



**Norfolk & Suffolk**  
Community Rehabilitation Company



# **Norfolk and Suffolk Community Rehabilitation Company**

## **Community Payback Policies, Statements and Procedures**

**SLA- Part 2 (Non Financial Agreement)  
Public Safety Statement  
Health and safety Policy  
Diversity Policy  
Complaint Procedures**

## 1. Purpose

- 1.1 The purpose of this agreement is to:
- Outline the terms and conditions.
  - Specify the service to be delivered.
  - Detail the particular responsibilities of each party.

## 2. Agreement

- 2.1 This Service Level Agreement constitutes the entire agreement between the parties relating to the subject matter of the agreement and supersedes all prior representations or understandings whether written or oral.
- 2.2 As part of this agreement the Provider must be aware that the CPU relies on offenders and staff turning up and on occasions this may lead to the CPU having to cancel prior arrangements of attendance at very short notice.
- 2.3 In addition to this agreement the CPU shall ensure that the Provider has been given a copy of The CRC Public Safety Statement, Diversity Policy, Health and Safety Policy and Complaints Procedure.

## 3. Community Payback Unit Responsibilities

- 3.1 The CPU shall ensure that no offender will be placed in a position of trust with vulnerable people or children under any circumstances.
- 3.2 CPU staff shall match workers with the work tasks set out in the written details.
- 3.3 CPU staff shall be responsible for the supervision of workers throughout the project.
- 3.4 CPU staff shall make every effort to provide a high quality finish, but no guarantees will be given or should be expected as the skill base of workers may vary considerably.

## 4. Provider Responsibilities

- 4.1 The Provider shall ensure all arrangements will continue throughout the length of the agreement and that any deviation from the written details will only be instigated with the prior approval of a CPU representative.
- 4.2 The Provider shall act as the first point of contact and liaison with CPU staff. If a second named representative is in the written details both of these contacts will visit the project at various times during the life of the placement in order to engage in the pro-social interaction that is required with workers.
- 4.3 The Provider is specifically restricted from questioning any worker on the reasons for their attendance at the placement.
- 4.4 The Provider shall report to CPU staff if there is any suspicion that one of the workers is under the influence of drugs or alcohol, also of any incident of wrong doing or disrespect towards themselves, their staff or members of the public.
- 4.5 The Provider shall accept that personal and intimate relationships with workers is not accepted and that professional boundaries are of utmost importance.

- 4.6 The Provider shall allow the placement to be visible to the public by allowing workers to wear Community Payback Distinctive Clothing and advertising 'A Frames' at the placement.
- 4.7 The Provider shall allow NSCRC to use their organisation for publishing purposes reports and other publicity material subject to the Providers prior approval of any material identifying the Provider (such approval not to be unreasonably withheld).
- 4.8 The Provider shall try to resolve any concerns on the way that the project is progressing by discussing this with the person to whom the placement was set up with.

## **5. Insurance and Indemnity**

- 5.1 The Provider shall insure with a reputable insurance company against all liabilities, proceedings, costs, charges, damages, expenses, claims, and demands referred to in this written agreement.
- 5.2 The Provider shall ensure adequate Public Liability and Professional Indemnity Insurance is for no less than one million pounds (£1,000,000).
- 5.3 Adequate cover must be in place for the period of time that the CPU staff and workers are engaged at the placement.
- 5.4 The Provider will provide a copy of their Public Liability Insurance to the CPU prior to any work commencing.
- 5.5 NSCRC takes no responsibility for any damage to any underground obstructions found which we have not been advised of.
- 5.6 NSCRC will not be responsible or compensate for any theft that may occur whilst the CPU is undertaking work at the placement. Any items that are easily accessible should be securely locked away by the Provider during such times that workers are in attendance.
- 5.7 NSCRC will not be responsible for any damage that may occur whilst the CPU is undertaking work at the placement nor is NSCRC able to compensate for any damage that may occur.
- 5.8 If the Provider suspects that wilful damage or a theft has occurred then this may constitute as a crime and therefore the Provider must promptly report this to the CPU and the Police.
- 5.9 It is very much in the interest of the Provider to ensure against these risks and that there is adequate cover.

## **6. Health and Safety**

- 6.1 The Provider shall comply with the requirements of the Health and Safety at Work Act 1974 and other relevant legislation, including regulations and codes of practice they have and with NSCRC policies and procedures. NSCRC reserves the right to withdraw all personnel without notice if it is deemed that the project contravenes Health and Safety Regulations.
- 6.2 The Provider shall provide welfare facilities as part of the written details under the Workplace Health, Safety and Welfare Regulation 1992. This shall include clean drinking water, toilet and washing facilities.
- 6.3 The work as written in the details will have been fully discussed and other work tasks not listed would have to be separately risk assessed by the CPU before they can be undertaken. Risk assessments for the work agreed will be completed and will be made

available when groups are working. Any copies required by the Provider can be made available by the CPU.

- 6.4 All substances and materials to be used shall be declared and included in the written details. The Provider and CPU shall comply with the Control of Substances Hazardous to Health Regulations 2002 and data sheets for any substances used must be made available at the placement.
- 6.5 The Provider shall notify CPU staff immediately of any transgression of the previously agreed written details (i.e. welfare facilities, smoking arrangements, fire procedures, additional tasks etc).
- 6.6 The CPU will provide all protective clothing, personal protective equipment and tools for the work to be undertaken.
- 6.7 Work on Tower Scaffolding that is any higher than 2 tiers, working in water and driving motorised machines is not permitted to be undertaken by CPU staff and workers.
- 6.8 CPU staff are trained on how to deal with first aid situations and will always have first aid materials (incl a sharps box) by the work area.
- 6.9 Under no circumstances must CPU staff or offenders be involved with any fires at the worksite. This will remain the responsibility of the Provider where it is applicable.

## **7. Security and Public Safety**

- 7.1 Only CPU staff will be entrusted with keys to property at the placement and then only following prior written agreement.
- 7.2 The Provider must ensure that any drugs/medication and alcohol are removed from the premises (or securely locked away) during such times that workers are in attendance.
- 7.3 The Provider shall allow access to the placement to NSCRC personnel who may visit from time to time in order to ensure that the project is meeting the requirements of both the CPU and the Provider.
- 7.4 No person provided by the CPU albeit staff or workers must be offered any financial reward for their services nor must they be offered the loan of either property or finance.

## **8. Data Protection**

- 8.1 The Provider shall comply with the provisions of the Data Protection Act 1998 at all times throughout the duration of this agreement.
- 8.2 The Provider is specifically restricted from questioning offenders on the reason for their attendance at the work placement.

## **9. Equal Opportunities**

- 9.1 The Provider shall not unlawfully discriminate in relation to the performance of the Services within the meaning of the Equality Act 2010 and/or any other anti-discrimination legislation from time to time in force.
- 9.2 The Provider will ensure that no person will unlawfully be treated differently on the grounds of their race, colour, ethnic or national origin, nationality, gender, marital status, age, physical appearance, religion, creed, disability, sexual orientation, political affiliation or trade.

## **10. Complaints**

10.1 NSCRC has a policy for dealing with complaints and procedures are in place for monitoring, reviewing and logging any action taken as a result of a complaint being made. NSCRC will deal promptly and appropriately with any complaint.

## **11. Governance**

11.1 Either party reserves the right to terminate this agreement and withdraw from the placement at any time during its execution if it feels that any of the above agreed terms have not been met. However, any such action will be subject to discussion and debrief before any final decision is made.

# Public Safety Statement

A comprehensive offender risk management system is used by the Probation service to ensure public safety. Main policies are available on request and can be accessed from the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

## **Offenders – Risk Management and Public Safety.**

Public Safety is paramount and offenders are assessed before sentence is made. All offenders are screened by trained Probation staff. Probation staff work with the Criminal Justice Service and produces a 'pre-sentence report' for the court identifying the risks to the public and suitable convictions.

When an offender is given an Unpaid Work Requirement by the courts, the offender has already been risk assessed as safe to work in the community.

Norfolk & Suffolk Community Rehabilitation Company (NSCRC) will conduct a 'Community Payback Assessment' before commencing Unpaid Work. This includes an assessment of risks to the public staff, children and any known adults (this further validates the assessment made before sentencing was carried out).

The management of offenders by the Community Payback Unit continues to assess and manage the conduct of offenders doing Unpaid Work in the community. Trained Community Payback Staff supervise groups of offenders at work placements. Offenders are driven to and from the work sites and are not permitted to leave the work site during the working day unless they are dismissed for poor behaviour. There are clear expectations and rules that offenders are informed of and then sign; in an agreement to follow them. The rules are applied and if offenders break these rules; offenders may be taken off the work placement. Most Offenders work their punishment in a reasonable manner.

The ethos of Community Payback is to establish work based ethics, and to develop problem solving at work. The Supervisors' role is to manage offenders in the community and act as a role model.

## **Placements that include working with children and vulnerable persons:**

Even though the Community Payback staff managing groups are CRB checked, it is not normal practice for NSCRC to undertake CRB checks on offenders. If the company or organisation wish this to be undertaken due to it being normal practice for the company or organisation then the Community Payback Unit will be unable to accept this as a Placement for offenders.

# Health and Safety Policy

Norfolk and Suffolk CRC believes in the paramount importance of providing a healthy, safe and secure environment for our employees, employees of other organisations working with us, the general public and the people for whom we have supervisory responsibility. As such the Norfolk and Suffolk CRC Board is fully committed to its duties and responsibilities as set out under the Health and Safety at Work Act 1974. Norfolk and Suffolk CRC Board also expects all employees to exercise an individual responsibility for ensuring strict adherence to the organisation's policy and procedures as set out in the safety management system SafeWork and to actively promote health and safety.

The objectives of this policy are to:

- Promote standards of care in compliance with the Health and Safety at Work Act, 1974 and other legal requirements;
- Maintain a safe and healthy workplace and systems of working;
- Ensure that people with disabilities are enabled to work in a safe environment;
- Protect employees, and all others who may be affected by the CRC's activities, from foreseeable hazards at work;
- Provide information, training and supervision as appropriate to staff for the purpose of good health and safety practices;
- Work with recognised trades unions to promote effective communication regarding safety, improve the health and safety culture and comply with safety legislation and regulation.

Working in partnership, the CRC Board, managers, and the recognised trades unions, will build on best practice (within or external to the CRC), seeking to continually improve our health and safety performance by:

- Raising staff awareness of health and safety matters in general and of individual responsibilities in particular;
- Encouraging communication with staff in order to improve Health and Safety;
- Seeking to continually learn from our own experiences by reviewing and auditing our performance and ensuring that lessons learnt are acted upon;
- Working in partnership with our contractors (and other similar groups) to ensure that they contribute fully to CRC health and safety goals;
- Recognising the importance of communication of our performance both internally and to our external stakeholders and we will openly report our health and safety performance via the CRC Board;
- Working with the relevant local regulatory bodies and other external organisations to identify and implement appropriate areas of best practice;

# Diversity Policy

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Owner: Steve Pestell, Director of  
Corporate Services

Date Authorised: 1 June 2014

Date Implemented: 1 June 2014

Date for Review: June 2017

Date of Equality Impact Assessment: April 2014

## **Related Policies**

This policy will be compatible with and supports all other Norfolk and Suffolk Community Rehabilitation Company policies. In particular it will have operational links with the following:

- NSCRC Annual Diversity Report
- NSCRC Equality Objectives and associated action plans
- Women Offenders Policy
- NSCRC HR Policies

It will be supported by procedures on:  
Equality Impact Assessments  
Hate Crime Reporting

The diversity implications of other policies and procedures will be identified at the impact assessment stage and will be included in those policies or guidance.

## **Purpose**

The purpose of this Policy Statement is to set out the Norfolk and Suffolk Community Rehabilitation Company's commitment to and belief in equality, and respect for the diversity of both its staff and the users of the services it provides.

## **Context**

The policy and its associated guidance notes reflect legislation relating to respect for diversity, in particular the Equality Act (2010) and associated Regulations, and the Human Rights Act (1998). The policy complies with statutory provisions relating to both employment and provision of goods and services.

The policy and its associated procedure notes have been agreed with staff representatives of the appropriate unions.

## **Scope**

This Policy applies to Board members and all employees regardless of status or length of service. This includes staff who are seconded to other organisations. It also applies to all users of NSCRC services and any contractor who provide services under contract to NSCRC.



## **Policy Statement**

### **Principles**

1. NSCRC commits itself to the principles of equal access to employment and its services, and to respect for the diversity of its staff and service users.
2. NSCRC will implement its legal duties in relation to equality and diversity, and, in particular those contained in the Equality Act 2010 (and associated Regulations) and the Human Rights Act 1998.
3. NSCRC will ensure that its existing and proposed policies, procedures and practices do not discriminate against anyone with any of the protected characteristics defined by the Equality Act 2010. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and ethnicity, religion and belief, sex, and sexual orientation.
4. NSCRC will not tolerate harassment or victimisation of any of its staff or service users while they are using NSCRC services.
5. NSCRC will advance equality of opportunity of both staff or service users who share a relevant protected characteristic by:
  - Removing or minimising disadvantage,
  - Meeting staff and service users' needs, and
  - Encouraging participation in public life or any other activity where participation is disproportionately low.
6. NSCRC will foster good relations between staff or service users who share a relevant protected characteristic and those who do not share it by:
  - Tackling prejudice and
  - Promoting understanding.
7. NSCRC will ensure that the human rights of its staff and service users are recognised and respected.

### **Approach**

8. NSCRC will develop, maintain and implement an Equality regime, including the publication of statistics relevant to all the protected characteristics and covering all the Company's functions and services. NSCRC will publish Equality Objectives with associated actions to support them.
9. Equality Impact Assessments will be an integral part of policy and procedural development within NSCRC. They will be undertaken at the initial stages of policy and procedural development to ensure that there is no discrimination in any policies, procedures and practices and that opportunities to advance equality of opportunity and good relations are recognised and taken. Managers will receive training in undertaking Equality Impact Assessments and a Quality Assurance Panel will meet quarterly to ensure that they are being fully and properly completed.
10. NSCRC will actively encourage its staff to be involved in the development and delivery of this Diversity Policy through a framework that engages staff at all levels.

Appendix A describes this framework.

11. NSCRC will work collaboratively with the National Probation Service (NPS), where appropriate, in order to provide services to offenders and other service users that support this policy.
12. NSCRC will actively pursue opportunities to engage with the wider community in Norfolk and Suffolk in the delivery of its equality and diversity regime.
13. NSCRC will ensure that there is training in all aspects of equality and diversity for all Board members and staff.
14. NSCRC will collect monitoring data in relation to protected characteristics of both its staff and its service users. This data will be published on an annual basis and will be used to inform organisational and service user plans, to ensure that there is no discrimination in any policies, procedures and practices and that opportunities to advance equality of opportunity and good relations are recognised and taken.
15. NSCRC welcomes comments from staff and service users on the operation of this policy
16. This policy and all associated procedures will be published on the NSCRC Intranet and on the NSCRC website.

### **Monitoring and Review**

NSCRC will monitor the operation and outcomes of its Diversity Policy through its Diversity Steering Group.

A report will be submitted to the NSCRC Board every year to give assurance that duties in relation to equality are being progressed

NSCRC will review its Diversity Policy no later than three years after implementation.

### **Equality Impact Assessment**

An equality impact assessment was undertaken as part of the development of this policy in 2010 in the former Norfolk and Suffolk Probation Trust and has been reviewed and amended in April 2014. This assessment will be published simultaneously with the policy.

# Complaints Procedures

The Norfolk and Suffolk Community Rehabilitation Company (NSCRC) works to high standards and we hope this is reflected in how we work with you.

## **That Sounds Fine – but what if I have a complaint?**

To be considered, your complaint has to be about an action or a decision, or failure to act or decide, in respect of the delivery of Probation services on the part of employees of the NSCRC, the NSCRC Board of Directors or a Board Member, a contractor, agent or volunteer working for the NSCRC.

We can consider your complaint if:

- ◆ You are or have been under supervision of the NSCRC.
- ◆ You have suffered physical injury, distress, theft or damage to property as a result of an offender carrying out activities under supervision on a prison licence or community order.
- ◆ You are a victim of a person convicted of an offence who is under supervision of the NSCRC.
- ◆ You are a parent, spouse or live-in partner, brother, sister or child of a person, in the above categories, who has died.
- ◆ You are somebody or an organisation that works professionally or in partnership with NSCRC.
- ◆ You are not in the above categories but, subject to the approval of the Chief Executive, you have a complaint about NSCRC.

We cannot look into something that is already being investigated by the Police or subject to a decision of the courts, statutory tribunal, Parole Board, Crown Prosecution Service or the Criminal Cases Review Commission.

Your complaint will not normally be considered if it is about something that happened more than 12 months ago, or that you could have known about a year ago.

## **It is best to talk**

Face to face or over the telephone with the person involved can often be the solution. If this is difficult, ask to discuss it with a more senior member of staff.

## **Pen to paper**

The Chief Executive Officer of the NSCRC is responsible for the complaints system but the management of the procedure is undertaken on his behalf by the Complaints Manager who is one of the NSCRC Senior Managers.

You can make a formal complaint in writing. You should sign it and send it to the Complaints Manager at:

**The Norfolk and Suffolk Community Rehabilitation Company Ltd**  
**St Crispin's House,**  
**Floor 3,**  
**Norwich,**  
**Norfolk,**  
**NR3 1PD**

If you need help to make a complaint then please ask a member of staff to assist with this. Also you can ask someone to make a complaint on your behalf but you have to give them permission in writing to do this.

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Within five working days of receiving your letter the Complaints Manager will write to explain how your complaint will be handled. They will give the date when you can expect the outcome.

If your complaint is about an issue involving the Chief Executive Officer, you should address your letter to the Director of Probation at:

**National Offender Management Service  
Ministry of Justice  
Directorate of Probation  
7th Floor  
Clive House  
70 Petty France  
London  
SW1H 9EX**