**Case Transfers – Framework and new digital solution**

**Staff FAQ - September 2022**

**Q. In relation to the new requirement for transfers to be resolved within 20 working days, when does the clock start ticking?**

A. The next working day following the request for transfer is day 1. The revised Case Transfer Policy Framework [(publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1047473/case-transfer-pf.pdf) introduces a new requirement for case transfers to be completed within 20 working days in order that transfers are prioritised and expedited. Where this cannot be achieved, the reasons for the delay and actions being undertaken to progress must be fully recorded. The framework outlines the circumstances in which this should be escalated to Senior Managers. In order to initiate a case transfer the Probation Practitioner (PP) in the transferring area must add a case transfer NSI should contact the Senior Probation Officer (SPO) in the receiving area.

**Q. What arrangements are in place in relation to case transfers for those with additional needs? For example, people on probation who are homeless or living in unstable accommodation, and Foreign Nationals?**

A. Section 9 of the framework outlines a range of important considerations when managing case transfers relating to specific cohorts. In the case of People on Probation who are homeless or in unstable accommodation and request a transfer to another area, the PP will need to take into account their individual risks and needs in determining what actions is required. In making this assessment the PP must be satisfied that the principles of public protection and rehabilitation will not be undermined by the proposed transfer.

**Q. Would a Person on probation with no fixed abode in the receiving area be managed as a permanent case transfer?**

A. This would depend on the circumstances of the People on probation and proposed move. Whilst it would always be preferable for People on probation to have a fixed address in the receiving area, in some cases the absence of a stable address could be reflective of a lifestyle choice and it may not necessarily be appropriate to refuse a transfer request on this basis alone. However, when assessing suitability of transfers relating to People on probation who are NFA it is important to consider risk management and the completion of interventions in the proposed receiving area. There are a multitude of situations in which homelessness or unstable accommodation presents and many ways this can interact with a risk of harm and re-offending, and opportunity for intervention. The principles of the framework should be applied, and decisions made on a case by cases basis supported by professional judgement. Since the link between homelessness and recidivism is clearly proven, moving from stable accommodation in the home area to NFA status in a proposed receiving area may not be appropriate in many cases.

**Q.** **What information is available to support with tracking of case transfers?**

A. A new suite of reports and a tracker is available via nDelius MIS. The tracker provides enough detail for those who are responsible to supporting the transfer of cases. A similar suite of reports and trackers are also available for Temporary Moves

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**Q. What definitions and timescales apply to a ‘temporary move’?**

Section 11 ‘Temporary Moves’ outlines the principles underpinning assessments of suitability for a temporary transfer.

It is not possible to provide a definitive set of scenarios in which this might be considered appropriate as the decision as to the timeframe that constitutes a temporary move will be down to the professional judgement of the RO, **agreed by the line manager in the transfer-in and receiving area** and recorded in a management oversight entry, but you may want to consider the recommended.

Where the reasons for a temporary transfer relate to a residential placement (Approved Premises, Residential Treatment), the temporary transfer arrangement should usually be limited to no more than twelve weeks.

Minimum monthly face to face contact must be maintained in line with National Standards. Where geography means it is not feasible for the supervised individual and RO (Home Area) to do this, or where the risk assessment indicates greater frequency of direct contact is required, the RO should make arrangements with the office closest to the supervised individual’s temporary residence to outline the supervised individuals risks and needs to secure a  practitioner to facilitate the minimum contact requirement via a three way video call between them, the responsible officer and the supervised individual.

**Q. What action is required where a Person on probation requests a transfer to another area and their UPW requirement has not been completed?**

A. Unpaid work requirements should be completed within 12 months. Where a Person on probation requests a transfer to another area and their unpaid work requirement has not been completed within 12 months (or where it is highly unlikely that it will be completed within 12 months), it is important that an application is made to Court to extend the requirement as a priority. This would usually be the responsibility of the transferring area, but it is important that the transferring and receiving area have agreed clear roles, responsibilities, and timescales to action this.

**Q. Is there a requirement for People on probation to have attended a specified number of appointments in the receiving area before the transfer is accepted?**

A. A range of local practices have developed over time, including a requirement in some cases for a minimum number of appointments to be complied with before transfers will be considered for acceptance.  Whilst the circumstances pertaining to the individual and transfer request will need to be considered, there is no requirement within national policy or guidance for a specified number of appointments to be offered/attended.

**Q Are there any exceptions to the presumption of acceptance?**

A. Section 5 of the framework outlines that there is a presumption towards agreeing case transfer. Permission to move is a requirement and should be given unless the move would bring with it specific and heightened risks, which could not reasonably be managed at the proposed address, including where sentence outcomes may be potentially undermined by the absence of specified sentence, licence interventions, or services in the receiving area. Receiving areas will need to undertake assessments on individual cases with regard to this, and ensure the decision and rationale is fully recorded.

**Q. Is the transferring or receiving area responsible for recording the reason for delay if the 20 working-day deadline is missed, and for providing Senior Management endorsement if the transfer extends to 30 days?**

A. The responsibility for recording the reasons for delay and Senior Management endorsement lies with the transferring area.

**Q. Do partner agencies have the decision-making authority regarding transfers to other areas?**

A. The Probation Service has overall responsibility for deciding whether a request to transfer should be approved. Probation Practitioners should routinely engage with partner agencies, to source and exchange information relevant to risk and this information should inform the risk assessment and decision. In respect of MAPPA 2 and 3 cases all agencies should be consulted for advice and support in relation to decision making.

**Q. Is the transferring or receiving area responsible for completing the home visit to assess suitability, and relevant Police and safeguarding enquiries?**

Safeguarding and police checks must be undertaken by the transferring area as part of their initial assessment of suitability of the transfer request. Where there are difficulties with information sharing the transferring area should ask the receiving area for support with these checks.

If the home area is relatively close to the proposed address in the receiving area, the responsible officer should consider undertaking the home visit to best inform their OASys assessment. If this isn’t possible, the receiving area are required to conduct the address assessment within 10 working days of the request.

It would be best practice to undertake a Home Visit and the Home Visit Policy provides further detail and outlines when visits are mandatory.