



Offender Management Act 2007

2007 CHAPTER 21

PART 1

NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

Miscellaneous

9 Officers of providers of probation services

- (1) In this Part “officer of a provider of probation services” means an individual who is for the time being authorised under subsection (2) (and “officer”, in relation to a particular provider of probation services, means a person so authorised to act as an officer of that provider).
- (2) An individual may be authorised to act as an officer of a particular provider of probation services (“the relevant provider”) by—
 - (a) the Secretary of State; or
 - (b) a provider of probation services (whether the relevant provider or any other provider) who is authorised to do so by the Secretary of State.
- (3) If the relevant provider is the Secretary of State, subsection (2) has effect with the omission of paragraph (b).

10 National framework for qualifications of officers

- (1) The Secretary of State may publish guidelines about any qualifications, experience or training required to perform the work of an officer of a provider of probation services.
- (2) The Secretary of State must publish guidelines under subsection (1) in relation to work involving the supervision of offenders and other work requiring direct contact with offenders (including offenders held in custody).
- (3) Guidelines under this section may make different provision for different purposes.

- (4) In exercising his powers under sections 3(2) and (5) and 9, the Secretary of State shall have regard to the need to secure, so far as practicable, that guidelines published under this section have the same effect in relation to every provider of probation services whose officers perform work to which they relate.

11 Abolition of local probation boards and transfers of property etc and staff

- (1) In consequence of the provisions of this Part, the local probation boards constituted under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43) are abolished.
- (2) Schedule 2 (which contains provisions relating to transfers of property etc or staff in connection with the abolition of local probation boards or the implementation or termination of arrangements under section 3) has effect.

12 The inspectorate

- (1) Her Majesty's Inspectorate of the National Probation Service for England and Wales is renamed "Her Majesty's Inspectorate of Probation for England and Wales" and Her Majesty's Chief Inspector of the National Probation Service for England and Wales is renamed "Her Majesty's Chief Inspector of Probation for England and Wales".
- (2) In section 6 of the Criminal Justice and Court Services Act 2000 (the inspectorate)—
- (a) in subsection (1), the words from "but" to the end are omitted; and
 - (b) in subsection (4), for "the National Probation Service" (in both places) there is substituted "Probation".
- (3) In section 7 of that Act (functions of the inspectorate)—
- (a) in subsection (1), for "each local probation board under section 5" there is substituted "the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services)"; and
 - (b) in subsection (6), after "section 1" there is inserted "of the Offender Management Act 2007".

13 Approved premises

- (1) The Secretary of State may approve premises in which accommodation is provided—
- (a) for persons granted bail in criminal proceedings (within the meaning of the Bail Act 1976 (c. 63)); or
 - (b) for, or in connection with, the supervision or rehabilitation of persons convicted of offences;
- and in this section "approved premises" means premises which are for the time being approved under this subsection.
- (2) The Secretary of State may make regulations for the regulation, management and inspection of approved premises.
- (3) The Secretary of State may make payments in connection with —
- (a) the operation of approved premises, or

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- (b) constructing, enlarging or improving premises, if they are approved premises or the works are being carried out with a view to the premises becoming approved premises,
to any person who incurs expenditure on the activities in question.
- (4) Payments under subsection (3) may be made on conditions (including conditions requiring repayment in specified circumstances).
- (5) The power to make payments under subsection (3) is without prejudice to the powers of the Secretary of State under sections 2 to 6.
- (6) References in any Act or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) to an approved bail hostel or an approved probation hostel are to be read as a reference to approved premises.
- (7) In paragraph 2(7) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (activities not liable to control under the Act), after paragraph (l) there is inserted—
 - “(m) activities of a person who is acting as a manager of any approved premises (within the meaning of section 13 of the Offender Management Act 2007).”

14 Disclosure for offender management purposes

- (1) This section applies to—
 - (a) the Secretary of State;
 - (b) a provider of probation services (other than the Secretary of State);
 - (c) an officer of a provider of probation services; and
 - (d) a person carrying out activities in pursuance of arrangements made by a provider of probation services as mentioned in section 3(3)(c).
- (2) In this section “listed person” means—
 - (a) a government department;
 - (b) a relevant local authority;
 - (c) the Youth Justice Board for England and Wales;
 - (d) the Parole Board for England and Wales;
 - (e) a relevant contractor;
 - (f) a chief officer of police;
 - (g) a person who is responsible for securing the electronic monitoring of an individual; and
 - (h) any other person specified or described in regulations made by the Secretary of State.
- (3) Information may be disclosed—
 - (a) by a person to whom this section applies—
 - (i) to another person to whom this section applies, or
 - (ii) to a listed person, or
 - (b) by a listed person to a person to whom this section applies,
but only if the disclosure is necessary or expedient for any of the purposes mentioned in subsection (4).
- (4) Those purposes are—

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- (a) the probation purposes;
 - (b) the performance of functions relating to prisons or prisoners of—
 - (i) the Secretary of State;
 - (ii) any other person to whom this section applies; or
 - (iii) any listed person; and
 - (c) any other purposes connected with the management of offenders (including the development or assessment of policies relating to matters connected with the management of offenders).
- (5) In subsection (4)(b)—
- (a) the reference to prisons or prisoners includes a reference to—
 - (i) young offender institutions or persons detained in such institutions; and
 - (ii) secure training centres or persons detained in such centres;
 - (b) the reference to functions, in relation to a listed person who is a relevant contractor, includes activities connected with the making or performance of a contract mentioned in subsection (9).
- (6) Nothing in this section—
- (a) affects any power to disclose information that exists apart from this section; or
 - (b) authorises the disclosure of any information in contravention of any provision contained in an enactment (whenever passed or made) which prevents disclosure of the information.
- (7) But the Secretary of State may by order amend or repeal any provision mentioned in subsection (6)(b) which is contained in an enactment passed or made before the end of the Session in which this Act is passed so as to enable disclosures that would otherwise be permitted under this section.
- (8) In this section “relevant local authority” means a county council in England, a Welsh county council or county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.
- (9) In this section “relevant contractor” means—
- (a) a person who has entered into a contract for the running of, or of part of—
 - (i) a prison or young offender institution under section 84 of the Criminal Justice Act 1991 (c. 53);
 - (ii) a secure training centre under section 7 of the Criminal Justice and Public Order Act 1994 (c. 33);
 or a sub-contractor of such a person (within the meaning of the section in question); or
 - (b) a person who has entered into a contract with the Secretary of State—
 - (i) under section 80 of the Criminal Justice Act 1991 for the purposes of prisoner escort arrangements (see subsection (2) of that section); or
 - (ii) under paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994 for the purposes of escort arrangements for offenders detained at secure training centres (see paragraph 1(3) of that Schedule).
- (10) In this section “enactment” includes any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

15 Power to repeal section 4

- (1) The Secretary of State may by order repeal section 4.
- (2) The power under this section includes power to provide for that section to cease to have effect for such purposes as may be specified in the order.