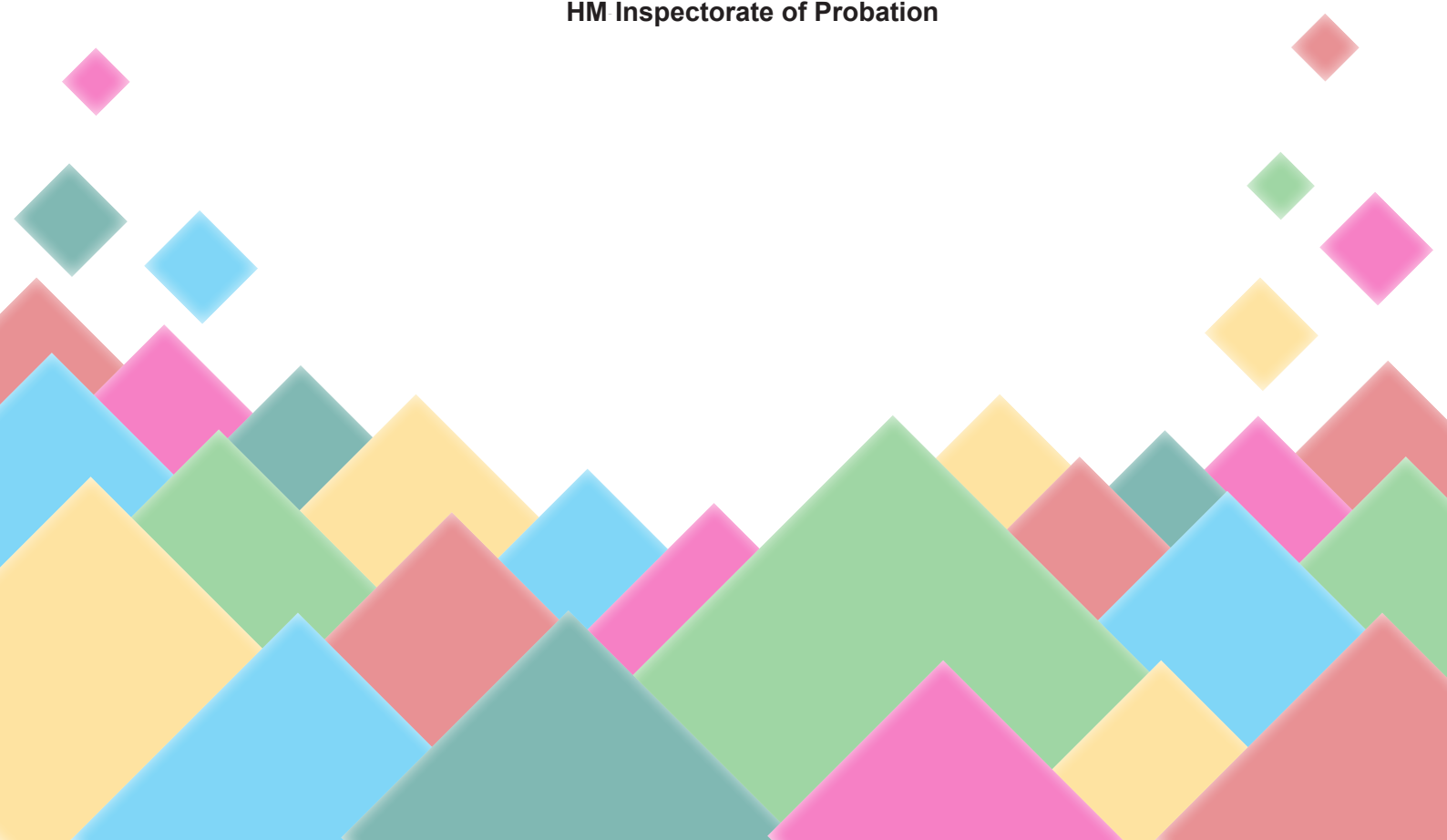


Transforming Rehabilitation Early Implementation

‘An independent inspection setting out the operational impacts, challenges and necessary actions’

April 2014 - September 2014

HM Inspectorate of Probation



Transforming Rehabilitation – Early Implementation

‘An independent inspection setting out the operational impacts, challenges and necessary actions’

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www.justiceinspectorates.gov.uk/hmiprobation

Published by:

Her Majesty’s Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

December 2014

Contents

Foreword	4
Contextual information	6
Summary and Key Issues	7
Recommendations:	12
Court Work, Assessment and Allocation	12
Interface between the National Probation Service and Community Rehabilitation Companies	13
Community Rehabilitation Company Start of Order	15
National Probation Service Start of Order	16
Methodology	17
1. Court Work, Assessment and Allocation	19
2. Interface between NPS and CRC	29
3. CRC Start of Order	42
4. NPS Start of Order	52
Appendix I Initial allocation of cases prior to the implementation of Transforming Rehabilitation	58
Appendix II Acknowledgements	60
Glossary	61

FOREWORD

The Government's *Transforming Rehabilitation* reforms are fundamentally changing the way that adult probation services are organised and delivered. Such a huge shift is inevitably controversial and their likely implications are subject to ongoing debate. It is not for the Inspectorate to engage in such political debate, but to provide the public with a clear evidenced picture of implementation on the ground, to test effectiveness through objective methods and to recommend improvements.

While still too soon to test effectiveness through offender outcomes, a series of inspections completed between April and September 2014 focused on the operational impacts of early *Transforming Rehabilitation* implementation. In particular, Inspectors looked at the newly created interface between the National Probation Service and Community Rehabilitation Companies, while the latter are still publicly operated.

In any type of business, the splitting of one organisation into two separate organisations is bound to create process, communication and information sharing challenges that did not previously exist. This report highlights that challenge for probation services in a fast moving and complex programme of reform. It is clear that many of the issues will not be solved overnight and will remain a challenge for some time to come – but they need close attention and must be addressed in a timely way by all concerned.

It is important to note that a number of the findings set out in this report already existed before the changes on 1 June 2014. We found that the process of implementing change had exposed existing shortfalls in systems, processes, practice quality, consistency, leadership and management. Therefore, in addition to addressing challenges resulting from the introduction of *Transforming Rehabilitation*, our recommendations also deal with existing issues.

We found probation areas that had been struggling to deliver a quality service prior to *Transforming Rehabilitation* are now finding it hardest to adapt and cope with the challenges brought by the reforms. Conversely, those areas which had performed well in previous inspections were proving most able to implement changes with limited disruption.

The correlation between the historical performance of former probation trusts and progress being made with *Transforming Rehabilitation* implementation

extended into the important issue of how staff were coping personally with the changes. There were clear differences between organisations we inspected in the confidence felt by those charged with actually delivering services, in the management of the changes. This is an issue that speaks to the urgent and continuing need to support the necessary improvement in the quality of leadership and management.

We were pleased to see that the allocation of cases to the new organisations, the National Probation Service and the Community Rehabilitation Companies, had in the vast majority of cases been achieved in good time for the 1 June 2014 go live date. However, this was despite some concerns raised about the support provided by the Ministry of Justice and the National Offender Management Service.

Some issues identified in court work during the early weeks of implementation were being tackled and were settling over the period of our inspections. Nevertheless, there remains significant challenges in getting the court end processes working as they should. Positively, the quality of reports provided by the National Probation Service to courts supported sentencing proposals appropriately. Negatively, the lack of staff in some areas of the National Probation Service was having a detrimental impact on the delivery of some of the services being provided. This resource issue needs to be addressed in order to ensure an efficient system and avoid potential backlogs.

In fact, there is a need to streamline and speed up processes generally. We found that the majority of organisations we inspected were making progress, but it is clear that the interface between the National Probation Service and Community Rehabilitation Companies will continue to cause challenges that will need to be addressed. The relationships between the two new organisations in each area varied in terms of the extent they worked together to resolve communication issues.

IT continues to provide a predictable challenge. We share the frustration expressed by many staff about the complexities of a number of the new tasks and the lack of integration of IT systems. There is a risk that increased bureaucracy could stifle future innovation, so the issues raised by staff about IT require serious attention. The solution is not

straightforward, and in the meantime the continuing impact should not be underestimated.

The speed of the implementation has in itself caused operational problems that could have been avoided, or at least mitigated. A good example of this is the speed at which staff had to learn new processes and systems before being expected to implement them. We sometimes found that new processes were being communicated by email to staff for implementation the next day, with little or no time for training or instruction. We accept that the issue of adopting new procedures is necessarily short-term. However, it is important to recognise the impact that this has had on staff morale, and on the efficiency of the service they were providing. Further process development needs to be handled more efficiently, with each step anticipated, planned and communicated in a timely way. Staff must be supported more appropriately through subsequent implementation of process change.

The matching of resources, particularly staff resources, to the *Transforming Rehabilitation* workload has been challenging. There were significant gaps, especially in courts, in the early weeks of implementation, and the recovery from that position has often been slow and difficult for staff on the ground. Now we have provided a better understanding of the impact of new systems and the way organisations are working together, it is an appropriate moment for this important issue to be revisited. A full re-evaluation should be carried out to ensure an appropriate match between resources and workload.

Credit should go to staff in Community Rehabilitation Companies and the National Probation Service for the efforts they have put into implementing new processes. However, we are particularly concerned by a significant disconnect between senior managers and frontline staff in understanding and perceptions of the reforms. A key factor in successfully managing change on this scale is the degree to which staff feel well communicated with. But even more important is the degree to which they are engaged in the process. Even allowing for the scale and complexity of these changes we remain concerned that the gap in perception is, in some cases, as wide as it could be. All too often when staff have looked to their senior leaders for reassurance, support and guidance during this period of change to their working environment, they perceive them to be facing in a different direction. That is disappointing,

and needs to change quickly. If staff do not feel fully engaged, then the impact on the effectiveness of the service provided is bound to fall short. The nature of communication and staff engagement from the top to the bottom needs urgent attention.

Overall, this report highlights the complexity of the challenges for probation, the operational impact of the *Transforming Rehabilitation* changes to date, and progress made in addressing them during early implementation. It also exposes the reality of the inconsistency in application of the changes and the shortfalls in quality of service provision, some of which already existed prior to implementation of *Transforming Rehabilitation*. Consequently, the evidence found points to a mixed picture on the ground.

Probation is on a journey and it is right to point out in this fast paced period of significant change, that during the time lag between the evidence collected by our inspectors and the publication of this report further changes will have been made. Some of the issues we raise here will have been dealt with, and others not. But the fact that progress has been made in the interim must not lead to any complacency on any of our parts. There is no doubt at all that there remains much more to do.

There is now an urgent need for operations and processes to reach a 'steady state' in order for managers and staff to be able think, plan and deliver effectively. What happens in this next period of implementation, and particularly the way it is led and managed, is crucial to ensuring the longer-term development of quality and innovation in Probation that the public expects.

This report recommends necessary actions to those concerned at all levels.



Paul McDowell
HM Chief Inspector of Probation



Alan MacDonald
HM Assistant Chief Inspector of Probation

December 2014

Contextual information

Prior to June 2014, probation services in England and Wales were delivered by 35 Probation Trusts, working under the direction of the National Offender Management Service. The Ministry of Justice introduced a programme called *Transforming Rehabilitation* to change the way those services were delivered. A newly created National Probation Service has been set up to focus on work with high risk of serious harm offenders and providing advice to courts on the sentencing of offenders. Most other work with low and medium risk of serious harm offenders is now delivered by Community Rehabilitation Companies.

The National Probation Service came into existence on 1 June 2014. The Community Rehabilitation Companies were also set up at that point, as companies in public ownership. Staff who had previously been employed by probation trusts were divided between the two new organisations, and all existing cases had to be divided as well. The Community Rehabilitation Companies will shortly transfer to private ownership following a competitive bidding process.

All work in courts is delivered by the National Probation Service, including preparation of reports. Once offenders have been sentenced, a decision has to be made within 24 hours about whether they will be supervised by the National Probation Service or the Community Rehabilitation Company. New tools have been introduced to support this decision making. These include the Risk of Serious Recidivism score, and the Case Allocation System. For cases that will be supervised by the Community Rehabilitation Company, the National Probation Service then has to prepare and hand over a specified package of information so that the Community Rehabilitation Company is fully informed about the cases they will manage. The National Probation Service is also responsible for prosecuting Community Rehabilitation Company cases where orders are breached. If Community Rehabilitation Companies have concerns about increasing risk of serious harm in a case they supervise, they need to 'escalate' the case to the National Probation Service.

It is important to note there has been a significant change in practice regarding provision of reports to court over recent years. There has been considerable pressure from courts to produce reports more quickly, to support speedier sentencing. Probation trusts were measured on the proportion of reports they were able to complete within five working days or less. These shorter reports could be delivered to the court on paper or verbally, but were normally not based on Offender Assessment System assessments. The consequence of this is that the proportion of reports based on full Offender Assessment System assessments had been falling year on year, and few of the cases where it was needed had a full analysis of Risk of Serious Harm completed before sentence. In probation trusts these assessments were expected to be completed in the first few weeks of an order, but following, *Transforming Rehabilitation*, there is a new expectation that they will be completed within two working days of sentence.

As staff in Community Rehabilitation Companies are not involved in preparing reports for courts, a high proportion of their new cases are allocated to offender managers who do not have previous knowledge of the offender.

An effective and efficient interface between the Community Rehabilitation Companies and the National Probation Service is crucial in ensuring smooth allocation of cases, full transfer of information, and also to ensure proper breach and escalation. Developing and managing that interface has been a key task in the early months of the new arrangements.

COURTS, REPORTS AND ALLOCATION	INTERFACE	DELIVERY
National Probation Service	Community Rehabilitation Companies and National Probation Service	National Probation Service
Prepare reports for court Decide on case allocation	Identify first appointment Transfer of information to Community Rehabilitation Company Assign to offender manager	Focus on high risk of serious harm cases
		Community Rehabilitation Company
		Focus on low and medium risk of serious harm cases

Summary and Key Issues

National Probation Service work in court

The introduction of *Transforming Rehabilitation* has not resulted in significant changes to the way that probation services are delivered in court. However, new tasks associated with the allocation of cases are drawing staff away from preparing same day reports and that is leading to some delays in sentencing.

- **Reports:** The National Probation Service prepares and delivers reports to courts to provide information about offenders to help sentencers make their decisions. We found fewer reports completed on the day of sentence than had been the case last year. The reports we saw were of a good enough quality to support sentencing, and they proposed sentences that would allow appropriate work to be undertaken to reduce the likelihood of reoffending and to manage any risks presented by the offender.
- **Risk Assessment at the Report Stage:** Due to changes in practice over recent years, which pre-dated *Transforming Rehabilitation*, few reports were based on a full written assessment of risks of reoffending or of causing serious harm. This did not impact on the quality of reports to support sentencing, but it did mean that many cases reached the point where an allocation decision had to be made without this assessment being completed.
- **Diversity:** It is important that diversity factors are identified at the earliest possible opportunity otherwise the likelihood of having a positive impact on the offender's behaviour is reduced. We found that it was unusual for a full discussion about diversity issues to take place at any point in the court process, and often this was only undertaken in the first appointment with an offender manager. These factors were rarely recorded in a way that would enable any member of staff meeting the offender to know what reasonable adjustments were needed. Legislation requires that all public services are delivered in a way that is equally appropriate to people who have a range of protected characteristics, including race, gender and disability.

Initial Allocation of cases to Community Rehabilitation Companies or the National Probation Service

Allocation of a case to the right agency is a new process introduced by *Transforming Rehabilitation*. This requires the National Probation Service to decide (based on a set of national criteria) whether they will retain the case or whether it will be managed by the local Community Rehabilitation Company. Allocation is a different process to the actual assignment of the work. Assignment means linking an offender to a single offender manager who will arrange and coordinate all the interventions to be delivered during their sentence.

- **Allocation:** The processes by which allocation decisions were made were time consuming. The key document linked to this process, the Case Allocation System, did not support full and clear recording of all the factors relevant to the allocation decision. To ensure there is a swift and accurate decision about which agency a case will be allocated to, our view is that the new processes linked to allocation should be completed by the member of staff preparing any report for court.
- **Risk of Serious Recidivism:** This is a new calculation, based on factors including an offender's previous convictions, that identifies the likelihood that they will commit a serious sexual or violent offence. It does not appear to identify many additional cases needing to be managed by the National Probation Service that would not already be automatically allocated due to Multi-Agency Public Protection Arrangements or risk of serious harm status.
- **Timeliness:** The majority of cases were allocated to a Community Rehabilitation Company by the National Probation Service within one working day after sentence. A small number of cases should have been allocated to the National Probation Service rather than the Community Rehabilitation

Company. These were mostly cases that should have been subject to Multi-Agency Public Protection Arrangements, and this had been overlooked. These cases had to be reallocated from the Community Rehabilitation Company back to the National Probation Service with all the work and disruption that this involved.

- **Risk of Serious Harm Screenings:** These are checklists that identify factors that suggest that there may be a likelihood of an individual committing an offence that will cause serious harm. Staff were not clear about whether the new Risk of Serious Harm screening replaced the previous one or was additional to it.
- **Eligibility for Deportation:** There was nowhere in the new paperwork to record the deportation status of offenders, even though this is one of the factors that is relevant to allocation to the National Probation Service.
- **Risk of Serious Harm Analysis:** Where the Risk of Serious Harm screening indicates potential risk factors, a fuller written analysis of those risks should follow. We found that in many cases a full Risk of Serious Harm analysis had not been completed by the National Probation Service, or if it had been done, the Community Rehabilitation Company had not received it. Cases allocated to the Community Rehabilitation Company without these completed risk assessments meant that they could be assigned to the wrong grade of staff and subsequently need to be reassigned. Offender managers would not have been aware of all the risk factors; the management of the case would not have been as stringent as it should have been; and signs that the risk posed by offenders may be increasing, and action needed, could be missed.
- **Information to Community Rehabilitation Companies:** We were told by Community Rehabilitation Company staff that information from the National Probation Service was sometimes reaching them after the offender reported for their first appointment. We also interviewed two offenders who mentioned that staff who had seen them did not know anything about them, which was not a good start. Timeliness of information arriving at the offender manager's office had been an issue before the implementation of *Transforming Rehabilitation*. However, staff becoming familiar with the changes to IT that reflect the new organisational structures and processes have impacted on the speed of communication between the National Probation Service and Community Rehabilitation Company. We are, therefore, concerned to note the increase in frequency of this particular issue in the early months of implementation.
- **First Appointments:** The fragmentation of the contact with offenders going through the court process and the increasing use of group induction, meant that many offenders had contact with numerous probation staff before meeting the offender manager who would be working with them. This meant that there were delays in starting to form the crucial working relationship with their supervisor. The impact of that fragmentation had the potential to reduce the likelihood of effective work being undertaken.

IT issues

The introduction of *Transforming Rehabilitation* has exacerbated previous IT problems. While some of the initial difficulties have been resolved, many of the new tasks required by *Transforming Rehabilitation* are more complex and take longer than previously. The pressure of this falls most heavily on National Probation Service staff, both administrators and those preparing reports for the courts. At the time of writing this report, we were not aware of any permanent additional resource having been identified to meet the new requirements. Unless this issue is addressed this will remain a problem for the National Probation Service.

- ***Transforming Rehabilitation* and IT:** Two key IT systems are used by probation services staff to manage and record cases under supervision and to complete assessments and plans for offenders. Before *Transforming Rehabilitation* there were already significant concerns about the functioning of these systems, including; slow running, an unreliable search facility, the need to use numerous keystrokes for tasks that had been simpler on old systems, and lack of national guidance on the use of warning 'flags'. Many new processes that were introduced by *Transforming Rehabilitation* needed

to be recorded on IT systems. Some of these new tasks were not integrated with existing systems, so staff had to enter the same basic information about offenders that had already been inputted elsewhere. They then had to remember to export documents to another application so that the work was recorded. Where attempts had been made to integrate documents with electronic case records, we saw that operational staff could only access these templates once administrative staff had set the cases up, so in practice the documents were being completed on paper and uploaded later, losing the benefits of integration.

- **Inefficiencies:** We saw time wasted where staff could not always access computer terminals when their jobs required it. Most significantly, there was no facility for staff working in courts to use laptops to access probation information systems remotely, so they relied heavily on paper systems that then had to be uploaded to the computer system later. An example of the consequence of this was that the key first appointments given to offenders when they were sentenced were rarely recorded on the case management system. While there have been some improvements to systems in recent months, it is clear that many of the new processes associated with the implementation of *Transforming Rehabilitation* still take longer and are more complex than previous arrangements. That was particularly the case in relation to court work. The IT systems were barriers to staff using their time most effectively, and hindered access to clear and accurate information about offenders.
- **Electronic Records:** A recent probation instruction made it clear that the National Probation Service should supply a package of information electronically via the case management system to the Community Rehabilitation Company after the offender's court appearance. We agree this is the best approach, but this was not being done consistently or in a timely way in the areas we inspected. Not all staff understood the system had the ability to upload and store a range of documents electronically, and in some places there was no access to a scanner to enable this to be done.
- **Change Process:** From November 2013 there had been communication about forthcoming IT changes, including national briefing events and teleconferences in early 2014, however, the perception amongst staff we interviewed was that many of these changes were introduced at short notice and with little opportunity for formal training. Instructions were sent out by email, but not all staff understood them, and tight timescales for implementation often added to the challenge. In the early months following *Transforming Rehabilitation* there were a number of 'workarounds' as solutions to the IT problems that had arisen nationally and locally. Some of the workarounds were cumbersome and were not fully understood or, therefore, used by staff.
- **Links between IT systems:** We found most operational staff and managers were completely unaware that the two existing systems could be linked so that each system updated the other whenever a new assessment was completed. This led to inspectors frequently seeing information recorded inconsistently between the two systems.
- **Warning Flags:** The case management system allows flags to be placed against an offender's name to indicate particular areas of concern. This allows any staff member to know immediately, for example; what level of risk was posed by an offender, whether the case was managed by Multi-Agency Public Protection Arrangements, or whether there were risks to staff or children. We found these flags were often either not used, or carried out of date or misleading information. While this issue does not appear to be any worse under *Transforming Rehabilitation* than previously, it means that key facts about a case are not immediately available, and they would be an important safeguard at the point cases are allocated to a Community Rehabilitation Company. It is important to note the significant communication and information sharing challenge that now exists for probation providers as a consequence of there being two organisations rather than one. As with many of the issues we highlight in this report, it is often the case that already existing problems take on new significance. This is one example of that challenge.

Staffing and resources

There has been a huge amount of change for probation staff as the transition from Probation Trusts to the National Probation Service and Community Rehabilitation Companies has been rolled out. We found staff working very hard to implement the required changes. The speed of the transition had left them feeling that they had not been sufficiently informed about new working processes and many did not understand the rationale for them.

- **Staff Grades:** Probation officers are professionally qualified staff and probation services officers have a lower level of qualification and take on less complex work. Not all areas had the ideal balance of probation officers and probation services officers to cover courts and prepare reports or used these resources efficiently. This led to some probation officers preparing reports for which they were over-qualified. This is not an efficient way to use limited resources.
- **Transforming Rehabilitation and Resources:** We found National Probation Service teams struggling to complete all the new tasks required by *Transforming Rehabilitation* with their existing staff allocation. We were not sure whether all local circumstances, as well as the time that new tasks took, had been taken into account when decisions were made about how many staff would be required in the National Probation Service. Most areas had kept staff numbers in court teams static, but new processes meant that more resources were needed in courts. Tasks which would previously have been completed in the first few weeks of an order now have to be completed by the National Probation Service at the point of cases being allocated to Community Rehabilitation Companies. The time consuming nature of the tasks was reducing the availability of court duty staff to deliver same day reports, so more cases were being adjourned than had been the case previously. We understand that some additional resources had been allocated to the National Probation Service over the summer months to address the shortfall of staff in courts. This had been used to arrange sessional staff to write adjourned reports, and did not provide permanent additional cover in court teams. Most of the new processes which had been introduced as part of the implementation of *Transforming Rehabilitation* were starting to become embedded, but this has taken staff time away from court and report work.
- **Probation Services Officer tasks in the National Probation Service:** A number of probation services officers were assigned to the National Probation Service. Apart from those working in court, we did not understand the reasons why probation services officers were placed in the National Probation Service. Several senior probation officers were not clear what appropriate tasks could be allocated to them.
- **Impact of Transforming Rehabilitation on Senior Probation Officers:** Since the implementation of *Transforming Rehabilitation*, National Probation Service middle managers were spending a significant amount of time managing HR processes, for example recruitment, via the Ministry of Justice 'shared services' system. Previously, most of these tasks would have been completed by specialist staff in local HR units in probation trusts. Overall, we are concerned this may be having an impact on management oversight of practice. We found little evidence of management oversight in either Community Rehabilitation Company or National Probation Service cases where we had assessed it was needed, which was a concern. This may be a transitional issue which may ease as the shared service system embeds and managers become accustomed to the new arrangements. However, given the importance of management oversight, we are concerned that appropriate attention is given to this issue right now, whilst that changeover takes place.
- **Morale:** We were told that staff morale had been affected negatively by the implementation of *Transforming Rehabilitation*, but we found a mixed picture in both the National Probation Service and Community Rehabilitation Company offices we inspected. In two out of the five Community Rehabilitation Companies, we were told by staff that morale was low. We think this could be partly attributed to the loss of tasks and responsibilities of probation officers in Community Rehabilitation Companies, for example, they were not able to prepare court reports on offenders they were supervising or their breach reports were now quality assured by National Probation Service staff. There was a fear amongst some staff that in the future a lack of time would stifle creativity. In contrast, other

Community Rehabilitation Company staff were positive about the opportunity to be more creative. Probation services officers in Community Rehabilitation Companies were not clear about career options which may have an impact on the retention of staff.

- **Managing the interface between the National Probation Service and Community Rehabilitation Companies:** The majority of Community Rehabilitation Company and National Probation Service middle managers were doing their best to address interface issues between the two organisations. Initially most of these issues related to allocation of cases and transfer of information. We think that regular formal meetings helped address problems with processes or communication. There are two further areas of work that will need ongoing discussions between Community Rehabilitation Companies and the National Probation Service. The National Probation Service has to arrange the enforcement and prosecution of all Community Rehabilitation Company cases who fail to comply with their orders, and Community Rehabilitation Companies have to refer cases back to the National Probation Service where it is believed that the level of risk of serious harm has escalated significantly. We did not have enough information to comment on the process of risk escalation as this had not occurred that often in the offices we inspected. Both enforcement and escalation will be a focus of our future inspections.

Recommendations

Court Work, Assessment and Allocation

Key recommendations

1. National Probation Service court duty officers should, where possible, ensure that written first appointments are arranged before court, handed to the offender after sentence and clearly recorded on nDelius. (para 1.31)
2. The Ministry of Justice/National Offender Management Service should provide laptops for use in court allowing access to nDelius and Offender Assessment System information, and also allowing court duty staff to continue with work while waiting for cases to be dealt with. (para 1.10, 1.7)
3. National Probation Service senior managers should consider the possible benefits of co-location with courts to allow administrative staff to be co-located with court duty officers in the court building. Where that is not feasible, they should ensure that there are arrangements for swift transfer of information during the working day to enable both court administrator and offender manager tasks to be completed on nDelius. (para 1.8)

Other recommendations

4. All National Probation Service staff should wear visible identity badges when working in court. (para 1.4)
5. National Probation Service managers to ensure that basic checking of court lists is done by staff of the appropriate grade. (para 1.6)
6. All National Probation Service court duty staff should make contact with current offender managers and should be enabled to do this prior to the day of court. (para 1.6)
7. All National Probation Service court duty staff should research court lists and start each court day with a discussion with the legal advisor about appropriate report types. (para 1.15)
8. National Probation Service deputy directors should ensure they have probation officers available to deliver oral reports in cases such as lower seriousness domestic abuse or more complex existing cases. (para 1.2, 1.21, 1.22, 1.23)
9. National Probation Service deputy directors should ensure all probation services officers in court and local office teams are trained to deliver written short format reports in appropriate cases. (para 1.21, 1.23)
10. National Probation Service court duty staff should seek full information about all diversity needs (including race and ethnicity, language, disability, caring, health, and transport) from offenders at their first contact, and should record and upload this onto nDelius. (para 1.17)
11. National Probation Service senior managers should introduce local quality assurance arrangements to ensure that all reports contain an analysis of why the offence had been committed; fully explain the likelihood of reoffending and risk of serious harm presented by the offenders and the reasons behind these judgements; and set out how barriers to compliance are to be dealt with, such as fitting appointments in with working patterns or motivational work. (para 1.24, 1.26)
12. National Probation Service senior managers should ensure that arrangements are in place for a probation officer or manager to be available for probation services officers on court duty for advice and guidance. (para 1.3)

13. National Probation Service senior managers should ensure middle managers for courts have access to data about the type of reports submitted to court, and timeliness. (para 1.21)
14. National Probation Service managers should ensure that Offender Assessment System Risk of Serious Harm screenings are completed routinely at the report stage before assignment of the case. (para 1.27)
15. National Probation Service managers should ensure that notes of oral reports are passed to offender managers allocated the case so that this information can help them initially manage the offender. (para 1.29)
16. National Probation Service court staff should ensure that written reports are given to prosecutors and defence representatives and, where feasible, probation staff explain the contents of the report to the offender. (para 1.30)

Interface between the National Probation Service and Community Rehabilitation Companies

Key recommendations

17. The National Offender Management Service should ensure that a re-evaluation of the resources available to the National Probation Service to complete the new workload requirements should be urgently undertaken, particularly in relation to work in courts. (para 1.3, 1.5 1.9, 1.21, 2.11)
18. National Probation Service and Community Rehabilitation Company managers should ensure that systems are put in place so that all offenders made subject to orders in a court on a specific day are given appointments to report to the allocated agency and appointments are confirmed with that agency, and recorded on nDelius. (para 2.22, 2.26)
19. National Probation Service managers should ensure that, after sentence, information about the offender arrives at the Community Rehabilitation Company before the offender reports for their first appointment. (para 2.24)
20. The National Offender Management Service should evaluate the value and purpose of completing the Risk of Serious Recidivism in all cases prior to allocation. (para 2.6, 2.7)
21. The National Offender Management Service should set out a clear process about actions the Community Rehabilitation Company and National Probation Service should take if a case is either allocated incorrectly or is allocated without all essential information in place. (para 2.30)
22. All staff in the National Probation Service and Community Rehabilitation Companies should adopt the practice of recording on nDelius any requests for information made to children's services and/or police domestic abuse units; and also record when information is received or chased up. (para 2.38)
23. The National Offender Management Service should ensure that a single Risk of Serious Harm screening is developed to ensure that all the factors from the Case Allocation System and Offender Assessment System screenings are incorporated, and to give a clear indication of whether a full analysis of Risk of Serious Harm analysis is needed. This should be in a form that minimises the need for data to be input manually and repeatedly, and should be easy to access for the National Probation Service, Community Rehabilitation Companies and prisons. (para 2.16)
24. National Probation Service deputy directors should review resources available in the National Probation Service to identify how a full Offender Assessment System Risk of Serious Harm analysis will be completed in all cases where it is required, before cases are allocated to the Community Rehabilitation Company. (para 2.18, 2.19)

25. The National Offender Management Service should produce a list of national definitions for nDelius flags and all staff in the National Probation Service and Community Rehabilitation Companies should ensure that their cases are updated in line with that list. (para 2.10, 2.33)

Other recommendations

26. National Probation Service and Community Rehabilitation Company senior managers should ensure that consistent links with children's services/Multi-Agency Safeguarding Hubs are established to contribute to the improvement of child protection checks. (para 2.34, 2.36)
27. All National Probation Service and Community Rehabilitation Company staff should ensure that the risk of serious harm flags on nDelius are only used when backed up by either a Risk of Serious Harm screening (if it raises no issues, this can justify a low risk assessment) or a full Offender Assessment System risk assessment for medium, high, and very high risk of serious harm cases. (para 2.33)
28. National Probation Service managers should review working arrangements in court teams to ensure that all Case Allocation System forms can be completed electronically directly on nDelius. (para 2.11)
29. National Probation Service managers should ensure that administrative staff in court teams upload all documents onto nDelius and do not leave them on paper in files. (para 2.27)
30. The National Offender Management Service should consider redesigning the way that the contact log is accessed on nDelius to allow easier access to entries that refer specifically to contact with the offender and appointments kept or failed. (para 2.31)
31. National Probation Service senior managers should ensure that offender managers provide background information to court staff when one of their offenders appears in court. (para 2.3)
32. The National Offender Management Service should amend the Case Allocation System form to include the deportation status of the offender. (para 2.9)
33. National Probation Service senior managers should ensure that systems are in place to identify offenders eligible for Multi-Agency Public Protection Arrangements at the report writing stage and point of sentence. (para 2.12)
34. National Probation Service and Community Rehabilitation Company managers should ensure that when offenders are sentenced to a custodial sentence of 12 months, or more, the receiving prison is informed about which agency will be managing the case. (para 2.15)
35. National Probation Service senior managers should ensure that on allocation to Community Rehabilitation Companies, all information is provided about cases as listed in the relevant probation instruction. (para 2.28)
36. Community Rehabilitation Company and National Probation Service offender managers should ensure that checks with police domestic abuse units and children's services are completed as soon as possible, preferably at the report stage. (para 2.37)
37. National Probation Service senior managers should, where appropriate, make arrangements for responses from police domestic abuse units and children's services to be received on the day, in cases where an oral report is prepared. (para 1.25, 2.35)
38. Community Rehabilitation Company and National Probation Service middle managers should meet formally to discuss interface issues. (para 2.42)

Community Rehabilitation Company Start of Order

Key recommendations

39. All offender managers in Community Rehabilitation Companies should complete a plan containing an assessment of offender risk and need within ten working days of their first appointment, unless a valid reason is recorded for any delay. (para 3.12, 3.14, 3.15)
40. Purposeful home visits should be completed by all Community Rehabilitation Company offender managers in cases where there are concerns about domestic abuse and/or safeguarding children. (para 3.23)
41. All Community Rehabilitation Companies should develop a comprehensive diversity assessment to be used at the first appointment after the start of order or licence. (para 3.24)
42. Community Rehabilitation Company managers should ensure that offenders meet their offender manager at either the first or second appointment and assigning cases to staff that are on leave should be avoided. (para 3.7, 3.10)

Other recommendations

43. All Community Rehabilitation Company offender managers should engage offenders in the sentence planning process. (para 3.17)
44. All Community Rehabilitation Company offender managers should ensure that risk management plans contain specific, rather than general, actions and should include details of any restraining order. (para 3.19)
45. Community Rehabilitation Company chief executives should clarify what type of case is appropriate for probation services officers to manage. (para 3.30)
46. Community Rehabilitation Company managers should ensure that assignment decisions take place within five working days and are clearly recorded on nDelius. (para 3.3)
47. Community Rehabilitation Company offender managers, where possible, should verify any reasons given by offenders for not attending appointments. (para 3.25)
48. Community Rehabilitation Company offender managers should take previous non-compliance into account when considering enforcement action. (para 3.25)
49. Where it is not practicable to arrange one-to-one inductions, Community Rehabilitation Company managers should put arrangements in place to address diversity factors appropriately, and other sensitive and personal issues relating to individual offenders when group inductions take place. (para 3.9)
50. Community Rehabilitation Company offender managers should ensure that initial discussions about the offence and any interventions take place within four weeks of the sentence or release on licence. (para 3.21)
51. Community Rehabilitation Company chief executives should ensure full implementation of workload monitoring. (para 3.29)
52. Community Rehabilitation Company managers should monitor the completion of the start of order assessment and take action if it is late. (3.13)
53. Community Rehabilitation Company offender managers should re-engage with, and encourage, offenders to renew their commitment to their order after they have been taken back to court for breaching the order. (para 3.26)

National Probation Service Start of Order

Key recommendations

54. National Probation Service managers should ensure that all offenders have an appointment with their assigned offender manager within five working days of sentence. (para 4.2)
55. National Probation Service managers should ensure that purposeful home visits are taking place, where appropriate, when the offender is classified high risk of serious harm, where there is a history of sexual offences or domestic abuse, or where there are child protection concerns. (para 4.8)
56. National Probation Service offender managers should ensure that the start of order Offender Assessment System is completed to comply with the National Standard for high and very high risk of serious harm cases, and in other cases within four weeks of the start of order. (para 4.3)
57. The National Probation Service should undertake a full review of the numbers and proportion of probation officers, probation services officers and administrative staff it employs so that all tasks can be completed efficiently. (para 4.16)
58. The National Offender Management Service should review the roles and responsibilities of probation services officers and the training required to support them in their work and professional development. (para 4.16)

Other recommendations

59. National Probation Service offender managers should take into account all available information when completing a full Risk of Serious Harm analysis. (para 4.4)
60. National Probation Service offender managers should ensure risk management plans contain relevant contingency plans and address risks to specific victims. (para 4.4)
61. National Probation Service deputy directors should ensure that managers provide effective management oversight of cases. (para 4.12, 4.14)
62. National Probation Service deputy directors should investigate whether there is any negative psychological impact on National Probation Service staff managing high risk of serious harm and Multi-Agency Public Protection Arrangements cases, take appropriate action, and put in place relevant support mechanisms. (para 4.19)
63. The National Probation Service should explore the feasibility of using nDelius to submit information for inputting onto the Violent and Sexual Offenders Register. (para 4.11)
64. The National Offender Management Service should ensure full implementation of workload monitoring. (para 4.15)
65. National Probation Service offender managers should investigate why offenders fail to attend appointments and record their findings. (para 4.6)
66. National Probation Service offender managers should prioritise victim safety and take into account the views of victims when preparing assessments and plans. (para 4.9)
67. The National Offender Management Service should ensure that effective methods are used to share information and deliver training to staff. (para 4.17)

Methodology

Case Allocation Inspection

In the period 23 April 2014 – 7 May 2014, two inspection staff undertook a review of the progress made in deciding which cases would be allocated to the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs), once they were set up, and completing the transfers of the cases to the offender managers who would have ongoing contact with the offenders. We reviewed individual cases and met with a range of staff to review their experience of the change process taking place at that time. We considered a total of 57 cases, in four Probation Trusts chosen at random (South Yorkshire, Cheshire, Dorset and West Mercia). We also selected a random sample of cases to inspect in the areas we visited.

Court Work, Assessment and Allocation

Two inspection staff spent time observing NPS staff performing their roles in five magistrates' courts; Lincoln, Birmingham, Carlisle, Oxford and Cambridge. We saw how pre-court preparation was done; we sat in on interviews for oral reports, we saw staff deal with adjournments for reports and newly sentenced offenders, and we observed the prosecution of breaches in court. In this part of the inspection we looked at 67 cases which had been sentenced to community orders or custody in the previous month. Of these, 48 cases had been allocated to CRCs and 17 to the NPS. We did not have data to determine which agency two cases had been allocated to. We looked at the type and quality of any reports provided to court, and at the timing and accuracy of the tasks leading to the allocation of the case to the NPS or CRC. We held meetings with groups of NPS court administrative staff, court duty officers and senior probation officers (SPOs), and we spent time looking at the IT processes that underpin all of this work. We looked at information sent in advance which included data on reports prepared in the previous year, and guidance issued to staff about court work and reports.

Start of Order

A team of four inspection staff were on site for three days in each location. We inspected a sample of community order and suspended sentence order cases from the CRC and NPS in five offices: Lincoln (NPS North East; Humberside, Lincolnshire & North Yorkshire CRC); Birmingham (NPS Midlands; Staffordshire & West Midlands CRC); Carlisle (NPS North West; Cumbria & Lancashire CRC); Oxford (NPS South West; Thames Valley CRC) and Cambridge (NPS South East & Eastern; Bedfordshire, Northamptonshire, Cambridgeshire & Hertfordshire CRC). We inspected the work completed in the first four weeks from the date of sentence. In total we inspected 171 cases, 144 CRC and 27 NPS. We asked for information in advance covering the structure of the organisations and any operational guidance that was in use. We interviewed groups of offender managers and middle managers from CRCs and NPS. We interviewed 25 offenders individually, mainly by phone, two were supervised by the NPS and the rest by CRCs.

Court Work, Assessment and Allocation

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Court Work, Assessment and Allocation

The NPS prepares reports to assist magistrates and judges in deciding on the most appropriate sentences for individual offenders. Some of these reports are prepared on the day and others are adjourned for fuller assessments. NPS staff interview offenders once they have been sentenced to ensure that they understand what is expected of them and to make sure they have been given a clear first appointment to start their supervision. Staff on duty in court also prosecute breaches of offenders who have not complied with their orders, and provide updates on offenders under supervision who have reoffended. By the day following sentence, NPS staff should have made a final decision about whether a case will be allocated to the NPS or CRC.

Issues

Enablers

- NPS staff working in court are knowledgeable about the legal framework within which probation services are delivered.
- Court duty staff are skilled in presenting information to courts and make appropriate representations when required.
- Reports provide sufficient information to courts to support sentencing, and make appropriate proposals.
- Almost all allocation decisions were accurate, and were made swiftly following sentence.
- Breaches are prosecuted effectively in court.

Barriers

- The profile of NPS staff available to cover court duty and prepare reports does not always lend itself to efficient use of resources.
- In some areas lack of availability of staff in the NPS to complete reports was causing delays in sentencing.
- Lack of access to training for NPS staff reduced the flexible deployment of probation services officers (PSOs).
- The search facility on nDelius is not reliable and slows down access to information on offenders.
- Little use was being made of electronic systems to hold and share information about offenders and key information flags were often inaccurate.
- Engagement with offenders in court did not allow for full exploration of diversity issues that could impact on the individual's ability to comply with report preparation or supervision on their court order.
- Reports could be improved by using the full range of available requirements, such as curfews and exclusions, to manage risk of serious harm and likelihood of reoffending.

Explanation of findings

Work in courts

- 1.1. The primary role of probation staff in magistrates' courts is to facilitate assessments of offenders, to identify their suitability for community sentences, and to provide information to support magistrates in making their sentencing decisions. This role is now restricted to staff in the NPS. It is important

that staff undertaking court duty have full and up to date information about any offenders appearing in court who are currently under the supervision of a CRC or the NPS. In the court setting, NPS staff need to build positive working relationships with a range of other professionals so as to be able to contribute to the business of the day. They need to ensure that in cases where community sentences or custody may be under consideration, they either prepare reports themselves or arrange for them to be prepared by others.

- 1.2. We observed NPS staff working in magistrates' courts in Lincoln, Birmingham, Carlisle, Oxford and Cambridge. The courts ranged from a very busy city court to smaller courts covering mixed urban and rural areas. The impact of implementing *Transforming Rehabilitation* on the grades of staff available to cover courts had been variable. In most areas a mix of probation officer (PO) and PSO staff was available to cover different roles both in court and behind the scenes. Not all areas had access to a probation officer to undertake oral reports in cases that needed that level of professional knowledge. We found that court staff had the knowledge of legal processes required for their role and the skills to use that knowledge effectively. **(Recommendation 8)**
- 1.3. Most of the staff doing daily court duty were PSO grades, which is appropriate. It is important though that they have easy access to either a PO or a manager to assist them to deal with cases that are beyond their level of training, such as cases involving domestic abuse or child safeguarding issues. While in principle this need was recognised, some court duty officers said that it was hard in practice to access advice or support at short notice. In the smaller courts, we observed one or two staff covering up to four or five court rooms. They had to work very flexibly to ensure that all necessary work was done, and on occasions we saw them interrupted by the demands of other courts. In the larger settings there was a high degree of fragmentation of the work; so that one duty officer might be in court to deal with a request for an oral report; a second might prepare that report and write up notes; a third might deliver the report to court and a fourth might be the one to explain the requirements of a new order to the offender. While it is understandable that staff time needs to be used efficiently, the impact is that not all information is passed on, or the offender needs to explain their situation repeatedly to different staff. This increase in fragmentation was at least in part due to the implementation of *Transforming Rehabilitation* and the need to use fixed staff more flexibly to enable new tasks associated with allocation to be completed; it may use staff time more efficiently but at the cost of some quality and poorer communication and engagement with offenders. **(Recommendations 12 and 17)**
- 1.4. In general we saw strong working relationships between probation staff and other professionals in the court setting. We did see occasions where probation staff were not alerted to cases they needed to be involved in, such as when business was moved from one court room to another. We saw few NPS staff wearing their identity badges in the court setting, so it would not have been easy for offenders and others not familiar with the court to identify them. **(Recommendation 4)**
- 1.5. We were told in most areas that the overall numbers of staff covering court duty had remained relatively stable during the implementation of *Transforming Rehabilitation*. However, this masked the fact that many of the new processes took longer than the old ones, so that the workloads of staff were higher. For example, a court duty officer preparing an oral report is now expected to complete the Risk of Serious Recidivism (RSR) and Case Allocation System (CAS) tools, which are new tasks and take additional time to research and fully complete. We were told that this used time that would previously have been available to produce oral reports. While there has been some speeding up of new processes as they have become embedded, they still require additional resources which were not allocated to court teams as the NPS was launched. The result was increasing pressure on NPS court administrative staff and staff preparing reports. **(Recommendation 17)**
- 1.6. All information about the cases currently held by the CRC or NPS is held on nDelius. A consequence of the split into two agencies is that searching for individual offenders is more complex and time consuming. There is a known problem, which pre-dates implementation of *Transforming Rehabilitation*, with the search function which means some searches have to be done several

times to access information. In most teams, the task of checking nDelius before sittings was shared between administrative staff and court duty staff. We did not think it was the best use of resources for court duty staff to complete the whole task of routine checking, but we agreed it was good practice for the court duty staff to contact offender managers to inform them about the new court appearance and to request updated information about compliance in cases that were current to either agency. We thought arrangements to share this work between administrative and PSO staff could be managed better, but often a lack of availability of staff of a particular grade made this difficult. **(Recommendations 5 and 6)**

Practice example

A court duty officer recognised that a person appearing in court was subject to a Drugs Rehabilitation Requirement and spoke to the treatment provider before court. This meant that when the court asked for an assessment for unpaid work, he was able to inform them about complex health needs that made him unsuitable, and a curfew was imposed instead.

- 1.7. Staff reported it was often difficult to deal with specific queries from court during the court day, sometimes because of limited access to computer terminals in the court buildings, sometimes because of the poor quality of nDelius records in some cases, or the difficulty in locating staff with up to date knowledge of the offender. We observed situations where staff had to break off from writing reports or completing other documents to allow their colleagues to access a computer terminal to investigate a question from court. We are aware of the roll-out of the Digital Courts Programme which may improve matters in the future. However, the pressure of the new processes required by *Transforming Rehabilitation* has made the issue of access to IT more critical to resolve. **(Recommendation 2)**
- 1.8. One impact of implementing *Transforming Rehabilitation* had been that many cases had been reallocated over the summer months, and this meant the new offender managers had not had time to build up personal knowledge of the cases they were working with. This is a transitional issue which we anticipate will have less impact in the future as caseloads stabilise. In most courts there was sufficient access to private interview rooms to have confidential discussions with offenders. The facilities available to court duty staff varied greatly. In some courts we saw co-located teams of NPS court duty and administrative staff, which supported smooth joint working. When administrative staff were based in a different location we saw delays and duplication in tasks when paper information had to be written up in court and then taken elsewhere to be processed. This is a further example of an issue that pre-dates the implementation of *Transforming Rehabilitation*, but where the volume of new work created by *Transforming Rehabilitation* has increased the impact. **(Recommendation 3)**
- 1.9. We heard from NPS court administrative staff that the volume of tasks they now had to complete to ensure that reports and cases were properly recorded on nDelius had increased significantly since the implementation of *Transforming Rehabilitation*, and we observed that first hand. Processes for informing staff in CRCs and the NPS about new orders that had been made varied in different places. Often the CRC received different pieces of information at different times; first the offender's name would be added to an induction slot on a diary sheet, then an email would confirm the nature of the sentence, then a set of formal referrals would be made on nDelius, and finally a paper file would be passed to the CRC. **(Recommendation 17)**
- 1.10. Most staff recognised that there were periods during the court day where they were not involved and were waiting for cases to be called, and said it was hard to use this time effectively. They believed, and we witnessed this, that if they went back to their office they may not be called back for cases they needed to be involved in. There is a difficult balance between efficiency and ensuring easy availability of probation staff to courts. The risk is that if staff are not visible in courts then sentences

will be made without consultation with probation. We noted that it is now common practice in most courts for professionals to use laptops and tablets, to carry information about current cases that are being dealt with and also to work on other cases in breaks in the court business. Many probation staff suggested that if they had Wi-Fi enabled laptops to use in court, that would enable them to use their time to better effect. They felt they would be able to research cases, and complete and write up information direct from the court room, and we agreed that would be more productive. We understand that the provision of Wi-Fi enabled laptops at court is part of the Digital Courts Programme which is being rolled out across the court estate. **(Recommendation 2)**

Breaches of Community Sentences

- 1.11. When offenders subject to community orders fail to comply with their sentences, the cases need to be taken back to court. The task of preparing and prosecuting breaches falls to the NPS for all cases, including those managed by the CRCs. We were told by staff that the process of setting up and ensuring the quality of breach packs on nDelius is highly complex, and much more time consuming than it had been before *Transforming Rehabilitation* arrangements. If it does take longer to get a breach case heard in court, it will also take longer for offenders, in breach of their orders, to be brought to justice.
- 1.12. We observed a number of breaches being prosecuted in court and this was done in a professional way. In all the cases we saw the allegation of breach was clearly presented and the offenders pleaded guilty. Well argued proposals were put about how the breach should be sentenced, and these were followed by the court.

Reports for court

- 1.13. Many of the processes associated with preparing reports for court have not changed since the introduction of *Transforming Rehabilitation*. However, some of the new processes have had an impact on the availability of staff time, and this is detailed below.
- 1.14. There are broadly three types of report that can be offered to the court, and this has not been changed by *Transforming Rehabilitation*:
 - Oral reports – generally used for straightforward cases where a community sentence is being considered and with no complex risk of serious harm issues. They can also be used when an offender currently under supervision reoffends, and that can be appropriate even in more complex cases. These are usually based on an interview on the day of sentence, although sometimes cases are adjourned for sentence on a different date. We saw this happen both when the court made the request late in the day, and also when there was no member of NPS staff available to interview the offender on the day.
 - Full written reports – for cases where there may be complex risk of serious harm issues, or where there are checks to be made with other agencies; these cases are adjourned for three weeks or more to enable full assessments to be completed.
 - Short written reports – for cases which fall between the two other types of reports. When introduced they were intended to be written on the same day or within five days. In practice there are very few five day adjournments, and frequently the decision to prepare a report as a short written report is not made until after the case has been adjourned. This could be because there has not been clarity on the day about what type of report is needed, or it could be because the court does not have any listing space to deal with it more quickly.
- 1.15. An important task for court duty staff is to identify the most appropriate type of report to use in each case. It is important to get this decision right, to make sure that NPS resources are used efficiently

and to make sure that more complex cases are identified and adjourned for a fuller assessment prior to sentence. In some teams an initial judgement was made about this by NPS staff before court, based on offence type and any historical information available. We found that in most courts this information triggered a productive conversation with the legal advisor in court, and sometimes with prosecution and defence solicitors as well. **(Recommendation 7)**

- 1.16. In all areas, we observed NPS staff putting their views about appropriateness of report types confidently and this advice was usually followed in court. Best practice would be for these discussions to take place before the start of the court sitting.

Practice example

In Birmingham, the court duty officer was able to provide a written list to the legal advisor at the start of the day to confirm which cases could be dealt with by same day oral reports. This also clarified the capacity of staff to complete those reports.

- 1.17. Where cases are adjourned for preparation of reports we expected to see court duty staff conduct a brief interview with the offender to explain the reasons for the adjournment and the process of preparing the report. This also gives an opportunity to gather initial information about a range of diversity factors for the report author. While the interviews we observed did explain the processes to the offender, they were often conducted in a very mechanistic fashion, and were not sufficiently sensitive to the individual's issues. This is important because, if not picked up at first contact, the report author may not be aware of factors such as; literacy levels, learning difficulties, religion, or caring responsibilities, transport difficulties; and the offender might then find it difficult to cooperate with the preparation of the report. Even where questions were asked about those factors, we did not see them recorded in a way that would be accessible to other staff meeting the offender at a later point. We hoped to see offenders given a clear written appointment for the interview before leaving court, but that was not always feasible due to difficulties contacting team offices and lack of availability of appointments. **(Recommendation 10)**

Practice example

In one case we observed, the court duty officer did not question why a young man had attended court with an older companion who spoke for him. She did not ask any questions that would have revealed that he had significant learning difficulties. Even when this became apparent she did not seek further information about the level and nature of these difficulties. She did not tailor the language she used to make sure that he had understood what was going to happen in connection with the report that had been ordered by the court.

- 1.18. It is important that any member of staff preparing a report to court has access to prosecution papers so that they understand the full detail of the offences that have been committed. We heard that Crown Prosecution Service documents were not always available electronically. Papers sometimes needed to be borrowed in court, which could delay the preparation of reports.
- 1.19. Where offenders have specific needs in relation to drug or alcohol misuse, we look for clear arrangements for specialist assessments to be completed. In most cases those arrangements worked well. We found that providers of alcohol treatment services often accepted probation staff assessments of suitability for alcohol treatment requirements. In three areas assessments for drug rehabilitation requirements could be completed on the day, allowing prompt referral into drug treatment where that was needed.
- 1.20. In just one area there was a psychiatric nurse linked to the court and this gave a clear pathway to identify and assess the mental health needs of offenders. This was identified as a gap in provision in the other areas.
- 1.21. In 14% of cases no report had been provided to the court. When a report had been prepared, 37% of offenders had been sentenced on the basis of full written reports, 42% with short written reports,

and 21% oral reports. We thought that the report type chosen was almost always appropriate, although some of the 'short' written reports were longer than the circumstances of the case seemed to require. We looked at the length of adjournment in each case. Overall there seemed to be a smaller proportion of reports prepared on the day of sentence than in the previous year. The length of adjournment did not always correlate with the type of report eventually produced. Sometimes longer adjournments were made for cases where it was later decided that a report could be provided in a short written format. In many cases we thought this could have been identified in court. However, in court we did see examples where the NPS offered to produce a report in five days, but courts did not have space to list the case for sentence within that timescale. We heard that lack of availability of staff to prepare same day reports was often a problem. In some areas this was due to insufficient staff being assigned to the NPS to cover court work, and in other places we were told that the new assessment processes reduced the time available for staff to prepare oral reports. In all areas we were told that it was much harder since *Transforming Rehabilitation* for NPS managers to access up to date information about report types and timeliness, so they felt less informed about current performance. **(Recommendations 8, 9, 13 and 17)**

- 1.22. Staff received a range of guidance as to what type of report was suitable for what type of case. In general we agreed with the decisions made. One area insisted that all reports in cases of domestic abuse should be full written reports; we did not agree. We saw examples where oral reports were delivered appropriately by POs in the least serious domestic abuse cases, such as those where information available from the Crown Prosecution Service in court confirms there is no history of domestic abuse behaviour, and where there were no children involved. We would recommend that all areas implement this. **(Recommendation 8)**
- 1.23. We saw various arrangements for who would prepare reports. We found POs (or staff formally training to become POs) completed all of the full written reports, which is what we would expect. In most areas, PSOs prepared oral and some short format reports in cases which were relatively straightforward, and POs also prepared some oral and short format reports in more complex cases such as those with domestic abuse, child safeguarding or mental health elements. In the one area we inspected where PSOs were not allowed to prepare short format reports, this work went to POs even in straightforward cases. We were told that no training was currently available to develop PSOs' capability to write reports. The restriction of preparing reports for court to NPS staff since *Transforming Rehabilitation* meant that there were fewer staff available for this task, which sometimes led to inefficient use of resources. **(Recommendations 8 and 9)**
- 1.24. Most of the reports we looked at were based on sufficient information to assist the court to decide on the most appropriate type of sentence. They made appropriate reference to previous offending, but did not always give a clear explanation of why the current offence had been committed. **(Recommendation 11)**
- 1.25. It is good practice for anyone preparing a report to court to check whether police domestic abuse units and children's services had any involvement with the offender or their family, where appropriate. This is important even in cases where the current offence is not related to these issues, as the information can influence the level of assessed risk. Only two areas said they could access this information on the day of court if needed, so other areas were not able to seek this information before sentence when oral reports were prepared. Issues around access to this information are not related to the *Transforming Rehabilitation* reforms. **(Recommendation 37)**
- 1.26. Reports could have been improved by fully explaining the likelihood of reoffending and risk of serious harm presented by the offenders, and the reasons behind these judgements. It would also assist sentencers and future offender managers if the reports explained how barriers to compliance were to be dealt with, such as fitting appointments in with working patterns, or motivational work that would be done with the offender to improve on previous poor compliance. In one case a report had proposed unpaid work for a single parent of seven without considering childcare arrangements. We did not see any evidence of internal gatekeeping to assure the quality of reports before they were presented to court. **(Recommendation 11)**

- 1.27. The only cases we saw where the Offender Assessment System (OASys) was completed as part of the report preparation process were where full written reports had been prepared. OASys Risk of Serious Harm (RoSH) screenings were not routinely completed, so it was not immediately apparent from the documentation which cases would need a full analysis of RoSH before allocation. **(Recommendation 14)**
- 1.28. Sentencing proposals made in reports were clearly expressed and well argued and, on the whole, were appropriate both to the seriousness of the offence and the individual circumstances of the offender. Staff preparing reports did not often make reference to sentencing guidelines, but we thought they were aware of eligibility for most interventions such as accredited programmes, and appeared to follow this. We did not always see proposals including a punitive element, which is now a required element of all community sentences. In one area we were told that the local court did not require this. We saw some examples of curfews and unpaid work being proposed without sufficient checks on the suitability of the offender. CRC staff commented that not all proposals were appropriate, in particular for unpaid work, and we agreed with that. Better use could have been made of restrictive requirements, for example, to prevent the offender from contacting a victim or using a curfew to restrict their movements at certain times of the day.
- 1.29. We observed several interviews in connection with preparation of oral reports. In most courts there was access to private interview rooms, but in one case the offender was seen in a shared court office where other court staff were working. Interviews covered the areas we would have expected, including drawing out the reasons why the offence had been committed, and exploring problematic issues that might be linked to a risk of future offending. When these reports were delivered in court by the officer who had interviewed the offender they conveyed the key information to the magistrates and made reasonable proposals based on the information given. We saw two occasions where the report was delivered to court by a different officer and the quality of presentation of the report in those cases was not so good. In most areas, written notes of oral reports using the nDelius template were very sketchy so provided little information to the allocated officer. Some areas had retained previous local templates which allowed them to record oral reports more fully, which provided more comprehensive information. Two comments from offenders were that they felt their interviews had been short, and that not everything they felt was relevant was presented to the court. **(Recommendation 15)**
- 1.30. Court duty staff made sure that copies of written reports were given to defence and prosecution representatives in court, as they are legally required to do. We did not see any examples where reports were given to individual offenders and explained to them. It is our view that NPS staff in court are best placed to do this, and are better able than solicitors to explain fully and clearly what would be expected of the offender in connection with any proposals made. Several offenders who were interviewed commented that they did not understand what proposals were being made to court and why. **(Recommendation 16)**
- 1.31. We observed that it was often difficult for court duty staff to obtain first appointments for offenders that were with the right grade of staff, in the right agency, and at a time and location that suited the offender. There was often little time in a busy court session to have a full and meaningful discussion with the offender once an order had been made. **(Recommendation 1)**
- 1.32. The following two case examples illustrate the difference between a productive and less productive initial interview:

We observed a case where a man was sentenced for harassment of a previous partner who had wanted to end their relationship. The offender was very distressed after sentence, and the court duty officer took the time to discuss this with him. It turned out that he had formed another relationship, but he had chosen not to tell the PO who wrote the report. The court duty officer explained the importance of adhering to the curfew and was able to identify and fully brief the PO in the CRC who would be taking the case, so that consideration could be given immediately to protecting a potential future victim.

On another occasion, we noticed a lost opportunity to enquire about a woman who had accompanied a perpetrator of domestic abuse to court. She could have been a new partner, but he was not asked about this. Any information that could have been obtained would have been useful to the officer supervising that case in the future, to manage any risks to the new partner.

Key recommendations

1. NPS court duty officers should, where possible, ensure that written first appointments are arranged before court, handed to the offender after sentence and clearly recorded on nDelius. (para 1.31)
2. MoJ/NOMS should provide laptops for use in court allowing access to nDelius and OASys information, and also allowing court duty staff to continue with work while waiting for cases to be dealt with. (para 1.10, 1.7)
3. NPS senior managers should consider the possible benefits of co-location with courts to allow administrative staff to be co-located with court duty officers in the court building. Where that is not feasible, they should ensure that there are arrangements for swift transfer of information during the working day to enable both court administrator and offender manager tasks to be completed on nDelius. (para 1.8)

Other recommendations

4. All NPS staff should wear visible identity badges when working in court. (para 1.4)
5. NPS managers to ensure that basic checking of court lists is done by staff of the appropriate grade. (para 1.6)
6. All NPS court duty staff should make contact with current offender managers and should be enabled to do this prior to the day of court. (para 1.6)
7. All NPS court duty staff should research court lists and start each court day with a discussion with the legal advisor about appropriate report types. (para 1.15)
8. NPS deputy directors should ensure they have POs available to deliver oral reports in cases such as lower seriousness domestic abuse or more complex existing cases. (para 1.2, 1.21, 1.22, 1.23)
9. NPS deputy directors should ensure all PSOs in court and local office teams are trained to deliver written short format reports in appropriate cases. (para 1.21, 1.23)
10. NPS court duty staff should seek full information about all diversity needs (including race and ethnicity, language, disability, caring, health, and transport) from offenders at their first contact, and should record and upload this onto nDelius. (para 1.17)

11. NPS senior managers should introduce local quality assurance arrangements to ensure that all reports contain an analysis of why the offence had been committed; fully explain the likelihood of reoffending and risk of serious harm presented by the offenders and the reasons behind these judgements; and set out how barriers to compliance are to be dealt with, such as fitting appointments in with working patterns or motivational work. (para 1.24, 1.26)
12. National Probation Service senior managers should ensure that arrangements are in place for a probation officer or manager to be available for probation services officers on court duty for advice and guidance. (para 1.3)
13. National Probation Service senior managers should ensure middle managers for courts have access to data about the type of reports submitted to court, and timeliness. (para 1.21)
14. National Probation Service managers should ensure that Offender Assessment System Risk of Serious Harm screenings are completed routinely at the report stage before assignment of the case. (para 1.27)
15. National Probation Service managers should ensure that notes of oral reports are passed to offender managers allocated the case so that this information can help them initially manage the offender. (para 1.29)
16. National Probation Service court staff should ensure that written reports are given to prosecutors and defence representatives and, where feasible, probation staff explain the contents of the report to the offender. (para 1.30)

Interface between NPS and CRC

2



2. Interface between NPS and CRC

An effective interface between the NPS and CRCs is crucial, and has been the focus of much attention since June 2014. Developing the right systems for communication and information sharing across organisational boundaries is critical to ensure both organisations can play their full role in reducing reoffending and managing risk of serious harm. We found that the key issues in the early months of the implementation of *Transforming Rehabilitation* were; ensuring that cases were allocated to the correct agency without delay by NPS staff; where cases were allocated to the CRC, that the NPS provided a full package of information, including where necessary RoSH assessment, so that they could manage orders appropriately.

Issues

Enablers

- Where formal links between CRC and NPS middle managers were in place, issues could be resolved effectively at the lowest level.
- Where there was effective communication between NPS report writers and the CRC offender managers supervising the offenders who were appearing in court, this had a positive impact on preparing reports and starting off supervision.

Barriers

- There was a lack of resources (staff time and access to computers) to complete the CAS electronically.
- There were limited resources (staff time and equipment) to upload documents on to nDelius.
- There was not enough time for NPS staff to complete both RoSH screenings and where appropriate a full analysis of RoSH within one day of allocation.
- There was not always a direct line or single point of contact at the CRC for NPS court duty staff to arrange first appointments.
- First appointments given at court were rarely recorded on nDelius.
- Very few cases had a full RoSH analysis completed when needed before being allocated to the appropriate agency.
- There was inconsistent and inaccurate use of nDelius flags.
- There was no record on nDelius of checks made to, or answers received from, police domestic abuse units and children's services.

Explanation of findings

Offenders already supervised by the CRC appearing in court

- 2.1. Just over one-quarter of the offenders appearing in court in our sample were already being supervised, mainly by the CRC. The interface between the CRC and NPS for this set of offenders starts at the point where they first appear in court; for other offenders the interface starts at the point reports are requested.
- 2.2. At the outset offender managers in the CRC need to be formally notified that one of their offenders is appearing in court for further offences. The best way we saw of doing this was dependent on efficient preparation by NPS staff. NPS court staff would refer to the court list for the following day and contact the CRC supervising officer by phone or email if a current case was appearing in court.

In addition to informing the CRC offender manager about their offender's court appearance, it would also be an opportunity to request further information for a potential report or proposal for sentence. Offender managers may also notice a new event on nDelius which would show that the offender had appeared in court. In one area, in an attempt to have some warning that supervised cases were in court, CRC staff received an arrest list from the police, which provided information about all the people that had been arrested in the previous 24 hours. This list gave an indication that an offender may be appearing in court.

- 2.3. All reports submitted to the court are prepared by NPS staff, therefore communication between NPS officers preparing the report and offender managers in the CRC who are supervising offenders, is essential. Good communication ensures that the court receives up to date information about the offender's compliance on their current order and whether there has been any progress or any other issues the court needs to be made aware of. A practice direction about Court Work and Enforcement issued by the North West Division of the NPS, which covered Carlisle, introduced an offender manager's Progress Report template. It was an example of how both the NPS and CRC offender managers could provide background information to court staff every time one of their offenders reoffended. One of the advantages of the template was that, if sent out to court staff electronically, it could be used as an oral report (combining information from the offender manager with the court based assessment by the report writer). We did not see this template in use in our case sample but it was a good idea. It ensured that the CRC offender manager submitted information about the offender and prompted a joint discussion about potential proposals for sentence.

(Recommendation 31)

- 2.4. All of the tasks associated with assignment were still required, even for cases where both the existing order and any new one were to be allocated to the CRC. The first appointment would usually have been organised before their court appearance in anticipation that a new order would be made, an existing order amended or, if the order had been breached, it was allowed to continue. We found that in the majority of areas court results were emailed to CRC offender managers.

Issues with allocation

- 2.5. Once a community order or custodial sentence has been imposed, NPS staff need to make a decision about whether the case should be allocated to the NPS or the CRC within 24 hours. There are three steps to this process, and they are recorded in the CAS document.

Step one - Calculating the RSR Score

- 2.6. The RSR is an actuarial score based both on historical information about the number and nature of offences committed, and more personalised information that can be added if the offender has been interviewed. This score is generated using a web-based tool accessed via the internet browser Firefox. As it is not generated from nDelius, the assessor has to re-enter data that will already have been recorded on nDelius or on OASys. This is an inefficient process. In one area, we were told that Firefox was not available and they were still using a draft version of the calculation on Excel. National Offender Management Service (NOMS) guidance is that the RSR score is calculated in every case, even where there is no information to suggest that the offender has shown any behaviour likely to predict a risk of future sexual or violent offending. We question the value of this. Once completed, the RSR calculation needs to be saved and then uploaded onto nDelius, and the score has to be manually entered onto nDelius as well. ***(Recommendation 20)***
- 2.7. We found that the RSR score had been calculated in over three-quarters of the cases we looked at (76%). If the RSR score is greater than 6.89% the case should be automatically allocated to the NPS. We saw a few cases where the RSR score was above this threshold, and in all of these,

other factors such as Multi-Agency Public Protection Arrangements (MAPPA) status, would have led to allocation to the NPS irrespective of the RSR score. We did not see any cases where a high RSR alone led to the allocation of the case to the NPS, and NPS staff told us anecdotally that this happened rarely. We would therefore question the usefulness of this tool being completed for all cases before they are allocated. **(Recommendation 20)**

Step two - Completing the RoSH screening (see 2.16)

- 2.8. The RSR score has to be manually transposed into the CAS form. The next stage is to complete a revised RoSH screening.

Step three

- 2.9. The final stage of the CAS identifies which agency the case should be allocated to from the RSR score, risk of serious harm level, MAPPA status, public interest, and whether sentence has been deferred. Another factor that would indicate a need to allocate the case to the NPS is deportation status, but this is not recorded on the CAS form. **(Recommendation 32)**
- 2.10. In most areas we found that where cases had been adjourned for reports, it was expected that the person preparing the report would also complete the RSR and the CAS form. However, this had not always been the case, and we saw numerous examples where this task had fallen to a court duty officer or manager when the report author had not completed it. The person completing the RSR and CAS may or may not have been the person interviewing the offender in connection with the report to court. They have to use multiple sources of information to gather all the necessary information to complete the CAS and make the allocation decision. They need to have read any previous OASys assessment on the offender, so as to be aware of any previous risk assessment and information about contact with children, domestic abuse, and any vulnerable victims in previous cases. They need to be aware of the content of any report prepared and prosecution document for the case. They need to access nDelius to see what warning flags are in place. Inspectors found that many of the flags on nDelius had been pulled through from previous case management systems and few had been updated, so they were not a reliable source of information. **(Recommendation 25)**
- 2.11. We observed that completing the CAS form and RSR were time consuming processes. In some cases they could be completed in less than half an hour, but in more complex cases and those where they were being completed by a member of staff who had no prior knowledge of the case, they could take up to an hour. Although the CAS form appears to have been designed to be completed electronically, we found that, for many reasons, the CAS forms were often handwritten on paper and were only partly completed or were inaccurate. Information on the CAS did not always reflect information elsewhere, such as on OASys, so sometimes reading the CAS on its own was misleading. The impact of this was that it was hard in many cases to identify what the allocation decision was and the basis for it. There are boxes on nDelius which should be used to confirm the allocation decision but these were rarely used. Barriers to full electronic completion included; pressure of time on the date of sentence, lack of access to computers, the need to enter the same information into several different applications, and the fact that documents could not be produced or uploaded until administrative staff had performed some of their tasks (in relation to entering the report or order onto nDelius). We also recognised that when an offender reoffends, the whole CAS form has to be completed again, as any previous CAS cannot be updated. **(Recommendations 17 and 28)**
- 2.12. From the information available to inspectors, we found that 4% of cases appeared to have been allocated incorrectly. Some cases had been wrongly allocated to a CRC because the MAPPA eligibility had not been recognised. This is a particular problem where suspended sentences are

imposed and the custodial part of the sentence is for 12 months, or more, for certain offences. The facility to record suspended sentence cases on nDelius does not allow for a clear breakdown of the custodial part of the sentence. Where an offender is being sentenced for more than one offence, it is important in such cases to know the individual length of each custodial sentence, to be clear about whether MAPPA arrangements apply or not. nDelius does not permit this detail to be recorded, so does not assist staff in recognising these cases easily. Another scenario is where offenders are registered sex offenders for historical reasons but their current offences are not sexual or violent in nature. Historically, probation staff had not always recognised such cases, often appropriate to be managed at MAPPA level 1, but the importance is heightened now that it can be the deciding factor in the allocation of the case. **(Recommendation 33)**

Practice example

In Oxford we saw a case where a community order had been proposed to the Crown Court for a violent offence. The report author had arranged a first appointment with the CRC. The judge decided to impose a suspended sentence of 12 months custody which made the case MAPPA eligible. This was spotted by the court duty officer who recognised the case would need to go to the NPS and rearranged the first appointment before the offender left court.

- 2.13. In one area we found two examples of staff ignoring the conclusions of the CAS form and allocating the case to the NPS on the basis that it 'needed' to be managed by the NPS because of 'complexity'. In one case this was written in a report to court. This was clearly inappropriate.
- 2.14. Of the cases we inspected 81% were allocated to the correct agency in the required timescale, i.e. by the day after sentence. In 12% of the cases the allocation decision took longer than this, and in 7% it was not clear exactly when the case was allocated. We saw very few examples of undue delay in the offender starting their order.
- 2.15. Where an offender goes into custody, the allocated agency is meant to inform the receiving prison of which agency will be maintaining contact with the offender throughout their sentence. This is particularly important as new arrangements embed. We did not see any examples where this had actually happened. Consequently, staff in prisons will find it difficult to know who to contact for information sharing and sentence planning matters. **(Recommendation 34)**

Assessing Risk of Serious Harm

- 2.16. We understand that the new RoSH screening in the CAS was designed to be used instead of the OASys RoSH screening, and it does highlight factors such as targeting vulnerable victims that are not captured by the OASys screening. However, it does not ask assessors to record many types of violent offences which may have been committed towards the general public, including; actual bodily harm, wounding with intent, and arson with intent to endanger life. We would therefore currently expect that an OASys RoSH screening is completed as well to ensure that no factors relevant to future risk of serious harm are missed. We would recommend that in the future redesign of OASys and the CAS form this omission is addressed and more clarity is provided to staff about how risk screenings should be completed. **(Recommendation 23)**
- 2.17. In some cases allocated to the CRC, either the OASys or CAS RoSH screenings indicate that a full analysis of RoSH is needed. The new processes expect the NPS to complete this task by the end of the next working day. The only way to do this is by completing an OASys assessment, which could be the shorter layer 1 assessment. We found that not all areas were completing the risk screening section of the CAS, and fewer were also completing an OASys RoSH screening, before allocation of the case. This meant that it was not always clear at the point of allocation whether or not a full

analysis of RoSH was needed. Even if it was clearly needed, it was unlikely to have been done, except in the small proportion of cases where full written reports had been prepared for court. This is not a new issue arising from *Transforming Rehabilitation*, as in the past, many such cases were sentenced without a full analysis of RoSH being completed. Previously these assessments were expected to be completed in the first few weeks of the order by the probation trust. However, under *Transforming Rehabilitation*, the implications of this are different for cases that are allocated to the CRC.

- 2.18. Not all managers in the NPS or CRC were aware that completing a full RoSH analysis when needed was a task that was expected of NPS staff. Those who knew it needed to be done had identified the time this would take as a barrier to completion. In many areas we saw statements in short format reports such as *“risk of serious harm to others is assessed as medium”* without the statement being underpinned by any written assessment of that risk level. Often this led to a ‘risk’ flag being entered on nDelius, which was highly misleading. Comments in reports or on the CAS form cannot be taken to constitute a full analysis of RoSH. Completions of both screenings and full RoSH analysis, when indicated, is essential so that offender managers in the CRC are immediately aware of all the potential risk factors in a case and can manage those risks appropriately from the point that they take responsibility for the case. **(Recommendation 24)**
- 2.19. We saw few examples of challenge from CRCs where these risk assessments had not been done. In Cambridge we heard there had been an agreement between the SPOs in the NPS and CRC that the content of reports and the CAS screening would be used to fully explain the risk level and justification for it, in place of a full OASys RoSH analysis. Most offender managers in the CRCs said they completed the assessments themselves rather than requesting that the NPS do them. In the short term these are commendable pragmatic responses. But this issue needs to be resolved so that CRCs receive all the information they need from the NPS at the point of assignment. **(Recommendation 24)**
- 2.20. In making our judgements about the likely level of risk of serious harm posed by offenders, we noticed that some of the cases automatically allocated to the NPS, for example, because of MAPPA status, were not judged to be likely to commit further sexual or violent harm in the future. Conversely, many of the cases allocated to CRCs, particularly perpetrators of domestic abuse, who were reasonably assessed as medium risk of serious harm, were felt to be more likely to reoffend again in a violent way. While we accept this is a situation which has arisen from a correct interpretation of case allocation, we think that it is worth highlighting that in many medium risk of serious harm cases appropriately allocated to CRCs, there are public protection issues.

First appointments after sentence

- 2.21. We expected to see clear reporting instructions given to the offender at the earliest opportunity about where they need to report to commence supervision. We would also expect the offender to be interviewed by a court duty officer, to be given clear instructions about when and where they were to report, and for the requirements of the order to be reinforced. We saw this happening in most cases where it was needed, but sometimes this was done in a brief and mechanistic way with little real engagement with the offender. A timely first appointment was given to the offender at court in the majority of the cases.
- 2.22. While in most courts written appointments were given to offenders before leaving court, we were disappointed that these were not always well recorded on nDelius. This resulted in a lack of clarity for staff receiving the case, and in some cases would not support enforcement if the appointment was not kept. This was confirmed in one NPS division where it was difficult to challenge offenders who did not report after court because there was often not sufficient information on nDelius to prove they had been given instructions to report. **(Recommendation 18)**

- 2.23. NPS court staff have a number of tasks to perform to complete the process of allocation, pass on information to the CRC and arrange the first appointment. We found a number of different systems in place to arrange first appointments. In most cases court duty staff contacted the CRC by phone and checked when slots were available for first appointments or induction interviews. This was difficult to achieve if there was not a direct line to contact a specific person in the CRC. Court staff could be waiting for a receptionist to put them through to the right person, who may or may not be available to take the call. An individual phone call in each case was time consuming and not always successful. In most places a diary booking system was in place, either a shared electronic diary or a hard copy diary maintained at the office. In Lincoln each officer had a 45 minute slot each day for an initial individual induction, and we thought this was a good arrangement.
- 2.24. The best systems were where appointments were provided in advance by the CRC, but sometimes those were not at suitable times or with the right grade of offender manager. In discussions with CRC staff we were told that offenders would report before the CRC had received any information. Staff could see the offender the following day after sentence but it would take several days before paperwork arrived from court, or information entered on to nDelius by NPS court or administrative staff. When information was available it could be quite sparse, particularly if there was no OASys because an oral or fast delivery report was prepared. Offenders commented that sometimes the person they met first after sentence did not appear to have read their report or know anything about them, which does not build trust and confidence necessary, as seen in the case example below. We think that information from court about the offender should be received by the CRC before the offender attends for their first appointment. **(Recommendation 19)**

Case example

Richard spoke to the woman in the court and he was put at ease. At the first appointment with his offender manager, the offender manager had not read his court report. The report seemed to have been lost in the system. Richard found the offender manager ill informed and treated him in a fairly shabby way. However, when he attended for his second appointment, the offender manager had read the report and they were getting on well. Richard observed that he was a reasonable person, but an unreasonable person might have been knocked back by his experience of the initial appointment. It is really important that the necessary paperwork and information is available for offender managers for initial appointments following sentence.

- 2.25. We were told of instances where offenders turned up at the office without notice. Middle managers in two NPS divisions mentioned that the likelihood of this happening was higher in Crown Courts, when one person was covering several courts or if orders were made at courts outside the local area. There was also the risk that offenders who left court without a confirmed appointment did not report to the office at all. The general consensus from staff was that this scenario was a rare event which we did not think was linked to the implementation of *Transforming Rehabilitation*.
- 2.26. Another key principle is that all offenders who are made subject to an order do not leave court without receiving a first appointment which has been confirmed with the allocated agency. This principle has implications for courts which occasionally sentence offenders to an order when probation staff are not present. Arrangements need to be in place to ensure that probation staff are aware if an offender has left the court building without being given a first appointment, and appropriate and speedy action is taken to contact them. **(Recommendation 18)**

Information provided to CRCs through nDelius

- 2.27. Once the CAS form has been completed the allocated agency should be provided with a complete package of information (as set out in *Probation Instruction 05-2014 Case Allocation*). We would expect this to include a prompt and sufficient assessment of individual risks and needs, including offender vulnerability, and any actual or potential barriers to engagement. Guidance is that, where possible, these should be provided electronically, by being uploaded to nDelius. Putting it simply, the more information that is input into nDelius by NPS staff at the court stage, the better the staff in the CRC can manage offenders in their charge. Access to documents uploaded to nDelius is quicker than depending on paper copies to be either faxed, sent by post or delivered by hand. In Lincoln we found very good practice in routinely uploading a whole range of information including diversity forms and notes of appointments. In other areas staff were either not aware of this requirement or were not using it, citing lack of time or lack of a scanner as reasons. It was particularly disappointing that, even when large documents such as prosecution papers were received electronically, these were printed out rather than uploaded. Some staff told us that they did not know where to find uploaded documents, including the CAS document. **(Recommendation 29)**
- 2.28. As mentioned earlier, the use of nDelius by NPS court staff varied. At the start of order, the inspection team logged what information and which documents were available on nDelius. In nearly all cases the details of the court result and any requirements were recorded. If a report had been presented to the court there was a copy of the written report or notes of the oral report in three-quarters of cases. In only half of the cases was the RSR score on nDelius. Diversity monitoring or the Basic Skills Checker were not regularly included on nDelius, although information about mental health drug/alcohol misuse and social and home environment were noted in over half of the cases. **(Recommendation 35)**
- 2.29. As already noted, the first appointment was not always recorded and rarely was there any information about the interview with the offender after they were sentenced. The example below highlights how useful information about the offender's behaviour in court can be for the receiving agency and their staff.

Good practice in Birmingham

The court duty officer recorded a detailed account of some concerning behaviour by the offender in court and gave a warning to staff about the offender and his angry presentation.

- 2.30. CRC staff can only see information on nDelius when the case, or an individual requirement, such as unpaid work or an accredited programme, is allocated to the CRC. At present, we agree with the perception of CRC managers that in many cases not all of the required information is present on nDelius and OASys at the point a case is allocated to the CRC. Key information such as full RoSH analysis is frequently missing. In a few cases, the allocation decision made by the NPS was incorrect. There is no clear process in place to set out how such cases should be handled. With incomplete information being made available to CRCs, managers could not confidently decide what grade of staff the case should be assigned to. Offender managers in CRCs were expected to take responsibility for cases with incomplete information, and would have to complete tasks, such as risk analysis, which should have been done by the NPS. Managers in the CRCs wanted to be able to view details of a case ahead of accepting a referral, to ensure all required information was in place. We understand that, for data protection reasons, this is unlikely to be agreed, but we thought they were right to be concerned about these issues. **(Recommendation 21)**

- 2.31. When reading the record of a case on nDelius, it is quite difficult to identify what had actually taken place. There are numerous entries which are system-generated or record purely administrative tasks. The use of filters to access relevant information about the case was slow and clumsy. For anyone needing swift access to up to date information about an offender, nDelius was a hindrance, whether it was a court duty officer dealing with a new offence or a manager considering a potential recall. **(Recommendation 30)**
- 2.32. The majority of staff we interviewed held strong views about nDelius. The themes were; it made their daily tasks harder, it has had a significant negative impact slowing offender managers down and it was difficult identifying unacceptable absences. Administrative staff also spent a substantial amount of time inputting data. Middle managers in one CRC thought there had been a lack of nDelius training for staff and in another CRC middle managers said *“Every time we think we have learnt about nDelius we get a new fix and it keeps changing.”* While nDelius was not created as part of *Transforming Rehabilitation*, and pre-dated the implementation of *Transforming Rehabilitation*, it is clear in its current form it is acting as a barrier to effective recording and impacting negatively on the quality of communication and information sharing between the NPS and CRCs.
- 2.33. There are numerous nDelius flags for various issues; Risk of Serious Harm and Child Protection/Safeguarding tend to be widely used; other flags, such as MAPPA, Self-harm, and Domestic Abuse, less so. Not all flags have clear definitions for when they should be used, and when and how they should be reviewed. Many of the flags on individual cases are not current, referring to a previous period of supervision and should have been removed. We did not see evidence of managers using information systems to review the use of flags. We understand work is planned by NOMS to review and clarify the use of flags and registers. The case examples below illustrate the issue. **(Recommendations 25 and 27)**

Case examples

In one case nDelius had out of date flags, including one relating to victim contact which was relevant in 2010. In another case, warning flags were not completed which could have had serious implications. The case in question should have been flagged to warn of; potential risk to staff, mental health concerns, self-harm/suicide concerns and risk to children.

Child Protection and Domestic Abuse checks

- 2.34. All providers of probation services have a statutory duty to play their part in safeguarding children. Recent HMI Probation reports set out recent performance of probation trusts in this respect. These duties have not changed since *Transforming Rehabilitation* was implemented, but many of the underpinning arrangements have been made more complex due to fact that there are now two organisations in each area managing offenders. It will be important that, whatever future arrangements are agreed, there is always clarity about which agency initiates requests for information and which agency needs to receive the response, so that cases are not missed nor requests duplicated. Achieving this will be a significant challenge, and it is too early to say whether practice has improved or deteriorated in this important area of work. **(Recommendation 26)**
- 2.35. It is good practice for anyone preparing a report to court to check whether police domestic abuse units and children’s services had any involvement with the offender or their family, where appropriate. This is important, even in cases where the current offence is not related to these issues, as the information can influence the level of assessed risk. Unrelated to *Transforming Rehabilitation*, only two areas said they could access this information on the day of court if needed, so other

areas were not able to seek this information before sentence when oral reports were prepared. An exception to this was in Carlisle, where full information about the extent of police call outs supported the PO covering the domestic abuse court in identifying cases where a same day report could be done safely. Where cases were adjourned information from police and children's services was often not requested at all. This is a missed opportunity to gather the fullest information at the earliest point. **(Recommendation 37)**

- 2.36. Report writers in one division of NPS would contact children's services in all cases if there were indicators of possible safeguarding issues or the offender disclosed that there was historical domestic abuse. In another division the necessity of carrying out checks was seen as a high priority. In one division (although common practice nationally), children's services checks required specific information to be supplied, the name and date of birth of the children and the address. Offenders did not always know the date of birth of their children. If any information was missing, it would take children's services longer to respond to the request. It was recognised by staff that asking offenders for details about their children or contact with any children was easier and less likely to be confrontational at the report stage rather than later on when the order had commenced. These information sharing arrangements should be negotiated at the local authority level, under the oversight of Local Safeguarding Children Boards. In establishing ways to improve the current situation, most NPS divisions and CRCs will find they are working across several local authorities, so this negotiation may need to be done with multiple partners and consistent processes may not be achievable. The creation of an additional organisational layer will add to the already existing communication and information sharing challenge in this important area of work. **(Recommendation 26)**
- 2.37. In the majority of cases where the offender has committed offences involving domestic violence, there are also usually concerns about children. In nearly half of the cases in our sample the offender was a domestic abuse perpetrator. In over half of all the cases we found that staff had rightly identified that there were child protection concerns, and in one-quarter there may have been child protection concerns which had not been adequately checked. It is critical that staff undertake all necessary checks as soon as possible. Establishing whether there are child protection concerns is important work for probation staff; failing to do so is not defensible. **(Recommendation 36)**
- 2.38. As described earlier, the results of checks initiated at the report writing stage by NPS, may or may not be received in time for the report (before sentence) or for the allocation to an agency and assignment to an offender manager (if sentenced to a community order). Without effective communication between NPS and CRCs, a simple process can become complicated. Added to this complication are the interfaces between NPS and CRCs with potentially different children's services and police domestic abuse units within one area. In Oxford NPS staff had established a system that tracked the outcome of children's services checks. Details of referrals were recorded on a spreadsheet as well as when responses were received. In one CRC staff felt it was left to them to carry out the checks. It was disappointing that checks with children's services, and in particularly checks with police domestic abuse units, were rarely recorded on nDelius, either initiating a check or receiving a reply, at the report or start of order stage. In one area two checks were being submitted for both child protection and domestic abuse, firstly at the report stage by NPS and then again on allocation to the CRC. From the point of view of staff in the CRC, undertaking such checks on allocation was logical. However, overall it was inefficient and the police had complained about this practice which was clearly a duplication of effort. **(Recommendation 22)**
- 2.39. Even when domestic abuse call out information is obtained at the report writing stage, it is not always taken into account later, as illustrated by the following case example.

Case example

The NPS court PO requested a check from the domestic abuse unit, as the offence was a common assault against the offender's partner. The report from the domestic abuse unit was completed six days before the court appearance and sentence. The case was allocated to the CRC. The domestic abuse report was in a brown confidential envelope in the back of the paper case file. There was no indication anywhere on nDelius or OASys that the report was there. It contained details of domestic call outs going back over the previous 2 years and sexual assaults on children under 16, where no further action had been taken. The court report contained wording in the offence section which referred to information obtained from the domestic abuse unit. The additional information from the police report regarding two sexual offences had not been taken into account when assessing risk to children. The CAS risk screening had been scored to indicate that there were no potential risks to children. There was no system to alert the CRC offender manager that there was other information available in the brown envelope in the back of the paper case file that should be considered when assessing risk.

Formal links between CRC and NPS middle managers

- 2.40. We understand that in every CRC interface meetings are regularly held between NPS and CRC senior managers. In three out of five areas there were regular meetings between NPS and CRC middle managers, sometimes called 'interface meetings'. At these meetings agenda items that were discussed included practical matters such as the use of a building or practice issues, for example, Integrated Offender Management (IOM), RSR, CAS, enforcement and recall.
- 2.41. In one of the areas where no formal meetings between middle managers were taking place, negative feelings about the interface between NPS and CRC were expressed by staff. CRC middle managers felt that *"NPS is the elite bit and CRCs are not good enough"* and *"the CRC is picking up the pieces"*. In this CRC there were a number of complaints about NPS; inappropriate cases allocated to the CRC, illegal orders, lack of information or missing information when accepting cases and not being notified when CRC offenders were appearing in court. In the other area where a formal meeting at middle manager level did not take place, the managers concerned were in the same office and sat opposite each other and *"tried to sort out issues"*.
- 2.42. The majority of CRC and NPS middle managers, when discussing the interface between the two organisations, to quote one middle manager, *"try to get it right"*. Our view is that establishing formal links between operational managers of both organisations does help to resolve any issues that arise and such a link will be necessary for the foreseeable future. **(Recommendation 38)**

Enforcement

- 2.43. All breach cases, including CRC breaches, are presented in court by NPS staff. We were told that the process by which breaches are meant to be recorded on nDelius is complicated. It appeared that not all staff had fully implemented the new processes and a possible consequence of that has been that CRC offender managers were not always able to access nDelius while the breach was in progress, which had caused difficulties in recording further appointments if the offender continued to report.
- 2.44. There was a view from some staff that the implementation of *Transforming Rehabilitation* had slowed down breaches, consequently, on occasions, CRC offender managers were being asked for updates due to the time that had elapsed since submitting their breach report to NPS. Middle managers in one CRC thought that a reduced number of administrative staff who processed breaches was having a negative impact on enforcement. Certainly there were tensions between CRCs and the NPS

regarding enforcement. Staff in one CRC felt that the NPS not accepting diary entries as sufficient evidence of an instruction to report were being too rigid. There was an element of CRC staff feeling deskilled when their breach reports were quality assured by NPS staff, who were sometimes perceived as having less experience than the CRC staff submitting the report. There was a sense of loss because CRC staff were no longer 'officers of the court' and could not make recommendations for sentencing.

Risk Escalation

- 2.45. There was only one case in our sample of CRC cases that had been escalated because risk of serious harm was thought to have increased, which is not a surprise as we were only looking at the first month of an order. Examples of behaviour or circumstances which could indicate an increased risk of serious harm were less likely to occur within a month. Several CRC offender managers found the process of escalation a negative experience. There was a view that personal relationships had suffered and CRC staff felt undermined. NPS offender managers had little to say about escalation.
- 2.46. CRC middle managers were less critical of the escalation process. On average, in each office we inspected, the CRC had two or three escalated cases in a three/four month period. Their experience had been mixed, either the process had gone smoothly or there was some wrangling; some case had been accepted by the NPS and some had not. In one division CRC staff were asked to discuss cases informally with the NPS first to cut down on erroneous applications. In another division, six offender managers (POs) within a county boundary, will be the single points of contact for escalated cases. One middle manager thought CRCs were not as familiar with the relevant probation instruction as they should be. Another acknowledged the potential clashes that could occur between the NPS and CRC and felt the process was *"laboured and slightly uncomfortable"*.
- 2.47. It is too early to draw any conclusions about whether these comments reflect a natural settling down period for a new process or indicate the likelihood of any longer term concerns. Our planned inspections of 'Early Work', the first four months of an order or licence, which commenced in November 2014, will focus on enforcement and escalation in particular.

Key recommendations

17. NOMS should ensure that a re-evaluation of the resources available to the NPS to complete the new workload requirements should be urgently undertaken, particularly in relation to work in courts. (para 1.3, 1.5, 1.9, 1.21, 2.11)
18. NPS and CRC managers should ensure that systems are put in place so that all offenders made subject to orders in a court on a specific day are given appointments to report to the allocated agency and appointments are confirmed with that agency, and recorded on nDelius. (para 2.22, 2.26)
19. NPS managers should ensure that, after sentence, information about the offender arrives at the CRC before the offender reports for their first appointment. (para 2.24)
20. NOMS should evaluate the value and purpose of completing the RSR in all cases prior to allocation. (para 2.6, 2.7)
21. NOMS should set out a clear process about actions the CRC and NPS should take if a case is either allocated incorrectly or is allocated without all essential information in place. (para 2.30)
22. All staff in the NPS and CRCs should adopt the practice of recording on nDelius any requests for information made to children's services and/or police domestic abuse units; and also record when information is received or chased up. (para 2.38)

23. NOMS should ensure that a single RoSH screening is developed to ensure that all the factors from the CAS and OASys screenings are incorporated, and to give a clear indication of whether a full analysis of RoSH analysis is needed. This should be in a form that minimises the need for data to be input manually and repeatedly, and should be easy to access for the NPS, CRCs and prisons.(para 2.16)
24. NPS deputy directors should review resources available in the NPS to identify how a full OASys RoSH analysis will be completed in all cases where it is required, before cases are allocated to the CRC. (para 2.18, 2.19)
25. NOMS should produce a list of national definitions for nDelius flags and all staff in the NPS and CRCs should ensure that their cases are updated in line with that list. (para 2.10, 2.33)

Other recommendations

26. NPS and CRC senior managers should ensure that consistent links with children's services/Multi-Agency Safeguarding Hubs (MASH) are established to contribute to the improvement of child protection checks. (para 2.34, 2.36)
27. All NPS and CRC staff should ensure that the risk of serious harm flags on nDelius are only used when backed up by either a RoSH screening (if it raises no issues, this can justify a low risk assessment) or a full OASys risk assessment for medium, high, and very high risk of serious harm cases. (para 2.33)
28. NPS managers should review working arrangements in court teams to ensure that all CAS forms can be completed electronically directly on nDelius. (para 2.11)
29. NPS managers should ensure that administrative staff in court teams upload all documents onto nDelius and do not leave them on paper in files. (para 2.27)
30. NOMS should consider redesigning the way that the contact log is accessed on nDelius to allow easier access to entries that refer specifically to contact with the offender and appointments kept or failed. (para 2.31)
31. NPS senior managers should ensure that offender managers provide background information to court staff when one of their offenders appears in court. (para 2.3)
32. NOMS should amend the CAS form to include the deportation status of the offender. (para 2.9)
33. NPS senior managers should ensure that systems are in place to identify offenders eligible for Multi-Agency Public Protection Arrangements at the report writing stage and point of sentence. (para 2.12)
34. NPS and CRC managers should ensure that when offenders are sentenced to a custodial sentence of 12 months, or more, the receiving prison is informed about which agency will be managing the case. (para 2.15)
35. NPS senior managers should ensure that on allocation to CRCs, all information is provided about cases as listed in the relevant probation instruction. (para 2.28)
36. CRC and NPS offender managers should ensure that checks with police domestic abuse units and children's services are completed as soon as possible, preferably at the report stage. (para 2.37)
37. NPS senior managers should, where appropriate, make arrangements for responses from police domestic abuse units and children's services to be received on the day, in cases where an oral report is prepared. (para 1.25, 2.35)
38. CRC and NPS middle managers should meet formally to discuss interface issues. (para 2.42)

CRC Start of Order

3



3. CRC Start of Order

We focused on the first month of work, and included; the assignment decision; engagement with the offender; sentence planning; level of contact with the offender; effectiveness of early work to deliver the sentence of the court, reduce offending and protect the public.

The majority of offenders in our sample were supervised by the CRC (80%). We inspected 143 CRC cases. The most prevalent set of offences in our sample of CRC cases was violence against the person (46%) and this predominantly related to domestic abuse. At the time we inspected the cases (around four weeks after sentence), 7 offenders (5%) had been convicted of an offence since the start of the order. Approximately two-thirds of the cases were classified as medium risk of serious harm and one-third low.

The start of an order is important because research has shown that for work with offenders to be effective, it must start promptly and must capture the individual's motivation and commitment quickly. Good communication and information sharing between the organisations involved will be important to ensure that orders start well.

Issues

Enablers

- The number of first appointments arranged with assigned offender managers in the first week after sentence contributed to early engagement with offenders.
- Where one-to-one inductions were taking place, they were more likely to be individualised and cover offender diversity factors.
- The majority of sentence plans were sufficient.
- There was evidence in a number of cases that engagement with offenders and offence focused work had commenced within four weeks.

Barriers

- In group inductions, diversity factors and individual needs were less likely to be addressed.
- The start of order assessment had not been completed at four weeks or more after sentence in just over one-quarter of cases.
- There was a lack of engagement with offenders when creating sentence plans.
- There were general rather than specific actions in risk management plans (RMPs).
- There were not enough home visits for cases where domestic abuse and/or concerns for children were present.
- There were few adequate diversity assessments.
- RMPs did not include details of protective factors in place, for example, restraining orders.
- In a small number of cases enforcement action was not always taken when necessary.

Explanation of findings

Assignment of cases to offender managers

- 3.1. We expect to see a prompt start to an order, with an appointment arranged for the offender to meet the assigned responsible officer/offender manager as soon as possible after sentence. If the offender was subject to an existing order at the time of sentence their case was usually already assigned to an offender manager with an appointment arranged.

- 3.2. CRC staff in some areas did not think that it was clear at the point of allocation which cases should be assigned to a PO or PSO. They referred to cases that were initially assigned to a PSO incorrectly; further information came to light about domestic abuse or child protection issues and the case was reassigned to a PO, which was disruptive and unsettling for the offender.
- 3.3. The majority (81%) of decisions to assign a case to a named offender manager were made within five working days of sentence. However, in one-fifth of cases, either the decision had not been made within five working days or had not been adequately recorded. **(Recommendation 46)**

First appointment with the assigned officer

- 3.4. In one CRC a middle manager described the various ways they would be made aware that there was a case that required assignment; a pre-sentence report (PSR) pack placed in the manager's assignment tray by NPS staff, an induction pack placed in the manager's assignment tray by CRC staff, cases appearing as pending referrals in the manager's diary on nDelius, and cases arriving in the post or by email. This variation was replicated in other places.
- 3.5. Prior to the implementation of *Transforming Rehabilitation*, the emphasis was on the report writer becoming the assigned officer by default, ensuring continuity and developing a working relationship with the offender as soon as possible. Consequently the first appointment and induction was usually with the assigned offender manager although this did not happen in every case. We found that in just under half of cases (45%), first appointments were with the assigned CRC officer and normally these appointments had taken place within five working days of sentence, which was good practice. More than half of offenders were seen by a CRC duty officer or attended a group induction; consequently their first appointment with the assigned officer had taken place more than five working days after sentence.

"One day after sentencing I went to the office to see the duty officer. I haven't met my assigned officer despite attending every Thursday for anger management and I get sent away after they ask if there are any changes in circumstances. I tell them no changes and they tell me to come next week same time. It's pointless and I want to do the anger management programme."

- 3.6. We cannot compare the number of offenders who had been seen by their assigned officer at their first appointment pre-*Transforming Rehabilitation* with our findings in this inspection. What we do know is that in some cases the new allocation processes and IT issues increased the time taken after sentence, before the CRC was able to assign a case. There were also a number of cases, about four weeks after sentence, where the offender had yet to meet their assigned officer as illustrated by the comments of an offender.
- 3.7. The gap between the offender's date of sentence and their first appointment with their assigned officer was influenced by local arrangements for induction or sometimes by the assigned officer being on leave. Offender managers being assigned new cases while they were on leave was not uncommon before *Transforming Rehabilitation*, however it was not the best start for a new order. **(Recommendation 42)**

Induction

- 3.8. The induction sets the scene for the rest of the order. It should promote engagement and compliance with the sentence. We found that in the majority of cases a full, timely and individualised

induction was provided to the offender and the commitments, obligations, opportunities and rights of their order were explained to them in a clear and accessible way.

- 3.9. In Carlisle individual inductions were organised by using the duty officer system. When an offender manager was on office duty, there were four time slots for individual inductions each day. In most CRCs group induction was the norm with the intention that the offender's next appointment with their assigned officer would include a more personalised induction. Although for group inductions all the documentation was completed, we felt this method of induction was less likely to identify and address the individual needs of offenders. There was a risk that in a group environment diversity factors were missed or overlooked. Group induction for one offender was not a memorable experience as illustrated below. **(Recommendation 49)**

On the contact list on nDelius it stated 'group induction paperwork completed. Next appointment given and all paperwork signed'. The offender was interviewed and he said that he did not have an induction and nobody had explained the rules.

- 3.10. Group inductions delayed the first appointment with the assigned officer by a week, reducing the time to complete a start of order OASys and, more importantly, a sentence plan. Middle managers were keen to speed up the process of assigning cases to the offender managers so that their engagement with the offender would commence as soon as possible, but it appeared difficult to achieve. Ideally the assigned officer should meet the offender at the first appointment after sentence. **(Recommendation 42)**

Start of Order OASys

- 3.11. We were inspecting cases that had been supervised for four weeks or more. At this point we would expect to see a start of order assessment, containing an assessment of the likelihood of reoffending, an initial sentence plan, a RoSH screening and, in applicable cases, including a full analysis of RoSH and a RMP.
- 3.12. While we found OASys was routinely completed as part of the preparation of full written reports, we did not see any cases where it was completed during the preparation of short written or oral reports. We recognised that when the cases were assigned to an offender manager who had not prepared the report, they had little information about offenders and had to start their initial assessments from scratch, often gathering information that had not been collected at the court stage. Even recognising that, it was concerning to find that in just over one-quarter of cases an OASys had not been completed within four to six weeks after sentence. This finding was not related to the implementation of *Transforming Rehabilitation* as in 2013 we found the same issue in a number of probation trusts we inspected. But that fact should not deflect managers from paying this issue the appropriate attention it requires. **(Recommendation 39)**
- 3.13. In some cases the OASys had been started but was incomplete. Cases with no OASys included offenders who were domestic abuse perpetrators and where there were child protection issues. The lack of a start of order assessment also brought into question the effectiveness of management oversight. **(Recommendation 52)**
- 3.14. One offender manager said they had not completed an OASys in months and focused on direct work with the offender rather than assessment and planning. We would not expect a GP to prescribe medication without first diagnosing what our illness is and how the medication should be administered. Equally we would not expect offender managers to arrange for interventions to be

delivered without assessing what issues are related to offending and planning with the offender how specific interventions will be delivered to reduce reoffending. **(Recommendation 39)**

- 3.15. Although there is not a National Standard for the timeliness of a start of order OASys for the types of case which are allocated to CRC, we expect that it should be completed within 20 working days of sentence. It could be reasonable for a start of order OASys to be completed a little later, if the result of the delay was a better informed assessment and/or the offender's full involvement and ownership of the objectives in the sentence plan, and as long as the reasons for any delay were recorded in nDelius. In Lincoln and Carlisle, there was a process of gathering information and preparing a comprehensive assessment using 'Positive Futures', a model of structured supervision; sessions with the offender included a focus on the offence and offending. The intention was to complete OASys and, within it, the sentence plan within 20 working days. Sometimes this process was taking longer, consequently in some cases the assessments and plans were being worked on at the point we were inspecting and were not complete. **(Recommendation 39)**
- 3.16. Other reasons for the delay were connected with the type of induction process, offender manager leave or sickness, or combination of all these factors.

Practice example

In one case the offender attended a group induction. The assigned offender manager was on leave the following week, therefore the offender reported to a duty officer. In the third week the offender manager was ill, consequently the offender was seen by another duty officer. By this time the offender had seen four different people; the report writer, the person who led the group induction and two duty officers. In the fourth week the offender met the assigned offender manager for the first time. The OASys had not been started. The offender was sentenced to a suspended sentence order for a common assault which was related to a domestic violence incident.

- 3.17. When completed, the initial sentence plan was sufficient in the majority of cases. We would have liked to have seen more sentence plans containing appropriate objectives, particularly in cases where there were concerns about children. Just over one-third of offenders were not actively and meaningfully involved in the sentence planning process. However, in Oxford, staff were trying different methods to engage offenders in the preparation of their sentence plan, producing a printed sentence plan signed by the offender with clear evidence of discussion about the objectives in the contact list of nDelius. **(Recommendation 43)**
- 3.18. Many offenders we interviewed struggled to remember what objectives were in their plan, however below are a few examples of the offender's perspective of their sentence plan.

"We did discuss a plan and what we were supposed to be doing at our meetings." In this case the sentence plan had been produced and signed on the second appointment which was good. This offender had mental health problems and was diagnosed with schizophrenia.

"Apart from training, I have also got offending behaviour and reflecting on the offending and what I have learned."

"I came up with a plan with my offender manager to look at my anger issues, which I have some problems with."

"We have been setting goals, what I want to achieve - this year for learning, next years for earning."

Risk Management Plans

- 3.19. In our judgement, just under half of risk management plans were sufficient. Considering the prevalence of domestic abuse, many risk management plans did not include details of restraining orders. Broad actions were recorded, for example, liaison with police domestic abuse units; rather than specific actions, how frequently domestic abuse checks would be requested. One-third of the plans did not adequately anticipate changes in risk of serious harm factors or set out what contingency action would be taken if necessary. More generally offender managers did not take into account victim safety or the views of victims in appropriate cases. Management oversight was effective in only one-quarter of relevant cases and we could find no evidence of it in two-thirds. These findings are not dissimilar to recent inspections in probation trusts prior to the implementation of *Transforming Rehabilitation*. But that fact should not distract managers from seeking an appropriate solution to this important issue. **(Recommendation 44)**
- 3.20. We did see a small number of examples of well written RMPs. An offender manager, who was fully involved in child protection meetings, had replicated the child protection plan in the RMP, which ensured both plans were integrated and accessible. An example of a method to involve the offender in their own risk management is described below.

Promising practice from Carlisle

In Carlisle, offender managers using material from 'Positive Futures' involved the offender by helping them to understand their own risk by using a Risk Assessment Map and answering questions such as; what is the nature of my risk? Who is at risk from me? When am I likely to be mostly at risk? What things will stop me or help me change? Do I have a pattern of offending? Are there things I cannot change about my risk? How will I know when I am at risk? And what will success look like for me? The questions were displayed on a single page in diagram form and were completed with the offender's views recorded for each question. This was a useful way to involve offenders in their own risk management.

Engaging with the offender and offence focused work

- 3.21. We did not see any significant impact of *Transforming Rehabilitation* on this area of work. Generally we found that interventions and discussions with offenders about their offending had occurred within the first four weeks of the order. Excluding those cases without any interventions planned (19), in just over half of the cases (54%), interventions had already been delivered to reduce reoffending as planned, and in just under one-third of cases (29%) interventions were planned to be delivered at an appropriate time in the future. There was evidence of discussions between the offender manager and the offender about their offending in two-thirds of cases as illustrated in the promising practice example from Carlisle below. **(Recommendation 50)**

Promising practice

Despite mental health problems and a necessary focus on supporting the offender, there was some useful offending behaviour work which had been completed within six weeks of the start of the order. Supervision got off to the best start with an appointment with the offender manager one day after sentence with a thorough induction and an unpaid work induction/assessment. This involved the offender completing worksheets on the 'Gains and Losses wheel', 'ABC of offending (Antecedents, Behaviour and Consequences), the ABC of non-offending' and a 'joint assessment of risk issues.'

- 3.22. Offenders are generally not keen to discuss their offence either because they see it as “a one off” and it will never happen again, or they think they have already learnt their lesson. One offender we interviewed believed that probation existed to support him with his problems, not help him reduce his offending. There were several other offenders that confirmed that offender managers had discussed their offending with them as described below.

"We spoke about my family life; money, work and my offence."

"We talk about what happened and trying to prevent it happening again. What I did and its impact on people."

"We have discussed what I think the impact of the offence has been on me and others."

"We talk about how things are going at home, my state of mind. My PO wants to check that I am okay. We discuss what I want to do with myself. We do go back over the offence to find out what triggered the offence."

- 3.23. In the majority of CRC cases a home visit was not required, however, when we thought a home visit should have taken place, usually due to domestic abuse and/or concerns about children, this had happened in only 5 out of 35 cases. **(Recommendation 40)**

Taking diversity into account

- 3.24. We expected to find diversity factors and potential barriers to the offender complying with the sentence to have been assessed, and taken into account in plans and when services are delivered. In about one-third of cases this had not happened. There was no common diversity assessment form apart from one CRC where a thorough diversity checklist was used, and for some cases with an unpaid work requirement. As stated earlier, diversity factors were rarely picked up before allocation by the NPS and recorded on nDelius. The consequence of the creation of two organisations has delayed the identification of these issues. However we did find case examples in Lincoln and Birmingham where diversity factors and barriers to engagement were addressed. **(Recommendation 41)**

Case example

Adam had drug and alcohol issues and mental health problems. At the start of his order he advised his offender manager that he often forgot his appointments (Adam had appointments with his offender manager and workers seeing him under the Drug Rehabilitation Requirement) and got his days muddled up. The offender manager agreed to text him every Tuesday and Thursday morning to remind him. She said she would fix appointments with her every Thursday. She also wrote out his appointments in big letters on a sheet of paper so that he could pin it to his wall as a constant reminder.

Case example

Claudiu was a first time offender, who had received a suspended sentence order with a single requirement of 40 hours unpaid work. He was a Romanian, who spoke little English. The initial interview was conducted with the aid of a telephone interpreter. All the rules and regulations were explained in detail, and the implications of non-compliance were set out. The note of that telephone conversation stated that the offender fully understood what was required of him. He was further reminded of the importance of attending on time. Work instructions were issued to him in both English and Romanian as were warning letters when he failed to comply, it was really helpful that there was such clarity in setting out the offender's understanding of the sentence he had received.

Enforcement

- 3.25. In the majority of cases offender managers monitored the offender's attendance across all parts of the order and properly investigated any non-compliance. A clear and timely formal warning was given to offenders when appropriate in two-thirds of cases. There were a number of examples where we thought enforcement action should have been taken but was not, either because previous non-compliance was not taken into account or offender managers accepted the reasons given by offenders for their absences without asking for verification. This was confirmed by our data. In 9 out of 21 cases, we thought legal proceedings should have been instigated in response to absence or other offender behaviour. However with such a low number of cases it was not possible to indicate whether in comparison with previous inspection findings, enforcement performance had changed since *Transforming Rehabilitation*. **(Recommendations 47 and 48)**
- 3.26. When offenders had been taken back to court, we did not find sufficient evidence that the offender managers had made the effort we would expect to re-engage the offender and encourage them to renew their commitment to the order. **(Recommendation 53)**

Staffing

- 3.27. We interviewed 32 CRC offender managers, the majority were PSOs. In our case sample 59% of cases were supervised by PSOs. We also interviewed 15 middle managers. In two of the five CRCs we inspected, offender managers mentioned that morale was low. They felt that the best staff had been allocated to the NPS. They were slightly aggrieved because they had heard that NPS staff were being paid overtime to write court reports. Middle managers in two CRCs thought that some PSOs in NPS did not have enough work. Staff were aware that in the future there would be opportunities for them to be innovative and creative when working with offenders to reduce their reoffending, but they feared there would not be enough time for innovation. CRC middle managers were generally more positive. In one CRC middle managers were looking forward to next year and the chance to be more creative and have less bureaucracy to deal with.
- 3.28. In one CRC offender managers and middle managers were quite negative about the volume of work, lack of staff knowledge and familiarity with their cases, and the difficulties recruiting staff to an organisation that they thought did not have a secure future. However, in another CRC there were a number of staff we interviewed who recently joined as PSOs without any previous experience of the work, which indicated to us that recruitment had not been an issue.
- 3.29. Middle managers in three CRCs mentioned using a workload monitoring tool, although when we interviewed their offender managers, it was clear that these tools had only been introduced recently. Consequently we did not have any firm figures for workloads. In one CRC we were told caseloads

were between 60 and 100 cases per officer. However in two CRCs the average caseload was around 40 cases, one-quarter of those were in custody, which we think is more representative. Staff thought the workload was manageable. We could not corroborate this information independently, so cannot take a view on whether *Transforming Rehabilitation* had influenced workloads in the CRCs. **(Recommendation 51)**

- 3.30. The main issue middle managers were grappling with was the criteria for assigning cases to either POs or PSOs. As mentioned at the beginning of this section, we found that if there were issues of domestic abuse or child protection, cases would be assigned to POs. This is in line with previous arrangements in most probation trusts. In Carlisle middle managers were assigning cases to PSOs and POs based on a version of a previous national tiering system, which was used to categorise cases into four tiers, according to a number of factors. In simple terms less complex cases were assigned to PSOs. While different views about appropriate cases for PSOs is an issue that pre-dated *Transforming Rehabilitation*, the formation of CRCs provides the opportunity for this to be clarified. **(Recommendation 45)**
- 3.31. Training was available for new staff and in one CRC it was provided jointly with the NPS. One major issue for CRC PSOs was a lack of clarity about how, or if, they could train to become POs. Before *Transforming Rehabilitation*, any PSO working for a probation trust was eligible to apply to train to become a PO. Middle managers were also not clear if there was still a career route for PSOs, and they believed this had contributed to some staff deciding to leave the organisation.

Key recommendations

39. All offender managers in CRCs should complete a plan containing an assessment of offender risk and need within ten working days of their first appointment, unless a valid reason is recorded for any delay. (para 3.12, 3.14, 3.15)
40. Purposeful home visits should be completed by all CRC offender managers in cases where there are concerns about domestic abuse and/or safeguarding children. (para 3.23)
41. All CRCs should develop a comprehensive diversity assessment to be used at the first appointment after the start of order or licence. (para 3.24)
42. CRC managers should ensure that offenders meet their offender manager at either the first or second appointment and assigning cases to staff that are on leave should be avoided. (para 3.7, 3.10)

Other recommendations

43. All CRC offender managers should engage offenders in the sentence planning process. (para 3.17)
44. All CRC offender managers should ensure that RMPs contain specific, rather than general, actions and should include details of any restraining order. (para 3.19)
45. CRC chief executives should clarify what type of case is appropriate for PSOs to manage. (para 3.30)
46. CRC managers should ensure that assignment decisions take place within five working days and are clearly recorded on nDelius. (para 3.3)
47. CRC offender managers, where possible, should verify any reasons given by offenders for not attending appointments. (para 3.25)
48. CRC offender managers should take previous non-compliance into account when considering enforcement action. (para 3.25)
49. Where it is not practicable to arrange one-to-one inductions, CRC managers should put arrangements in place to address diversity factors appropriately, and other sensitive and personal issues relating to individual offenders when group inductions take place. (para 3.9)

50. CRC offender managers should ensure that initial discussions about the offence and any interventions take place within four weeks of the sentence or release on licence. (para 3.21)
51. CRC chief executives should ensure full implementation of workload monitoring. (para 3.29)
52. CRC managers should monitor the completion of the start of order assessment and take action if it is late. (3.13)
53. CRC offender managers should re-engage with, and encourage, offenders to renew their commitment to their order after they have been taken back to court for breaching the order. (para 3.26)

NPS Start of Order

4



4. NPS Start of Order

In total we inspected 27 NPS cases, which is a relatively small sample. Over half of the cases were suspended sentence orders. The largest proportion of index offences was for a sexual offence(s) (41%) followed by offences of violence (30%). We interviewed 21 offender managers, the majority were POs. We also interviewed 11 middle managers. No offenders had been convicted of a further offence in approximately four weeks since they were sentenced.

Issues

Enablers

- Assignment to an offender manager was achieved in most cases within five working days.
- The majority of first appointments were with the assigned officer and inductions were one-to-one.
- Most sentence plans and RoSH screenings were completed to a sufficient standard.
- Interventions commenced and work focused on reducing reoffending within the first four weeks of the order.
- Some areas used nDelius to submit potential entries for the Violent and Sexual Offender Register (ViSOR).

Barriers

- Home visits were not undertaken in enough cases where the offender was classified a high risk of serious harm or where there were child protection concerns.
- The start of order OASys was not completed within four weeks in a small number of cases.
- Offender managers were not using all available information when completing a full RoSH analysis.
- Not enough RMPs contained relevant contingency plans or addressed risks to specific victims.
- Staff were not using multi-agency child protection procedures effectively.
- ViSOR was underused.
- Managers were not providing effective management oversight of cases.
- There was a lack of clarity about the role of PSOs in the NPS.
- The possible impact of a higher risk of serious harm caseload on NPS staff was not clear.

Explanation of findings

Assignment, first appointments and induction

- 4.1. Assignment to an offender manager was achieved within five working days in three-quarters of cases. In one-quarter of cases a decision had been made but the record was not clear about when the decision had been made. In one division offender managers we interviewed said that it could take up to four or five days for case documentation to arrive at their office.
- 4.2. In all the NPS divisions we inspected first appointments were normally with the assigned officer (78%) and inductions were one-to-one (74%). In one division report writers would keep the case if a community order was made. Report writers could also check which NPS officer was assigned the case and arrange the first appointment. In 65% of cases appointments with the assigned officer were arranged to take place within five working days of sentence. **(Recommendation 54)**

Start of Order OASys

- 4.3. In five cases, the majority from one division, the start of order OASys had not been completed four weeks after the offender had been sentenced. Considering the type of cases that the NPS are supervising, this was a worrying finding. In all five cases there had either been an OASys prepared at the report stage or, in one case, a recent OASys had been prepared in a prison. Despite the existence of a relatively recent OASys the fact remained that there was no updated assessment, sentence plan or RMP in place and one of the five cases was classified as a high risk of serious harm. **(Recommendation 56)**
- 4.4. In the majority of cases where an OASys had been completed, sentence plans and RoSH screenings were sufficient. The full RoSH analysis could have been better if all available sources of information were utilised. RMPs could be improved if risk to specific victims was addressed more often and better contingency planning was in place to deal with any increase in the offender's risk of serious harm. **(Recommendations 59 and 60)**

Engagement with the offender

- 4.5. Most interventions had either commenced or were planned to be delivered at an appropriate time in the future. In over two-thirds of cases work focused on reducing reoffending. There was more evidence that diversity and barriers to engagement were addressed at the point interventions were delivered than at the assessment and planning stages.
- 4.6. In almost all cases the offender manager monitored the attendance of the offender but, in only 5 out of 10 cases did they investigate sufficiently why the offender had failed to attend. In two-thirds of NPS cases offenders had attended all their appointments. **(Recommendation 65)**
- 4.7. Previous inspections had not differentiated management of this type of case from others so it not possible to comment about whether these findings represent a change to previous performance since the implementation of *Transforming Rehabilitation*.

Home visits

- 4.8. Middle managers encouraged offender managers to undertake home visits, particularly joint home visits with police or social workers for domestic abuse or child protection cases. We also agreed that in cases where the offender was categorised as a high risk of serious harm or had a history of sexual offending, or to support the protection of children, a home visit should be done. However we found that in the majority of cases in our sample, home visits had not been undertaken. **(Recommendation 55)**

MAPPA, Victims and VISOR

- 4.9. Staff did not feel that there had been any impact on the operation of MAPPA in relation to the implementation of *Transforming Rehabilitation*. But we recognised an impact of *Transforming Rehabilitation* in that there are fewer offender managers working with MAPPA cases as the cases were held by smaller NPS teams. In one division we were told that offender managers are attending more MAPPA meetings. In contrast in another division, referrals to MAPPA had declined. Half of the cases in the sample were MAPPA cases, the majority managed at level 1. Only one case was managed at MAPPA level 2 and in this case we found that referral processes had been used effectively. Unfortunately, in only 5 out of 13 relevant cases were multi-agency child protection procedures used effectively by staff. Almost all NPS cases had individual victims and, in some cases, a description of the impact of the offence on the victim was recorded. We would have

expected to see victim safety given priority or the views of victims taken into account, but this occurred in under half of the cases. **(Recommendation 66)**

- 4.10. In two divisions it was acknowledged that staff could have been more proactive using ViSOR. We found that in 7 out of 11 relevant cases ViSOR had been used effectively. In a couple of divisions staff were waiting to receive training or vetting for ViSOR.
- 4.11. Middle managers in Carlisle described how offender managers could submit entries to the ViSOR administrator by simply pressing a button on nDelius. The ViSOR administrator would receive all entries identified by offender managers on an Excel spreadsheet. They would confirm whether the extract was inputted on ViSOR via nDelius. We were told that this facility was not available everywhere due to the resources required to cope with the number of potential entries that would be submitted to ViSOR administrators. While this is not directly linked to *Transforming Rehabilitation*, the impact of stretched administrative resources is relevant. In previous inspections we noted the lack of knowledge and use of ViSOR by offender managers. The facility to submit entries from nDelius to the ViSOR administrator should be available in all NPS divisions ensuring that ViSOR administrators have the capacity to meet demand. **(Recommendation 63)**

Management oversight

- 4.12. Management oversight of cases is very important. It was reassuring that in one division offender managers confirmed that SPOs were not countersigning OASys assessments they judged to be unsatisfactory, and instead were returning them for improvements to be made. Offender managers generally portrayed a mixed picture of management oversight; some staff said they received no supervision. Managers consistently reported the impact of the loss of the HR support staff that had been employed in probation trusts. The use of MOJ Shared Services for HR issues had transferred many new responsibilities to line managers, which left them spending significantly more time dealing with HR issues than they had done previously. This is a clear impact of *Transforming Rehabilitation*, and while we would anticipate that the impact will reduce to some extent as new processes become familiar, these additional tasks will still continue to take NPS managers' time away from operational issues. At the same time offender managers praised their managers for trying to give them as much support as possible. In only 1 out of 12 cases (high or very high risk of serious harm or where there were concerns about protecting children) was there evidence of effective management oversight, which was worrying given the nature of most of the cases supervised by the NPS. **(Recommendation 61)**
- 4.13. An impact of *Transforming Rehabilitation* is that operational staff and middle managers are now more thinly spread in the NPS. We heard examples of this leading to middle managers in the NPS covering several geographical locations, often many miles apart. Many also had multiple lead responsibilities; one, for example, was responsible for an approved premises, court work and the victim service. We worried that these factors reduced their availability to their teams and made it much more difficult for them to exercise reasonable management oversight of cases. The situation cannot be resolved without additional resources.
- 4.14. On a more encouraging note, in Carlisle, a system of management oversight, which had been operating for some years, called Management Oversight Plans (MOPS) was in place. The purpose of MOPS was to support staff as well as providing management oversight. Certain cases were allocated a MOPS flag. Very high risk of serious harm cases were reviewed by the SPO once a month in supervision with the offender manager. High risk of serious harm and/or child protection cases were reviewed by the SPO every four months. For each case the SPO read the OASys, particularly the RMP and sentence plan, ViSOR, and nDelius, then created an entry on nDelius about the review. An assistant chief officer or equivalent dip sampled MOPS cases (IT produced a list of MOPS cases) and read SPO entries on nDelius. This system, applied as described, provided a clear and solid framework for management oversight with the involvement of a senior manager

adding another level of assurance. However, we are not sure how feasible senior management input would be with the span of control that applies in the new structures. We also believe that some form of management oversight should operate for all MAPPA level 1 cases. **(Recommendation 61)**

Staffing

- 4.15. The majority of the cases in our sample were supervised by POs (21 out of 27). Workload management tools were due to be in place in the autumn of 2014 therefore our information about workloads was gathered from staff. In one division offender managers completed four reports a month and the average caseload was 43 cases with one-third of those in custody. In another division the caseload was about 30 cases with custody cases being stacked and held by SPOs. This was an unfortunate practice that had operated in some places many years ago. In this division we were told there were two PO vacancies, about one-quarter of the team. Until proper workload measurement tools are in place it is difficult to comment on the level of work for NPS staff. **(Recommendation 64)**
- 4.16. In the previous section we noted that some CRC staff thought that PSOs in NPS were underutilised. We were not clear how some PSOs had been assigned to the NPS under *Transforming Rehabilitation*, but having been assigned they will remain in the NPS. When we interviewed NPS middle managers, several questioned what role PSOs could have in the NPS and whether there were too many PSOs. In one division we were told that PSOs were supervising transient offenders and Foreign Nationals, but we were not clear how all of these cases had been allocated to the NPS, or how decisions about their suitability to be managed by PSOs had been reached. Several middle managers thought that PSOs should be in court and prepare reports, though not all areas allowed PSOs to prepare written short format reports. In another division middle managers had identified a number of cases that they thought were suitable for PSOs to manage, which were described as category 2 violent offenders, MAPPA level 1 cases, assessed as low or medium risk of serious harm. We had reservations about whether this was appropriate given their level of training and experience. It appears that a consequence of *Transforming Rehabilitation* is that the assignment of PSOs has not been in accordance with tasks that they can appropriately undertake. **(Recommendations 57 and 58)**
- 4.17. Staff we interviewed initially gave us the impression that not much training had taken place since June 2014. In a number of cases we inspected there were concerns about children so we were pleased to hear that training had been available under the auspices of Local Safeguarding Children Boards. Enforcement training had been offered and one of the offender managers we interviewed had received PSR training. Managers had been trained to use Phoenix, the Ministry of Justice HR self-service programme. One consistent complaint from staff in all divisions was the large amounts of information and training that had been communicated via email alone, which they viewed as ineffective and unsatisfactory. **(Recommendation 67)**
- 4.18. Offender managers in two divisions blamed the implementation of *Transforming Rehabilitation* for reducing their time with offenders. However, we think this was more about issues related to nDelius than the implementation of *Transforming Rehabilitation*.
- 4.19. We were concerned about the impact on NPS staff supervising cases mainly classified as high or very high risk of serious harm, or registered sex offenders. Prior to *Transforming Rehabilitation*, most POs had a more generic caseload, so the nature of the caseload has changed considerably. Certainly in one division, working with such cases appeared to be having a negative effect on the home life of several offender managers. In another division staff had mentioned to their managers that all their cases were more at the heavy end, which meant working in a sustained and intense way with every case. In our case sample, only five cases were classified as high risk of serious harm, the majority were medium and three were low. The impact on staff may not be measured simply by looking at their caseload in terms of the number of cases classified as high risk of serious harm. We suspect it is more complex and may involve; the nature of the offence, type of offender,

the level of need to work cases jointly with police or social workers, managing deadlines and risk in the community. We think it may be useful for NPS to investigate this further and ensure staff are enabled to access specialist support or counselling, such as that made available to some staff delivering sex offender programmes. **(Recommendation 62)**

Key recommendations

54. NPS managers should ensure that all offenders have an appointment with their allocated offender manager within five working days of sentence. (para 4.2)
55. NPS managers should ensure that purposeful home visits are taking place, where appropriate, when the offender is classified high risk of serious harm, where there is a history of sexual offences or domestic abuse, or where there are child protection concerns. (para 4.8)
56. NPS offender managers should ensure that the start of order OASys is completed to comply with the National Standard for high and very high risk of serious harm cases, and in other cases within four weeks of the start of order. (para 4.3)
57. NPS should undertake a full review of the numbers and proportion of POs, PSOs and administrative staff it employs so that all tasks can be completed efficiently. (para 4.16)
58. NOMS should review the roles and responsibilities of PSOs and the training required to support them in their workload and professional development. (para 4.16)

Other recommendations

59. NPS offender managers should take into account all available information when completing a full RoSH analysis. (para 4.4)
60. NPS offender managers should ensure RMPs contain relevant contingency plans and address risks to specific victims. (para 4.4)
61. NPS deputy directors should ensure that managers provide effective management oversight of cases. (para 4.12, 4.14)
62. NPS deputy directors should investigate whether there is any negative psychological impact on NPS staff managing high risk of serious harm and MAPPA cases, take appropriate action, and put in place relevant support mechanisms. (para 4.19)
63. The NPS should explore the feasibility of using nDelius to submit information for inputting onto ViSOR. (para 4.11)
64. NOMS should ensure full implementation of workload monitoring. (para 4.15)
65. NPS offender managers should investigate why offenders fail to attend appointments and record their findings. (para 4.6)
66. NPS offender managers should prioritise victim safety and take into account the views of victims when preparing assessments and plans. (para 4.9)
67. NOMS should ensure that effective methods are used to share information and deliver training to staff. (para 4.17)

Appendices



Appendix I

Initial allocation of cases prior to the implementation of *Transforming Rehabilitation*

Over the period 21 April 2014 - 7 May 2014, HM Inspectorate of Probation undertook a brief inspection to review the progress that had been made on preparing for the transfer of cases to either the NPS or to CRCs. We inspected four Trusts, South Yorkshire, Cheshire, Dorset and West Mercia. This was completed prior to the implementation of the structural changes from 1 June 2014.

Issues

Enablers

- Each of the areas had engaged with the task and were confident that they would meet the required timetable for implementation.
- All four of the areas visited had made good progress on preparing for the transfer of cases to the NPS or CRCs.
- Of the 57 cases we reviewed, 55 had a decision in place about allocating the case to the NPS or the CRC. Two of the cases were due to expire before 1 June 2014 and these had been retained by the trust. We agreed with the allocation (and retention) decisions in all 57 cases.

Barriers

- More work needed to be done to assist offenders to make the transition to the new arrangements.
- Target dates for tasks were frequently changed.
- There was inadequate integration of the various work stands associated with the task.
- The task of allocating cases had a disproportionate impact on the workloads of middle managers.
- At the time there was an apparent lack of staffing capacity, particularly in the CRCs, to enable allocation to take place.
- Concerns that ongoing HR and IT issues would lead to potential operational difficulties, particularly for CRCs, after the implementation of *Transforming Rehabilitation*.

Explanation of findings

Each of the areas visited had formed a project board to oversee the change process and these would continue to manage the forthcoming phases of work. All of the areas reported that, for the bulk of their caseloads, the allocation to the CRCs or NPS had been a time consuming but technically straightforward process. A small number of cases had proved to be more problematic than others, these tended to be those that required verification of the MAPPA or deportation status of offenders. We noted that nearly three-quarters of the cases had been allocated to CRCs and just over one-quarter to the NPS.

We talked to a variety of staff members, ranging from senior managers to practitioners, to gather their views on the process. They were consistent in their feedback that the process had not been managed as well as it should have been from NOMS. They cited regularly changing target dates and inadequate integration of the various work stands associated with the task, for example, having enough time to address the IT aspects of the change process and addressing the associated HR implications. In each of the locations the

resource burden was noted. This had particularly impacted on the workloads of middle managers, many of whom pointed out that they had not been able to maintain a focus on the quality of service delivery whilst undertaking the tasks associated with preparing for the allocation of cases to the NPS or to CRCs. The remit of our inspection did not allow us to follow this up at the time, but in the later inspections we did find a lack of management oversight in cases where we thought it was needed.

In terms of finally transferring the cases to the CRC or NPS case manager who would be working with the offender under the new arrangements, two-thirds of cases were still pending transfer being completed. In each of the areas the reason cited for not having completed the transfer of the cases was that the staffing profile of the CRCs and the NPS had not allowed the transfers to take place. The NPS side of the work was said to be more settled and at that point the staffing problems were focused on the CRC teams. These teams faced problems of not having enough staff in post, not having the staff in the right locations (especially where there were small teams covering large rural areas), or of not having the right balance of grades and experience of staff. CRC staffing issues were seen as the major logjam in the task of finally transferring cases, but all of the areas felt they would have largely completed the task by the target date.

We noted that a high number of cases due to go to CRCs had been classified as posing a medium risk of serious harm. The harm primarily related to domestic violence and associated child safeguarding concerns. A concern was expressed that, due to the staffing issues outlined above, CRCs in the short and medium term may not have sufficient staff to respond to these issues appropriately.

The extent to which the areas had given attention to helping services users (offenders subject to supervision and victims) to make the transition varied. In one area leaflets had been drawn up and letters sent to all offenders to explain the process. In others the emphasis was trying to set up three-way meetings, between the offender and the old and new offender managers, to help to smooth the transition. A number of practitioners told us about the high levels of anxiety the changes had generated for some offenders. These were often offenders with chaotic lives or with mental health difficulties.

Where individual offender managers had to transfer their entire caseloads, they said they did not have enough time in the short period before the transfer was to take place to set up three-way meetings in all cases. Between them, the areas estimated that just under one-third of offenders would experience a change in offender manager as a result of this process. In nine of the cases the process had already resulted in a change of offender manager. In 12 no change of offender manager was required. In over half of the cases (36), it was not clear if the process would eventually lead to a change of offender manager.

Many of the issues described above were likely to be transitional and, at the time these inspections were completed, it was difficult to anticipate the impact they might have in the longer term.

Appendix II

Acknowledgements

We would like to thank all the staff from the NPS Divisions and CRCs we inspected for their assistance in ensuring the smooth running of the inspection. We would also like to thank the staff of the NPS Midlands Division and Derbyshire, Nottinghamshire, Leicestershire & Rutland CRC, for their involvement in the pilot inspection in Leicester.

Lead Inspectors	Nigel Scarff, <i>HMI Probation</i>
	Liz Smith, <i>HMI Probation</i>
<hr/>	
Inspection staff	Mark Boother, <i>HMI Probation</i>
	Vivienne Clarke, <i>HMI Probation</i>
	Jenny Daly, <i>HMI Probation</i>
	Yvonne McGuckian, <i>HMI Probation</i>
	Beverley Reid, <i>HMI Probation</i>
	Tony Rolley, <i>HMI Probation</i>
	Gary Smallman, <i>HMI Probation</i>
	Steve Woodgate, <i>HMI Probation</i>
<hr/>	
HMI Probation Support Services	Pippa Bennett, <i>Support Services Manager (Information and Operations)</i>
	Stephen Hunt, <i>Support Services Officer (Information and Operations)</i>
	Jo Hewitt, <i>Support Services Officer (Information and Operations)</i>
	Oliver Kenton, <i>Assistant Research Officer</i>
	Alex Pentecost, <i>Communications Manager</i>
<hr/>	
Assistant Chief Inspector	Alan MacDonald, <i>HMI Probation</i>

Glossary

<i>Accredited programme</i>	Structured courses for offenders which are designed to identify and reduce the factors related to their offending behaviour. Following evaluation, the design of the programmes has been accredited by a panel of experts.
<i>Allocation</i>	The process by which a decision is made about whether an offender will be supervised by the NPS or a CRC.
<i>Assignment</i>	The process by which an offender is linked to a single offender manager who will arrange and coordinate all the interventions to be delivered during their sentence.
<i>CAS</i>	Case Allocation System – a document which needs to be completed prior to the allocation of a case to a CRC or the NPS.
<i>CRC</i>	Community Rehabilitation Company: 21 such companies were set up in June 2014, to manage most offenders who present a low or medium risk of serious harm. Currently publicly owned, shares of the companies are due to be sold late 2014/early 2015.
<i>Child Protection</i>	Work to ensure that that all reasonable action has been taken to keep to a minimum the risk of a child or young person coming to harm.
<i>HMI Probation</i>	HM Inspectorate of Probation
<i>Interventions; constructive and restrictive interventions</i>	<p>Work with an individual that is designed to change their offending behaviour and/or to support public protection.</p> <p>A constructive intervention is where the primary purpose is to reduce likelihood of reoffending.</p> <p>A restrictive intervention is where the primary purpose is to keep to a minimum the individual's risk of serious harm to others.</p> <p>Example: with a sex offender, a constructive intervention might be to put them through an accredited sex offender programme; a restrictive intervention (to minimise their risk of serious harm) might be to monitor regularly and meticulously their accommodation, their employment and the places they frequent, imposing and enforcing clear restrictions as appropriate to each case.</p> <p>NB. Both types of intervention are important.</p>
<i>IOM</i>	Integrated Offender Management: multi-agency arrangements to work with those offenders thought to be most likely to reoffend, generally the arrangements include staff working for police, probation, drug treatment services and others.
<i>MAPPA</i>	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together locally to manage offenders who pose a higher risk of serious harm to others.
<i>MASH</i>	Multi-Agency Safeguarding Hub – an arrangement by which child safeguarding processes are delivered in a coordinated way by a number of agencies working together, including police, children's services and others.

<i>NPS</i>	<p>National Probation Service: a single national service which came into being in June 2014. Its role is to deliver services to courts and the parole board; and to manage specific groups of offenders:</p> <ul style="list-style-type: none"> • Those presenting a high or very high risk of serious harm. • Those managed under MAPPA arrangements. • Those with an RSR score over 6.89%. • Those eligible for deportation. • Those subject to deferred sentence. • Those where there is a 'public interest' in the case.
<i>nDelius</i>	National Delius: the national probation case management system which was rolled out through 2013 and early 2014.
<i>NOMS</i>	National Offender Management Service: The single agency responsible for both prisons and probation services.
<i>OASys</i>	Offender Assessment System: The nationally designed and prescribed framework for both Probation and Prisons to assess offenders, implemented in stages from April 2003.
<i>Offender management</i>	A core principle of offender management is that a single offender manager takes responsibility for managing an offender through the period of time they are serving their sentence, whether in custody or the community. Offenders are managed differently depending on their risk of serious harm to others and what constructive and restrictive interventions are required. Individual intervention programmes are designed and supported by the wider 'offender management team or network', which can be made up of the offender manager, offender supervisor, key workers and case administrators.
<i>Offender manager</i>	In the language of offender management, this is the term for the officer with lead responsibility for managing a specific case from 'end to end'.
<i>PO</i>	Probation officer: This is the term for a 'qualified' offender manager who has undertaken a higher education based course for two years. The name of the qualification and content of the training varies depending on when it was undertaken. They manage offenders posing the highest risk of serious harm to the public and other more complex cases.
<i>Probation Trust</i>	Until May 2014, probation services were delivered by Probation Trusts, working under the auspices of NOMS.
<i>PSO</i>	Probation services officer: This is the term for an offender manager who was originally recruited with no qualification. From 2010 they may access locally determined training to 'qualify' as a probation services officer or to build on this to qualify as a probation officer. They may manage all but the most complex cases or those posing the highest risk of serious harm to the public depending on their level of training and experience.
<i>PSR</i>	Pre-sentence report. This refers to any report prepared for a court, whether delivered orally or in a written format.

<i>RoSH</i>	Risk of Serious Harm: a term used in OASys. All cases are classified as presenting a low/ medium/ high/ very high risk of serious harm to others. HMI Probation uses this term when referring to the classification system, but uses the broader term risk of harm when referring to the analysis which has to take place in order to determine the classification level. This helps to clarify the distinction between the probability of an event occurring and the impact/ severity of the event. The term Risk of Serious Harm only incorporates 'serious' impact, whereas using 'risk of harm' enables the necessary attention to be given to those offenders for whom lower impact/severity harmful behaviour is probable.
<i>RSR</i>	An actuarial calculation of the likelihood of the offender being convicted of a serious sexual or violent offence; this calculation was introduced in June 2014 as a required process in the implementation of Transforming Rehabilitation.
<i>Safeguarding</i>	The ability to demonstrate that a child or young person's well-being has been 'safeguarded'. This includes – but can be broader than – Child Protection.
<i>ViSOR</i>	ViSOR is a national confidential database that supports MAPPA. It facilitates the effective sharing of information and intelligence on violent and sexual offenders between the three MAPPA Responsible Authority agencies (police, probation and prisons). ViSOR is no longer an acronym but is the formal name of the database.

ISBN: 978-1-84099-678-4

