their training provides them with the knowledge and confidence to undertake their roles effectively. Additionally, Unpaid Work Supervisors and Placement Coordinators will be provided with a lone worker device to offer them greater assurance/support²³.
- 4.8 A minimum level of training, knowledge and experience is necessary before a Supervisor takes sole responsibility for an Unpaid Work group. This introductory training will typically include a health and safety briefing, First Aid training and an introduction to the core principles of Unpaid Work listed below.
- Health and Safety - legislation and responsibilities
 - Child Safeguarding – L1 and Vulnerable Adult Safeguarding
 - Introduction to PREVENT
 - Risk awareness – basic understanding
 - Dealing with challenging behaviour – appropriate response
 - Diversity, equality and Inclusion

²³ At the time of writing the contract to provide these devices is being tendered. The aim is for the new contract to be in place for May 2021, to allow for staff training and distribution of the devices for day 1 of the unified service

- 4.9 Ongoing training is essential to maintain a skilled and motivated staff group. This will include refresher courses on the above core requirements but may also include wider practice issues. This could include, but is not limited to, the following:
- Certificate of professional competency²⁴
 - Health and Safety IOSH Level 3
 - Project specific training; e.g. asbestos awareness, working at height
 - Dealing with 'sharps' on a work site
 - Pro-social modelling
 - Using problem solving techniques to model life skills, including desistance²⁵
 - Domestic abuse and safeguarding awareness
 - Substance abuse awareness
- 4.10 Continual professional development of staff is an important feature of successful operations. Whilst it is not expected that staff in Unpaid Work roles will achieve NVQ L3 - Criminal Justice, this is an option that adds value to schemes both in terms of supporting the supervised individual desistance journey and maintaining a motivated and stable workforce by supporting staff career progression.
- 4.11 Post-unification, structured reflection sessions for all operational NPS staff will be made available with an expectation that two sessions are attended per year.

Modelling Good Behaviour

- 4.12 Pro-social modelling is a widely understood term and core component of Skills for Effective Engagement Development (SEED) training, which covers a set of attitudes and behaviours that should underpin all work with supervised individuals undertaking Community Payback. People are more likely to learn from the example of others in a relationship of mutual respect. Relationships need to be characterised by a firm but fair approach that demonstrates honesty, warmth, empathy and appropriate humour.
- 4.13 Unpaid Work staff will be provided with training on the principles of procedural justice²⁶. This is the extent to which someone perceives that people in authority

²⁴ Mandatory for staff driving NPS vehicles with supervised individuals, tools and equipment safely.

²⁵ <https://www.gov.uk/guidance/desistance>

²⁶ https://intranet.noms.gsi.gov.uk/_data/assets/file/0009/889740/Evidence-Summary-PJ-19.02.18.pdf

make decisions and apply procedures in a fair and just manner. Procedural Justice has been heavily researched in a variety of contexts, and more recently within prisons and probation settings. If people feel they are treated fairly, they will accept the legitimacy of those in authority and are more likely to accept difficult decisions and abide by the rules, even where a decision goes against them, e.g. enforcement action, being stood down or dismissed from Unpaid Work.

- 4.14 There is evidence to show that positive reinforcement is an effective way to change behaviour and increase the frequency of desirable behaviours. An understanding of the principles of positive reinforcement is therefore important.

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5. Promoting Unpaid Work



Publicising the benefits of Unpaid Work

- 5.1 Unpaid Work teams will aim to encourage and arrange placements that are recognised by members of the public as providing a credible and suitably demanding punishment. Where possible projects will have been nominated by the public, provide tangible benefits to all sections of the local community and demonstrate environmental and sustainability benefits. A significant restorative outcome can be realised where supervised individuals and the community can see the value of the work undertaken.
- 5.2 Regions will be required to report on the numbers of successful nominations made by the public or local community groups and the proportion of hours completed on these projects against the total Unpaid Work hours served within the Region.
- 5.3 A consistent message that Community Payback engages supervised individuals in demanding work and provides real benefits to local communities will be promoted. Promotional material, including social media, should contain up to date information about projects and may include photographs²⁷, descriptions of project work, details of the beneficiaries (where appropriate), the numbers of hours completed etc. The public should be able to see the changing nature of projects undertaken and be able to comment on and express views about the work that could be done by supervised individuals in their communities.
- 5.4 In the Police, Crime, Sentencing and Courts Bill 2021 the Government propose to *“Create a requirement for probation officials to consult key local and regional stakeholders on the delivery of Unpaid Work”*. Organisations include; the Police and Crime Commissioner, Community Safety Partnerships, groups representing victims and other community forums.
- 5.5 A lasting record, where appropriate, such as a plaque or similar notices should mark the completion of Community Payback project work. The text should identify that the work was completed by supervised individuals as part of a sentence of the Courts.

Informing sentencing decisions

- 5.6 Unpaid Work teams will ensure that NPS court practitioners and pre-sentence report writers are provided with sufficient information about the Unpaid Work

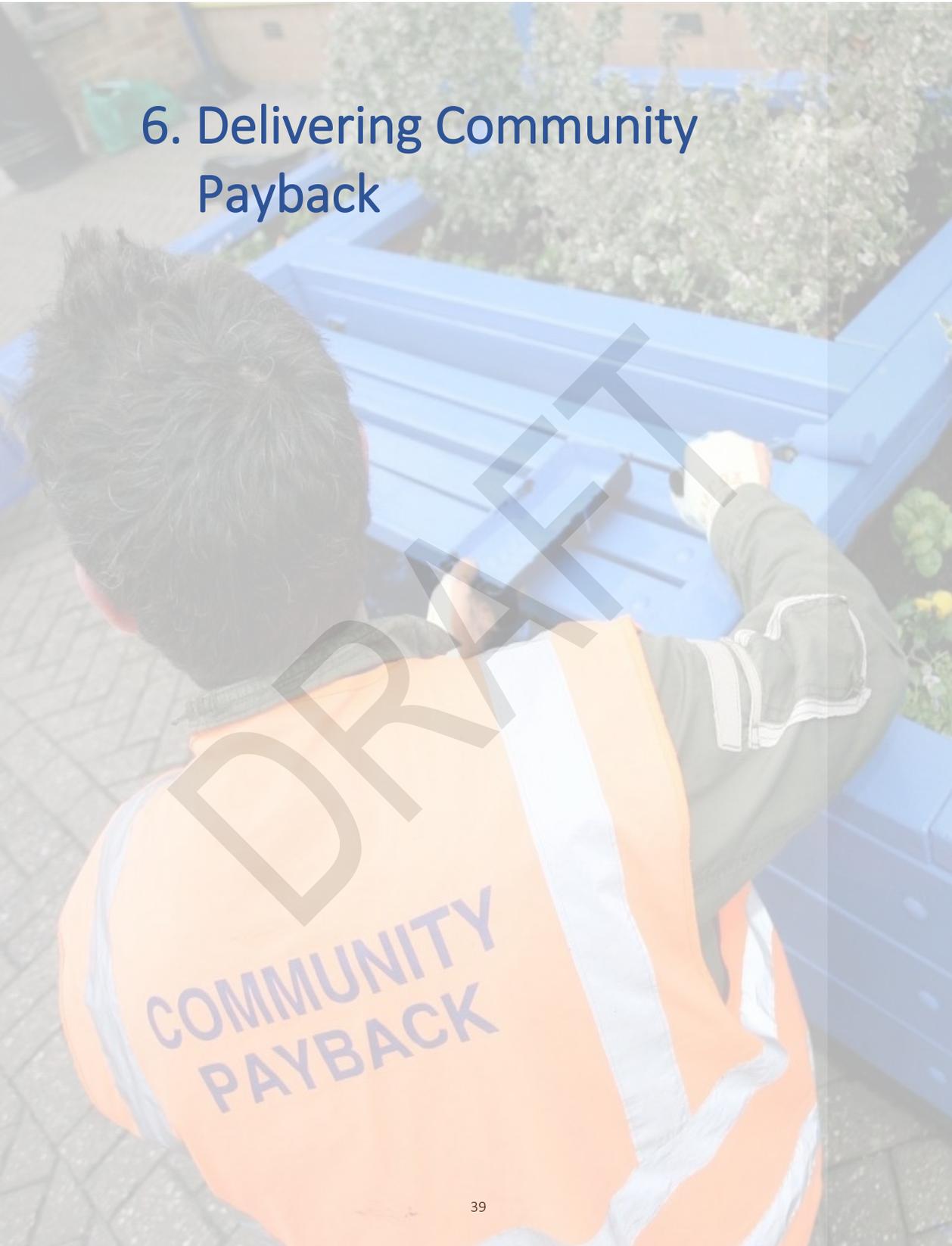
²⁷ Photographs of supervised individuals must not show their face or any other distinguishing feature that could be used to identify them

Requirement to enable them to make informed decisions about the suitability of supervised individuals for the sentence. Presentations at team meetings and provision of written information will help to ensure that staff responsible for providing advice to Sentencers are fully informed about acceptance criteria, types of projects undertaken and vocational training opportunities.

- 5.7 On request from NPS court practitioners, Unpaid Work staff will provide advice on individual's suitability and/or other practice queries. This advice can relate to the potential placement of individuals with specific requirements because of protected characteristics, or vulnerability or with carer responsibilities or complex travel arrangements. Unpaid Work staff will comment on the adaptations that can be made to accommodate all but the most extreme circumstances.

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6. Delivering Community Payback



Risk & Needs Assessment

- 6.1 The Unpaid Work team will be informed by NPS Court staff of all new sentences that include an Unpaid Work Requirement within 1 business day of sentence. The supervised individual will be allocated to a Probation Practitioner who must complete a risk and needs assessment, to inform the Unpaid Work placement allocation, within 10 business days of sentence.
- 6.2 Regions will determine the most suitable approach for their staff and operations model, it is likely to be most efficiently managed if NPS court staff issue the individual with an appointment to attend their local probation office for their risk and need assessment and induction appointment.
- 6.3 The risk and needs assessment...
- 6.4 Individuals who were sentenced with a full PSR, based on an OASys assessment will not need a new risk and needs analysis to be completed by the PP and can go straight to induction.

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Induction

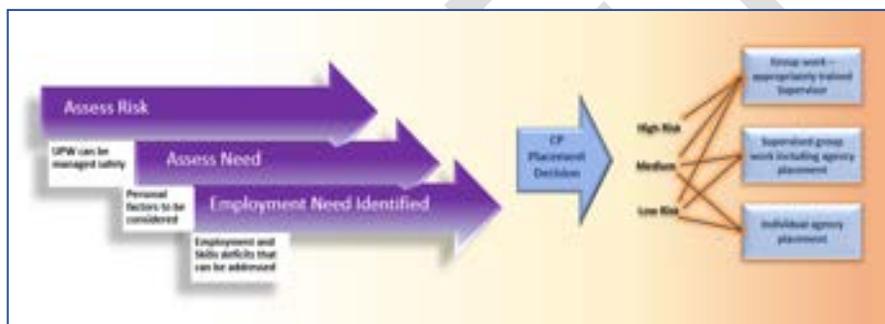
- 6.5 All elements of the induction must be completed before a supervised individual commences work. This appointment must be conducted in a suitable work environment that allows for confidential interview space where required²⁸.
- 6.6 The induction is a key element of the requirement where important information is provided to and understood by the individual. New induction information is being developed for national use, but this will not be available for day 1 so current induction information should continue to be used in the interim. The Induction process must include:
 - Information about Unpaid Work; including the rules and requirements
 - Generic health and safety information; including the use of Personal Protective Equipment
 - Reporting / work instructions; including type of project, number of hours/days to work each week and where

²⁸ The end state model will allow, in some circumstances, for the induction to be completed online and with associated assurances.

- 6.7 All information provided to the supervised individual must be in a format which meets their individual requirements in relation to comprehension, literacy and ability to speak English.
- 6.8 Motivating the individual to attend and to make the most of the opportunities available through Unpaid Work is a critical aspect of induction. Every effort should be made to demonstrate the benefits of compliance and consequences of failing to attend.

Placement allocation

- 6.9 Allocation of supervised individuals to the most appropriate placement is critical for successful compliance with the requirement. The allocation process should take account of the three aspects of an assessment:



- Consider the risk assessment: what type of placement can manage the risks presented. This decision should be capable of withstanding scrutiny in the light of a serious further offence or incident.
 - Consider the needs assessment: what personal factors are relevant when allocating the individual; including protected characteristics and potential barriers to compliance.
 - Consider training or employment needs: what projects will offer a relevant learning opportunity
- 6.10 When allocating individuals to a work placement, the priority focus must be the risk of serious harm and likelihood of reoffending posed. Specifically including:
 - The presence or proximity of children or vulnerable adults and potential opportunities for further offending
 - Minimising the likelihood of the individual coming into contact with their victim(s) or breaching any Court Order, Injunction, Exclusion Requirement, Domestic Violence Protection Order (DVPO) etc

- Gang activity close to the placement and supervised individuals known association with gangs and their locations
- 6.11 Supervisors must be aware of the risks posed by individuals and have a clear understanding of the responsibilities they have in the monitoring and management of those risks. The Probation Practitioner will co-ordinate all risk management activity and information/intelligence must be shared with them promptly. When allocating a high-risk individual, a record of the decision and any mitigating factors, must be recorded and endorsed by an Operations Manager.
- 6.12 A review of placement suitability must be undertaken when information indicating an increase in risk is received. The information and any actions taken must be recorded before the individual is instructed to work again and should, wherever possible, be completed so that attendance is not interrupted. Any decisions to suspend work to facilitate this should be endorsed by a Manager.
- 6.13 On rare occasions, it may not be appropriate to continue the Unpaid Work Requirement. In these cases, information should be passed to the Probation Practitioner who will conduct a full assessment and return the Order to court for re-sentencing. This could include, for example, cases where the police have issued the supervised individual with a 'threat to life notice' (Osman warning).
- 6.14 Prompt sharing all information that may impact on risk assessment and management is essential in maintaining a safe environment. This information may come through observation, from another organisation, directly from the supervised individual or a member of their family. Whenever any member of staff becomes aware of an additional risk issue they must, at the earliest practical opportunity, inform the Probation Practitioner. This must then be recorded on NDelius.
- 6.15 It is good practice for the Probation Practitioner to liaise with the Job Centre Plus Work Coach to discuss unemployed individuals. Where a training or education activity has been arranged by the Work Coach in conjunction with the Probation Practitioner this can, under specific circumstances, be counted towards the 20%²⁹ of the sentence that is available for education/training activities. For this to happen, the activity must be a non-mandated Job Centre Plus activity and there should be no consequences for the individuals benefits through failure to attend the activity (see [Appendix J](#) for details)

Transferring Requirements

²⁹ 30% at the time of writing, as part of the response to delivering Unpaid Work during the COVID-19 pandemic

- 6.16 Where a supervised individual notifies Unpaid Work staff of a planned change of address, this information must be passed on to the Probation Practitioner within 1 business day. Where the change of address requires transfer between Regions the Probation Practitioner will liaise with the new Region and ensure appropriate transfer of relevant information.
- 6.17 All proposed transfers into a Region will be managed by the Probation Practitioner who will review the Unpaid Work assessment so that full and up to date information is available for the new Unpaid Work team to arrange an induction and suitable placement within 10 business days of the transfer being accepted (see EQuIP for further details).

Youth Offending Team cases

- 6.18 Supervised individuals transferring from a Youth Offending Team to the NPS with outstanding Unpaid Work hours require an assessment of risk and need to be completed by the Probation Practitioner prior to commencing Unpaid Work. As part of the transfer process a three-way meeting will be arranged with the individual, the YOT Officer and the Probation Practitioner (see Y2A policy in EQuIP). At this meeting instructions to commence Unpaid Work will be discussed, and an induction arranged.
- 6.19 Individuals supervised by a YOT can complete Unpaid Work hours with the NPS. In these cases, the Unpaid Work Assessment will need to be completed by a Probation Practitioner, in collaboration with the YOT officer who will retain all case management responsibilities. Work instructions will be issued by the Unpaid Work team. A three-way meeting will be arranged with the individual, the YOT Officer and the Placement Coordinator to agree the work pattern, instructions and induction arrangements. Any compliance issues will be communicated to the YOT Officer within one business day so appropriate enforcement action can be taken. The Supervisor must be aware of the identity of the young person to ensure they are managed treated appropriately e.g. they will not be required to wear a high visibility tabards or clothing marked with 'Community Payback'. Further information and detail on these arrangements are available in the Joint National Protocol for Transitions³⁰.

High Risk and MAPPA Eligible Cases

³⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703310/Joint_National_Protocol_for_Transitions_in_England_for_PDF_-_Final_version.pdf

- 6.20 Effective co-working, using the knowledge and experience of all staff, is an essential part of managing and working high risk individuals, sex offenders and MAPPA eligible cases safely. To ensure this takes place, Probation Practitioners will be consulted by Placement Coordinators about the suitability of proposed placements, and changes in the type of placement, with their endorsement being recorded on NDelius. This includes any decision to offer the individual educational or vocational training as part of a placement.
- 6.21 In most cases the risks presented by high risk and MAPPA eligible supervised individuals will be most effectively managed through group placements as they are supervised by staff who are appropriately trained and supported. Consideration should be given to group size or additional Supervisors where more than 1 high risk or MAPPA eligible supervised individual is assigned to a group. However, there is no prescription about a maximum group size based on risk.
- 6.22 The use of a confidential code system is a well-established method to ensure Supervisors are aware of the nature of individuals risks whilst ensuring a high degree of security of this information. Currently, there is inconsistency with CRCs having developed different codes to identify risk factors and this practice will therefore be reviewed to ensure a consistent, or alternative, approach is used. However, current systems should continue to be used as this will not be in place for day 1 of the unified Probation Service.

Work Instructions

- 6.23 Supervised individuals must work a minimum of 7 hours each week. The working day is expected to be a minimum of 7 hours although shorter sessions may be appropriate in some circumstances, e.g. supporting protected characteristics or people with a caring responsibility. Shorter sessions should be scheduled a sufficient number of times each week to achieve a minimum of 7 hours each week.
- 6.24 A full working day of 7 hours must contain suitable breaks, totalling no more than 1 hour, unless there is a requirement to make reasonable adjustment, considering disability or other needs such as religious observance. Individuals must always remain under supervision and good behaviour maintained, including during breaks, as there is a potential for a negative impact on public opinion and confidence from an unsupervised group.
- 6.25 Employed individuals should be instructed to work on a weekly basis until the Requirement is completed. Exceptions to this rule are:

- The individual's employment makes it impossible to attend each week (for example those working shifts or away on oil rigs or at sea). In these circumstances the individual may be required to attend for work intensively each week that they are available to ensure that the Requirement is completed within 12 months
 - The individual is not able to attend due to a documented long-term illness, imprisonment (including remand) or has been suspended from Unpaid Work pending breach proceedings and efforts to re-engage them have been exhausted. In all cases a Court hearing will be pending so that a judgement can be made about the way to progress the order
 - The individual requests to complete their hours in a shorter timeframe and this can be facilitated by the Unpaid Work team
- 6.26 Following each attendance for Unpaid Work session, the individual will be provided with a record of the hours worked that day, the total hours worked to date and an assessment of the standards of work and behaviour achieved. This, together with any changes to risk and any enforcement action required and change in employment status must be recorded on the NDelius case management system.
- 6.27 Instructions to attend Unpaid Work sessions, whether a work session or an educational or training opportunity, must be clearly recorded within NDelius. It must be clear if an individual fails to attend any appointment so enforcement action can take place as appropriate.
- 6.28 Unpaid Work and Job Centre Plus staff will have good communication links so that a flexible approach to the scheduling can accommodate the requirements of job search and other benefit conditionality.
- 6.29 Each DWP Working Age benefit has its own conditionality rules. Unemployed supervised individuals must satisfy these to continue to receive benefits. Intensive work is likely to be most suitable for claimants on Jobseeker's Allowance (JSA) and unemployed Universal Credit claimants, where they are expected to look for work. It is unlikely to be suitable for claimants with significant caring responsibilities or a health condition; for example, individuals claiming Employment and Support Allowance, Disability Living Allowance or Personal Independence Payments (where there is no expectation to look for work).

Intensive Working

- 6.30 Unemployed individuals are expected to work intensively building up to a working week of 28 hours Unpaid Work over a four-day week, in order to

replicate a typical working pattern (with the 5th day being used to search for employment). Exceptions to this include where individuals have a caring responsibility or have reached pensionable age (60+ for women and 65+ for men). Probation Practitioners will indicate where intensive work is appropriate and will suggest the rate at which hours should build up over the course of the Order.

- 6.31 Intensive working has been an expectation of unemployed individuals in the past, but the practice of building up to this rather than starting at 28 hours per week is now recommended. This recognises that the long term unemployed or those with social difficulties may struggle with the discipline required of a four-day week. Additional support and encouragement can reduce the likelihood of early failure with the consequent demoralisation and reinforced labelling.

Group Sizes

- 6.32 Decisions on maximum group sizes should be based on a multitude of factors including; the work being undertaken, risk profile of supervised individuals, experience of the Supervisor, whether there is beneficiary support or multiple Supervisors, location of the project etc. It is therefore not possible to place a specific number on maximum group sizes.

Training & Employment Opportunities

- 6.33 Where an educational or vocational training need is identified at the pre-sentence stage it is expected that the report author will propose a sentence to the court where these needs can be addressed through a Rehabilitation Activity Requirement (RAR). Where a RAR includes education, training and employment activity this must not also be counted against Unpaid Work hours.
- 6.34 Unpaid Work provides an opportunity to individuals to learn new skills in a practical work setting. Eligible individuals should be offered the opportunity to attend a work placement that offers education and training opportunities. These placements can include problem solving skills in a work setting, working cooperatively with others, gaining knowledge of health and safety, improving basic skills such as literacy or numeracy or specific vocational skills and qualifications.
- 6.35 Where an educational or vocational training need is identified after sentence, or the sentence is a standalone Unpaid Work Order this can be addressed through the Unpaid Work Requirement. Currently, where a learning need has been

identified up to 20%³¹ of Unpaid Work hours can be credited for education, training and pre-employment activity Where appropriate full use of this allowance should be taken up.

- 6.36 During the COVID-19 pandemic, Unpaid Work providers identified e-learning opportunities for eligible individuals to use a proportion of their Unpaid Work hours to complete a relevant course e.g. Level 2 certificate in IT user skills (24 hours). Attendance at these courses should be verified through presentation of a completion certificate. E-learning, where used appropriately, can form part of the portfolio of Unpaid Work vocational learning projects.
- 6.37 Providers of skills training should demonstrate that activities are either part of a nationally recognised qualification or include preparation work that will enable the individual to move on to more formal qualifications. Learning and skills provision should take account of local skills deficits and opportunities provided by local labour markets. Organisations working in partnership to deliver Unpaid Work, such as placement providers or local authorities may also provide valuable employment opportunities e.g. apprenticeships. Where possible guaranteed interview arrangements should be established with placement providers and partner agencies. Arrangements of this nature have the potential to provide opportunity for individuals to move into paid employment with a beneficiary or their subsidiary following the successful completion of their Unpaid Work.
- 6.38 The following criteria applies to training and education in this respect:
- The way in which the activity addresses the skills and employability needs identified in the sentence plan will be verified and recorded
 - Verification of an activity undertaken away from the work placement will be recorded in NDelius and will include the start time, end time and date of activity, hours completed and the outcome of individual sessions
 - Any activity provided through Job Centre Plus must be in addition to job search or activity required as conditions of receiving state benefits
 - The Probation Practitioner can consider activities arranged in conjunction with the Job Centre Plus Work Coach that are not mandatory in terms of Universal Credit job search. These activities can be included within the 20% education/training allowance where the conditions set out in paragraph 6.15 have been met.
- 6.39 Mentoring and peer support can be a positive way to support individuals who are struggling to comply with or benefit from the additional training or skills development opportunities. Mentoring is to be encouraged when organised through a regulated and well managed scheme.

³¹ 30% at the time of writing, as part of the response to delivering Unpaid Work during the COVID-19 pandemic

Review Progress and completion within 12 months

- 6.40 There is a legal obligation on the supervised individual (s.200(2) CJA 2003), to complete all Unpaid Work hours imposed as part of a Community Order or Suspended Sentence Order within 12 months of sentence.
- 6.41 From day 1 of the unified model, Probation Practitioners must review all ongoing Unpaid Work cases at the 6 month and 9 month stages³². An example of a review form is provided at [Appendix F](#). An initial review will take place at 6 months where a plan to ensure that all hours are completed within the required timescale will be agreed. A further review at the 9 month stage of the Requirement will allow sufficient time for the case to be returned to Court within the statutory 12 month period of the Requirement if it seems unlikely that the outstanding hours will be completed.
- 6.42 The Probation Practitioner will decide whether the application to Court will be:
- A. Revocation and re-sentence (Community Order only) because the individual's circumstances have changed and there is no realistic prospect that the Requirement will be completed in a reasonable timescale
 - OR
 - B. Extension of the 12-month period during which the Requirement should be completed. This may be appropriate if the circumstances that prevented the individual from undertaking Unpaid Work have changed, or will change, so there is a realistic likelihood that the Requirement will be completed, but in a period beyond the 12 months specified in Section 200(2).
- 6.43 Detailed guidance on the action to take if an individual does not appear likely to complete their Unpaid Work hours within twelve months can be found in appendix B of the Unpaid Work Probation Instruction (PI 00/000).
- 6.44 At completion of every Unpaid Work Requirement the Community Payback Team will provide a feedback to the Probation Practitioner through a contact on the case management system (NDelius). The contact will comment on the supervised individual engagement during the order and comment on any benefits that may have been derived from the work placement. This comment may assist in further sentencing occasions.
- 6.45 It is good practice to collect the views of supervised individuals on completion of the Requirement. These views can help to improve service delivery. A sample form is included at [Appendix E](#).

Commented [A12]: Need to finalise process

Commented [A13]: Add reference once agreed

³² For cases where the individual has more than 200 hours to complete, a progress review at the 3 months point is good practice

Enforcement and compliance

- 6.46 The consequences of failing to attend Unpaid Work as instructed will be explained to the supervised individual at the start of the Order by their Probation Practitioner and reiterated by all staff involved in the delivery of this Requirement.
- 6.47 A system must be in place to ensure that the Probation Practitioner is alerted within one business day if an individual fails to attend/comply so that action can be taken within the timescales prescribed within the Enforcement Policy Framework PF 00/0000 which states the Probation Practitioner “*notifies the individual being supervised of the potential for breach action within 2 working days of the alleged breach occurring*”. In practical terms this means that attendance and compliance information must be provided promptly to enable timely enforcement action.
- 6.48 In response to a breach of a Community Order or Suspended Sentence Order with an Unpaid Work Requirement the Court may impose additional hours to mark the breach, although the total hours imposed (original hours ordered plus breach hours) may not exceed the maximum hours permissible (300 hours) within a 12-month period. The additional hours must be completed within the 12-month period set at the original sentencing occasion, unless the Court extends the original completion period³³. A further induction and review of the risk and needs assessment may be necessary following enforcement action if the supervised individual has been out of contact during the enforcement period.
- 6.49 Repeated failures to attend for acceptable reasons should be evaluated by the Probation Practitioner so that a judgement can be made about whether the Requirement is workable or if it should be returned to court with a view to revocation and resentencing. Management oversight should take place following the third acceptable absence with the managers comments recorded on the case record.
- 6.50 When a supervised individual pleads not guilty to a breach of Unpaid Work, evidence is normally submitted by means of section 9 statements. However, relevant members of staff must be available to attend court and give evidence to support the prosecution if required. For some staff, unaccustomed to working in the court environment, this may be a stressful experience and it is worth ensuring that time is given to them for preparation. Visiting the court and

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³³ Staff need to be alert to the issue of whether additional hours are imposed consecutively or concurrently and ensuring this is correctly recorded

witnessing proceedings as well as spending time with the enforcement officer, can help to raise confidence and performance in Court.

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7. Appendices

For day 1 of the unified model Unpaid Work teams are able to continue using the various process and policy documents their staff are familiar with in order to limit disruption and minimise new learning at a time of significant operational change. All of the following appendices are therefore for voluntary use and are not mandated. These documents can be used if staff are no longer able to use a legacy CRC document or these versions are preferred. As we move towards end-state delivery this manual will be updated and a single consistent set of these documents will be mandated. Staff will be provided with guidance and support to help implement them.

- Appendix A – [Work Placement and Work Provider Agreements](#)
- Appendix B – [Supervised individual Assessment Form](#)
- Appendix C – [Pro-Social Modelling Action Checklist](#)
- Appendix D – [Beneficiary Survey](#)
- Appendix E – [Supervised individual Exit Survey](#)
- Appendix F – [6 & 9 Month Review Form](#)
- Appendix G – [Guidance on Driving](#)
- Appendix H – [Cost Reduction guidance](#)
- Appendix I – [Unannounced Site Visits](#)
- Appendix J – [DWP Mandated and Voluntary Activities](#)
- Appendix K – [Project Nomination template](#)
- Appendix L – [Case Recording Instructions](#)



Beneficiary Agreement

We are introducing a suite of updated or new beneficiary agreement templates to support the setting up of Unpaid Work placements.

1. [Work Placement Assessment and Provider Agreement](#)

This template is to be used for all placement assessments and agreements to identify relevant risk related information and to ensure minimum placement quality standards are met. It should be

- recorded and available for reference.
- reviewed and amended when there is a significant change in the placement, or the nature of the work undertaken.

It is good practice for a sample of completed Work Placement Assessment and Provider Agreements to be audited each year to ensure that quality standards continue to be met.

A sample of Work Placement Assessment and Provider Agreements should be audited annually by appropriately qualified staff, and at the point of any accident, near miss or change of circumstances, in line with Health and Safety legislation. The audit should be recorded and be accessible as required. A system for learning from incidents and near misses should be in place and accessible for scrutiny purposes.

2. [Service Level Agreement](#)

This agreement is to be used in those placements where there is:

- a financial contribution made towards the cost of tools & equipment, or
- 'payment in kind' e.g. tools, equipment or vehicles are stored at the placement, or
- where the beneficiary provides formal supervision of supervised individuals

3. [Memorandum of Understanding](#)

This template is to be used where agreements in principle are made with very large or national organisations/charities. Once completed, this document can be used to inform Work Placement Assessment and Provider Agreements, with local branches of those large organisations/charities.



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Unpaid Work

1. Work Placement Assessment and Provider Agreement

1. Placement Details

Placement Name	
Placement phone number	
Placement address	
Contact name	
Contact phone number	
Contact email	
Contact address	

2. Placement description

Brief description of project							
Group Placement?	Yes	No	Individual Placement?	Yes	No		
If group, what the maximum number of SU's that can attend?							
Days available?	Mon <input type="checkbox"/>	Tues <input type="checkbox"/>	Wed <input type="checkbox"/>	Thurs <input type="checkbox"/>	Fri <input type="checkbox"/>	Sat <input type="checkbox"/>	Sun <input type="checkbox"/>

3. Relevant risk information		
Maximum level of Risk of Harm manageable at placement?		
Are any cohorts of SU not able to attend this placement e.g. sex offenders, DV perpetrators?		
Are vulnerable adults or children likely to be present at the placement?	Yes	No
Are there ready opportunities for offending present at the placement?	Yes	No
If yes, provide details and action required to mitigate the risk:		
Is the placement suitable for Identification as a CP project	Yes	No
If no, provide details:		
Does the placement provide work of a suitably demanding nature?	Yes	No
Has a health and safety risk assessment been completed?	Yes	No
Are there any other factors to be taken into account when considering allocation of Supervised individuals to the placement?		

4. Employment and skills related opportunities

Are there opportunities for any of the following at this placement?

Employment related skills?	Yes	No	Vocational Skills?	Yes	No
Skills for life?	Yes	No	Formal Certification?	Yes	No
Problem Solving Skills?	Yes	No	Guaranteed Interview?	Yes	No

Details of Skill and Employment Related Opportunities Provided by Placement:

5. Beneficiary contact with Supervised individuals

Please provide details of planned contact with work provider and / or beneficiaries and frequency and nature of feedback to supervised individuals:

6. Site details

Please provide details of access arrangements, including keys, alarms etc:

Are there toilet and hand washing facilities?	Yes	No
---	-----	----

Provide details:		
Is there anywhere for smoking during breaks?	Yes	No
Provide details:		

7. Placement attributes		
Does the placement offer regular work opportunities?	Yes	No
Provide details:		
Is the placement dependent upon weather or other factors?	Yes	No
Provide details:		
Is the beneficiary interested in providing supervision of Supervised individual/s?	Yes	No
Provide details:		
Accessibility - is the placement easily accessed using public transport?	Yes	No

Provide details:		
Accessibility – are there any barriers to participation?	Yes	No
Provide details (including any reasonable adjustments required):		

8. Job Requirements		
Are any tools and equipment are needed for this placement?	Yes	No
Provide details:		
Will the required tools and equipment be supplied by the UPW Team?	Yes	No
Provide details:		
Is any PPE required?	Yes	No
Provide details:		
Will the required PPE be supplied by the UPW Team?	Yes	No

Provide details:

9. Placement provider agreement

I understand that as work provider I am responsible for ensuring that insurance cover is in place for the period that supervised individuals and Community Payback staff are engaged on the project. I have discussed the work as listed above and understand that other tasks will have to be separately assessed before they can be undertaken. I will keep in touch with the NPS Region delivering Community Payback and provide feedback to supervised individuals as agreed in section 5 above.

I also understand that Community Payback is used to promote public understanding and confidence in community sentences. I consent to my organisation's use of Community Payback being publicised in reports and other publicity material.

I consent to my organisation's use of Community Payback being publicised in reports and other publicity material.

Yes

No

Signed Placement Provider

Date:

Job title/Position

Signed Placement Coordinator

Date:



HM Prison &
Probation Service



Unpaid Work

2. Service Level Agreement

This form is to be completed for Community Payback placements where the beneficiary agrees to contribute towards the financial costs incurred by the NPS through delivering and managing the CP placement.

This form should be completed in conjunction with the Work Placement Assessment and Provider Agreement.

1. Introduction

The Probation Service Unpaid Work teams can reduce their placement costs by working in partnership with organisations which use Unpaid Work to benefit local communities. Cost reductions may be achieved in several ways, including:

- Benefit in kind arrangements in which beneficiary organisations undertake some direct supervision of suitable supervised individuals, under the overall management of the Community Payback provider; or storage of UPW vehicles, tools or equipment
- Donations or financial contributions made by the organisations benefiting from the work, for example donations of tools and equipment or monetary contributions towards the cost of supervised individual supervision and other costs

Where beneficiary organisations are able to make a contribution, it must be clear that this is voluntary and not a fee or charge for access to Community Payback.

For a full explanation of the rules and requirements relating to revenue generation please see Annex H of the Community Payback Operating manual.

2. Placement Details

Placement Name	
Contact name	
Contact phone number	

Contact email	
---------------	--

3. Benefit in kind (where relevant)

Please provide full details of how the beneficiary will contribute towards the cost of providing and managing the CP placement e.g. through the provision or storage of UPW vehicles, tools or equipment.

--

4. Donations / financial contribution (where relevant)

Please provide full details of how much the beneficiary will contribute towards the cost of providing and managing the CP placement, including the provision of tool and other equipment.

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Value of contribution:		Frequency/date:	
------------------------	--	-----------------	--

Payment to be made to: (provide details of back account, NPS finance dept)	
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5. Beneficiary supervision of suitable Supervised individuals (where relevant)

Please provide full details of arrangements for the beneficiary to provide supervision of Supervised individuals on their CP placement.

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6. Agreement	
This Service Level Agreement (SLA) is not intended to be legally binding, and no legal obligations or legal rights shall arise between the NPS and the placement beneficiary from this SLA. The parties enter into the SLA intending to honour all their obligations.	
Signed Placement Provider:	Date:
Title/Position:	
Signed Unpaid Work staff:	Date:
NPS Region:	



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Unpaid Work

3. Placement Memorandum of Understanding

This form is to be completed where provisional placement agreements are made with large/national organisations or charities. Once completed, this document will be used to inform more detailed arrangements (using the Work Placement Assessment and Provider Agreement) with local branches of that organisation/charity

1. Organisation Details

Organisation Name	
Organisation Address	
Organisation phone No	
Contact name	
Contact phone number	
Contact email	

2. COVER NOTE

This memorandum of understanding ("MoU") is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MoU. The parties enter into the MoU intending to honour all their obligations.

Sections of this MoU that are highlighted in green are intended to be completed or amended as required by the Parties. Sections that are provided in plain text should be considered minimum requirement but could be added to with local or project specific requirements.

3. BACKGROUND

3.1 The NPS [XXX] Probation Region and the Beneficiary have agreed to work together on the project detailed in Annex A (the "Project").

3.2 The Parties wish to record the basis on which they will collaborate with each other on the Project. This MoU sets out:

- a) the key objectives of the Project;
- b) the principles of collaboration;
- c) the governance structures the Parties will put in place to effectively develop and deliver the Project; and
- d) the respective roles and responsibilities the Parties will have during the Project.

4. KEY OBJECTIVES FOR THE PROJECT

4.1 The Parties shall undertake the Project to achieve the key objectives set out in Annex A to this MoU (the "Key Objectives").

5. PRINCIPLES OF COLLABORATION

1.1 The Parties agree to adopt the following principles when carrying out the Project (the “Principles”):

- a) collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure that activities are delivered, and actions taken as required;
- b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;
- c) be open. Communicate openly about major concerns, issues or opportunities relating to the Project;
- d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- e) adopt a positive outlook based on mutual respect, trust and a shared commitment to providing excellent services to the community. Behave in a constructive, proactive manner;
- f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including data protection and freedom of information legislation. In particular the Parties agree to comply with the requirements of the Information Sharing Protocol attached to this MoU in **Annex B**; and enter into a legally binding data security (GDPR) agreement.
- g) act in a timely manner. Recognise the time-critical nature of the Project and respond accordingly to requests for support;
- h) manage stakeholders effectively;
- i) deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU. In particular the Parties agree to make the contributions detailed in **Annex D** to this MoU;
- j) highlight any discrepancies between the Parties’ own governance arrangements and plans and this MoU, the Project, and the Key Objectives, so that any issues can be addressed; and
- k) act in good faith to support achievement of the Key Objectives and compliance with these Principles.

6. PROJECT GOVERNANCE

6.1 Overview

The governance structure defined below provides a structure for the development and delivery of the Project.

6.2 Guiding principles

The following guiding principles are agreed. The Project's governance will:

- (a) provide strategic oversight and direction;
- (b) be based on clearly defined roles and responsibilities;
- (c) seek to make all decisions at an appropriate level;
- (d) be aligned with Project's scope (and may therefore require changes over time);
- (e) leverage existing skills and knowledge from both Parties for the benefit of the Project;
- (f) provide coherent, timely and efficient decision-making; and
- (g) correspond with the key features of the Project governance arrangements set out in this MoU.

6.3 Sponsors' Board

- (a) The Sponsors' Board provides overall strategic oversight and direction to the Project. This group will consist of the members named in Annex C.
- (b) The project coordinators Sponsors' Board shall meet at least [annually] to review the progress of the Project and consider any changes needed to the MoU, but may meet at other times, as needed, at the request of its members, the Project Board, or of either of the Parties.
- (c) Meetings of the Sponsors' Board will be considered quorate where at least 1 representative of each of the Parties is in attendance.
- (d) Decisions of the Sponsors' Board must be unanimous and should be taken in line with the Principles.

6.4 Project Board

- (a) The Project Board will provide practical and strategic management of the Project at a work plan level. It will provide assurance to the Sponsors' Board that the Key Objectives are being met and that the Project is performing within the boundaries set by the Sponsors' Board.
- (b) The Project Board consists of representatives from each of the Parties. The Project Board shall have responsibility for approving and overseeing work plans in order to deliver the Project and the Key Objectives. It may draw on technical, commercial, legal and communications resources as appropriate. The core Project Board members will be those named in Annex C.
- (c) The Project Board shall meet [at least every 6 weeks] to review and develop the Project and work plans, but may meet more frequently, as needed, by agreement of its members.

6.5 Reporting

- (a) Project Board: Minutes and actions of the Project Board will be recorded and will be circulated to the full membership of the Sponsors' Board and Project Board in a timely manner.
- (b) Sponsors' Board: Minutes and actions of the Sponsors' Board will be recorded and will be circulated to the full membership of Sponsors' Board and Project Board in a timely manner.
- (c) Other reporting lines: Representatives of either Party on either board may report any of the above minutes or actions to their respective organisations, as they consider appropriate.

7. ROLES AND RESPONSIBILITIES

7.1 The Parties shall undertake the following roles and responsibilities to deliver the Project:

Activity	The XXX	The Beneficiary
[DETAILS]	[Lead OR Assure]	[Lead OR Assure]
Select appropriate Supervised individuals for the project based on information supplied by the NPS	Lead	Assure
Supervise project work	Assure	Lead
Report on attendance and or behaviour of individual supervised individuals	Assure	Lead
Allocate tasks to work groups	Assure	Lead
Refer to the NPS any rule infringement that may lead to compliance / enforcement action	Assure	Lead
...		
...		

5.2 For the purpose of the table above:

(a) Lead: The Party that has principal responsibility for undertaking the particular task, and that will be authorised to determine how to undertake the task. The Lead must act in compliance with the Objectives and Principles at all times, and consult with the other Party in advance if they are identified as having a role to Assure the relevant activity;

(b) Assure: The Party that will defer to the Lead on a particular task but will have the opportunity to review and provide input to the Lead before they take a final decision on any activity. All assurance must be provided in a timely manner.

5.3 the Party with the lead role for any aspect of the Project shall develop a work plan for that part of the Project which shall identify the following:

(a) the key milestones for the delivery of the Key Objectives;

(b) which employees will be required to work on the project and in what capacities;

(c) [INSERT OTHERS, AS NEEDED]

Each work plan must be approved by the Project Board prior to being implemented.

8. ESCALATION

8.1 If either Party has any issues, concerns or complaints about the Project, or any matter within scope of this MoU, that Party shall notify the other Party and the Parties shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Project Board, which shall decide on the appropriate course of action to take. If the matter cannot be resolved by the Project Board the matter may be escalated to the Sponsors' Board for resolution.

8.2 If either Party receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the Project, the matter shall be promptly referred to the Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the Project, without the prior approval of the Project Board (or its nominated representatives).

9. TERM AND TERMINATION

9.1 This MoU is designed to cover the period of the Project and shall run from the date that both Parties have signed it until such time as it is terminated, either by agreement of the Parties or by issuance of a notice of termination in line with Clause 7.2.

9.2 Either Party may terminate this MoU by giving at least 1 month notice in Writing to the other Party's Key Contact for Notices, as named in Annex C.

10. VARIATION

10.1 Either Party may amend their Key Personnel as defined in Annex C by informing the other Party's Key Contact for Notices in Writing.

10.2 With the exception of variations under Clause 8.1, this MoU may only be varied by agreement of the Sponsors' Board.

11. CHARGES AND LIABILITIES

11.1 Except as otherwise provided, the Parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.

11.2 The Parties agree to share the costs and expenses arising in respect of the Project between them in accordance with the Contributions Schedule set out in Annex D to this MoU.

11.3 Both Parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither Party intends that the other Party shall be liable for any loss it suffers as a result of this MoU.

12. DEFINITIONS

12.1 In this MoU the following phrases will have the following meanings:

- a) "Clause" means a clause of this MoU
- b) "Induction" means a formal meeting with the supervised individual where the rules and responsibilities of UPW are explained and any official documents are explained and signed, including a consent form to share personal information. It does not include the onsite induction where, for example, the day's work is explained.
- c) "Meeting" includes virtual meetings via telephone, Skype, or via other electronic means;
- d) "MoU" includes annexes;
- e) "Project Operating Rules" means those rules relating to supervised individuals set out in Annex A to this MoU and in the community payback guidance;
- f) "UPW" means a requirement also known as 'community payback' that delivers Unpaid Work pursuant to section 199 and 200 of the Criminal Justice Act 2003;
- g) "Working Day" means the period from 9:00am until 5:00pm on any day other than a Saturday, a Sunday or a public holiday in England & Wales;
- h) "Writing" includes emails and other electronic writing.
- i) **[INCLUDE OTHER DEFINITIONS AS NEEDED]**

References to plurals should be taken to include references to the singular, and vice versa.

13. STATUS

13.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MoU. The Parties enter into the MoU intending to honour all their obligations.

13.2 Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the Parties, constitute either Party as the agent of the other Party, nor authorise either of the Parties to make or enter into any commitments for or on behalf of the other Party.

Signed on behalf of organisation:	Date:
Title/Position:	
Signed on behalf of the NPS:	Date:
NPS Region:	

ANNEX A

THE PROJECT

Project overview

Unpaid Work is a punishment ordered by the court.

- The project will contribute to a greater public awareness and understanding of the Unpaid Work Requirement.
- The work should be seen to be constructive and of benefit to the community and encourage a sense of pride in a job well done.
- The project will promote the rehabilitative opportunities of the sentence through developing work ready skills, such as good timekeeping and working cooperatively with others.

[THE SPECIFIC PURPOSE OF THIS PROJECT]

(to be defined by the parties)

[INSERT MAIN OBJECTIVES OF THE PROJECT]

Project Operating Rules

1. Supervised individuals attending the Project will be selected by the **XXX** based on information supplied by The Probation Service (NPS) risk and needs assessment (the Unpaid Work assessment).
2. The Beneficiary may stipulate requirements for supervised individuals and/or exclusions, and these will be respected by the **XXX**. Management of any risks presented by supervised individuals or others will be the first priority in determining allocation of supervised individuals to the Project.
3. The Project will be explained to the supervised individual at the Induction to the UPW Requirement conducted by the **XXX** at which a form agreeing consent to share information with the Beneficiary will be signed where necessary. The induction will include an explanation of supervised individuals' rights (e.g. how to complain), as well as responsibilities.
4. The community payback working day is expected to be 7 hours including regular breaks.
5. Female supervised individuals have the right not to be a single woman in an all-male environment.
6. Supervised individuals are expected to wear distinctive community payback tabards unless exempted by conditions set out in the community payback practice guidance.
7. The **XXX** will enforce strict standards of behaviour on the part of supervised individuals

participating in the Project:

- a) Supervised individuals reporting for work on time – any supervised individual reporting late will be sent away;
 - b) Supervised individual will be sent away and may be suspended from Unpaid Work if they display unreasonable or disruptive behaviour while attending the Project;
 - c) A Supervised individual will be sent away and may be suspended from Unpaid Work if they attend the project under the influence of drink or drugs;
 - d) Smoking will not be permitted on the work site except in areas designated by the Beneficiary and during official breaks;
 - e) Supervised individuals will not be permitted to use or bring mobile phones on site; and
 - f) Supervised individuals will not be permitted to use or bring cameras and other electronic equipment on site.
8. The Beneficiary will report any breach of the Project Operating Rules it becomes aware of to the **xxx** by the end of the next Working Day.

[INSERT AGREED RULES ABOUT SUPERVISED INDIVIDUAL SELECTION, RISK ASSESSMENTS, ATTENDANCE/BEHAVIOUR RECORDING, EXCLUSIONS ETC]

ANNEX B

INFORMATION SHARING PROTOCOL

Communication principles

Both Parties commit to communicating openly and constructively and to sharing good practice. The sharing of good practice may extend beyond the scope of the Project, but if a Party wishes to share specific information from the other Party, the should first be agreed between the Parties.

The Parties agree that they will consult and co-operate together in order to achieve the Key Objectives and the maximum benefits for the community. This co-operation will include the sharing of appropriate information and maintaining effective communication to inform and improve the delivery of services and enhance learning. The Parties also commit, so far is as reasonably possible, to communicating relevant information regarding progress to the wider set of stakeholders.

Confidentiality and Data Protection

- a) The Parties must not disclose any confidential information acquired from the other Party in the course of the Project without prior consent nor use such confidential information for commercial advantage or to disadvantage or discredit the other Party or anyone else;
- b) Any personal data obtained or used by either of the Parties in the course of the Project shall be held and processed in accordance with data protection legislation.
- c) There is an expectation that personal data will be collected and retained only with **informed consent** from the outset. Informed consent will normally include a signed consent form.
- d) To ensure absolute clarity of responsibility in relation to data security, each party to this MoU will enter into a GDPR data sharing agreement setting out these responsibilities.

[Insert additional provisions as required]

ANNEX C - KEY PERSONNEL

Members of the Sponsors' Board

From the **XXX** NPS Region:

- 1. [A minimum of 1 senior Manager]
- 2. [NAME(S) AND/OR JOB TITLE(S)]

From the Beneficiary:

- 1. [A minimum of 1 senior Manager]
- 2. [NAME(S) AND/OR JOB TITLE(S)]

Members of the Project Board

From the **XXX** NPS Region:

- 1. [The Project Coordinator]
- 2. [A Health and Safety Advisor]
- 3. [NAME(S) AND/OR JOB TITLE(S)]

From the Beneficiary:

- 1. [The Project coordinator]
- 2. [NAME(S) AND/OR JOB TITLE(S)]
- 3. [NAME(S) AND/OR JOB TITLE(S)]

Key Contacts for Notices

The **XXX** NPS Region: [NAME AND/OR JOB TITLE(S)].

Office address:

Email address:

The Beneficiary: [NAME AND/OR JOB TITLE(S)].

Office address:

Email address:

ANNEX D – CONTRIBUTIONS

1. Introduction

The Probation Service Unpaid Work teams can reduce their placement costs by working in partnership with organisations which use Unpaid Work to benefit local communities. Cost reductions may be achieved in several ways, including:

- Benefit in kind arrangements in which beneficiary organisations undertake some direct supervision of suitable supervised individuals, under the overall management of the Community Payback provider; or storage of UPW vehicles, tools or equipment
- Donations or financial contributions made by the organisations benefiting from the work, for example donations of tools and equipment or monetary contributions towards the cost of supervised individual supervision and other costs

Where beneficiary organisations are able to make a contribution, it must be clear that this is voluntary and not a fee or charge for access to Community Payback.

For a full explanation of the rules and requirements relating to revenue generation please see Annex H of the Community Payback guidance manual.

2. Benefit in kind (where relevant)

Please provide full details of how the beneficiary will contribute towards the cost of providing and managing the CP placement e.g. through the provision or storage of UPW vehicles, tools or equipment.

3. Donations / financial contribution (where relevant)

Please provide full details of how much the beneficiary will contribute towards the cost of providing and managing the CP placement, including the provision of tool and other equipment.

Value of contribution:		Frequency/date:	
Payment to be made to: (provide details of bank account, NPS finance dept)			

4. Beneficiary supervision of suitable Supervised individuals (where relevant)

Please provide full details of arrangements for the beneficiary to provide supervision of Supervised individuals on their CP placement.

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 HM Prison & Probation Service		 Community Payback	
Unpaid Work Assessment			
1. Supervised individual Details			
Family Name	SURNAME	DOB	DOB
Forename	FORNAME	CRN	CRN
Alias	ALIASES	PNC No	PNC
Ethnic Category	ETHNICITY	Gender	GENDER
Address MAIN ADDRESS			
Phone number PHONE NUMBER			
Emergency Contact Details:			
Name		Relationship to Supervised individual	
Address			
Phone number			
2. Risk of Harm Details			
OASys Risk of Harm category: Please Select			
Full Risk of Harm assessment completed: Please Select			
MAPPA Nominal: Please Select			
Category: Please Select		Level: Please Select	
Sex Offender	Please Select Details	History of disruptive behaviour on, or known difficulty with others, on Community Payback	Please Select Details

Risk to Children	Please Select Details	Must not be placed with male Supervisor	Please Select Details
Location restricted by Victim exclusion criteria	Please Select Details	Must not be placed with female Supervisor	Please Select Details
Violent Offences	Please Select Details	Any restrictive Orders (non-molestation, injunction etc)	Please Select Details
Frequent dishonesty	Please Select Details	Hate based behaviour (e.g. homophobic, racially motivated)	Please Select Details
Gang identifier/ Name/location:	Please Select Details	High Profile/social media or vulnerable to publicly visible project:	Please Select Details
Close supervision or restricted placement required:	Please Select Details		
Any additional risk of harm assessment information?			

3. Management of risk
Are there any risk management issues specific to working in an Individual Placement? Please Select Details
Is the Supervised individual suitable for an Individual Placement? Please Select If not, state why:
If the Supervised individual is suitable for an Individual Placement, please detail any Risk Management issues staff must be made aware of:
Are there any risk management issues specific to working in a supervised group? Please Select
The Group Supervisor must be made aware of the following Risk Management issues:

4. Supervised individual diversity information			
Preferred Language?		Interpreter required?	Please Select
Maturity Assessment:	OASys indicates SU likely to need support aimed at promoting maturation? Please Select *This question is only to be answered on male SU's, aged between 18-25 years old. The		

	answer for this can be found on the OASys summary page, where a full assessment has been completed, under the heading 'maturity screening'.
<p>If SU assessed as needing support aimed at promoting maturation what action needs to be taken to support engagement/compliance with the UPW Requirement?</p> <p>1.</p> <p>2.</p> <p>3.</p>	
Female SU placement preference?	<p><i>*although we are asking for the SU's preference, the placement decision will need to take account of risks and needs and preference may not be possible.</i></p> <p>Please Select</p>
Cultural/religious adjustments required?	
<p>Has the SU gone through any part of a process* to change the sex they were described as at birth to the gender they identify with, or do they intend to? Please Select</p> <p>If yes, please discuss placement options with the Supervised individual and record their preference and details of the conversation below.</p> <p><i>*The gender reassignment process does not have to specifically relate to a medical process (such as surgery or hormone therapy),but can also relate to thoughts</i></p>	

5. Placement restrictions due to health and other needs			
Does the Supervised individual have one of the following?			
Physical disability Please Select			
Details			
Learning disability or learning difficulty Please Select			
Details			
Mental health problem Please Select			
Details			
Please state how any of the above affects the Supervised individuals ability to engage with Unpaid Work and what adjustments will need to be made?			
Are there any other health issues that may affect ability to work?			
Allergies		Blackouts	
Pregnant/New Mother		Epilepsy	
Alcohol problem		Drug problem	
Other			

Details of GP (where necessary to verify information):	
Travel:	
Does the Supervised individual have any travel issues that will impact on their placement?	
Offender has valid driving licence and vehicle?	Please Select
Public transport is accessible?	Please Select
Other:	
Carer commitments?	Please Select
Details:	

6. Employment, Education and skills		
Full-time employment or education <input type="checkbox"/>	Part-time employment or education <input type="checkbox"/>	Not in employment or education <input type="checkbox"/>
Employment or education details (working days, hours etc):		
Does the Supervised individual have any difficulties with reading and/or writing? Please Select Provide details:		
Does the Supervised individual have any work skills or experience that could be used while carrying out his/her UPW? Please Select Provide details:		
Does the Supervised individual have future work plans that could be supported through a CP Placement (e.g. retail, gardening etc)? Please Select Provide details:		
Intensive working:		
This supervised individual is eligible for intensive working?	Please Select	
Recommended Hours per week in addition to statutory minimum – at the start of the order		
Recommended Hours per week in addition to statutory minimum – at the midpoint of the order		
At what point should the SU be expected to reach a 28-hour working week?		
Training & Employment Opportunities:		

Supervised individuals who are unemployed, at risk of unemployment or whose offending reflects employment related needs are eligible to use up to 20% of their UPW hours on education, training and pre-employment activity.

Does the Supervised individual have an education, training or employment related need?	Please Select
If YES, does the Supervised individual agree to use up to 20% of their hours on this activity?	Please Select

7. Availability for Community Payback

Record when the Supervised individual is **NOT** available for UPW and state the reasons below:

	Monday	Tuesday	Weds	Thurs	Friday	Saturday	Sunday
Morning	<input type="checkbox"/>						
Afternoon	<input type="checkbox"/>						
Evening	<input type="checkbox"/>						

Additional availability information:

8. Sentence Plan

UPW Sentence Plan Objective(s):

1. Please Select
2. Please Select
3. Please Select

Additional objectives:

- 4.
- 5.

9. Declaration:

The Supervised individual has received details of their UPW Induction Session: Please Select

'Supervised individual consent to share information' form completed: Please Select		
I agree to you contacting my GP and for you both to exchange information with each other, if necessary Please Select		
I believe the information on this form is correct Please Select		
Supervised individuals signature:		Date
Probation Practitioners signature:		Phone number

How long will it take for the Supervised individual to complete their hours?

Number of hours to complete	If the Supervised individual works...			
	1 day per week	2 days per week	3 days per week	4 days per week
	...they will complete their hours in this many weeks*			
50	7	4	3	2
100	15	8	5	4
150	22	11	8	6
200	29	15	10	8
250	36	18	12	9
300	43	22	15	11

**Figures are approximate and based on the Supervised individual completing 7 hours of work each day*

SUPERVISED INDIVIDUAL CONSENT TO SHARE INFORMATION

We (The Probation Service) would like your consent to share your personal Information with other organisations to arrange and support your Unpaid Work placement.

By signing this consent form:

- I understand that as part of arranging my Unpaid Work placement, the NPS may refer me to a partner organisation.
- To enable this work to be undertaken effectively I am aware that the NPS and partner agencies will share information about me.
- I understand that organisations may require personal information to be passed to them such as offending history, relevant risk information, my contact details and any other specifics as listed below. This is to ensure the safety of myself and the partners and the right level of support and learning adaptation.
- I understand that my details may also be shared within the HQ Team for surveys about the services that we provide.

Organisation and data

Organisation	Data Required	Privacy Policy	Sign/Initial to Give Consent

I understand that the NPS and its partners will normally tell me before passing my personal information onto others; however, in some cases (such as safeguarding and detection of crime cases) the NPS may not be required to inform me, but this will be in compliance with data protection laws.

On this basis I agree to the release of information about me by the NPS, to the partner agency(s) detailed above.

Name (please print): CRN:

Signed by: Date:

In the witness of (please print):

 HM Prison & Probation Service	 Community Payback
Pro-Social Modelling Action Checklist	
NPS Region	
Community Payback Unit/Team	
Name of Assessor	
Name of Supervisor	
Date of assessment	
Project name	
Group or Individual Placement	
Length of time observed	
Verbal feedback given (Y/N)	

Please complete the checklist after a period of observation that allows a reasonable length of time for a full range of examples of PSM to be demonstrated. For each example mark either the:

- *Pro* column with a **X** if the pro social-example was observed
- *Anti* column with a **X** if the situation arose but the Supervisor did not respond in a pro-social way
- *None* column with a **N/A** if that opportunity to be pro-social did not arise during the period of observation

Use the space provided at the end of each section to record any additional pro-social examples observed but which are not listed. It is possible to mark criteria both the *pro* and *anti* columns if

the situation occurs more than once.			
Pro-social modelling by example	<i>Pro</i>	<i>Anti</i>	<i>None</i>
1. Greet each supervised individual individually			
2. Address supervised individual politely by name			
3. Use appropriate eye contact in conversation			
4. Use appropriate body language			
5. Use appropriate gestures			
6. Use a balanced tone of voice			
7. Give attention to everybody			
8. Treat everybody fairly having regard to individual needs			
9. Give clear instructions about the work to be done			
10. Hold people to task firmly but fairly			
11. Uphold the rules			
Other observed examples of pro-social modelling by example?			
Did the Supervisor reinforce these desirable attitudes?	<i>Pro</i>	<i>Anti</i>	<i>None</i>
12. An anti-drugs stance			
13. A responsible attitude to the use of alcohol			

14. A positive attitude to the police, the courts and Probation			
15. A positive attitude to Unpaid Work			
16. A positive attitude to employment and education			
17. Anti sexist attitudes and socially inclusive values			
18. Respect for minority ethnic groups and other cultural backgrounds			
Any other observed examples of desirable attitudes being reinforced			
Pro social rewards	<i>Pro</i>	<i>Anti</i>	<i>None</i>
19. Good time keeping			
20. Courtesy			
21. Good relationships with others involved in the work			
22. Attention to the task in hand			
23. Complying with instructions			
24. Compliance with health and safety requirements			
25. Making useful contributions to the planning and organising of the work			
Any other observed examples of desirable behaviour being rewarded?			

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 HM Prison & Probation Service		 Community Payback	
Beneficiary Survey			
<p>We want you to complete this survey so that we can understand your experience of Community Payback. It is important that we keep improving the service we deliver and your views, like those of sentencers and supervised individuals, help us build up a picture that can inform those improvements. You do not need to give your name if you choose not to. However, if you want us to respond to any issues you raise in this form, we will need your details so that we can contact you.</p>			
1. Type of placement?	Individual	Group	both
2. When was the work carried out?	Weekends	Weekdays	Both
3. Over what period was the work/project completed?	Less than a month	1 – 3 months	3 months +
4. Who were supervised individual(s) supervised by?	Probation staff	Beneficiary staff	
5. Did you make a financial contribution towards equipment for the project?	Yes	No	
6. What is the nature of the work (please only identify the main one)?			
Environmental		Graffiti / Litter removal	
Conservation		Restoration	
Painting / decorating		Lunch club	
Charity shop		Working with animals	
Clearing /maintenance		Other (please specify below)	
Community safety			

Please rate the following issues by putting an X in the appropriate box				
	Very good	Satisfactory	Disappointing	Poor
7. Quality of information about Community Payback provided				
8. Supervised individuals attendance in accordance with instructions				
9. Supervised individuals ability to carry out the work required				
10. The standard of Supervised individuals behaviour				
11. Standard of supervision of Supervised individuals				
12. Helpfulness of Community Payback staff				
13. Quality of the work completed				
14. Overall management of Community Payback				
15. Have you used Community Payback before?	Yes		No	
16. Would you use Community Payback again?	Yes		No	
17. Would you recommend Community Payback to others?	Yes		No	
18. Are you now more likely to employ someone with a criminal record?	Yes		No	
19. What was the main reason for becoming involved in Community Payback?	To be involved in the rehabilitation of supervised individuals			
	To complete a job that would not otherwise be done			
	To save the cost of paying professionals			
	Other (please specify below)			

20. Can you suggest anything that would improve our delivery of Community Payback?			
21. Is there any other comment you would like to make about Community Payback?			
22. Would you like us to respond to any of the issues you've raised?	Yes	No	If 'yes' please leave your name and a contact number below

This section to be completed by Unpaid Work staff:	
Probation Region:	
CP Team:	
Date:	

Appendix E

				
Community Payback Exit Survey				
Please complete this survey so that we can use your views to improve the way that Community Payback is delivered in your area.				
1. How did you complete your hours?	Group placement		Individual placement	
2. Did the Unpaid Work induction fully prepared you for the work you did?	Fully	Mostly	Partly	Not at all
3. Do you think the work you did was useful to the local community?	Fully	Mostly	Partly	Not at all
4. If you have a protected characteristic or individual need was this taken into account?	Fully	Mostly	Partly	Not at all
5. Leave blank if not applicable				
6. Were you treated fairly and with respect by staff?	Fully	Mostly	Partly	Not at all
7. Were you offered the opportunity to gain an employment related skill?	Fully	Mostly	Partly	Not at all
8. What do you think we could do to improve Community Payback?				
9. Are there any other points about Community Payback that you would like to make?				
10. Do you want us to respond to you about any of the points you	Yes	No	If 'yes' please leave your name and a contact	

have raised?			number below

About you:		
11. Your sex?	Male	Female
12. Do you have any long term illness, health problem or disability which limits your daily activities or the work you do?	Yes	No
13. What is your ethnicity?		
14. What is your preferred language?		
Thank you for completing this survey		

This section to be completed by Unpaid Work staff:	
Probation Region	
CP Team	
Date	

Appendix F

			
6 and 9 month Progress Review Form			
Type of review (6 or 9 month)		CRN	
Supervised individual name		Sentence date	
Total UPW hours		Hours remaining	
At the current rate of attendance are the remaining hours likely to be completed within the required period? If yes, sign and upload the form. If No complete all answers below			
How many work sessions offered?		How many work sessions attended?	
Number of acceptable absences?		Number of unacceptable absences?	
Main reason for absences			
Is the Supervised individual currently in breach?		Number of stand downs?	
Main reason the order is not on track to complete within 12 months:			
What action will be taken to ensure completion within 12 months?			
Probation Practitioner			
Date of Review			

 
Guidance on Driving MANAGING VEHICLE FLEET AND DRIVER LICENSING
<p>For detailed guidance please refer to the HMPPS Transport Policy & Procedure Manual here: https://intranet.justice.gov.uk/documents/2018/10/transport-guidance-and-procedure-manual.pdf</p> <p>In order to assist Heads of Unpaid Work and Unpaid Work Managers key extracts from this manual are provided below.</p>
Managing your vehicle fleet
<p>Driver licence checking</p> <ul style="list-style-type: none">• Undertake a twice a year Driving Licence check to ensure continued entitlement to drive. This check will include the maintenance of check records and a log of next check dates. <p>Driving fine control</p> <ul style="list-style-type: none">• Ensure that drivers pay fines issued by enforcement authorities and agencies. This includes ensuring that drivers are named when a violation has been notified and the legal entitlement to the information is requested. Where the driver intends to appeal the fine, or wishes to have the fine paid from official funds, to refer the driver and fine background to The Transport Co-ordinator to consider or act as needed. <p>Information provision</p> <ul style="list-style-type: none">• When a request is made from the police or other authorised official to provide such details as requested about the vehicles held at that site. <p>Control service maintenance and inspection</p> <ul style="list-style-type: none">• Produce and maintain a planning record by paper or spreadsheet which shows the planned date and action dates for MOT, periodic service inspections as appropriate for the vehicle type.
Drivers and driving licences
<p>Official Drivers</p> <ul style="list-style-type: none">• Drivers must hold a current driving licence for the class of vehicle to be driven. N.B Drivers that passed their test after 1st January 1997 will only be entitled to drive vehicles up to 3.5 tonnes/8 passenger seats if they have taken an additional test/s to add higher category/s (guidance here: https://www.gov.uk/adding-higher-categories-to-your-driving-licence). <p>Driving Licences</p> <ul style="list-style-type: none">• All drivers of official vehicle must hold a current valid licence demonstrating entitlement to

drive the class of vehicle to be driven. The D1 licence requirement is a mandatory requirement to drive a minibus as required by the Motor Vehicles (Driving Licences) Regulations 1999.

- For NPS employees driving a minibus, their driving Licence should be checked every 6 months. The driver can generate a check code to share their Driving Licence (<https://www.gov.uk/view-driving-licence>).
- Follow the link to view your Driving Licence record, e.g. vehicles you can drive, check penalty points or disqualifications you have, create a licence “check code” to share your driving record. This will allow the transport co-ordinator to check for any endorsements.
 - Log in > Click – share licence information > Click – create code > Click – view, print or save your licence information – which opens PDF > Click – file > Click – attach to email > Email to Line Manager/Transport Co-ordinator

Driving Instruction

- Authorisation and funding of driving instruction/testing/training is arranged locally (by NPS Region).

Parking Fines/Fixed Penalties

- The payment of fines for parking, overloading, and other fixed penalties are the responsibility of the person who was driving at the time of the offence.
- Fixed penalty notices will normally be served on the driver personally or by attachment to the vehicle. Refusal to pay the fine on time may result in a disciplinary enquiry and will result in an increased penalty.
- Where the driver considers that the offence was committed in extenuating circumstances which may warrant an appeal being made to the issuing authority, or the fine being paid from official funds, they must immediately pass the fixed penalty notice to the local Transport Co-ordinator together with a full report of the incident.
- Operational convenience is not regarded as extenuating circumstances.

Congestion charge (London)

- Full details are provided on pages 83-86 of the manual

Drivers' Duties and Responsibilities

- Before commencing a journey the driver must ensure that the daily checks have been carried out, and the vehicle is properly road worthy to the best of his knowledge and ability. He/she must satisfy him/herself that the vehicle is not overloaded and that any load is adequately secured. A record of the daily check is to be created and a copy kept with the vehicle.
- If it is suspected that a vehicle is not in a road worthy condition, it must not be used. The fault must be reported to the local Transport Co-ordinator, who will withdraw the vehicle from service until professional technical advice is obtained and any faults rectified.

The Driver CPC (Certificate of Professional Competence)

- The DVLA website (<https://www.gov.uk/guidance/driver-cpc-exemptions-examples>) provides the following guidance.
- Exemptions from needing Driver CPC. You do not need Driver CPC if you're using the vehicle for:

- non-commercial carriage of passengers or goods
- carrying material or equipment you use for your job, as long as driving is less than 30% of your monthly work
- driving for someone you work for... as long as driving is less than 30% of your monthly work
- MoJ Legal Advisers (Government Legal Department) have provided the following additional guidance:
 - The Certificate of professional competency is mandatory, this is required by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007. There are some exemptions to holding the certificate, including for prison escorts, but there are no express exemptions for probation staff.
 - If the NPS have undertaken a procurement exercise or made any other arrangements to engage the service of a contractor to provide vehicles and their drivers then they are doing so on a commercial basis and a CPC will be required.
 - If NPS have directly employed a driver or driving is part of the member of staffs duties then it is likely that the exemption that a vehicle is being used for the non-commercial carriage of passengers or goods will apply. However, where a driver holds a certificate of professional competence there would be a level of assurance that the driver has undertaken relevant training to ensure the safety of passengers and understands how to react and manage an emergency situation. There may also be insurance benefits or implications that should be considered.

Minibus Driver Awareness Scheme (MiDAS)

- The Minibus Driver Awareness Scheme, is a nationally recognised standard for the assessment and training of minibus drivers and many UPW Supervisors have completed this previously. The scheme is organised by the Community Transport Association (CTA UK)
- The Community Transport Association states that “Completing a MiDAS assessment does not give a driver an additional legal entitlement on their driving licence. MiDAS is a good practice scheme which allows drivers who already have the legal requirement on their driving licence an opportunity to be assessed to drive a minibus to a national standard”³⁴.

³⁴ <https://ctauk.org/cta-advice-service/faq/is-midas-a-legal-entitlement/>

Appendix H – COMMUNITY PAYBACK – Cost Reduction Guidance

1. Purpose of the Guidance

1.1 This guidance was originally issued by the National Offender Management Service (NOMS) to assist Community Payback providers³⁵ to develop coherent cost reduction strategies when formulating their business plans for provision of the sentence.

2. Introduction.

2.1 Unpaid Work or Community Payback is a sentence of the Court which requires supervised individuals to make reparation for their crimes by doing work which benefits the public and local communities. It is a punishment, which also provides community benefits and is potentially rehabilitative for offenders.

2.2 The Government's response to the Transforming Rehabilitation consultation describes how the money spent dealing with supervised individuals can be used more effectively to achieve better rehabilitation outcomes. This guidance outlines how Community Payback delivery costs may be reduced, while meeting NOMS objectives and observing legal constraints.

2.3 Providers of Community Payback are able to reduce their costs by working in partnership with organisations which use Unpaid Work to benefit local communities. Cost reductions may be achieved in a number of ways, including:

- benefit in kind arrangements in which partner organisations undertake some direct supervision of suitable supervised individuals, under the overall management of the Community Payback provider;
- donations or financial contributions by the organisations benefiting from the work, for example donations of materials and equipment or monetary contributions towards the cost of supervised individual supervision and other costs.

2.4 Given that Community Payback is a sentence of the court, where beneficiary organisations are able and prepared to make a contribution towards the cost of supervised individual supervision, or other expenses incurred by the provider, it must be clear that this is a voluntary contribution and not a fee or charge for access to Community Payback.

3. Requirements

3.1 Cost reduction strategies should be able to satisfy the following criteria

3.2 Community Benefit – Community Payback must enable supervised individuals to 'payback' and provide a benefit for local communities. The benefits of Community Payback should be available to diverse communities. Members of the public, community groups, small charitable or

³⁵ Community Payback providers are 'providers of probation services' as defined by Section 3 (6) of the Offender Management Act 2007

voluntary organisations should not be precluded from accessing the benefits of Community Payback by the provider's cost reduction strategy. Community benefit is more likely to be achieved when work projects are identified by members of the public. Cost reduction strategies must also not compromise the requirement to involve members of the public in the identification and nomination of work projects for supervised individuals. HMPPS contract managers will expect providers of Community Payback to direct a proportion of supervised individual hours worked to projects identified by members of the public. Providers will also be required to respond to requests for Community Payback made by small charitable and voluntary organisations.

3.3 Nature of the Work Undertaken - Community Payback work by supervised individuals must be capable of providing a positive work environment for the supervised individual which is decent, fair and respectful of supervised individuals' personal integrity. Community Payback work must also be capable of meeting legal and regulatory obligations. These will include health and safety at work legislation and ECHR considerations. An important factor in this context is that the work should have the potential to promote the rehabilitation of supervised individuals.

3.4 Payment for supervised individual Labour - If a beneficiary organisation agrees to make a financial contribution towards the cost of delivering Community Payback, it should be clear that this is a contribution towards the cost of supervised individual supervision and other expenses incurred by the provider and not a payment for supervised individual labour.

3.5 Displacement of Employment by Others - Community Payback work must not replace paid employment by others, but should add value to local communities by working on tasks which would not otherwise be undertaken in a timely manner.

3.6 Work with Commercial Private Sector Organisations - Providers of Community Payback should not engage with commercial organisations where there is a risk that supervised individual work on Community Payback will contribute to private profit. It may however be appropriate to place supervised individuals with private sector organisations if the work undertaken provides benefit to the community and has a clear social purpose.

3.7 Work with Social Enterprises - HMPPS encourages providers of Community Payback to engage with social enterprises. Social enterprise organisations should be able to demonstrate reinvestment of any operating surplus in social causes. Reasonable assurance steps should be taken by Community Payback providers to confirm any surplus is treated in this way. This may require a sufficient level of transparency to identify the purposes to which any operating surpluses are directed. Care should be exercised in relation to the range of activities undertaken by social enterprises. It may not be appropriate for Community Payback to benefit social enterprise activities where a commercial relationship exists with a profit orientated private company. The latter may potentially benefit by deriving profit from free supervised individual labour.

3.8 Distortion of Competition – Providers of Community Payback must ensure that supervised individual labour does not confer any selective advantage to an organisation which may distort trade or commercial competition.

4. Accords with Beneficiary Organisations

4.1 Community Payback should be directed towards tasks which would not be undertaken, or undertaken in a timely manner without the free labour provided by supervised individuals. It is not appropriate for providers to enter into formal contracts with beneficiary organisations. Any service level agreements between Community Payback providers and beneficiaries must be clear that they do not constitute a contract and that supervised individual labour is not supplied in the normal course of the Community Payback provider's business, which relates to the provision of a community sentence. Potential beneficiaries of Community Payback should be made aware that Community Payback does not provide a skilled professional workforce. It is typically the unskilled labour of supervised individuals who are directed by the courts to 'payback' for their crimes. Providers of Community Payback undertake the management of this workforce, but are not able to bear contractual liability for the work carried out.

5. Contributions to the Cost of Community Payback

5.1 Following paragraph 2.4 above. If beneficiaries of Community Payback are able and prepared to make a contribution towards the cost of supervised individual supervision or other expenses incurred by the provider, it should be clear this is a voluntary contribution and not a fee for service. The contribution by the beneficiary will not meet the provider's full costs, which will additionally include supervised individual management and administrative costs.

5.2 Providers are able to exercise discretion in relation to the deployment of Community Payback resources. There may be occasions when providers elect to give priority to work projects which are less costly to deliver, or help to meet the variable demands for Community Payback from the courts. As described in paragraph 3.2 above, providers must ensure that Community Payback hours are available to benefit communities and organisations which may not be in a position to contribute to delivery costs.

5.3 Whether VAT is attached to financial contributions to the cost of Community Payback delivery will depend upon the facts of each arrangement and may also be impacted by the VAT status of the Community Payback provider.

 	
Site Visit/Supervisor Audit	
NPS Region:	
Site visit undertaken by:	
Date of site visit:	
Name of placement visited:	
Type of work undertaken:	
Names/roles of staff on site:	
Number of SU's on site	
Group mustering arrangements	
1. How many SU's were instructed for the session and how many attended?	No. instructed
2. Have any SU's been stood down on the day, for operational reasons? (if so, was a minimum of 1 hour credited to their record on NDelius and were reasons recorded?)	No. attended
3. Have any SUs arrived for the session, but did not stay for the entirety of the session? (if so, what was the reason, was this recorded on NDelius and was any time been credited to their record on Delius?)	

Attendee Information	
4. Did the Supervisor have adequate information regarding individual supervised individuals i.e. attendance list, risk level, type of risk (including offending behaviour) and needs information, PP name?	
5. Was this information kept securely by the Supervisor to maintain confidentiality?	
6. Do any of the SU's have protected characteristics / individual needs? Have these been considered and action put in place to accommodate?	
7. If yes, have these been considered and reasonable adjustments made, where required, to promote engagement and compliance?	
8. Is this a mixed gender group, if so, have the needs of the female SU's been taken into account? Are they happy to be in a mixed gender group?	
Publicity/Promotion	
9. Is there signage at the site to indicate this is a Community Payback project?	
10. Has there been any publicity (e.g. leaflet drops, media) to raise awareness that this is a Community Payback project?	

11. Are the SU's wearing Hi-vis jackets/vests with the Community Payback logo?	
12. Are all staff supervising the work wearing appropriate hi-vis clothing?	
SU Behaviour and Supervision of Work Placement	
13. Is the SUs behaviour being actively monitored?	
14. Is the behaviour of the SUs acceptable and are they complying with instructions?	
15. Is the nature of work being undertaken demanding? of benefit to the community?	
16. Is the work being undertaken of benefit to the community?	

<p>17. Does the placement provide a vocational training opportunity and if so, are the hours worked correctly recorded against the 20% permitted?</p>	
<p>Health and Safety</p>	
<p>18. Has a Health & Safety / risk assessment been undertaken by a suitably trained and competent person?</p>	
<p>19. If so, is it less than 12 months old or reviewed within the last 12 months? Was the Supervisor aware of this and taking full account of it?</p>	
<p>20. Have any imminent risks been identified that require immediate escalation?</p>	
<p>21. Are SUs using the correct equipment and tools, and are these fit for purpose?</p>	
<p>22. Is appropriate PPE available and being used by all SU's at the site?</p>	
<p>23. Is the Supervisor aware of any systems in place to provide emergency support if needed?</p>	
<p>24. Have the SUs been given appropriate training and Health and Safety instructions for the tools/equipment being used?</p>	

25. If transportation was used is it fit for purpose i.e. seating and seatbelts, tool cage if carrying tools and equipment?	
26. Does the Supervisor have a personal alarm?	
Follow-up data assurance, after the site visit	
27. Have the correct times been credited for those in attendance?	
28. Have warning letters/breach proceedings been instigated for SUs who failed to attend?	
29. Has this Community Payback site been Quality Assured via an unannounced inspection from an UPW Manager in the last 12 months?	
30. Have the Health and Safety Risk Assessments been audited/reviewed? (as per Pg23 of the UPW Manual, that states 10% of assessments should be audited).	
Information for the UPW Team Manager (SPO) or Head of Unpaid Work	

Support		Mandatory
Work Requirements	Search	<p>To satisfy the 'All reasonable action' requirement, claimants must either— spend at least 35 hours, if they are expected to take up full-time work on activities or satisfy their Work Coach that they have taken all reasonable action to find paid work. Claimants in required to look for, prepare for or plan for work are required to attend and participate in work focused interviews. Other actions will include:</p> <ul style="list-style-type: none"> • carrying out work searches; • making applications; • creating and maintaining an online profile; • registering with an employment agency; • seeking references; • any other actions which reasonably increase the likelihood of obtaining employment.
Work Preparation		<ul style="list-style-type: none"> • attending a skills assessment • improving personal presentation • taking part in training • taking part in programmes or provision • undertaking work experience or a work placement • developing a business plan • searching for and undertaking Voluntary work <p>This list is not exhaustive, claimants can also undertake any other work-related activity depending on their circumstances.</p>
Support		Voluntary
Sector-based Work Academy		Claimants in Scotland and England – all claimants aged 18yrs + for a duration of up to 6 weeks.
Traineeship		England only – for claimants aged 16-24yrs old. Duration of 6 weeks to 6 months
Work Experience		For all claimants aged 18yrs +. Duration of 2-8 weeks for between 25-30hrs per week.

Movement to Work	Open to claimants 18-24yrs old who are not in education. Duration 4-6 weeks
New Enterprise Allowance	Open to all claimants 18yrs +
Fair Start	Scotland only – pre employment support for 12 months and in-work support for 12 months

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HM Prison &
Probation Service



Project Nomination Form

Community Payback is where offenders work on projects to pay back the community for their crimes. To be considered your project must meet the following criteria:



- It must benefit the local community
- It must not take paid work away from others
- Individuals may make a profit from the work
- It must be worthwhile and constructive
- It must be challenging and demanding



Examples of work projects include: painting and decorating, gardening, landscaping, supporting charity shops, conservation forestry, litter picking and ground clearance.

We welcome ideas about projects in your community that would benefit from the help of a Community Payback group. Please provide the following information:

Name of the project	
Location of the project	
A short description of the work to be completed	
Your name	
Contact email	
Contact phone number	

Your local Community Payback Team will assess the project for suitability and for health and safety implications.

Nominations can also be made electronically using the following email address: CP_@justice.gov.uk
You'll get an acknowledgement within 2 days to say that your nomination has been received.



HM Prison &
Probation Service



Community
Payback

Case Recording Instructions

The embeded Case Recording Instruction (CRI) below provides detailed guidance on Unpaid Work (UPW) functionality and Best Practice Recording in NDelius.



CRI030_UnPaid_wor
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