

# ***National Objectives for Social Work Services in the Criminal Justice System: Standards - Throughcare***

## **CHAPTER 6 : SUPERVISION IN THE COMMUNITY**

### **OBJECTIVES**

158. The primary objectives of statutory supervision are focused on assisting former prisoners to reduce the risk of re-offending and are, in particular:

158.1 to facilitate the discretionary early release of prisoners through the provision of accurate information and the formulation of realistic action plans;

158.2 to seek to ensure that offenders released on statutory supervision adhere to the conditions of that supervision;

158.3 to assist former prisoners to reintegrate successfully into the community;

158.4 to provide a range of services to former prisoners and in particular services to build on offence related programmes begun in prison; and

158.5 to work with other agencies where necessary in the provision of specialised services for particular needs such as counselling, supported accommodation or medical treatment.

159. Secondary objectives of statutory supervision seek to support prisoners as members of families and the wider community and in particular:

159.1 to seek to limit and redress the damaging consequences of imprisonment for prisoners and their families, including the dislocation of family and community ties, the loss of personal choice, and the resultant stigma;

159.2 to assist the families of prisoners to cope and to deal with the practical and emotional consequences of a member's offending and imprisonment;

159.3 to help prisoners and their families to develop their ability to tackle their own problems;

159.4 to assist the families of former prisoners to adjust to the changed circumstances arising from the prisoner's return; and

159.5 to provide particular support to former prisoners, such as sex offenders, who may have lost their family base through their offending and imprisonment.

160. These objectives will be relevant in differing proportions depending on the type of supervision which is in prospect and the particular individual involved. In certain special cases, there may be a particular emphasis on a narrow area. For example where a prisoner is released on compassionate grounds objective 158.5 may be particularly relevant.

### **OPERATIONAL PRINCIPLES**

161. Research suggests that to be effective throughcare services to serving and released prisoners must be well focused, consistent and adapted to both the

characteristics of the offender and the type of offending. Further background is to be found in the Effective Practice Supplement to the National Standards. More specifically, throughcare services must be based upon :

161.1co-ordinated provision of appropriate services to offenders in custody and following release - involving, as necessary, services provided by staff in the prison and specialists, services provided by local authority staff based in the community and services from the voluntary sector;

161.2action to address offending behaviour and behaviour which is associated with offending. This must focus on:

161.2.1the nature, causes and consequences of the offender's offending behaviour;

161.2.2helping the offender to face up to his/her offence and its consequences for the victim, the offender and the offender's family and, where appropriate the community;

161.2.3helping motivate the offender to change and helping the offender to find ways of avoiding this offending behaviour in the future: problems of alcohol abuse, illegal drug misuse, violence and gambling may also be associated with offending and must also be tackled if the risk of the offending is to be reduced;

161.3Action to assist reintegration into the community, including action to address underlying problems experienced by the offender:

161.3.1helping the offender to obtain suitable accommodation where necessary;

161.3.2helping to gain employment, employment related skills or access to further training;

161.3.3facilitating access to, and management of, personal income and expenditure;

161.3.4tackling the problems associated with the breakdown of family relationships; and

161.3.5helping the offender towards managing time productively.

## **PAROLE AND LIFE LICENCE SUPERVISION**

164.The Standards set out in this section apply to the supervision of all determinate sentence prisoners released on parole licence (under the provisions of either the 1989 Act or the 1993 Act), and to the supervision of all life licences.

165.They also apply to the special cases of prisoners released on compassionate grounds, prisoners released on licence from a psychiatric hospital, young persons of 16 or over released on licence from detention under **section 208 of the Criminal Procedure (Scotland) Act 1995**, and residual cases of young offenders released on notice of supervision ("aftercare") on conclusion of a sentence of 2 or more years, under section 32 of the Prisons (Scotland) Act 1989.

166. Full details of these arrangements are set out in the section of these Standards which deals with the legislative basis of throughcare services (see Chapter 1).

167. The responsibility for supervising parole and life licences must be held by a professionally qualified social worker, as is the case with probation.

### **Licence conditions**

168. All licences, whether issued under the 1989 Act or the 1993 Act, contain the following standard conditions. The licensee must:

168.1 report forthwith to the officer in charge of the local social work office;

168.2 be under the supervision of whichever officer is nominated for this purpose by the Director of Social Work / Chief Social Work Officer in the area in which the licensee resides; (All licences issued under the 1993 Act make clear that, where necessary, this condition may be exercised by the Probation Service in a petty sessions area in England or Wales);

168.3 keep in touch with the Supervising Officer in accordance with that officer's instructions;

168.4 inform the Supervising Officer if he/she changes his/her place of residence or gains employment or changes or loses his/her job;

168.5 be of good behaviour and keep the peace; and

168.6 not travel outside Great Britain without the prior permission of his/her Supervising Officer (see paragraph 196 for arrangements in respect of life licensees. The Supervising Officer should similarly refer to SOHD for the advice of the Parole Board in any case of non-life licence where the process of supervision would be in any way compromised by travel abroad or the offender's supervision is causing concern.)

169. The Secretary of State may impose additional conditions in any case, but may not do so without consulting the Parole Board. Additional conditions will reflect the risks seen as inherent in the case by the Parole Board and the Secretary of State, and will usually, but not always, reflect the action plan emerging from the Home Background Report and the report for the parole dossier from the social worker in the prison. The most common additional conditions are:

169.1 a condition of alcohol or drugs counselling;

169.2 a condition of "psychological counselling";

169.3 a condition of residence;

169.4 a condition banning contact with a specific individual or individuals; or

169.5 a condition of attendance at psychiatric out-patient clinic.

170. These conditions may include the phrase "as directed by the Supervising Officer" or "at the discretion of the Supervising Officer".

171. The supervision of persons released on parole or life licence must be informed by the objectives and operational principles set out earlier in this document (paragraphs 158 and 161). The intensity of the supervision will at all times be determined in the light of assessed and changing levels of risk posed by the licensee, the framework of supervisory procedures and reviews set out below and the outcome of formal reviews, to be held at no less than the frequency set out in this document.

### **Life licensees**

172. In the case of life licensees, SOHD will inform the Supervising Officer at the outset of the frequency at which progress reports are to be submitted to the Secretary of State. This will usually be 3-monthly, or, in high risk cases, monthly. That frequency will be reviewed from time to time, following consideration by the Parole Board of reports referred to it by the Secretary of State. The intensity of supervision and the frequency of contact with the life licensee will be determined by the Supervising Officer in the light of these Standards, and the reports to the Secretary of State should outline the progress that has been made over the specified interval. The particularly serious nature of the original offence and potential public interest must be borne in mind. The Supervising Officer is, therefore, expected to keep a close watch on the progress of the licensee with particular regard to his or her domestic situation, employment, social activities and contacts. If, at any time, it appears that the licensee's response to supervision is deteriorating, or that his or her behaviour seems likely to result in a serious incident, or, in particular, there is an alleged further offence, the Supervising Officer should immediately report the circumstances to SOHD IIC, together with a recommendation on the licensee's suitability to remain in the community under licence. In cases of urgency where the report reveals that the licensee represents an immediate risk to members of the public the Secretary of State may order the recall by the police of the licensee. In other cases SOHD IIC will refer the case to the Parole Board for its recommendation. The Parole Board will consider the appropriate action to be taken which may include the issue of a letter, warning the licensee of the implications for failing to comply with the conditions of his/her licence; the addition to/or amendment of licence conditions, or, in serious cases, recall to custody.

### **Initial Contact**

182. All licensees released on parole or life licence from prison or detention must be seen by their Supervising Officer, by prior arrangement, within one working day of the licensee's release from custody. If the Supervising Officer is subsequently unable to keep this appointment alternative arrangements must be made locally, to ensure that the licensee is interviewed by another social worker.

183. The purpose of this meeting is to:

183.1 clarify for the licensee the conditions of the licence;

183.2 confirm the licensee's address and check whether there have been any other changes to his/her immediate plans;

183.3 discuss and offer assistance with any immediate needs, and advise on any tasks which may require attention during the first week;

183.4 confirm the release plan agreed at the formal pre-release meeting;

183.5confirm the frequency of contact during the first 3 months; and

185.6arrange the time and location of the next meeting.

184.If the licensee fails to attend the meeting as arranged, the Supervising Officer must investigate this, by visiting the release address within 2 working days of the person's release. If contact is not established within this period, the Supervising Officer must immediately notify SOHD.

### **Contact during the first 3 months**

185.The first 3 months following a person's release from prison may be particularly stressful; Supervising Officers must be alert to any indicators which may suggest that a licensee presents a greater risk to the community than was anticipated at the time of release, or that he/she is particularly vulnerable.

186.In all cases the Supervising Officer or his/her substitute must meet the licensee at least once a week during the first month following release, and at least fortnightly thereafter for the remainder of the quarter. At least one home visit each month must take place during this period.

187.At the conclusion of the first 3 months a formal review must take place, in which the licensee should participate. The Supervising Officer's line manager must also review the progress of each case regularly with the worker, and should attend formal reviews where this is desirable in the interests of good case management. The line manager should also seek to attend whenever requested to do so by the licensee. Other agencies or individuals with a relevant interest may participate in the review at the invitation of the Supervising Officer or the licensee.

188.The purpose of the review is to:

188.1examine progress since release;

188.2identify continuing or new tasks and allocate responsibility for these; and

188.3determine the level of contact until the next formal review.

189.The record of the review must be countersigned by the line manager and must be copied to all those taking part, for information.

### **Contact over subsequent months**

190.During months 4 - 6 the frequency of contact must be at least monthly, and will be determined by the Supervising Officer, in the light of assessment of the level of risk presented by a licensee at that particular point. Thereafter the level and frequency of supervision is a matter for the professional judgement of the Supervising Officer, and may be changed by the officer at any time if he/she judges that to be necessary. Judgements about the level of supervision will be informed by a range of factors, including the progress made by the licensee towards resettlement and the attainment of a stable lifestyle, changes in the licensee's circumstances and his/her response to these.

191.The next formal review must take place after a further 3 months (i.e. at the 6 months stage), and thereafter they should take place at 6 monthly intervals for

the first 3 years. After 3 years reviews should take place on an annual basis. All reviews must be recorded and the record distributed as above.

192. The 6 monthly reviews must examine progress towards agreed targets and should, where appropriate, set new objectives, targets and tasks for the next 6 months. The annual reviews thereafter should, amongst the other tasks, determine the nature and content of supervision until the next review.

193. For those on parole licence, a final review must be held prior to the end of the supervisory period, to review progress since release, to offer advice and guidance to the licensee which may be helpful in the future, and act as a debriefing session for the benefit of the offender and Supervising Officer. This review must be recorded and distributed as with previous reviews.

194. In all cases where a licence has included a special condition or conditions (e.g. alcohol or drugs counselling, attendance at a special programme etc.), a Final Report must be sent to the Parole Board, recording satisfactory completion of the licence period, and commenting specifically on the following points:

194.1 how helpful the condition or conditions have been in relation to the supervision and management of the parolee; and

194.2 to what extent the condition or conditions have assisted the reintegration of the parolee into the community (having particular regard to any areas of concern which may have been identified by the Board in their Minute on the case).

195. For life licensees, circular SOHHD 10/1992 (dated 22 June 1992), and the amending letter which was sent on 16 April 1993 set out the arrangements whereby Supervising Officers may apply to the Secretary of State for the termination of the supervision conditions in the licence after the licensee has spent 10 years in the community without any incidence of recall except one in respect of which the Parole Board has subsequently directed the prisoner's re-release. See Chapter 8 on Variation for the detailed procedures which apply to such applications.

### **Travel abroad by life licensees**

196. If a life licensee wishes, for any reason, to travel outside Great Britain, the Supervising Officer must refer the matter to SOHD immediately, to seek the views of the Parole Board. The report to SOHD must contain the following information:

196.1 details of the proposed trip, including the country or countries to be visited;

196.2 duration of proposed visit;

196.3 the purpose of visit; and

196.4 the Supervising Officer's views on the proposed visit.

197. The Parole Board will express a view as to whether the proposed visit should be authorised, and whether any special conditions should apply in relation to the visit. If there are no objections to the proposal, SOHD will issue a 'letter of authority' to the Supervising Officer, for his/her endorsement and for onward transmission to the licensee. The Supervising Officer must explain to the licensee

that he/she should carry this letter of authority throughout the period of foreign travel, to show to officials as necessary.

198.If a life licensee proposes to reside outside Great Britain indefinitely, the Supervising Officer must report this to SOHD as soon as possible. The report must follow the format set out in Chapter 8 on Variation. In addition, the report should provide as much information as possible about the licensee's circumstances in the new country of residence, including domestic situation and employment, and a contact address for the licensee. The Parole Board will consider the case and decide whether the supervision requirement can be revoked. The licensee and the Supervising Officer will be advised of the outcome of the Board's deliberations.

### **Compassionate release**

199.Where the licensee has been released on compassionate grounds the content of supervision will depend on the medical condition and mobility of the licensee. A person who is hospitalised with no hope of future recovery, may require counselling and support (as may his/her family) rather than supervision in accordance with the above Standards. In such circumstances regular telephone liaison with the medical authorities will be sufficient to ensure that the Supervising Officer is alerted to any change in circumstances. In all cases, the Supervising Officer must reach a judgement about what is appropriate in the light of the actual circumstances and, in particular, the possibility of the person presenting a risk to any member of the public.

### **Persons sentenced as children**

200.Where a child who was sentenced to be detained under **section 208 of the Criminal Procedure (Scotland) Act 1995** is aged 16 or over when released on licence, he/she should be supervised in accordance with these Standards, taking proper account of the particular personal and social needs of the young person. (See circular SOHHD 26/1993 for a full account of the procedures relating to children sentenced under section 206.)

### **NON-PAROLE LICENCE SUPERVISION**

201.The Standards set out in this section apply to the supervision of all determinate sentence prisoners serving sentences of 4 years or more (imposed on or after 1 October 1993) who are not otherwise released on parole licence, and to the supervision of persons subject to a short sentence licence.

202.The Standards also apply to the supervision of certain persons released from psychiatric hospital following transfer from prison to such a hospital under the Mental Health (Scotland) Act 1984. Under section 74 of the 1984 Act, as substituted by section 4(3) of the 1993 Act, a person who would otherwise have been in custody and who reaches the date on which he/she would have been released from prison on non-parole licence, will be released from hospital on non-parole licence unless the responsible medical officer seeks authority for the person's continued detention in hospital.

203.Persons released on non-parole licence under section 1(2) of the 1993 Act will normally either have been refused parole or will have "self-rejected" from the process. Persons released under section 16(7) of the 1993 Act will have re-offended whilst on licence. It is important that the Supervising Officer is clear about which of these 3 circumstances has been involved in a case, since the

'route' to release on non-parole licence may have a bearing on assessment of risk.

204. Those who have been rejected from parole will have been rejected either because they were felt by the Parole Board to constitute too great a risk of re-offending, or because they were thought to be unlikely to comply with supervision. Supervising Officers must therefore consider all such cases as being likely to present a high risk in terms of response to supervision. This view must inform the Supervising Officer's approach to supervision. Similar concerns must apply in relation to the second "route", involving those persons released on licence under section 16(7) of the 1993 Act.

205. By contrast, those who have self-rejected from the parole process may have done so for a variety of reasons (such as a reluctance to face the disappointment of rejection or a belief that they were wrongly convicted) and may or may not be considered to constitute a significant risk on that basis. An important task for Supervising Officers will be to clarify with the licensee his/her reasons for self-rejecting from the parole system. This should be done as early as possible in the Supervising Officer's contact with the licensee, preferably prior to his/her release, in order to inform decisions about the process of supervision.

206. Supervising Officers must be alert to the special problems associated with non-consensual work, in particular the possible reluctance of licensees to co-operate fully during the period of supervision. Supervising Officers must try to engage positively with these offenders, in order to maximise the potential to reduce the risk of re-offending and to assist resettlement and reintegration into the community during the licence period. Effective engagement may be assisted by early and continuing contact, either in person or by letter, during the period prior to the person's release, and by the provision of assistance to deal with the practical problems (e.g. accommodation, income, employment or employment training) which will face many licensees on their release.

207. The responsibility for supervising a non-parole licence must be held by a professionally qualified social worker, as is the case with probation.

### **Licence conditions**

208. All non-parole licences contain the same standard conditions as other licences issued under the 1993 Act (see paragraph 168). As with other licences, the Secretary of State may also impose additional conditions which take account of particular risk associated with the case (see paragraph 169).

### **Initial contact following release**

215. All persons released on non-parole licence must be seen by their Supervising Officer, by prior arrangement, within one working day of the licensee's release from custody. If the Supervising Officer is unable to keep this appointment alternative arrangements must be made locally, to ensure that the licensee is interviewed by another social worker.

216. The purpose of this meeting is to

216.1 clarify for the licensee the conditions of the licence;



216.2 confirm the licensee's address and explore his/her immediate plans (particularly insofar as they fit the provisional release plan);

216.3 discuss and offer assistance with any immediate needs, and advise on any tasks which may require attention during the first week;

216.4 confirm or amend (as necessary) the release plan developed at the formal pre-release meeting;

216.5 confirm the frequency of contact during the first 3 months;

216.6 arrange the time and location of the next meeting.

217. Immediately before the prisoner is released on licence, he/she will be asked by prison staff to sign the licence. Refusal to do so may be an indicator of future non-compliance following release, and in all such cases the Governor of the releasing establishment will advise the Supervising Officer of this forthwith.

218. If the licensee fails to attend the meeting as arranged, the Supervising Officer must take such steps as seem appropriate to make contact with the licensee during the next 2 working days. If contact is not established during this period, the Supervising Officer must notify SOHD immediately.

219. Where contact is re-established with the licensee in the course of such an investigation, the Supervising Officer must consider carefully the licensee's explanation for his/her failure to attend as arranged. In particular the Supervising Officer must decide, in consultation with line manager, whether the explanation is acceptable or not, and must reach a judgement about the level of risk currently presented by the offender. This judgement must be made in the light of the licensee's behaviour and other available information, including the licensee's level of co-operation and engagement with social workers prior to release.

220. In all cases where the explanation is judged to be unacceptable, the Supervising Officer must advise SOHD of the licensee's failure to report and the licensee's explanation of this. The Supervising Officer must comment on the acceptability of this explanation and should offer a view about the need for recall or any disciplinary action, based on public safety concerns. The Supervising Officer must always remind the licensee of his/her licence conditions, and of the possible consequences of any breach of these conditions.

### **Contact during the first 3 months**

221. Persons released on non-parole licence may be at particular risk of re-offending during the first few months following release from custody. Supervision of a non-parole licensee must always be informed by public safety concerns, which must take priority over the interests of the individual offender.

222. Supervising Officers must at all times be alert to any indicators which may suggest that a non-parole licensee is likely to re-offend, or presents an increased risk to the community. They must always advise SOHD immediately if they believe that the licensee constitutes a risk to the Supervising Officer or to any other person or persons.

223. The frequency of contact in non-parole licence cases should normally be the same as for parole cases. However, where the Supervising Officer assesses that

the licensee poses a higher than normal risk, the frequency of contact must be increased accordingly, at the Supervising Officer's discretion. In all cases the Supervising Officer or his/her nominee must meet the licensee at least once a week during the first month following release, and at least fortnightly thereafter. The Supervising Officer must visit the licensee at home at least once each month throughout this period. In exceptional circumstances, where the Supervising Officer or his/her line manager have reason to believe that a home visit would present a danger to the Supervising Officer, this standard need not be met. The decision to waive this standard, and the reasons leading to that decision, must be recorded in the casefile, and a report detailing the circumstances must be submitted to SOHD immediately.

224. At the end of the first 3 months the Supervising Officer must formally review the case with the licensee. Other agencies or individuals with a relevant interest may be invited to attend by the Supervising Officer or the licensee.

The purpose of the review is to:

224.1 examine progress since release;

224.2 identify continuing or new tasks and allocate responsibility for these;

224.3 determine the level of contact until the next formal review.

The record of the review must be countersigned by the line manager and must be copied to all those taking part, for information.

225. The Supervising Officer's line manager must also review the progress of the case with the Supervising Officer at least once each month during this period, and should attend the formal review where this is desirable in the interests of good case management.

### **Contact over subsequent months**

226. During months 4 - 6 the frequency of contact must be at least monthly. The precise level of contact will be determined by the Supervising Officer, in the light of assessment of the level of risk presented by the licensee at that particular time. Factors which will assist in determining risk will include progress made by the licensee towards resettlement and the attainment of a stable lifestyle, changes in the licensee's circumstances and his/her response to these.

227. A further formal review must take place at the 6 months stage and thereafter reviews must be held at 6 monthly intervals for the first 3 years of any licence period and thereafter annually for the duration of the licence period. All reviews must be recorded and the record distributed as above. All reviews must examine progress towards agreed targets and identify new or continuing objectives, targets and tasks for the next 6 months.

228. After 6 months the frequency of contact will be a matter for the professional judgement of the Supervising Officer, but he/she must always ensure that an appropriate level of contact with the licensee is maintained.

229. The level and frequency of supervision of non-parole licences may be increased at any time by the Supervising Officer, if he/she judges that to be necessary. As with other forms of licence, judgements about the appropriate level

of supervision will be informed by a range of factors, including response to supervision, achievement of agreed objectives, progress towards resettlement, changes in circumstances and the licensee's response to these.

230. The Supervising Officer may apply at any time for the variation or cancellation of any licence condition, following the procedures set out at paragraph 256 of the Chapter on Variation. The Supervising Officer must obtain his/her line manager's agreement before applying to SOHD for the cancellation of all, or all remaining, supervision requirements. Once such agreement is secured, the Supervising Officer must carry out the procedures set out at paragraph 259 of the Chapter on Variation.

### **SCHEDULE 1 OFFENDERS**

231. Special arrangements apply in respect of those convicted of offences against children (Schedule 1 offences). The specific requirements in respect of these offenders are detailed in Chapter 11.