

Requirements Table

	Requirement	Requirement overview	Volume / Length range	Considerations / Factors to consider
1	Unpaid work requirement (UPW) See Part 1 of Schedule 9 to the Sentencing Code .	An unpaid work requirement requires offenders to undertake work projects in their local community. In some regions, a proportion of these hours can be spent on education, training or employment activities for eligible offenders. “Community Payback” is a term used to describe the delivery of an Unpaid Work requirement.	Between 40 – 300 hours to be completed within 12 months.	Work as part of an unpaid work requirement must be suitable for an offender to perform; and if necessary, this suitability should be assessed by Probation. Probation will also be able to advise what type of projects are available in the region. The court must consider whether the offender is in employment during hours that may make an unpaid work requirement unsuitable, or whether the offender has any disabilities or limitations, has any dependants, or whether there are any other circumstances that may make an unpaid work requirement unsuitable. If unpaid work hours are not completed within 12 months (unless extended or revoked by the court), the requirement remains ‘live’ and will need to be returned to the court for the requirement period to be extended so the remaining hours can be worked. Sentencers should keep this in mind when considering any other requirements to ensure that it is realistic for an offender to complete all unpaid work hours within the 12 month period Where an offender is already subject to an unpaid work requirement, new unpaid work hours imposed on an unpaid work requirement are additional, and separate, to the existing hours. The total number of unpaid work hours from two or more unpaid work requirements should not significantly exceed 300 hours. For further information, see the guidance on Totality.
2	Rehabilitation activity	A rehabilitation activity requirement (RAR) requires the offender to participate in rehabilitative activities	Minimum of 1 RAR day; no maximum, to be	The specific type of activities that the offender will be required to participate in will be determined post-sentence by an assessment of these rehabilitative needs, and as such sentencers should consider

	requirement (RAR) See <u>Part 2 of Schedule 9 to the Sentencing Code</u> .	designed to address the behaviours and needs that contributed to the offence, and to attend supervision appointments with Probation. The court will specify the maximum number of days on which the offender will be instructed to participate in rehabilitative activities. Post-sentence, Probation will assess the offender and produce a tailored activity plan based on their needs. Activities can include probation-led toolkits or group structured interventions, or referral to external organisations providing rehabilitative services.	completed within the length of the order.	the number of RAR activity days recommended by Probation to ensure this number is suitable and proportionate to the level of need and any eligibility requirements for commissioned rehabilitative services that may be relevant. Structured rehabilitative activities are complemented by supervision appointments with Probation which ensure contact is maintained. Probation can track the offender's progress in completing activities and offer support where necessary. The court needs only to specify the number of 'RAR' or rehabilitative activity days, and Probation will manage supervision appointments alongside these days.
3	Programme requirement See <u>Part 3 of Schedule 9 to the Sentencing Code</u> .	A programme requirement requires an offender to complete an offending behaviour programme or intervention. An accredited programme is intensive and structured, designed to tackle the attitudes, thinking and behaviours which may lead people to reoffend. It is usually delivered in groups by a trained facilitator.	The court must specify the number of days on which the offender must participate in the programme up to the length of the order.	An accredited programme must be recommended by Probation, as it has specific eligibility criteria for which the offender must be assessed before it is proposed as an appropriate disposal. Probation will specify to the court how many days are required to complete an accredited programme to ensure it can be completed which will include pre and post programme work. The court should liaise with Probation to ensure the community order duration is sufficient.

4	Prohibited activity requirement See Part 4 of Schedule 9 to the Sentencing Code .	A prohibited activity requirement prohibits the offender from participating in any activity specified by the court.	Duration set by the court, up to the length of the order.	The court must consult Probation before imposing this requirement. Electronic monitoring may be considered to monitor compliance with the prohibited activity if it is suitable (see electronic monitoring requirements below).
5	Curfew requirement See Part 5 of Schedule 9 to the Sentencing Code .	A curfew requirement requires an offender to remain at a particular place (or places) for a specified period (or periods) of time. Different places or different curfew periods may be specified for different days. The curfew period should be targeted to reflect the punishment intended, support rehabilitation where relevant, and protect victims and the public.	For an offence of which the offender was convicted on or after 28 June 2022: 2 – 20 hours in any 24 hours; maximum 112 hours in any period of 7 days beginning with the day of the week on which the requirement first takes effect; and maximum term 2 years For an offence of which the offender was convicted before 28 June	Where the court imposes a curfew requirement, it must also impose an electronic monitoring requirement to monitor compliance, unless in the circumstances of the case, it considers it inappropriate to do so (see notes on electronic monitoring requirements below). In all cases, the court must consider those likely to be affected, such as any dependants and the offender's ability to care for them, and any impact on an offender's attendance at work or educational establishment. Before imposing a curfew requirement, the court must ensure safeguarding and domestic abuse enquiries are carried out on any proposed curfew address to ensure the accommodation is suitable, others will not be put at risk and the homeowner agrees to the curfew, particularly where vulnerable adults and children are involved. Ordinarily this is a function performed by Probation.

			202: 2 – 16 hours in any 24 hours; maximum term 12 months.	
6	Exclusion requirement See Part 6 of Schedule 9 to the Sentencing Code .	An exclusion requirement prohibits an offender from going into a particular place or area. The exclusion zone can include more than one prohibited place/area, more than one exclusion period and different prohibited places/areas for different exclusion periods or different days.	Up to 2 years. May either be continuous or only during specified periods.	Where the court imposes an exclusion requirement, it must also impose an electronic monitoring requirement to monitor compliance, unless in the particular circumstances of the case, it considers it inappropriate to do so (see note on electronic monitoring requirements below). The court must ensure that a map of the exclusion zone is provided to the offender or that the exclusion zone is sufficiently described by reference to the roads which mark its boundaries. The court should take into account any reasonable needs of an offender to travel through a proposed exclusion zone.
7	Residence requirement See Part 7 of Schedule 9 to the Sentencing Code .	A residence requirement provides that the offender must reside at a particular place (i.e. a private address or HMPPS provided temporary accommodation, including an approved premises or bail or community accommodation services) for a specified period.	Duration set by the court, up to the length of the order. The maximum placement length of an approved premises is 12 weeks.	The court must consider the home surroundings of the offender before imposing this requirement. The court is encouraged to engage with Probation to understand what type of HMPPS provided temporary accommodation is available in their region to support these orders. Where a residence requirement provides that the offender reside at a private address, there is no requirement that the offender be at the address at a specific time. A curfew requirement would be necessary for this. However, where a residence requirement is for an approved premises (AP), an offender is bound by the rules of the AP, which may include an overnight curfew and drug and/or alcohol testing.

				The court must ensure safeguarding and domestic abuse enquiries are carried out on a private address being used for a residence requirement to ensure the accommodation is suitable, others will not be put at risk and the homeowner agrees to the curfew, particularly where vulnerable adults and children are involved. Ordinarily this is a function performed by Probation.
8	Foreign travel prohibition requirement	An offender is prohibited from travelling to a country (or countries) or territory (or territories) outside the British Islands (that is the United Kingdom, the Channel Islands and the Isle of Man).	Duration set by the court, up to a maximum of 12 months.	Unlikely to be suitable for an offender who does not have a passport, rarely travels, or has no apparent international connections.
9	Mental health treatment requirement (MHTR) See Part 9 of Schedule 9 to the Sentencing Code .	A mental health treatment requirement provides treatment to an offender with a mental health condition. Treatment may be residential or non-residential and must be provided by or under the direction of a registered medical practitioner or registered psychologist.	Duration set by the court, up to the length of the order.	The court must be satisfied: (a) that the mental condition of the offender is such as requires and may be susceptible to treatment but is not such as to warrant the making of a hospital or guardianship order; (b) that arrangements for treatment have been or can be made; (c) that the offender has expressed willingness to comply. The court should consult Probation to ensure these factors are met. The court must also ensure that the offender is eligible for the treatment before imposing this requirement. Once this information is obtained by Probation, the court must specify in the order the period or periods for the treatment, the place the treatment will be provided or the registered medical practitioner or registered psychologist by whom or under whose direction it is to be provided. MHTRs can be used in combination with other treatment requirements (for example drug rehabilitation and alcohol treatment requirements) for eligible offenders with multiple needs

10	Drug rehabilitation requirement (DRR) See Part 10 of Schedule 9 to the Sentencing Code.	A drug rehabilitation requirement (DRR) provides treatment to an offender who is dependent on drugs or has a propensity to misuse drugs. Treatment can be residential or non-residential, and the offender must participate in court reviews of the order, as directed by the court.	Duration set by the court, up to the length of the order.	A drug rehabilitation requirement may be imposed on an offender for whom the court is satisfied that the offender is dependent on or has a propensity to misuse drugs (as defined by s.2 of the Misuse of Drugs Act 1971) where the dependency or propensity requires and may be susceptible to treatment. The court must ensure that necessary arrangements have been or can be made for the proposed treatment, and the offender must express willingness to comply with the treatment. The court must also ensure that the offender is eligible for the treatment before imposing this requirement. Once this information is obtained by Probation, the court must specify in the order the treatment director, whether the treatment will be residential, institution-based or practitioner-based, and if it is institution based, the institution or place and intervals at which it is to be provided. DRRs can be used in combination with other treatment requirements (for example, mental health treatment requirement) for offenders with multiple needs.
11	Alcohol treatment requirement (ATR) See Part 11 of Schedule 9 to the Sentencing Code.	An alcohol treatment requirement may be imposed on an offender who is dependent on alcohol, where that dependency requires and may be susceptible to treatment. The treatment may be residential or non-residential.	Duration set by the court, up to the length of the order.	An alcohol treatment requirement (ATR) may be imposed on an offender for whom the court is satisfied is dependent on alcohol and this dependency is such that it requires and is susceptible to treatment. The court must ensure that necessary arrangements have been or can be made for the proposed treatment, and the offender must express willingness to comply with the treatment. The court must also ensure that the offender is eligible for the treatment before imposing this requirement.

				Once this information is obtained by Probation, the court must specify in the order the treatment director, whether the treatment will be residential, institution-based or practitioner-based, and if it is institution based, the institution or place and intervals at which it is to be provided. An ATR can be used in combination with a mental health treatment requirement (MHTR) for offenders with multiple needs. However, for offenders with both drug and alcohol dependency, the court should impose only a DRR, as alcohol treatment needs can be managed as part of this requirement. An ATR cannot be imposed alongside an alcohol abstinence and monitoring requirement (AAMR) as an ATR will be unsuitable for an offender who is not dependent on alcohol.
12	Alcohol abstinence and monitoring requirement (AAMR) (where available) See Part 12 of Schedule 9 to the Sentencing Code.	An alcohol abstinence and monitoring requirement imposes a ban on alcohol consumption and requires the offender to have their compliance with the requirement electronically monitored.	Up to 120 days.	It is generally recommended that an alcohol abstinence and monitoring requirement (AAMR) is not a standalone requirement and sits alongside other measures that support rehabilitation. The court must be satisfied that the offender's consumption of alcohol is an element of the offence for which the order is to be imposed or of an associated offence, or that the offender's consumption of alcohol was a factor that contributed to the commission of that offence or to an associated offence. The court must not impose an AAMR if the offender is alcohol dependent. If the offender is alcohol dependent, an ATR may be appropriate. Probation should be consulted to assess the rehabilitative need and advise on the most relevant and available treatment. An AAMR cannot be imposed alongside an alcohol treatment requirement (ATR); an AAMR may be too onerous, unsuitable and potentially dangerous for an offender who is dependent on alcohol.

13	Electronic whereabouts monitoring requirement (GPS tags) See Part 14 of Schedule 9 to the Sentencing Code.	The electronic whereabouts monitoring requirement is a requirement for the offender to submit to electronic monitoring of their whereabouts (other than for the purpose of monitoring compliance with any other requirement included in the order) during a period specified in the order.	Up to 2 years.	The electronic whereabouts monitoring requirement may be imposed without the imposition of another requirement and involves monitoring an offender's whereabouts with the imposition of a GPS tag, save for circumstances in which the consent of a person whose co-operation is required is withheld (other than the offender). The court must ensure safeguarding and domestic abuse enquiries are carried out on any proposed curfew address to ensure the accommodation is suitable, others will not be put at risk and the homeowner agrees to the curfew, particularly where vulnerable adults and children are involved. Ordinarily this is a function performed by Probation.
14	Electronic compliance monitoring requirement See Part 14 of Schedule 9 to the Sentencing Code.	The electronic compliance monitoring requirement is imposed to monitor compliance with another requirement on an order.		Where the court makes a relevant order imposing a curfew requirement or exclusion requirement it must also impose an electronic compliance monitoring requirement for monitoring compliance with it, save where: • there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring and that person does not consent; and/or • electronic monitoring is unavailable and/or impractical; and/or • in the particular circumstances of the case, the court considers it inappropriate to do so. The court must ensure safeguarding and domestic abuse enquiries are carried out on any proposed curfew address to ensure the accommodation is suitable, others will not be put at risk and the homeowner agrees to the curfew, particularly where vulnerable adults and children are involved. Ordinarily this is a function performed by Probation.