

Prisons, Probation, and NOMS - A Fact Sheet for the Voluntary Sector

Introduction

The prison and probation services are the two primary agencies that implement sentences made by the courts. They have developed independently of each other for over a century. More recently, the two organisations have worked increasingly closer together, particularly where the probation service has been involved in the supervision of offenders after they have been released from prison. The introduction of the National Offender Management Service (NOMS) will bring prison and probation together within one agency although the precise details have yet to be fully worked out.

Prison Service

The primary function of the prison service has been to incarcerate offenders both as a punishment and to help them to lead law-abiding lives after their release. Offenders will go to prison for the following reasons:

- a. **Remand** - After arrest for a period of time until their trial if the court feels that it would be unwise or unsafe to allow them to remain in the community until their court date; there are also some remand status prisoners who have been convicted and are awaiting sentence; finally, there is a small number who have defaulted on fine payments.
- b. **Short sentence** - This is the term used to describe prison sentences of less than 12 months duration. When offenders have served one half of the sentence they are released and are not subject to any further supervision from the probation service. These sentences will be replaced by a new sentence called 'Custody Plus' which will be for approximately the same duration but which will have a required period of supervision following release.
- c. **Automatic Conditional Release (ACR) sentences (12-48 months)** - Prisoners serving these sentences are automatically released after serving one half of their sentence and are subject to supervision from the probation service for a defined period of time. They may also be released up to 3 months earlier than the half-way point if they are assessed as suitable for Home Detention Curfew (HDC) which involves wearing an electronic 'tag' and abiding by a curfew.
- d. **Discretionary Conditional Release sentences (48 months and greater)** - Prisoners serving these sentences are **eligible** for release on parole licence (supervised

by the probation service) after serving one half of their sentence but their release is subject to the decision of the Parole Board. When these prisoners have served two thirds of their sentence they are released to be supervised by the probation service until they reach the two thirds point of their sentence. Between the two-thirds point and the end of the sentence is the 'at risk' period during which any further offending could result in immediate return to custody.

- e. **Life sentences** - Prisoners serving life sentences will have to remain in prison for a minimum period (the tariff), which is set by the Home Office. This is usually for anywhere from 3 years (rare) to 15 years. Some tariffs are far longer. They are only released after this point if they are assessed to be of no risk to the community. They will be subject to supervision from the probation service until it is felt that they have successfully resettled and will not reoffend. This is usually for about 3 years after release, but may be longer.

Probation Service

The probation service was founded in 1907. Originally, it supervised mainly minor offenders placed on probation orders by courts. In the mid-60's it took on responsibility for dealing with prisoners following release from prison. It has since grown in size and complexity. In 2001, there was a major reorganisation, which created 42 Probation Areas that now form the National Probation Service. The NPS provides a range of services including:

- a. **Pre-Sentence Reports (PSRs)** - These are reports prepared for courts to assist sentencers in coming to a decision about the most appropriate sentence for an individual convicted offender. PSR's contain information about the offender's offence, attitude to offending, relevant background material (employment history, literacy and numeracy skills, accommodation, etc), risk assessment, and a proposal for sentence.
- b. **Community Rehabilitation Orders (CROs)** - These are court orders that require offenders to be supervised by the probation service. They can contain one or more conditions requiring offenders to attend group work programmes (the content and delivery of these is prescribed in considerable detail and tutors are specially trained and supervised), reside at specific addresses, participate in other activities, etc.
- c. **Community Punishment Orders (CPOs)** - Require offenders to undertake a specified number of hours of unpaid work of benefit to the community. The probation service arranges the work and supervises these orders.
- d. **Community Punishment and Rehabilitation Orders (CPROs)** - A combination of b and c.
- e. **Licence supervision** - Refer to section on prisons above.

- f. **Drug Treatment and Testing Orders (DTTOs)** - A sentence specifically for habitual drug users who have a history of offending to fund their habits. The probation service will present to the court a comprehensive supervision plan which should include at least 20 hours of activity each week, including a requirement to submit to drug testing twice weekly.
- g. **Intensive Change and Control Programme (ICCP)** - A fairly recent sentence that is available for 18-20 year old males at risk of custody. It is an intensive programme that requires at least 25 hours contact/activity each week. This would include participation on an offender behaviour programme, completion of a required number of hours of community punishment, a curfew requirement monitored by an electronic tag, and support from a mentor to access employment, stable accommodation, and positive leisure activities.

The Generic Sentence

The Criminal Justice Act 2003 created a new generic community sentence that will replace CROs, CPOs, CPROs, and DTTOs (listed above). Magistrates and Judges will be able to place an offender on a **community sentence** that can have a range of requirements tailored to address the risks and needs of that individual.

Multi-Agency Public Protection Arrangements (MAPPAs)

The probation service is one of three key agencies (police and prison are the others) which meet regularly to agree and implement plans to supervise dangerous offenders who pose a risk to the public. Housing and education and any other relevant organisations will also be invited to contribute as appropriate.

National Offender Management Service (NOMS)

NOMS was formally created in January/04 in response to a report prepared by Patrick Carter that analysed the way in which the Corrections Agencies dealt with offenders who were brought before the courts. He recommended a number of changes including the creation of an integrated prison and probation service called NOMS.

When fully implemented, NOMS will be structured on a regional basis. There will be nine Regional Managers (ROMS) covering the nine regions of England and a Wales Offender Manager (WOM). Each Regional Offender Manager will purchase custodial and community based services from either the public, private, or voluntary sector. While the final details are not yet clear, these changes probably mean that the probation service will be restructured with a new Offender Management Service which will be responsible for preparing reports for the courts and the supervision (case management) of offenders both in the community and in prison. That part of the probation service which currently operates the group work programmes and other 'interventions' will be transferred to a new organisation which will be commissioned by the Regional Offender Manager to provide these services.