



PC22/2008 – REVISED NOTIFICATION AND REVIEW PROCEDURES FOR SERIOUS FURTHER OFFENCES

IMPLEMENTATION DATE: 1st December 2008

EXPIRY DATE: 1st December 2012

FOR ACTION: Chief Officers/Chief Executives, Chairs of Probation Boards

FOR INFORMATION: Secretaries of Probation Boards and Trusts, Board Treasurers, Improvement and Development Managers, Regional Offenders Managers, Directors of Offender Management

CONTAINS MANDATORY ACTIONS

AUTHORISED BY: Gordon Davison, Head of Public Protection Unit

ATTACHED: Annex A: - Serious Further Offence list

Annex B: - SFO Form

Annex C: - Equality Impact Assessment Form

Annex D: - Resource Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

Replaces PC41/2006

CONTACT FOR ENQUIRIES

SFO@justice.gsi.gov.uk

PURPOSE

To notify Probation Boards and Trusts of the revised procedures for the identification, notification and review of cases where offenders under probation supervision have been charged with a Serious Further Offence (SFO).

MANDATORY ACTIONS

Chief Officers and Chief Executives must ensure that all staff are made aware of the revisions to SFO procedures and that the instructions described in this PC are implemented from 1st December 2008. Notifications received from that date should use the newly revised documentation (version 3.0 attached at Annex B).

Probation Areas (both Boards and Trusts, and hereafter referred to as Areas) must ensure that there are effective local procedures in place to identify offenders who are charged with an SFO and to review systematically the management of those cases that qualify for a SFO review. Areas must give priority to ensuring that reviews are accurate and comprehensive; that learning

UNCLASSIFIED

points are considered; and that recommendations to improve the management of offenders are implemented effectively.

SUMMARY

The SFO notification and review procedure is intended to ensure rigorous scrutiny of SFO cases and contribute to continuous improvement in how offenders are managed.

The key changes are that we have:

- clarified the list of eligible offences by removing the section 18 (wounding with intent) offence;
- introduced a distinction between the supervision of offenders known to be high risk of serious harm and offenders assessed as medium or low risk of serious harm;
- moved some way from a formulaic approach to the assessment of the quality of supervision in favour of a more judgment-based approach, based on whether all was done that might reasonably have been expected to manage the risk of harm presented by an offender;
- introduced one review, removing the old distinction between the initial and full reviews;
- agreed to pilot a new part of the review process, to cover more formally the supervision of an offender in prison; and
- reflected the new and emerging structures of the NOMS Agency.

This Circular is based on the outcome of a recent review which included consultation with key stakeholders. These revised procedures provide a revised pro-forma which will enable effective scrutiny of practice, and promote learning and improvement. The documentation has been amended to require a single review and to ensure appropriate coverage of the custodial element of a sentence. This Circular includes Annex A (List of Serious Violent or Sexual Offences) and Annex B (Documentation) and supplementary guidance is provided in the SFO Review User Guide on EPIC.

We will monitor the revised process and specifically will review operation by September 2009 following the completion and evaluation of the prison based review pilots.

Purpose

1. The purpose of the SFO procedure is to ensure that there is a rigorous system of scrutiny for cases where specified offenders under the supervision of the Probation Service have been charged with a serious further violent or sexual offence, so that:
 - areas of continuous improvement to risk assessment and management practice within the Probation Service (together with other parts of the NOMS, Agency or beyond as appropriate) may be identified and disseminated locally, regionally and nationally, as appropriate; and
 - Ministers, Chief Executive of NOMS, Director of Offender Management (DOM)/Regional Offender Manager (ROM) and the wider MoJ, where appropriate, can be informed by the NOMS Public Protection Unit (PPU) of noteworthy cases of alleged serious further offences committed by offenders whilst under the supervision of the Probation Service.

Actions

2. This Circular replaces PC41/2006. Chief Officers and Chief Executives must ensure that the revised procedures are in place by 1st December 2008; and that relevant staff are aware of the provisions of the revised scheme. A revised Staff Guide to the SFO Scheme is attached (Annex C) for this purpose and senior lead managers will have received implementation guidance in advance of this Circular.
3. Areas must ensure that any SFO notifications submitted on or after 1st December 2008 are sent to the PPU using the revised SFO documentation. In order to ensure that all cases are being dealt with according to the same procedures, the PPU will liaise with Areas regarding how existing cases will be dealt with.
4. Areas must ensure that local partners are made aware of the revised SFO Scheme, including the local Strategic Management Board (SMB) that oversees Multi Agency Public Protection Arrangements (MAPPA), and Local Safeguarding Children Boards (LSCBs), as well as those who provide contracted services in relation to the management of offenders under supervision in the Area.
5. Areas must continue to nominate a lead senior operational manager; and a single point of administrative contact to manage the local coordination of SFO Reviews.

Summary

6. The SFO Procedures have been revised, following a consultation exercise, in order to:
 - provide a revised and updated list of eligible offenders and offences that meet the SFO definition;
 - require all qualifying SFO cases to proceed to review and accordingly withdraw the victim impact test as a determinant of whether the case will be reviewed;
 - differentiate between those offences on the SFO list that will always require a review (e.g. murder) and those where a review will be undertaken because the offender has been assessed as high or very high risk of serious harm during their current sentence (or where there was no risk assessment);
 - require a single review, rather than the separate Stage 3 and Stage 4 reviews specified in PC41/2006;
 - update the standardised documentation with a revised list of questions which reduce duplication, incorporate consideration of inter agency practice and strengthen the focus on understanding how and why SFOs occur and learning lessons for the future;
 - ensure that key events in the custodial period are noted and considered in Reviews where part of the sentence was spent in custody; and
 - clarify that where Her Majesty's Chief Inspector of Probation is asked to conduct an independent review of a SFO case (formerly Stage 7 of the SFO process), his review will be outside these formal SFO procedures.
7. In addition, we will be carrying out a pilot to determine whether we should formally incorporate into the Review consideration of the management of the offender in custody.
8. Supplementary guidance on implementing the revised procedures and completing the documentation is contained in the *SFO Review User Guide on EPIC*.

UNCLASSIFIED

9. The Notification (formerly Stages 1 and 2), Review (formerly Stages 3, 4 and 5a) and Update (formerly Stage 5b) must be completed sequentially. The SFO Outcome (previously Stage 6) must be submitted as soon as the offender is sentenced, or acquitted, or otherwise dealt with. The previous scheme aimed to be proportionate by requiring a Full Review in cases where there were significant concerns, but in practice the majority of issues had already been identified at the Initial Review stage. This revised scheme streamlines the process by requiring the submission of only a single review for each case, the content of which will be proportionate to the complexity of the case and the issues arising, if any, in the management of the case. Reviews must include an Action Plan where there have been deficiencies. A very small number of exceptional cases may be referred to HMIP for consideration as an Independent Review.

Victims

10. It is important that the SFO process takes account of the needs and concerns of victims, both of the original offence (primarily in those cases of serious offending where there is an ongoing victim contact responsibility) and of the SFO. Information about the circumstances of the SFO may enable the reviewing manager and others to: understand the context of re-offending, identify if the offence has involved re-victimisation of a person who was assessed as at risk, identify if the case may be high profile, and consider if, exceptionally, there should be communication prior to sentence with *either set of* the victim(s) or their family.
11. Regarding the victims of the new (SFO) offence, Areas should actively seek and record victim information from Court. In keeping with existing guidance and the Victims' Code of Practice, direct contact with the victim of the SFO should *not usually* be made prior to conviction for a serious further offence. However, there may be cases (e.g. where the offender is deceased, or where adverse information is already in the public domain) where early contact is appropriate, particularly where there is information from the SFO review that the Area feels the victim (or his/her family, if the victim is deceased) should hear direct from the Area, rather than the media or others. In these cases, Areas should discuss this with the SFO Team in PPU, and advice must be sought from the police or CPS to avoid any jeopardy to the legal process .
12. Regarding previous victims, the SFO notification should be copied to the local Victims Unit who, having checked their records, will consider with the offender manager, in consultation with senior management, whether previous victims (if they are eligible for statutory victim contact) should be contacted.
13. Any passing of information to victims or families about the nature of *previous* supervision, and handling areas of contention, must be managed by a senior manager appropriate to the level of concern, in conjunction with the local victim contact unit, and in accordance with the *SFO Review User Guide*.
14. Areas should be aware of the memorandum of understanding between police and probation relating to victim contact. In cases of very serious crime a Gold Group may be formed, and where this involves a SFO, the Senior Investigating Officer (SIO) will invite a senior representative of the Area to join the Gold Group which advises and guides the SIO in the investigation (PC05/2005).

Employee care

15. In dealing with cases of serious further offending, which can be stressful for those staff involved, Areas will need to exercise good employee care practice. It must be remembered that the review process is not about apportioning blame, even though, formally, in a very small number of cases, the review process may result in competence and disciplinary proceedings being invoked. Good practice will include ensuring that staff involved are aware when a Review is being undertaken, are able to prepare for any interviews that may be required and are given feedback on those outcomes of the SFO review that relate directly to them. During the process, line managers will provide appropriate support for their staff in line with HR policies, as they would in any other case where staff need support to deal with pressures at work. Although the SFO review is the key process for reviewing how the case has been managed, the ongoing management of the case will normally require that the offender manager and their manager discuss the case, review risk and adjust sentence plans and risk management plans accordingly. In those few cases where the reviewing manager decides that they need to interview staff members before this takes place, they will inform the line manager in the case.

Offender Eligibility

16. The following types of offender are eligible:

Offenders:

- who are under any form of supervision by the Probation Service on the date of the SFO (excluding however offenders where a court or recall warrant had been issued 3 months or more prior to the date of the SFO);
- who were under any form of supervision by the Probation Service which terminated less than 28 days prior to the SFO; and
- who are under supervision and charged with an equivalent eligible offence in another jurisdiction;

Offence Eligibility

17. The list of SFO offences is at Annex A. The principal difference from the previous list of offences is the removal of the section 18 (wounding with intent) offence. Any subsequent amendments to the list will be notified to Chief Officers, and a revised list placed on EPIC.

Cases that qualify for a SFO review.

18. Areas must notify the PPU using the SFO form when an eligible offender (see paragraph 16) is *charged* with an eligible offence (see paragraph 17) ie, a violent or sexual offence contained in Annex A **and** meets the criteria to qualify for a Review (see paragraph 19). If the offender has died and not been charged but the police state he/she was the main suspect, the case will also qualify for review.

19. **Reviews will be required in ANY of the following cases:-**

UNCLASSIFIED

- any eligible offender who has been charged with murder, manslaughter, other offence causing death, rape, or a sexual offence against an under 13 year old (including attempted offences) committed during a period of supervision by the probation service; OR
- any eligible offender who has been charged with another offence on the SFO list committed during a period of supervision by the probation service and is or has been assessed as high/very high risk of serious harm during the current sentence or has not received a risk assessment during the current period of supervision; OR
- any eligible offender who has been charged with an offence, whether on the SFO list or other offence, committed during a period of supervision by the probation service, and the Area or NOMS has identified there are public interest reasons for a review.

Subsequent changes in eligibility

20. A case will cease to qualify for Review if it subsequently falls outside the SFO eligibility criteria, as a result of:

- a finding at court of not guilty, other than for reasons of fitness to plead or not guilty by reason of insanity
- the discontinuance of proceedings either pre-trial or at court;
- the reduction of the charge to one that falls outside the SFO eligibility criteria;

21. Areas must inform the PPU using the SFO outcome section of the documentation whenever an SFO case that has been notified to PPU subsequently falls outside of the SFO eligibility criteria, for example, where charges are reduced. Areas may decide to continue with a local review in these cases.

Cases that do not need to be reviewed.

22. When the SFO was committed more than five years ago, the DOM and PPU will make a decision on whether it will be reviewed as a SFO, in consultation with the Area, bearing in mind that the amount of case material available may be limited.

SFO procedures when the victim is a child

23. When the SFO eligibility criteria are met, and an associated Serious Case Review is likely to be undertaken by the LSCB, the senior lead manager and/or the reviewing manager should liaise with the LSCB to ensure that all necessary information is provided in a timely manner for the LSCB. This may include information from the SFO Review but also other information derived from case and other records. Where the bulk of the SFO Review is of direct relevance to the matters under consideration by the LSCB, it may be forwarded to the Chair of the LSCB, whereas in other cases the Area should share a summary of findings from the SFO Review, not the SFO Review itself, with the LSCB.

SFO procedures when the victim is under probation supervision

24. In SFO cases where the victim has died and was under probation supervision at the time of the offence, Areas must be aware of the procedures outlined in paragraph 11 of PC60/2005.

SFO cases involving deaths of Approved Premises residents

25. In SFO cases where the victim was under probation supervision and residing in Approved Premises at the time of the offence, Areas must be aware of the procedures outlined in PC02/2004, PC18/2004, PC40/2004 and PC40/2007.

MAPPA SFO cases

26. When an offender is charged with an eligible offence and is being managed at either MAPPA level 2 or 3, Probation Areas must ensure that the MAPPA Co-ordinator, or equivalent, receives a copy of the Initial Notification. The SMB may decide, in selected cases, to complete a Serious Case Review as described in the MAPPA Guidance. The Area will then provide a copy of the SFO Review once completed as a restricted document not for further disclosure, in line with MAPPA guidance. In all other SFO cases involving MAPPA level 2/3 management, a brief summary, (including the outcome of the case and the action plan) of the Review (not the Review itself) should be shared with the Chair and the SMB at their quarterly meeting.

Administration, retention and storage

27. Areas are required to identify a single administrative point of contact to co-ordinate SFO cases up to and including the SFO Outcome and to also maintain a record (name, offence, and highest risk of serious harm level during current sentence) of those cases which were identified at court as involving an eligible offender charged with an offence on the SFO list but where the senior lead manager determined it did not qualify for a SFO review. On completion of the SFO annual statistics, the PPU will, in consultation with the relevant DOM, confirm when the record of non-qualifying cases can be disposed of.

28. Immediate access to details of SFO cases, including contacts and access to further case file details should be made accessible if required urgently by the PPU. Areas should keep electronic records of SFO Reviews, for five years from the date of completion of the review, with any paper records held in line with local records policy. All Review documents are marked 'RESTRICTED' and must be sent via the GSi network via the single point of contact to SFO@justice.gsi.gov.uk.

Communications Strategy

29. Areas will implement a Communications Strategy in each case, managed by a designated person (which should be a senior manager in high profile cases). In cases that have been designated by PPU or the DOM as high profile, the draft Communications Strategy must be sent to and agreed with, the Head of the SFO Team, on behalf of PPU, who will then forward it to DOMs office and the MoJ press officer responsible for Probation media handling, for final agreement. (MoJ press office act for NOMS in line with the Agency Framework document). Where Areas subsequently place statements or publications relating to SFOs into the public domain, advance copies must be made available to the SFO Team, the DOM and MoJ Press Office. Areas are encouraged to make early contact with the SFO team and/or MoJ press office who will provide support and advice when requested. Areas should also consider liaison with other agencies who may be responding to media interest, including the police.

UNCLASSIFIED

30. Areas must establish a comprehensive communications strategy with respect to victims, normally implemented after conviction. Care must be taken in particular cases where probation involvement is disclosed to victims by third parties either pre-trial or through evidence of 'bad character' during the trial.
31. SFO Reviews are to be protectively marked as Restricted and are for the attention of senior management and Board members in the Area, DOMs and the PPU (including those conducting research on their behalf) in NOMS, and those directly connected with associated reviews e.g. MAPPA SMBs. They are not published, to encourage all those providing information for the Review to be completely frank and open and not to be discouraged by the prospect of material which is normally held confidentially (e.g. the detail of the offender's supervision) being published. However, Areas must be aware that the information contained in any SFO Review is subject to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. Exemptions from disclosure may apply, as assessed on a case-by-case basis. In order to ensure consistent national practice in compliance with legislation, Areas must ensure that the PPU and the DOM is notified immediately whenever information requests for SFO documentation arise, in liaison with the NOMS Open Government Unit. Areas must also be aware that in cases where there has been loss of life, the Coroner may request a copy of the SFO review which may bring the contents of the Review into the public domain.

Who should undertake Initial Notification, and Review of SFO cases

32. Chief Officers and Chief Executives must ensure that those undertaking Reviews have up to date knowledge of risk assessment, risk management and offender management. On behalf of the Chief Officer (Chief Executive), the senior lead manager for SFO reviews (or another manager in their absence) must agree and sign off the Review before it is sent to the PPU, copied to the DOM. Reviews should not be undertaken by those where a conflict of interest may arise, such as where the SFO author also has line management responsibility for staff involved in the case.
33. The SFO Review is signed off by one Area regardless of how many Areas have been involved in the case during the current sentence. In these cases, the notifying Area should (if it had no responsibility for the case up to the date of the SFO) discuss the case with the Area which did have responsibility at the time and request they undertake the Review and inform the PPU and the DOM of the proposed arrangements. In other cases, where two or more Areas have been involved, the notifying Area should take responsibility for co-ordinating the Review as a whole even where enquiries are being made in other Areas as well. Further detail will be given in the User Guide.
34. The DOM, as advised by the Head of the Public Protection Unit (PPU) or his/her delegate, will arrange for a Review to be undertaken by someone outside the Area, when it is necessary further to enhance public confidence in the impartiality of the process. Criteria that will be taken into account include, where there is:
 - perceived potential conflict of interest (including where more than one Area has been significantly involved in the management of the case); or
 - early evidence of exceptionally poor practice; or
 - exceptional national public interest in a case.

Notification, Review, Update and Outcome- stages.

Notification

35. Areas must:

- ensure that “eligible “ SFOs are identified at the first Court appearance, and reported to the Area’s single point of administrative contact,
- consider whether the case qualifies as a SFO requiring review
- notify the PPU (copied to Chair of the local Probation Board or Trust , and the DOM) of any case that qualifies, within 10 working days of the first Court appearance, by sending the Notification Stage of the SFO document (including identifying those cases which may attract significant national public interest and informing in advance the PPU and the DOM, if necessary by telephone);
- ensure that where a case is identified as “qualifying” for a SFO Review, the case record is secured and sent to the lead senior operational manager or stored locally as requested;
- in those cases involving a child victim, notify the Chair of the LSCB; and
- in those cases where the offender was supervised by the local MAPPAs at level 2 or 3, notify the MAPPAs Co-ordinator

The PPU must:

- confirm within 3 working days of receipt that the Area should proceed to a Review, copied to the Board Chair and DOM (or exceptionally with the DOM consider whether the Review should be conducted out of Area) or, where it appears that the case does not qualify, discuss this with the Area ; and
- confirm whether the case will be dealt with as a high profile case.

Review

36. Areas must:

- assess the quality of risk assessment, risk management and offender management of the case; including the period in custody where appropriate, up to the point of the SFO;
- if there are deficiencies, identify the reasons for them, and actions to address them
- ensure the Review section of the SFO document is fully completed, signed off by their Chief Officer (or delegate) and received by the PPU, copied to the DOM, within 3 months of the date the notification was sent. Where there is Ministerial, or significant national public interest, an expedited Review may be requested and must be completed within a timescale agreed with the PPU.

The PPU must:

- ensure that the Review is completed to a sufficient standard
- confirm that the Review has been received, within 3 working days of receipt;
- ensure that the Review is assessed and quality rated within 15 working days, bringing the attention of the Chief Officer and DOM to any cases that have been inadequately reviewed and require re-submission

UNCLASSIFIED

37. The starting point of the period of Review will normally be the start of current sentence, but if the period of supervision has been brief (up to 6 months) and was immediately preceded by a previous period of supervision, the review should look at management over a period of no longer than 2 years. The end point of the Review when considering the quality of management of the case will normally be the date on which the SFO was committed (or the last date, where the SFO spans a period of time), although the chronology should identify any significant events post SFO particularly where there are matters of public interest. For example, the Area, the DOM and PPU would wish to know, in a case where an offender had committed a SFO on curfew but not been immediately apprehended, that appropriate enforcement action had been taken in respect of the curfew.
38. Reviews will ordinarily involve a discussion with the offender manager, so that the Review is as accurate and insightful as it can be, drawing not only on written records but on the direct experience of those working with the offender. Where appropriate the Reviewing Manager may also speak to other staff and managers involved.
39. Reviews should consider and assess the quality of implementation of conditions and requirements of orders and licences whether these are delivered in-house or by other agencies. In other cases, inter agency work may be scrutinised where the senior lead manager and/or reviewing manager determines that this is feasible and that significant lessons may be learnt. An alternative is to bring any concerns about another agency to the attention of that agency on conclusion of the Review.
40. As part of the Review, Areas will identify an Action Plan that will contain recommendations for the dissemination of good practice and areas for improvement. In each case that indicates deficiencies in practice, the Chief Officer (Chief Executive), or his/her delegate, is required as part of signing off the Review to consider the standard of practice in the case. In those cases where there have been deficiencies, improvements to processes and/or knowledge and skill improvements may be required in the action plan. Where a Review identifies that there has been exceptionally poor practice the Chief Officer or their delegate should indicate when signing off the Review the consideration they have given to instigating capability or disciplinary procedures. A decision not to initiate procedures does not preclude action in the future if new information comes to light. Any decision to instigate formal procedures should be made with full HR advice, in accordance with local policy that should include the duty of care to staff in these specific circumstances.
41. Recommendations for areas for improvement must be specific, measurable, achievable, realistic, and time-bounded targets. An Action Plan must be forwarded to the DOM and the PPU, copied to the local Probation Board (Trust).
42. When the Review has concluded, feedback must be provided to the offender manager, and the line manager, and others who have been interviewed during the Review. In cases where practice has been satisfactory, the reviewing manager (or the line manager, by arrangement) should confirm that the Review has concluded and give feedback, highlighting good practice where applicable. In cases where there are concerns about the standard of practice, this will be fed back to the staff member by the reviewing manager (in conjunction with the line manager, as appropriate) together with the relevant parts of the action plan. Where substantive feedback has already been given prior to the submission of the Review, and there are no additional points to be

UNCLASSIFIED

added, the reviewing manager may simply need to confirm this. The important point is that, although the SFO documentation is not for distribution, including to the staff involved, those significantly involved in the SFO review should be aware that it has concluded and whether there are findings that are relevant to their practice.

Update

43. Areas must provide a brief report of the implementation of the Action Plan to the DOM, the PPU and the Local Probation Board (Trust) no later than 6 calendar months from the date of the completion of the Review. The PPU will respond with an assessment of the Update within 20 working days.

SFO Outcome

44. Probation Areas must ensure that the PPU and the DOM are informed within 3 working days of an SFO case being concluded in court, whatever the outcome, and as soon as possible, if a case is discontinued or charges reduced etc.

Cases involving offenders who have been serving a prison sentence.

45. The revised SFO scheme aims to ensure a more consistent approach to coverage of the custodial period in SFO reviews on offenders subject to licence. This initially involves some changes to the SFO documentation for use from 1st December by the Probation reviewing manager. A format for Prisons to review management of cases will be developed and piloted, with a view to introducing a prison review process in 2009, at which stage a Prison Service Order will be issued to Prisons and supplementary guidance will be issued to Probation Areas.

Other cases

46. In addition, Areas should establish a mechanism to review locally other cases where they feel there could be lessons to learn about public protection. These cases could include well managed cases and those who are charged with SFO list offences which do not qualify for a mandatory Review. Areas will be expected to locally review the small number of "near miss" (recalled due to behaviour, but not charged) cases that are considered by the Joint Review Panel of the Parole Board. There may also be cases, e.g., offenders who are being supervised by YOTs, where the Area is providing an intervention i.e. unpaid work. In these cases the Area will review its involvement to assist the YOT with any Review they undertake in line with YJB procedures.

Quality Assurance and Research

47. The PPU will undertake routine quality assurance of Reviews. They will assess the quality and timeliness of all Reviews and give them a quality rating. The criteria are set out in the SFO Review User Guide. The quality rating will be fed back to the DOM and to the Chief Officer (Chief Executive) by means of a letter, which will also record the main findings of the Review.
48. A further quality assurance process, SFO Review validation, operates whereby a panel (comprising PPU, a representative of the DOMs, HMI Probation and invited others) will scrutinise a sample of Reviews to determine whether they accurately reflect the

UNCLASSIFIED

information held on the case file. For the purposes of this process, copies of the case files will be requested from the Area. SFO Review validation will be undertaken at a national level, supplemented by regional exercises undertaken jointly, when required, between the PPU, DOMs offices and Regional Partnership Boards.

49. The PPU will undertake and commission research into SFOs. From time to time, Areas will be asked to supply case material to assist with this.

Roles and responsibilities of those involved with the SFO procedures

50. Area Boards and Trusts must:

- receive regular reports from the Chief Officer on the number and type of Reviews undertaken;
- receive a copy of Reviews, selected on criteria approved by the Chair and Chief Officer
- monitor the implementation of all Action Plans; and
- consider an annual review that analyses all SFOs that have occurred in the Area.

51. Chief Officers must ensure:

- this Circular is implemented in their Area;
- all Reviews are locally quality assured prior to submission and undertaken with impartiality and integrity;
- reviewing managers are competent to undertake SFO Reviews and fully aware of national and local policies and practice which may be pertinent to the case;
- managers are released to undertake Reviews in other Areas in the region or wider, as reasonably required
- Chairs of the LSCB and the MAPPA SMB are informed of the revisions to the procedures outlined in this circular;
- An Update on each Action Plan is forwarded to the PPU and the DOM;
- arrangements are made to assist the PPU to undertake a Quality Assurance inspection.

52. Directors of Offender Management must:

- consider this revised guidance and establish, in liaison with Chief Officers, what regional activity is appropriate to maximize quality, learning and improvement from SFO Reviews;
- monitor Area implementation of actions to address deficiencies that have been identified in SFO reviews;
- ensure that learning from SFOs is discussed as appropriate in SLA Review (or other designated) meetings with particular attention to high profile cases, cases identifying public protection issues and risks, and those cases which raise regional or national issues or concerns; and
- arrange for managers from the region to carry out "out of Area" Reviews as commissioned by the PPU on a fair and equitable basis proportional to the size of the area.

53. The PPU must ensure:

UNCLASSIFIED

- the central SFO procedures are fully implemented, and documentation is maintained and updated;
- that Areas are provided with advice and assistance on SFO matters;
- the Reviews and Action Plans are examined, assessed and rated;
- a Quality Assurance panel is arranged quarterly to inspect a national sample of SFO Reviews;
- quarterly statistical information is provided to Areas and Regions for analysis and benchmarking , and to MOJ (RDS) for publication ;
- that DOMs are provided with the information required to commission regional SFO reviews;
- key learning points are disseminated nationally (within NOMS, and with other agencies involved in public protection) to inform practice improvement and future policy development. This will include learning where policy (as distinct from practice) has been shown to be deficient;
- that agencies involved in the management of offenders are aware of the SFO process at a national level; and
- the Minister, the Chief Executive of NOMS and senior officials (including DOMs) are informed of any SFO cases which may cause significant concern.

PC22/2008 Annex A - REVISED NOTIFICATION AND REVIEW PROCEDURES FOR
SERIOUS FURTHER OFFENCES

SERIOUS FURTHER OFFENCE LIST

PC 22/2008

UNCLASSIFIED

IN ADDITION TO THE SUBSTANTIVE OFFENCES BELOW, AIDING, ABETTING, COUNSELLING, PROCURING OR INCITING THE COMMISSION, OR CONSPIRING TO COMMIT, OR ATTEMPTING TO COMMIT ANY OF THE LISTED OFFENCES CONSTITUTES A SERIOUS FURTHER OFFENCE.

Violent Serious Further Offences
Murder
Attempt to commit murder or a conspiracy to commit murder
Manslaughter
Kidnapping
False imprisonment
Soliciting murder (section 4 of the Offences against the Person Act 1861)
Attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence (section 21 of the Offences against the Person Act 1861)
Using chloroform etc. to commit or assist in the committing of any indictable offence (section 22 of the Offences against the Person Act 1861)
Causing bodily injury by explosives (section 28 of the Offences against the Person Act 1861)
Using explosives etc. with intent to do grievous bodily harm (section 29 of the Offences against the Person Act 1861)
Placing explosives etc. with intent to do bodily injury (section 30 of the Offences against the Person Act 1861)
Endangering the safety of railway passengers (section 32 of the Offences against the Person Act 1861)
Causing explosion likely to endanger life or property (section 2 of the Explosive Substances Act 1883)
Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property (section 3 of the Explosive Substances Act 1883)
Child destruction (section 1 of the Infant Life (Preservation) Act 1929)
Infanticide (section 1 of the Infanticide Act 1938)
Causing or allowing the death of a child or vulnerable adult, also called 'familial homicide' (Section 5 of the Domestic Violence, Crime and Victims Act 2004)
Possession of firearm with intent to endanger life (section 16 of the Firearms Act 1968)
Use of firearm to resist arrest (section 17(1) of the Firearms Act 1968)
Possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act

PC22/2008 Annex A - REVISED NOTIFICATION AND REVIEW PROCEDURES FOR
SERIOUS FURTHER OFFENCES

(section 17(2) of the Firearms Act 1968)
Carrying a firearm with criminal intent (section 18 of the Firearms Act 1968)
Robbery or assault with intent to rob (section 8(1) of the theft Act 1968). <i>[NB. Only where a firearm/imitation firearm is used]</i>
Burglary with intent to- Inflict grievous bodily harm on a person, (section 9 of the Theft Act 1968) –
Aggravated burglary (section 10 of the Theft Act 1968)
Aggravated vehicle-taking involving an accident which caused the death of any person (Section 12A of the Theft Act 1968)
Arson with intent to endanger life of another or being reckless as to whether the life of another would be thereby endangered. (section 1 of the Criminal Damage Act 1971)
Aggravated criminal damage - destroying or damaging property other than an offence of arson (section 1(2a) of the Criminal Damage Act 1971) <i>[NB - - there must be intention or recklessness as to the endangerment of life by the criminal damage].</i>
Hostage-taking (section 1 of the Taking of Hostages Act 1982)
Hijacking (section 1 of the Aviation Security Act 1982)
Destroying, damaging or endangering safety of aircraft (section 2 of the Aviation Security Act 1982)
Other acts endangering or likely to endanger safety of aircraft (section 3 of the Aviation Security Act 1982)
Torture (section 134 of the Criminal Justice Act 1988)
Causing death by dangerous driving (section 1 of the Road Traffic Act 1988)
Causing death by careless driving when under influence of drink or drugs (section 3A of the Road Traffic Act 1988)
Endangering safety at aerodromes (under section 1 of the Aviation and Maritime Security Act 1990)
Hijacking of ships (section 9 of the Aviation and Maritime Security Act 1990)
Seizing or exercising control of fixed platforms (section 10 of the Aviation and Maritime Security Act 1990)
Destroying fixed platforms or endangering their safety (section 11 of the Aviation and Maritime Security Act 1990)
Other acts endangering or likely to endanger safe navigation (section 12 of the Aviation and Maritime Security Act 1990)
Offences involving threats (section 13 of the Aviation and Maritime Security Act 1990)
Offences relating to Channel Tunnel trains and the tunnel system (Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570))
Genocide, crimes against humanity, war crimes and related offences), other than one involving murder (section 51 or 52 of the International Criminal Court Act 2001)

PC22/2008 Annex A - REVISED NOTIFICATION AND REVIEW PROCEDURES FOR
SERIOUS FURTHER OFFENCES

Female genital mutilation (section 1 of the Female Genital Mutilation Act 2003)
Assisting a girl to mutilate her own genitalia (section 2 of the Female Genital Mutilation Act 2003)
Assisting a non-UK person to mutilate overseas a girl's genitalia (section 3 of the Female Genital Mutilation Act 2003)

Sexual Serious Further Offences
Rape (section 1 of the Sexual Offences Act 1956)
Intercourse with girl under thirteen (section 5 of the Sexual Offences Act 1956)
Incest by a man with a woman whom he knows to be his grand-daughter, daughter, sister or mother (section 10(1) of the Sexual Offences Act 1956)
Abduction of woman by force or for the sake of her property (section 17 of the Sexual Offences Act 1956)
Permitting girl under thirteen to use premises for intercourse (section 25 of the Sexual Offences Act 1956)
Burglary with intent to commit rape (section 9 of the Theft Act 1968)
Rape (section 1 of the Sexual Offences Act 2003)
Assault by penetration (section 2 of the Sexual Offences Act 2003)
Rape of a child under 13 (section 5 of the Sexual Offences Act 2003)
Assault of a child under 13 by penetration (section 6 of the Sexual Offences Act 2003)
Sexual assault of a child under 13 (section 7 of the Sexual Offences Act 2003)
Causing or inciting a child under 13 to engage in sexual activity (section 8 of the Sexual Offences Act 2003)
Sexual activity with a child (section 9 of the Sexual Offences Act 2003)
Causing or inciting a child to engage in sexual activity (section 10 of the Sexual Offences Act 2003)
Arranging or facilitating commission of a child sex offence (section 14 of the Sexual Offences Act 2003)
Sexual activity with a child family member (section 25 of the Sexual Offences Act 2003)
Inciting a child family member to engage in sexual activity (section 26 of the Sexual Offences Act 2003)
Sexual activity with a person with a mental disorder impeding choice (section 30 of the Sexual Offences Act 2003)
Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity (section 31 of the Sexual Offences Act 2003)
Inducement, threat or deception to procure sexual activity with a person with a mental disorder (section 34 of the Sexual Offences Act 2003)

PC22/2008 Annex A - REVISED NOTIFICATION AND REVIEW PROCEDURES FOR
SERIOUS FURTHER OFFENCES

Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception (section 35 of the Sexual Offences Act 2003)
Paying for sexual services of a child (section 47 of the Sexual Offences Act 2003)
Causing or inciting child prostitution or pornography (section 48 of the Sexual Offences Act 2003)
Controlling a child prostitute or a child involved in pornography (section 49 of the Sexual Offences Act 2003)
Arranging or facilitating child prostitution or pornography (section 50 of the Sexual Offences Act 2003)
Trafficking into the UK for sexual exploitation (section 57 of the Sexual Offences Act 2003)
Trafficking within the UK for sexual exploitation (section 58 of the Sexual Offences Act 2003)
Trafficking out of the UK for sexual exploitation (section 59 of the Sexual Offences Act 2003)
Causing a person to engage in sexual activity without consent (Section 4 Sexual Offences Act 2003) Note: only where penetration is involved
Care workers: Sexual activity with a person with a mental disorder (Section 38 Sexual Offences Act 2003) note: only where penetration is involved
Care workers: causing or inciting sexual activity (Section 39 Sexual Offences Act 2003) note: only where penetration is involved



NOMS Public Protection Unit
 Abell House, John Islip Street, London SW1P 4LH
 Email SFO@justice.gsi.gov.uk

Serious Further Offence (SFO) document

Offender Name:
 Probation Area:
 PPU SFO reference number:

Notification initiated by:
 Telephone number:
 E.mail address:

SFO single point of administrative contact:
 Telephone number:
 Email address:

Please refer to the latest SFO Review User Guide (as published on EPIC) when completing all sections of this document.

SFO timeliness

This page must be updated by the Area's single point of administrative contact at each stage of the SFO process, before the updated document is forwarded to the PPU SFO Team. You must specify the date that each stage of the process was submitted in the first row; and whether each stage was submitted within the timescales specified in PC22/2008, by ticking the box on the second row.

1 st Court appearance	Notification submitted	Review submitted	Action Plan Update submitted	Outcome date	Outcome submitted
Stage submitted on time?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Details of subsequent amendments :

Notification

The following criteria must be met:

Offender eligibility

The following types of offender are eligible:

- Offenders who are under any form of supervision by the Probation Service on the date of the SFO (excluding however offenders where a court or recall warrant had been issued 3 months or more prior to the date of the SFO);
- Offenders who were under any form of supervision by the Probation Service which terminated less than 28 days prior to the SFO; and
- Offenders under supervision as above, who are charged with an equivalent eligible offence in another jurisdiction;
- Offenders meeting the above criteria, who have allegedly committed an SFO but have died prior to being charged.

Offence Eligibility

The list of eligible offences comprises serious violent and serious sexual offences (as described in Annex A of PC22/2008), or an equivalent eligible offence in another jurisdiction.

Cases that will qualify for a SFO Review.

Once a case has been checked to see that **both** the offender and the offence eligibility criteria are met, it will **qualify** for SFO Review if:

- The SFO charge is murder, manslaughter, other offence causing death, rape, or sexual offence against under 13 (including attempted offences) or;
- The offender was high or very high risk of serious harm during their current sentence (or did not have a risk designation on OASys dated during the current supervision period)

Exceptionally, the offence, whether a SFO or not, may qualify a case for a SFO Review if it is likely to attract **national public interest**.

The Area's Senior Lead manager for SFOs must ensure that:

- The PPU SFO Team receives the fully completed SFO Notification document, for cases that are to receive a SFO Review within **10 working days of the first court appearance**; and that the Review is then commenced;
- Forms on cases that are not to receive a SFO Review are stored locally for audit purposes. They should include the information that is needed to enable the Senior Lead manager to establish that the case does not qualify for a SFO Review.
- The PPU SFO Team is informed of any case which is likely to attract **national public interest** immediately by telephone and email;
- The Communications Officer for the Area is informed / consulted in cases which may attract public interest;
- The Board Chair and the Director of Offender Management (DOM) receive a copy of the Notification;
- The case record is secured
- The Victim Contact Unit is notified if appropriate.

Please ensure that the following actions are taken for all cases which are considered for Review whether a review is undertaken or not:

- The Chair of the LSCB is informed of any case where the victim is a child and there is a SFO Review;
 - The local MAPPA SMB co-ordinator, or equivalent, is notified of any case where the offender was under MAPPA levels 2 and 3 supervision;
 - In cases where the victim was under probation supervision, PC 60/2005 is referred to;
 - In cases where the victim was a resident of Approved Premises, PC 40/2007 is referred to.
-

NOTIFICATION

1.1 Offender information

Offender's Name:

Alias(es):

Ethnic Origin: Select F4 for options

Date of Birth:

Gender: Male Female

Address at time of the SFO(s):

Is this?: Select F4 for options (if other or Approved Premises, give details):

1.2 Court Information

At which court did the offender first appear?:

Date of first court appearance:

Outcome (including remand in custody or bail): Details:

Details/date of next court appearance:

1.3 Serious Further Offence details

Date(s) of SFO(s):

Serious violent offence triggering this notification:

Select F4 for options Details:

Serious sexual offence triggering this notification:

Select F4 for options Details:

Has the offender been charged with any additional offences? Yes No

If 'Yes' please specify all additional charges, including any charges for offences which fall outside of the SFO criteria:

Please provide a brief summary of the offence(s) :

1.4 Co-defendants

Are there any co-defendants?: Yes No

If there are co-defendants, what are their names?:

Were any of the co-defendants at the time of the alleged SFO (or within 28 days) being supervised by the Probation Service?: Yes No

If yes, please specify (which Area, dates of supervision, type of supervision etc):

If so, a separate SFO notification must be completed and forwarded to the SFO single point administrative of contact.

1.5 SFO Victim information

How many victims were there?: Where possible, please use the table below to provide background information on each victim:

	Gender	Age	Offender/ Victim relationship	Was there revictimisation?	Is there evidence that the victim(s) was/were targeted due to their:
V1					Ethnicity <input type="checkbox"/> Sexuality <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Religious beliefs <input type="checkbox"/> Class <input type="checkbox"/> Specific vulnerability <input type="checkbox"/> Other <input type="checkbox"/>
V2					Ethnicity <input type="checkbox"/> Sexuality <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Religious beliefs <input type="checkbox"/> Class <input type="checkbox"/> Specific vulnerability <input type="checkbox"/> Other <input type="checkbox"/>
V3					Ethnicity <input type="checkbox"/> Sexuality <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Religious beliefs <input type="checkbox"/> Class <input type="checkbox"/> Specific vulnerability <input type="checkbox"/> Other <input type="checkbox"/>
V4					Ethnicity <input type="checkbox"/> Sexuality <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Religious beliefs <input type="checkbox"/> Class <input type="checkbox"/> Specific vulnerability <input type="checkbox"/> Other <input type="checkbox"/>

If there are more than four victims or if there is any additional information, please provide a brief summary here:

1.6 OASys Risk of Serious Harm

What was the highest OASys risk of serious harm level during the current sentence, whether in custody or community?

Select F4 for options

Date of this assessment:

1.7 Supervision at time of SFO

Has another Probation Area been involved in the management of the offender during the current sentence?

Yes No If yes, please provide details:

What was the main type of supervision that the offender was subject to at the time of the SFO?

Community Order or SSO Post-release licence Life licence

Please summarise the supervision at the time of the SFO in the tables below, specifying where the offender was subject to more than one type of supervision:

Community Order or Suspended Sentence Order (if more than one enter the oldest order in force at the time of the SFO, in the table and then note any other orders the offender was subject to at the time of the SFO in the additional information section).

Start date of order	Length of order	Type of order	Index offence (s)	Requirements.
		Select F4 for options		Select F4 for options Select F4 for options
				Select F4 for options Select F4 for options
				Select F4 for options Select F4 for options
				Select F4 for options Select F4 for options

Additional information (including where applicable, duration of requirements, any other orders, and other relevant information):

Post Release (including life licence)

Start date of prison sentence	Discharging Prison	Prisoner Number	Length of sentence	Start of licence	End of licence	Type of Licence
						Select F4 for options
						Select F4 for options

Index Offences:

Additional information (including where applicable, additional conditions, details of any recalls; details of any Parole Board involvement in the release or re-release of the offender; and any other relevant information):

Was the offender:

- Subject to End of Custody Licence at the time of the SFO: Yes No
- Subject to Home Detention Curfew or electronic monitoring at the time of the SFO: Yes No
- On licence following a Parole Board decision to release Yes No
- On court bail at the time of the SFO: Yes No

If yes to any please provide brief details:

If yes, at what MAPPA level was the offender being managed at the time of the SFO?

Select F4 for options

Is the offender, or has the offender previously been registered as a Critical Public Protection Case?

Yes No If yes, please specify:

1.11 Prolific and other Priority Offenders

Was the offender identified as a PPO?

Yes No If yes, please specify:

1.12 Public interest

Has there been/is there likely to be any national public interest in the case?

Yes No If yes, please specify:

Notification completed by (Name and grade):

Telephone number:

Email address:

1.13 Confirmation

The Area's senior lead manager must indicate whether the case qualifies for SFO review based upon the following questions (please see the User Guide, in particular the flowchart at Annex B for additional guidance) Answer each of the questions in turn up to the point at which a Review is indicated:

Eligibility criteria

1. Does the offender meet the offender eligibility criteria? Yes No, If 'No', this case is not an SFO and the Notification should not be submitted.

5. Does the offence meet the offence eligibility criteria? Yes No, If 'No', this case is not an SFO and the Notification should not be submitted. But go to Question 5, in case it is an exceptional case that needs to be treated as a SFO.

6. Does the offence qualify for a mandatory SFO Review ie murder, manslaughter, other offence causing death, rape, or sexual SFO against under 13 year old (including attempts)? Yes No , If 'Yes' the case requires a Review and the Notification should be submitted. If 'No' proceed to Question 4.

7. Does the offender qualify for a SFO Review on the basis that either he/she was assessed as high/very high risk of serious harm during the current sentence (including custody element where applicable) or has not received a risk assessment during the current period of supervision (order or licence) ? Yes No, If 'Yes' the case requires a Review and the Notification should be submitted. If No go to Question 5.

NOTIFICATION

Or

Significant national public interest

- 8. **Has the offence attracted or is it likely to attract public interest, by virtue of the circumstances or type of offence, or the national public profile or well-known identity of the offender or the victim, which would normally fall outside of the eligibility criteria?** Yes No , if 'Yes', this case may still need to become an SFO – Discuss the case with PPU SFO Team.

Based on the answers above, does this case qualify for a Review? Yes No

If the case does not qualify for a Review you should **not** submit this form to the SFO Team in PPU, but you should retain the paperwork locally for audit purposes and consider whether the case warrants a local review.

Name of Area's senior lead manager:

Date:

Review

Offender name:

SFO reference number:

Areas must:

- Ensure the Review is fully completed, by a manager not involved in the line management of the case, and sent to the PPU SFO Team within 3 months of the initial notification;
- Assess the quality of the risk assessment, risk management, and offender management of the case, and where necessary the reasons for any deficiencies and what will be done to address them, as well as identifying good practice;
- Where applicable, provide updated details of the SFO if they were not available during the Notification submission, or if further revised information is available.
- Ensure that the Review is **signed off by the Chief Officer, or their delegate (not the manager who completed the review)** before it is sent to the PPU SFO Team, with the Board Chair and DOM copied in.

Review completed by (Name and Grade):

Telephone number:

Email address:

Interviews

All interviews must be noted and the notes retained. Please enter under topics, only the *main* topics that were discussed (e.g. sickness absence, training).

Grade and role of the interviewee	Identifier (e.g. OM1, SPO, etc.)	Date of interview	Topics

2.2 SFO Background information

You must ensure that the following information is provided in full before answering the core questions in sections 2.10 – 2.12.

2.3 Risk assessment

- **OGRS risk of reconviction at start of sentence:**
12 months % 24 months %
- **OASys likelihood of reconviction score at start of sentence:**
- **OASys risk of serious harm level at start of sentence (start of prison sentence for OM Phase 2 and 3 cases , start of order or licence for other cases) :** select F4 for options Details:
Please provide a breakdown in the table below:

	Children		Public		Known adult		Staff		Prisoners
	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in custody
V High	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Med	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.4 Criminogenic factors

a) Were any of the following identified in OASys at the start of sentence as related to risk of reoffending?

i.e.: to the right of the line on OASys

- Accommodation / ETE / Financial management and income / Relationships
- Lifestyle and associates / Drugs misuse / Alcohol misuse / Emotional wellbeing
- Thinking / behaviour / Attitudes / Health and other considerations

Details:

b) Were any of the following identified in OASys at the start of sentence as related to risk of serious harm?

- Accommodation / ETE / Financial management and income / Relationships
- Lifestyle and associates / Drugs misuse / Alcohol misuse / Emotional wellbeing
- Thinking / behaviour / Attitudes / Health and other considerations

Details:

2.5 Child protection

Are there any child protection concerns in relation to the SFO charge(s)?

Yes No If yes, please specify:

Is a LSCB Serious Case Review being undertaken or expected to be undertaken?

Yes No If yes, please specify:

Are there any child protection concerns in relation to any previous offences, or to the offender's circumstances?

Yes No If yes, please specify:

2.6 Domestic abuse

Are there any domestic abuse concerns in relation to the SFO charge(s)?

Yes No If yes, please specify:

Are there any domestic abuse concerns in relation to any previous offences, or to the offender's circumstances?

Yes No If yes, please specify:

If there were domestic abuse concerns, was the offender assessed using SARA?

Yes **Please specify the outcome of the assessment(s):**

No **Please explain why a SARA assessment was not undertaken:**

N/A

If there were any domestic abuse concerns, was there liaison with the appropriate Police domestic abuse unit?

Yes No N/A **Comments:**

2.7 Sexual offences**Are there any sexual offence concerns in relation to the SFO charge(s)?**Yes No If yes, please specify:**Are there any sexual offending concerns in relation to the offence(s) for which the offender was under supervision; or to any previous offences?**Yes No If no, please move on to Offender Management (section 2.8). If yes, please specify, and ensure that this issue is fully addressed in your answers to the Review core questions:**Was the offender subject to statutory sex offender registration?**Yes No If yes, please specify:**Was the offender subject to a Sexual Offences Prevention Order (SOPO), a Risk of Sexual Harm Order or a Foreign Travel Order?**Yes No If yes, please specify:**If the offence for which the offender was subject to supervision was a sexual offence, or if any previous convictions were sexual offences, was the offender assessed using:****Risk Matrix 2000?**Yes Please specify the outcome of the assessment(s):No Please explain why a Risk Matrix 2000 assessment was not undertaken:**Other sex offender specific structured risk assessment tools?**Yes Please specify the type(s) of risk assessment tool(s), and the outcome:No **2.8 Offender management****Was the case in scope for Offender Management Phases 2 or 3?**Yes No **National Offender Management Model tier at start of sentence:** select F4 for options

Details (in particular, please specify any changes to the offender's tier level during the supervision):

What grade was the Offender Manager?

Details:

2.9 Diversity**Were any of the following identified as factors relevant to the offender, their offending, or their supervision at any stage leading up to the SFO?:**Ethnicity / Sexuality / Gender / Disability / Religious beliefs / Age / Class

Please specify if you have ticked any of the above boxes:

Review Core Questions

The Review Core Questions must be answered in full for the period between the start of sentence and the commission of the SFO with supporting comments whether the answers are positive or negative.

2.10 Risk Assessment

1. **Was a satisfactory risk of harm screening undertaken at the start of sentence, using all of the information available at the time? (for offender subject to OM Phase 2 or 3 this refers to start of prison, for other licensees it is start of licence)** Yes No N/A Please add comments here:
2. **If the risk of harm screening identified the need for a full OASys risk of harm assessment, was it clear, accurate and undertaken in the appropriate timescale?** Yes No N/A Please add comments here:
3. **Where required in line with National Standards, was a comprehensive risk management plan completed using the appropriate format, and within the required timescale?**
Yes No N/A Please add comments here:
4. **Were the reviews up-to-date, taking into account all available information, and completed satisfactorily according to National Standards?**
Yes No N/A Please add comments here:
5. **Were recommendations for sentence and/or release appropriate given the level and nature of the risk posed by the offender?**
Yes No N/A Please add comments here:

Based on your answers to the questions 1-5 above, was the risk assessment carried out to a sufficient standard?
Yes No You must provide evidence to substantiate your answer here:

What were the reasons and/or contributory factors for any deficiencies in risk assessment?
Additional comments:

2.11 Risk Management

1. **Was the Risk Management Plan delivered as intended?**
Yes No N/A Please add comments here:
2. **Were there any significant incidents of concern or deterioration in behaviour during the period of supervision?**
Yes No N/A Please add comments here:
3. **Was risk of harm managed appropriately throughout the sentence, particularly following any significant incident or deterioration in behaviour, using relevant enforcement / sanctions where appropriate?**
Yes No N/A Please add comments here:
4. **Was there effective communication about risk, between the OM and others involved in the case?**
Yes No N/A Please add comments here:
5. **If the risk assessment indicated the need for a referral to MAPPA levels 2 or 3 management, was this referral made?**
Yes No N/A Please add comments here:
6. **If the offender was subject to MAPPA levels 2 or 3 management, did the Offender Manager and all other relevant staff contribute effectively to MAPPA?**
Yes No N/A Please add comments here:
7. **Was effective action taken to promote victim safety where there was a direct victim/known person at risk and/or if there were restrictive/prohibitive conditions?**
Yes No N/A Please add comments here:

Based on your answers to questions 1- 7 above, was the risk management carried out to a sufficient standard?
Yes No

You must provide evidence to substantiate your answer here:

What were the reasons and/or contributory factors for any deficiencies in risk management?

Additional comments:

2.12 Offender Management

1. **Did the Oasys assessment accurately identify the criminogenic factors exhibited by the offender?**
 Yes No N/A Please add comments here:

2. **Was the sentence plan appropriate (i.e. targeting criminogenic factors, and/or the purposes of sentencing)?**
 Yes No N/A Please add comments here:

3. **In licence cases, was sufficient probation contact undertaken pre-release to promote effective offender management in the community?**
 Yes No N/A Please add comments here:

4. **Was the offender located at the appropriate tier of the Offender Management model?**
 Yes No N/A Please add comments here:

5. **Was an Offender Manager allocated within the required timescale?**
 Yes No N/A Please add comments here:

6. **Was the sentence plan implemented effectively?**
 Yes No N/A Please add comments here:

7. **Was effective action taken in response to absences or other failure to comply?**
 Yes No N/A Please add comments here:

8. **If the case was transferred internally between Offender Managers during the sentence, was the transfer completed to a sufficient standard?**
 Yes No N/A Please add comments here:

9. **If the case had been transferred in from another Area or from a YOT, was the transfer timely and appropriately handled?**
 Yes No N/A Please add comments here:

Based on your answers to the questions 1-9 above, was the risk assessment carried out to a sufficient standard?
 Yes No

You must provide evidence to substantiate your answer here:

What were the reasons and/or contributory factors for any deficiencies in Offender Management?

Additional comments:

2.13 SFO Review - Final Questions

	<u>Yes</u>	<u>No</u>
1. The Review demonstrates that there was a sufficient standard of risk assessment:	<input type="checkbox"/>	<input type="checkbox"/>
2. The Review demonstrates that there was a sufficient standard of risk management:	<input type="checkbox"/>	<input type="checkbox"/>
3. The Review demonstrates that there was a sufficient standard of offender management:	<input type="checkbox"/>	<input type="checkbox"/>

2.15 Action Plan

Please use the table below to summarise the actions that will be taken to address any deficiencies that have been identified. The actions should be SMART (Specific, Measurable, Achievable, Realistic and Time-bound). They may include referral of concerns to other bodies where appropriate.

Action point	Learning point	Review question number	Action to address the Learning Point	By whom (grade and role)	Timescale (date)	How the impact of the action taken will be checked
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Has this SFO Review raised any other issues about the effective management of offenders under supervision or is there any information about initiatives/achievements in your Area that is needed to put the action plan in context?

Yes No Please add any comments here

This section must be signed off by the Chief Officer or their delegate, before the completed Review is forwarded to the PPU SFO Team. If the Review has identified exceptionally poor practice please indicate the consideration that has been given to initiating capability or disciplinary procedures, unless already stated above.

Name:

Date:

Comments:

ACTION PLAN UPDATE

Action Plan Update

Offender name:

SFO reference number:

Areas must:

- Provide the PPU SFO Team with a brief report on the implementation of the Action Plan within 6 months, copied to the Board Chair and DOM;
- Ensure that the Update is **signed off by the Chief Officer, or their delegate**, before it is sent to the PPU SFO Team, **and copied to** the Board Chair and DOM.

Action point number	What action has taken place?	By whom (grade and role)	Date this was implemented/achieved	What impact has it had?
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

This section must be signed off by the Chief Officer or their delegate, before the completed Action Plan Update is forwarded to the PPU SFO Team.

Name: **Area:** **Date:**

Comments:

SFO Outcome

Offender name:

SFO reference number:

- Areas must ensure that the PPU SFO Team receives the SFO Outcome document within three working days of an SFO case being concluded, either in court or prior to court, whatever the outcome; and that this is copied to the Board Chair and the DOM.

Name of the person completing the SFO outcome notification:

Telephone number:

Email address:

Sentencing Court:

Date of result:

Court result: Select F4 for options Details:

If the offender has died before charge please give the details here:

4.1 Sentenced (SFO)

Was the primary conviction a serious violent SFO offence.

Yes No

If 'Yes' what was the primary serious violent offence that the offender was convicted of?:

Select F4 for options

Please list any additional offences that the offender was convicted of:

Was the primary conviction a serious sexual SFO offence.

Yes No

If 'Yes' what was the primary serious sexual offence that the offender was convicted of?:

Select F4 for options

Please list any additional offences that the offender was convicted of:

4.2 Sentenced (Non SFO)

If the offender was convicted of an offence or offences which fall outside of the SFO criteria, including additional convictions to those specified in 4.1 above, which offence(s) was the offender convicted of (including the relevant Acts and sections): Details:

4.3 Sentence details

If the offender has been sentenced, please specify the length/type of sentence: Select F4 for options

4.4 Additional information

Use this space to add any additional relevant information (e.g. a summary of the judge's sentencing comments; length of tariff; type of sentence; reasons for withdrawal of charges etc.:

EQUALITY IMPACT ASSESSMENT
NOMS
Public Protection Unit

PRELIMINARY SCREENING

Date of Screening	8 th September 2008 (updated 20 November 2008)Checked with REAG
Name of Policy Writer	Richard Pearce

Name of Policy	PC 22/2008 Serious Further Offences
	This is a change to an existing policy

Policy Aims, Objectives & Projected Outcomes

To identify areas of continuous improvement to risk assessment and management, and to appraise Ministers and others of noteworthy Serious Further Offences (SFOs) . The revised scheme will focus attention on the most serious offenders (high and very high risk)and offences (murder, manslaughter, rape and sex offences against children) and focus on maximising learning and improvement.

Will the policy have an impact on national or local people/staff?	NO
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	NO
Are there any aspects of the policy that could contribute to equality or inequality?	NO
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	NO
If this is an amendment of an existing policy, was the original policy impact assessed?	NO

If your answer to any of these questions is **YES, go on to the full EIA.**

If you have answered **NO to any particular questions**, please provide explanatory evidence.

Impact on people/staff.

The SFO process involves scrutiny of files , and interviewing staff about the case to establish how well managed it was . A leaflet is available for all staff to explain this. Exceptionally, very poor practice may lead to consideration (outside of the SFO procedures) of NNC agreed procedures, which are monitored for diversity.

Different needs, expectations etc.

The SFO process is an internal review process and SFO reviews are not published. In 2006, the SFO questions that were introduced were largely derived from Probation Inspectorate questions reflecting “what works”, and the importance of assessing the risk and needs of the individual.

There are no sampling or selection issues in SFO reviews as all cases meeting the SFO criteria are included, not a sample. Some research has indicated that there is some variation by race and ethnicity in the rate at which offenders under supervision are charged with some of the most serious offences, but this is due to a range of wider factors; this PC relates to the operation of an internal review process which starts once the offender is charged.

There are impact assessments already for most aspects of offender management and interventions. SFO findings can be used by policy lead managers when they are monitoring the effectiveness and impact of their policies.

Aspects of the policy- equality/inequality?

Local Areas can use learning from SFO reviews to improve service delivery, (including ensuring that equality is promoted) alongside other data – from national standards monitoring and HMIP- which reflects the standard of practice in a much larger set of cases.

Aims of policy.

No evidence that this could be the case, all criteria relate to the offence with which the offender has been charged or the risk level at which they were being supervised. A continuous improvement philosophy underpins all SFO Reviews.

Was original policy impact assessed?

It was screened and did not require a full assessment.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on 8 September 2008. The following evidence, (consideration of the role and purpose of SFO Reviews), has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

Probation Resource Impact Assessment Template

A. SCREENING DETAILS

1. Title of Probation Circular (PC) 22/2008 Revised SFO Process
 Revised SFO Process

2. Notes on the reliability of the costing below and issues for the Probation Coherence Group to consider.

The *time taken* for SFO tasks is based on estimates from a number of Areas. The costings in absolute terms are therefore subject to a margin of error.

The *volumes* are based on an extrapolation of 2007-8 figures and would be affected by any future variation in SFO reporting rates, reoffending trends etc.

Although the new process and form are considerably streamlined, the focus on high risk offenders and the most serious offences will require more analysis in Reviews, which may offset a little the savings from lower numbers and streamlined processes. This has been factored in to the figures below.

The hourly cost reflects the fact that the bulk of reviews are undertaken by ACOs / Area and other Managers with administrative support.

3. Method

Identification of Task	(a) Additional /Reduced Time to Perform Task (hours)	(b) Number of Times Task Performed Annually Nationally	(c) National Increase /Decrease in Hours (a x b = c)	(d) Hourly Cost (determined by grade of staff) £	(e) National Annual Total Cost/Saving (c x d = e) £

Unclassified

	See below	See below	6610	£40	264,400 saving
Total for PC					

TASK	Old Vol	Old Timing	Old Total Hrs		New Vol	New Timing	New Total Hrs	Difference
Notifications	1550	1	1550		520	1.25	650	
Initial review	1320	5	6600		520	5.5	2860	
Full Review	440	7	3080		170	7	1190	
Updates	440	1	440		520	1	520	
Outcomes	1320	.2	264		520	.2	104	
			11,934				5,324	