

Less re-offending, fewer victims

Thames Valley
Community Rehabilitation Company



Bench Guide 2014/15

Version 1, August 2014

**Thames Valley
Community Rehabilitation Company**

A guide to the range of community sentencing options offered by Thames Valley Community Rehabilitation Company (TV-CRC) to Judges and Magistrates in the Thames Valley.

NB: This guide is for information about sentence delivery by TV-CRC only.

All recommendations in court will be made by the National Probation Service (NPS).

TV-CRC Bench Guide

2014/15

Note to Sentencers:

On June 1, 2014, Thames Valley Probation Trust was formally dissolved. In its place is the new National Probation Service (NPS) and the Thames Valley Community Rehabilitation Company (TV-CRC).

While the NPS will *recommend* all community sentencing options and will produce all court reports, TV-CRC will *deliver* most of the sentencing options.

What is TV-CRC?

TV-CRC is staffed by former Thames Valley Probation Trust employees, working to the same National Standards and high quality that earned the Trust a Green 4* rating (the highest possible) in 2013/14.

This guide details all the current options offered by TV-CRC, which is still funded and overseen by the Ministry of Justice. In 2015, TV-CRC will be subject to a share sale and the new owner will *contractually* own TV-CRC and must meet all the contractual standards and quality controls put in place by the MoJ.

This guide explains what the TV-CRC is already doing to innovate and improve services offered to the courts and what preparation we are making for more change. The next changes will be those under the Offender Rehabilitation Bill (due to become law in late 2014/early 2015).

If you have any questions about our work or contents of this guide, please email us at info@thamesvalleycrc.co.uk or visit our website: www.thamesvalleycrc.co.uk. There is a dedicated section on the website for sentencers, which includes an electronic version of this guide.

Regular newsletters will also be sent to sentencers, to keep you up-to-date with our work, changes and delivery options.

TV-CRC Bench Guide

2014/15

About this guide

This guide is designed to give sentencers information about the services offered by Thames Valley Community Rehabilitation Company (TV-CRC), in relation to the delivery of sentences available under the Criminal Justice Act 2003. It does not cover provision for the under 18s.

This guide gives the court details of the sentencing options offered by TV-CRC. It does not seek to replace detailed guidance from the Sentencing Council (SC), your legal advisors or the National Probation Service.

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- Alcohol Treatment
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- Mental Health Treatment
- Programme
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- Residence
- Specified Activity (*soon to be replaced by Rehabilitation Activity Requirement*)
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SECTION TWO: Specific details on TV-CRC's Offending Behaviour Programmes and Specified Activity Requirements:

- Thinking Skills Programme
- Building Better Relationships
- Specified Activity Requirements (ETE, Managing Alcohol Related Aggression, Restorative Justice, Thinking Ahead 4 Women)

The Community Order and its Requirements

What is a Community Order?

Under the Criminal Justice Act 2003, all community sentences were replaced by a single Community Order with a range of 12 possible Requirements. Courts are able to choose different Requirements to make up a bespoke Community Order.

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, a 13th Requirement was added – the Foreign Travel Prohibition Requirement.

New changes are also expected in late 2014/early 2015. The Offender Rehabilitation Act 2014 will introduce the Rehabilitation Activity Requirement to replace the Supervision Requirement and the Specified Activity Requirement.

How does it work?

It applies to offences committed on or after 4 April 2005. Offences committed before that date will be sentenced under the old legislation. Each order must contain at least one of the 13 Requirements. The order can run for up to three years. There is no minimum duration, but some of the Requirements have a minimum number of hours that must be imposed.

Deciding on the Requirements:

Advice on suitable combinations of Requirements and the availability of electronic monitoring to secure compliance will be provided by the **National Probation Service**.

Following sentence, the National Probation Service (NPS) will allocate the offender according to risk of serious harm - high, medium or low. It will allocate all high risk cases to itself, plus some medium risk cases (those which have sexual offending or complex violent offending).

The majority of medium risk (including domestic abuse and complex substance abuse) and all the low risk cases will be allocated to **Thames Valley Community Rehabilitation Company (TV-CRC)**.

Alcohol Treatment Requirement

Main Purpose: Rehabilitation

What is it?

A Requirement during which the offender is required to attend treatment (residential or non-residential) with a view to reducing or eliminating dependency on alcohol. A qualified or experienced person to deliver treatment must be specified*.

There is no minimum duration for this Requirement.

*It is essential that the National Probation Service indicates to the court, as part of its proposal, whether treatment is available in the part of Thames Valley where the offender lives.

Usefully combined with:

A Supervision Requirement* may be appropriate, depending on the seriousness of the offence(s). If necessary the use of a Specified Activity Requirement* or a Curfew Requirement may also be used to supplement substance misuse treatment.

***NB: Both these options will, in due course, be superseded by the Rehabilitation Activity Requirement. TV-CRC will, under this new option, have a considerable amount of flexibility to work in new, innovative way, tailoring delivery according to both the criminogenic and health/emotional wellbeing of the offender.**

We hope these changes, which will include cognitive behaviour therapy, will better engage the offender and lead to a greater reduction in re-offending.

In addition, we will be working more closely with partner agencies, voluntary, charitable and not-for-profit organisations. We can signpost offenders to these organisations, to take on aspects of treatment/help we can't offer, or where specialist services are available.

See the back of this guide for more details of locally available help for substance misuse, including counselling, help for families, help with accommodation and other options which, combined, can help someone get their life back on track.

Attendance Centre Requirement

Main Purpose: Punishment

What is it?

The offender must attend the senior attendance centre for between 12 and 36 hours, with three hours per attendance and one attendance per day.

Available on Saturdays for 16-24 year olds only*. The primary aim is punishment but there may be secondary benefits through programmes offered which address individuals' offending related needs.

Usefully combined with:

Our recommendation is to use this as a stand-alone punishment for low seriousness offences. The court may want to use this disposal for fine defaulters or as an alternative to a stand-alone Unpaid Work Requirement or for those not eligible for a Curfew Requirement.

Further information required?

- The court must be satisfied a centre is available and accessible to the offender (within 90 minutes' travel one way).
- The Officer in Charge of the Senior Attendance Centre is authorised to reimburse travel tickets providing it is a genuine financial need, when this is a single Requirement. A person's supervising officer (probation officer or probation services officer) will decide if the person is on a multiple requirement order..
- Not to be offered to the court in conjunction with a Drug Rehabilitation Requirement or an Unpaid Work Requirement
- Recommendation must be subject to an offender's suitability assessment, which NPS should conduct in collaboration with TV-CRC.

**Thames Valley Community Rehabilitation Company offers two senior attendance centres – Thames Valley North (Bicester) and Thames Valley South (Reading).*

Curfew Requirement

Main Purpose: Punishment and Public Protection

What is it?

The offender must remain at a specified place for certain periods (up to 16 hours in any one day) for up to a period of up to 12 months. The curfew can be at different places and/or different periods on different days. The court must impose electronic monitoring unless it is not available, the necessary consent has not been given, or the court considers it inappropriate.

Usefully combined with:

A *Supervision Requirement* where the seriousness of the offence(s) requires additional Requirement(s). Can also be used as a stand-alone.

Further information required?

The court must obtain and consider information about the place of curfew, including information about the attitude of persons likely to be affected by the enforced presence of the offender. This information will be provided by the National Probation Service, not TV-CRC.

Drug Rehabilitation Requirement

Main Purpose: Rehabilitation

What is it?

A Requirement to have treatment to reduce or eliminate dependency on or propensity to misuse drugs, and to be regularly tested for drug use. Progress reviews by the court at intervals of not less than one month are optional for Requirements of up to 12 months and are mandatory over 12 months. This must be combined with a Supervision Requirement to provide management of the case.

IMPORTANT:

Under the new arrangements, reviews of TV-CRC held cases must be presented to the court by the National Probation Service, not TV-CRC. The onus will be on the National Probation Service to accurately present information supplied by TV-CRC.

It may be possible for TV-CRC staff, given sufficient notice, to attend court, to accompany the offender and answer specific questions the court may have, but the NPS, not the TV-CRC will lead the review.

Usefully combined with:

If necessary the use of a *Specified Activity Requirement* or a *Curfew Requirement* may also be used to supplement substance misuse treatment.

Further information required?

Cannot be imposed unless the NPS has confirmed with TV-CRC that the offender is suitable. The NPS must also check that the offender is willing to comply. The court must also be satisfied that:

- The offender is dependent on, or has a propensity to misuse drugs, and this requires and is susceptible to treatment
- Treatment can be arranged

Exclusion Requirement

Main Purpose: Punishment and Public Protection

What is it?

The offender may not enter a specified place or places for a period of up to two years. The exclusion can be limited to particular periods specified and at different places for different periods or days. The court must impose electronic monitoring unless it is not available, the necessary consent for the monitoring has not been given, or the court considers it inappropriate.

Further information required?

The NPS must check with TV-CRC that this Requirement is available in a given location.

Mental Health Treatment Requirement

Main Purpose: Rehabilitation

What is it?

The offender is required to undergo treatment by or under the direction of a medical practitioner and/or chartered psychologist with a view to managing the offender's mental condition.

Usefully combined with:

A **Supervision Requirement** may be appropriate, except where treatment is residential. The NPS will check this with TV-CRC and will offer guidance in the PSR.

Further information required?

The court must be satisfied that the NPS has checked and confirmed that:

- On the evidence of a medical practitioner and/or chartered psychologist, the mental condition of the offender is such as requires and may be susceptible to treatment, but does not warrant the making of a Hospital or Guardianship Order
- The offender is willing to comply
- Treatment can be arranged and a provider is named to deliver it.

There is no minimum Requirement but the Requirement cannot exceed length of Order

Programme Requirement

Main Purpose: Rehabilitation

What is it?

A groupwork programme accredited by the Correctional Services Accreditation Panel and designed to address attitudes and behaviour that contribute to offending. Programmes offered by TV-CRC and available in Thames Valley fall into two categories:

- Domestic violence
- General offending

See Section 2 for more details of programmes available in Thames Valley.

Usefully combined with:

A ***Supervision Requirement*** must accompany a ***Programme Requirement*** to reduce the likelihood of re-offending and reinforce learning.

Further information required?

The court cannot include a programme in an order to be supervised by TV-CRC unless TV-CRC has confirmed to the NPS that it is suitable for the offender and available.

Prohibited Activity Requirement

Main Purpose: Punishment and Public Protection

What is it?

The offender must refrain from participating in activities on a particular day or days or during a period of up to three years. Examples include prohibition from: entering any licensed premises; attending any football match; communicating with any minor without the approval of the responsible officer.

A Foreign Travel Prohibition Requirement is available for offences committed on or after December 3, 2012.

Further information required?

The court must be satisfied that the NPS has consulted with TV-CRC before including such a Requirement in an order which TV-CRC will supervise.

Residence Requirement

Main Purpose: Rehabilitation and Public Protection

What is it?

The offender must reside at the place specified, either an approved premises (National Probation Service hostel) or other specified address.

Usefully combined with:

A *Supervision Requirement* may be recommended if additional support and contact is needed after moving to next-stage accommodation. Residence at an approved premises automatically includes a supervised curfew.

Further information required?

Residence in an approved premises or institution must be proposed by the National Probation Service. The court must consider the home surroundings of the offender and whether the offender is to be supervised by TV-CRC or the NPS..

Specified Activity Requirement

Main Purpose: Rehabilitation, Reparation and Punishment

What is it?

A short focused intervention designed to address specific issues related to offending. TV-CRC offers a range of four specified activities to be responsive to individuals' criminogenic needs. These range from improving employability to reparation and victim empathy towards those specifically affected by offending. All include short interventions to overcome other obstacles to an offending-free lifestyle.

See **Section Two** for more details of **Specified Activity Requirements** available from TV-CRC.

Usefully combined with:

A **Supervision Requirement** must accompany a **Specified Activity Requirement** to reduce the likelihood of re-offending and reinforce learning. An **Unpaid Work Requirement** may also be recommended for medium seriousness cases where additional punishment is considered appropriate.

Further information required?

The court must be satisfied that compliance is feasible. A **Specified Activity Requirement** cannot be made without the consent of any other person whose co-operation is necessary for compliance. The consent of the offender is not necessary.

Each Specified Activity Requirement offered by TV-CRC is designed to last up to a specific number of days. See **Section Two** for more details on each individual activity offered.

Supervision Requirement

Main Purpose: Rehabilitation

What is it?

Requires the offender to attend regular appointments with the responsible officer or another person determined by the officer to promote rehabilitation. During the period of supervision, TV-CRC will undertake work with the offender to change attitudes and behaviour, for example:

- Monitor and review patterns of behaviour
- Increase motivation
- Provide practical support to increase compliance with other Requirements
- Support and reinforce learning
- Deliver pre and post work for accredited programmes
- Attendance at a Supervision Centre

Usefully combined with:

A **Programme Requirement** and any of the three **Treatment Requirements** (alcohol, drug and mental health) may also be appropriate to provide initial motivational work and support. Alternatively, a **Specified Activity Requirement** may also be used to appropriately support a **Supervision Requirement**

Further information required?

This Requirement will be replaced by the Rehabilitation Activity Requirement under changes to the Offender Rehabilitation Act. These changes will most likely come into force in late 2014 or early 2015.

TV-CRC is fully prepared for the changes and is amending its specified activities and toolkits offered as part of a supervision requirement so comprehensive and holistic alternatives to the current supervision and specified activity requirements can be offered to anyone supervised by TV-CRC.

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Supervision and the 7 pathways out of re-offending

TV-CRC believes it is vitally important to work in partnership and collaboration with others throughout the sentence plan for each and every offender under our supervision.

The information below gives you a flavour of the steps TV-CRC is taking to ensure that people sentenced to our supervision are either given information about or are properly signposted to local services in the Thames Valley which deal with the seven pathways out of re-offending.

These pathways are:

- Accommodation and support
- Education, training and employment
- Health
- Drugs and alcohol
- Finance, benefits and debt
- Children and families
- Attitudes, thinking & behaviour

Innovation

TV-CRC now has the flexibility and skills to operate in innovative and creative ways to ensure people under our supervision gain the maximum from their time with us.

One of our new, innovative ideas is to co-locate our attendance centres with new supervision and reporting centres.

Supervision Centres

There will be 5 TV-CRC supervision centres across Thames Valley, offering structured sessions on thinking, attitudes and behaviour, followed by partner agencies' input into all other pathways out of offending (health, drugs, housing etc). We will decide who attends, so that each individual gets the maximum benefit out of their sentence.

Reporting Centres

Again, the same 5 locations will offer a 'drop in' service, for people to report in to us, but at a time that is more flexible (weekend or evening). This will increase compliance and offer people information and guidance on partner agencies and support services who can help them with direct issues as they arise.

Unpaid Work Requirement

Main Purpose: Punishment, Reparation, Rehabilitation

What is it?

It is a requirement on the offender to work unpaid for a total number of hours as specified by the court. The number of hours must be specified between 40 and 300 and should normally be completed within 12 months*. However, a Community Order remains in force while unpaid work hours remain outstanding.

***NB:** *TV-CRC respectfully requests that a high number of hours is restricted to a single Unpaid Work Requirement within a Community Order.*

Usefully combined with:

An **Unpaid Work Requirement** can be used as a stand-alone or as the punishment element to a more onerous Community Order, depending on the seriousness of the offence.

Other suitable Requirements that are most often teamed with the **Unpaid Work Requirement** include a **Supervision Requirement, Programme Requirement, Curfew Requirement** or **Specified Activity Requirement**.

Further information required?

This Requirement cannot be offered in conjunction with an Attendance Centre Requirement.

The court must be satisfied that the NPS has liaised with TV-CRC and has established that the offender is suitable to perform work.

Suspended Sentence Order

Main Purpose: Rehabilitation and Reparation

What is it?

A sentence of less than 12 months' custody suspended for between six months and two years. During the period of suspension the court may set community Requirements from the same 13 options available for the Community Order or alternatively may make an SSO with no Requirements.

Owing to the clear deterrent threat involved in a suspended sentence, Requirements imposed as part of that sentence are generally less onerous than those imposed as part of a community sentence. Sentencing Council guidelines state: *"A court wishing to impose onerous or intensive Requirements on an offender should reconsider its decision to suspend sentence and consider whether a community sentence might be more appropriate"*.

How does it work?

A breach would result in a return to court for all or part of the original custodial sentence to be imposed or, in some cases, the Suspended Sentence Order to be continued but the Requirements made more onerous.

The Sentencing Council's guidelines state that *"the presumption is that the suspended prison sentence will be activated (either with its original custodial term or a lesser term) unless the court takes the view that this would, in all circumstances, be unjust. In reaching that decision, the court may take into account both the extent to which the offender has complied with the Requirements and the facts of (any) new offence."*

NB: TV-CRC will supervise all suspended sentence orders allocated to us by the NPS. However, any breaches must be passed to the NPS, which is responsible for all enforcement and liaison with the courts on breach matters.

Section Two

This section contains more information on the following:

Offending Behaviour Programmes (available as a *Programme Requirement*):

- Building Better Relationships Programme (domestic abuse)
- Thinking Skills Programme (general)

Offending Behaviour Programmes

Building Better Relationships Programme

The programme includes work with known victims and inter-agency risk management. TV-CRC runs this programme (and will take NPS cases under an inter-agency agreement).

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

The programme aims to:

- Reduce risk of violent crime and abusive behaviour towards partners in relationships by helping perpetrators change their attitudes and behaviour
- Reduce the risk of all violent and abusive behaviour in the family
- Increase the offender's ability to change abusive beliefs and empathise with victim(s)
- Give offenders a greater sense of personal responsibility for their violence
- Help offenders accept that they exercise choice in the way they behave
- Increase the offender's ability to identify high-risk situations and to effectively manage these in the future.

The programme involves:

- Contact with the victim and/or current partner by a safety link worker

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Offending Behaviour Programmes

Building Better Relationships Programme

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The programme involves:

- Continual information sharing with other agencies including the police
- At least seven individual sessions before, during and after the groupwork
- 24 groupwork sessions of up to two and a half hours. This is sequential and is usually delivered once or twice per week.

The four modules are:

- Foundation
- My Thinking
- My Emotions
- My Relationships

The Building Better Relationships programme draws on cognitive behaviour therapy, desistance theory and the General Aggression Model (GAM).

Offending Behaviour Programmes

Thinking Skills Programme

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

The programme aims to:

Reduce the likelihood of re-offending. This is a solution-focused programme teaching new skills through coaching, responding to individual needs and circumstances, with an emphasis on setting goals for change. There are three modules:

- Self-control
- Problem-solving
- Positive relationships

What does the programme involve?

- Three modules of five sessions. Each session last two hours
- A one-to-one session with programme facilitators prior to starting the first module
- A one-to-one session with programme facilitators at the end of each module. The final session serves as the post-programme review
- The programme is delivered in a rolling format so participants can start and finish each module at different times. This provides both flexibility and an advantage in that more experienced group members can 'mentor' new participants
- Consistent monitoring and evaluation of effectiveness

How will the programme be enforced?

- Rigorous enforcement is an essential component of effective practice
- Offenders who fail to comply with the conditions of this Programme Requirement will be reported to the NPS for breach and returned to court.

Specified Activity Requirements

This section contains detailed information on the following Specified Activity Requirements available to courts in Thames Valley:

- Education, Training and Employment (ETE)
- Managing Alcohol Related Aggression (MARA)
- Restorative Justice (RJ)
- Thinking Ahead for Women (TA4W)

NB: Specified Activities (alongside the Supervision Requirement) will be replaced soon by the Rehabilitation Activity Requirement, under changes to the Offender rehabilitation Act.

TV-CRC is preparing for this change and has reduced the number of specified activities accordingly. Best practice from discontinued specified activities have been incorporated into a range of 'toolkits' which probation officer and probation services officers use one-to-one with people sentenced to our supervision.

These specified activities have been revised as 'activities' so they fit perfectly with the new model, once it's in place.

Specified Activity Requirements

Education, Training and Employment

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

Activity aims: Rehabilitation and Employability Skills

This Specified Activity Requirement is aimed at those who are not in work or who are willing to seek training or skills to help them get a better job.

The Activity involves:

- Appointments with an ETE advisor
- Action planning and goal setting
- Skills and interests assessment
- Benefits of work
- CV writing
- Barriers to work and how to overcome them
- Guidance on disclosure of convictions
- Referral to external providers for literacy, numeracy, ESOL (for non-English speakers), other learning

In Thames Valley, we offer up to ten days of ETE as a **Specified Activity Requirement**. Additional sessions can be offered if the offender is also sentenced to a **Supervision Requirement**. Both of these options will still be available once the new Rehabilitation Activity Requirement comes into force.

Specified Activity Requirements

Managing Alcohol Related Aggression (MARA)

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

Activity aim: Rehabilitation

This Specified Activity Requirement is specifically for those who get involved in aggression or violence when they have been drinking. It is a cognitive behavioural treatment aimed at men and women who are binge drinkers and get into trouble on social drinking occasions. It is **not** aimed at people who are dependent on alcohol.

The Activity involves:

- Ten group sessions for up to two hours each. These focus on the triggers, thoughts, feelings and behaviour leading to violence and aggression.
- Sessions cover the effects of alcohol on the body, including (long-term) health issues and information on safe/legal drinking limits and how to say 'no'.
- Sessions also examine how decision-making is impaired by excessive alcohol consumption and how it is linked to violent behaviour. This involves some thought-provoking (and horrific) consequences of binge drinkers' actions on others.
- Sessions include worksheets and handouts to ensure participants examine their own behaviour in detail. Advice is given on how to reduce alcohol consumption and how to avoid 'trigger' situations.
- Post-group work with the person's Offender Supervisor to reinforce training and prevent relapse.

Feedback from this activity shows that participants respond well to the pictures and images shown to them. Some bring home the reality of excessive drinking and violence and we make no excuses for their shocking content. Feedback suggests that they have a long-term, positive impact on participants' behaviour.

Specified Activity Requirements

Restorative Justice (RJ)*

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

Activity aim: Rehabilitation, Reparation and Victim Empathy

Restorative Justice is a Specified Activity Requirement for up to four days.

It is about enabling those who have caused harm to make amends. It usually involves both victim and offender, their families, friends and supporters, meeting together to talk about what happened, who was affected and how and what can be done to repair the harm caused by the offence.

Meetings are organised and run by trained facilitators from the Thames Valley Restorative Justice Service. Where the victim does not want to take part, other restorative activities take place.

The Activity involves:

- Up to four days, including pre and post meeting sessions with the offender
- If the victim does not wish to take part, the activity involves indirect mediation, or some other form of reparation guided by the harm caused
- Consistent monitoring and evaluation of effectiveness.

Specified Activity Requirements

Thinking Ahead for Women (TA4W)

The NPS will inform the court about who is/isn't suitable. This information gives sentencers more detail on what the activity involves.

Activity aim: Rehabilitation, Motivation

The activity is designed to work with women offenders' thinking skills and behaviour to reduce the likelihood of re-offending. The activity has been commissioned and developed from the longer, accredited Women's Programme and shares its theories and objectives.

It consists of 12 sessions that take an hour each to deliver one-to-one or two hours in a group setting.

There is also a pre group induction session and a session at the end of the Specified Activity to provide the woman with feedback and plan for her future.

Sessions include topics such as:

- emotional management
- goal setting and planning skills
- problem solving skills
- developing and maintaining healthy relationships
- interpersonal skills.

The time for this Specified Activity is up to 14 days.