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## *Transforming Rehabilitation*

### **Early Implementation 2**

'An independent inspection of the arrangements for offender supervision'

May 2015

**HM Inspectorate of Probation**



## ***Transforming Rehabilitation – Early Implementation 2***

'An independent inspection of the arrangements for offender supervision'

May 2015

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# FOREWORD

This is our second report looking at work undertaken since the start of *Transforming Rehabilitation*. Following the *Transforming Rehabilitation* reforms, and, at a time of considerable and rapid change for probation, discovering how well adult probation services have been implemented and embedded has been a clear focus for this inspection. In our original report we said:

*'The splitting of one organisation into two separate organisations is bound to create process, communication and information sharing challenges that did not previously exist.'*

Given that we are still in the early stages of the implementation of *Transforming Rehabilitation* it is not surprising that we found many of the challenges identified in our original report still remain. In what is clearly a fast moving and complex programme of reform this inspection confirmed that it will take time for a number of the issues to be resolved. It is also true to say that some of the challenges identified by our inspections pre-dated the introduction to *Transforming Rehabilitation*, and some of the issues are in the process of being addressed, as evidenced by the detailed action plan the National Offender Management Service have forwarded to us in response to our original report. On the ground too National Probation Service and Community Rehabilitation Company staff are working collaboratively to ensure a good standard of delivery of services.

Among the challenges that remain is the need for IT systems to better support the way adult probation services are organised and delivered, an issue we highlighted previously. We also found that a number of the tasks at the pre-allocation stage are time consuming and not streamlined. We note in particular that there are now effectively two risk screening tools, the Case Allocation System and the Offender Assessment System. The Case Allocation System still has no mention of foreign national offenders, despite this being a factor in the allocation decision.

In this inspection we also took a more detailed look at the Risk of Serious Recidivism tool, which helps inform whether cases are allocated to a Community Rehabilitation Company or remain within the National Probation Service. The National Offender Management Service have told us that:

*'During the operational testing of this tool, staff acknowledged the value brought by Risk of Serious Recidivism, complementing their professional judgements by highlighting the risk presented by certain offenders.'*

However, most of the National Probation Service and Community Rehabilitation Company staff we interviewed, in this round of inspections, expressed doubts about the value of completing the Risk of Serious Recidivism tool at the pre-allocation stage for certain categories of offenders who were automatically going to be earmarked to one or other of the organisations.

We acknowledge the benefits of the Risk of Serious Recidivism tool in terms of increased accuracy of risk assessment and as the National Offender Management Service have said:

*'Professional judgement is crucial, but actuarial assessments can be better predictors of future behaviour and the intention is not to prioritise one at the expense of the other'*

However, we are less certain of the claim that it takes little time to complete a Risk of Serious Recidivism assessment (measured by the *Transforming Rehabilitation* Programme team to be five -six minutes) particularly for complex cases where offenders have an extensive criminal record. We are also not convinced of the benefits of completing a Risk of Serious Recidivism *for all cases*, since some offenders such as Multi-Agency Public Protection Arrangement eligible offenders are automatically retained by the National Probation Service. While Risk of Serious Recidivism is clearly a well designed and validated tool, we were concerned that a number of the forms were not completed or scored correctly, meaning that some cases were allocated incorrectly.

We have as a result suggested that the National Offender Management Service streamlines its processes for completing Risk of Serious Recidivism, and consider reviewing its guidance so that the Risk of Serious

Recidivism tool does not need to be completed for cases that will be automatically retained by the National Probation Service. This would save time at court where National Probation Service staff already have to undertake additional tasks as a result of *Transforming Rehabilitation*.

Most cases were allocated to the correct organisation in a timely way, and where risk escalation processes were started these were generally carried through swiftly. Almost all cases were referred and accepted appropriately.

We also interviewed a small sample of offenders to capture their views about services received at court, for induction, during supervision and when breach proceedings were necessary. In the main their comments were positive, which was pleasing to note given the changes of supervisor experienced by some of them as a result of the National Probation Service/Community Rehabilitation Company reorganisation.

In summary, it is clear that the National Probation Service and the Community Rehabilitation Companies are still at an early stage of their journey, and there is much still to do to streamline processes and reduce bureaucratic burdens that could stifle innovation. There remains too the need to continue to review and improve IT systems and processes, so that this supports the business of delivering effective, quality services to offenders that contribute to reducing reoffending and the protection of the public.



**Paul Wilson CBE**

*HM Chief Inspector of Probation*

*May 2015*

# 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 and other categories of offenders, and to provide advice to courts on the sentencing of offenders. Most other work with low and medium risk of harm offenders is now delivered by Community Rehabilitation Companies. As the Community Rehabilitation Companies and National Probation Service are different entities, each has a duty to manage and protect the information it holds. As a consequence, the ability of staff in one organisation to view the data held by the other is controlled by a set of rules.

The new National Probation Service and Community Rehabilitation Companies came into existence on 01 June 2014. Staff who had previously been employed by Probation Trusts were divided between the National Probation Service and the 21 new Community Rehabilitation Companies. Although this was an important milestone, this was only the first step in a complex series of changes designed to open up the probation market to new providers, reduce reoffending rates and allow the National Probation Service to focus on managing the risks associated with specific groups of offenders, such as those who are eligible under Multi-Agency Public Protection Arrangements, foreign national offenders subject to deportation and other high risk of harm offenders. Preferred bidders were identified in October 2014 and contracts were awarded in December 2014. The Community Rehabilitation Companies remained in public ownership until 01 February 2015. The work inspected in this report was undertaken shortly before and after the preferred bidders were announced.

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 two working days (at the time of this inspection it was within one working day) as to whether they will be supervised by the National Probation Service or the Community Rehabilitation Companies. New tools have been introduced to support this decision making. These include the Risk of Serious Recidivism tool 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 (from medium to high) in any case they supervise, they undertake a risk review process and 'escalate' the case to the National Probation Service. The National Probation Service may either accept a transfer, if they agree with the assessment that the case does now present a high Risk of Serious Harm, ask for more information (or request a further review of the information) or reject the escalation if they do not agree that the risk of harm has increased to high.

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, in order 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 a full Offender Assessment System assessment. 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 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 now an expectation that they will be completed by the National Probation Service 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 Company and the National Probation Service is crucial in ensuring smooth assignment of cases and 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.

<b>COURTS, REPORTS AND ALLOCATION</b>	<b>INTERFACE</b>	<b>DELIVERY</b>
<b>National Probation Service</b>	<b>Community Rehabilitation Companies and National Probation Service</b>	<b>National Probation Service</b>
Prepare reports for court Decide on case allocation	Communicate and promote sentencing options Commence orders promptly Exchange information Ensure swift enforcement Ensure risk escalation promotes effective risk management	Manages cases that are Multi-Agency Public Protection Arrangement eligible, foreign nationals who are subject to deportation and all others who are assessed as presenting a high risk of serious harm. Also delivers sex offender treatment programmes. <b>Community Rehabilitation Company</b> Manages cases presenting low and medium risk of serious harm. Delivers interventions on low medium and some high risk cases

# Summary and Key Issues

## Assisting sentence and the allocation of cases

The proportion of sentences passed based on oral or short format reports is increasing. This in turn is leading to fewer cases having a full Offender Assessment System assessment prior to sentence. We also found that two-thirds of court reports were not based on an Offender Assessment System risk of harm screening, and that in some cases, where the screening indicated the need for a full assessment, this had not been done. This meant that any actions planned in these cases were not based on a full assessment of the Risk of Serious Harm.

National Offender Management Service guidance is that the Risk of Serious Recidivism tool must be completed on all cases, and staff were working towards this aim. Many staff complained that they had received insufficient training, did not understand the guidance and had struggled to adapt to the different methods of completing the process. Revised guidance, supported by training, was issued in October 2014 to help embed the new process.

In this latest inspection of four National Probation Service/Community Rehabilitation Company areas we were told by the National Probation Service staff we interviewed that the roll out of the Risk of Serious Recidivism tool had been rushed and was piecemeal. The various versions of the tool and guidance support this proposition. We judged that the process overall was inefficient and time consuming. A detailed analysis showed that the scores recorded in the Risk of Serious Recidivism were sometimes unreliable. Our judgement from the Risk of Serious Recidivism cases we sampled was that the higher the score the more difficult it was to complete correctly and the greater the chance of error. No area visited had any system of quality assurance for Risk of Serious Recidivism and we felt this was an important omission. For these reasons we have again repeated the recommendation from our original report that the use of Risk of Serious Recidivism for all cases should be reviewed, and we question the usefulness of completing a Risk of Serious Recidivism score for cases that are already earmarked for the National Probation Service. Valuable time could be saved for National Probation Service court staff if this tool was targeted at cases where allocation was yet to be determined.

The National Offender Management Service also require that the Case Allocation System is completed in all cases. Once again, staff were working towards this. We found it was not uncommon for significant parts of the Case Allocation System form to be marked 'not known'. As our previous report highlighted, there is confusion about the relationship between the Case Allocation System screening of risk of harm and the Offender Assessment System screening. Where the Case Allocation System indicates the need for a full risk of harm analysis, this is often not done.

The new processes associated with *Transforming Rehabilitation* at the court work and allocation stage have clearly created additional demands, and the National Probation Service have been reviewing the staffing position. In our sample we found a number of key tasks, particularly with regard to risk of harm screening were sometimes not completed at all, were incomplete or were unreliable, for example, we found that 13 out of 91 (9%) of screenings indicated a need for a full Risk of Serious Harm analysis which was not completed. This is not acceptable in terms of managing risk.

Most cases (96% or 133 of the 139 applicable cases we examined) were allocated to the correct agency promptly; where there were mistakes, this usually related to the Multi-Agency Public Protection Arrangement status of the offender. In the areas we inspected this was sometimes a consequence of making the decision in advance of sentencing, based on the proposed sentence, rather than the actual sentence passed.

Relations between staff in the Community Rehabilitation Companies and National Probation Service generally remained very positive. Most areas had a formal process to identify and resolve interface



problems as they arose. Perhaps more importantly, there was a will to constructively resolve issues by working together. Despite this, there were some signs of developing tensions between the two agencies as managers considered what they were actually contracted to do and entitled to receive, rather than what they had traditionally done.

Staff from both the National Probation Service and the Community Rehabilitation Companies continued to struggle with the IT systems. This was particularly true around the new processes associated with *Transforming Rehabilitation* that involved interfaces between the two organisations. These points are made fully in our earlier report. In the short time between the inspection periods, we found, not surprisingly, that little had changed.

## **Early work in the Community Rehabilitation Companies**

Most cases were assigned to an identified offender manager in a timely way, and the offender manager saw the offender for their first appointment in 70% of cases. Where this did not happen there was usually a group or duty induction process that ensured the offender was seen promptly.

In a substantial proportion of cases more effort was needed to assess and overcome offenders' barriers to compliance. We found too many cases where the reasons behind the offender's behaviour were not sufficiently explored. We also found that too many cases had no plan to describe the work that would be undertaken with the offender to modify their behaviour.

Many of the Community Rehabilitation Company cases we inspected were assessed as presenting a medium risk of serious harm. Often, these offenders were currently or previously convicted of domestic abuse, and there were frequently concerns about Child Protection. Some of these cases had been allocated to the Community Rehabilitation Company without a sufficient initial assessment of the risk of harm. In too many cases, where this happened, work was not done to ensure that a comprehensive analysis and plan to manage the risk was produced. We also found that there were too few home visits undertaken, where this could have contributed to risk assessment and management.

Where offenders did not initially comply with the requirements of their sentence we found that offender managers usually investigated the reasons for noncompliance promptly, and issued warnings appropriately.

We thought that levels of contact between the offender and Community Rehabilitation Company staff were sufficient to bring about the necessary changes in behaviour in two-thirds of cases. In the remainder we felt that there was the need for more intensive engagement.

## **Early Work in the National Probation Service**

Most cases allocated to the National Probation Service were assigned to an offender manager promptly. All but four out of 30 were seen by their offender manager within five working days. This was good practice, and in line with our expectations.

Slightly fewer than half of the offenders supervised by the National Probation Service were assessed as presenting a high Risk of Serious Harm. The others were correctly allocated to the National Probation Service as a result of their Multi-Agency Public Protection Arrangement status.

Sufficient effort had been made to assess the potential barriers to compliance for most offenders, but often this was not reflected in the plan describing the work that would be undertaken with the offender to modify their behaviour. Often, plans also lacked appropriate objectives.

Although all of the cases presented at least a medium risk of serious harm, there was often not a good quality analysis of the risk of harm or plan to manage the risk. We judged that more of the offenders should have received a home visit as part of the plan. Where there were Multi-Agency Child Protection Arrangements we found that these were usually effective.

The frequency of appointments with offenders was usually appropriate to match the purposes of the sentence, with offender managers monitoring attendance across all parts of the order effectively in most cases.

Where offenders did not initially comply with the requirements of their sentence we found that offender managers always investigated the reasons for noncompliance promptly, and issued warnings appropriately.

## **Enforcement**

The sample of licence cases subject to enforcement was small, but the cases we saw were managed appropriately.

We were able to see more enforcement of community cases, and it appeared that both the Community Rehabilitation Companies and National Probation Service were broadly following the processes required. However, recording enforcement work on nDelius was often incomplete, meaning it is difficult to make a conclusive judgement about the evidence we have seen.

The process of breaching an offender can be more complex following the introduction of *Transforming Rehabilitation*, due to the fact that only National Probation Service staff can carry out this work which requires timely accurate information to be passed on by Community Rehabilitation Company staff in relevant cases. Despite this, it appears that the overall objective of holding offenders to account through appropriate swift enforcement generally was happening, indeed we found some examples of very swift enforcement. As has always been the case, prosecuting offenders through the court, where they may fail to attend, or the prosecution takes several adjournments, is always time consuming. A small number of long running cases may impact badly on the mean average number of days taken to reach a conclusion.

It is important for there to be good working relationships between the Community Rehabilitation Company and the National Probation Service breach staff for the processes to work effectively. Overall, in the places we visited, generally this seemed to be the case.

## **Escalation**

Reallocating cases back from Community Rehabilitation Companies to the National Probation Service as a result of an offender's increasing risk of harm is a new process that staff have still had limited experience of. Management information on the process was not as robust as we would have expected. The data supplied to us from the Community Rehabilitation Companies and National Probation Service showed substantially different numbers of cases subject to escalation.

This lack of rigour in the management information was a reflection of the poor quality data found in case files. In some instances the escalation had been completed using paper, rather than electronic, versions of the form. Some managers in the Community Rehabilitation Companies and National Probation Service struggled to complete and record the various stages of the escalation on nDelius, which appear to us to be complex. As some of the cases inspected were from early in the *Transforming Rehabilitation* process, it is possible performance has now improved. We intend to test this proposition in the next round of inspections.

In most cases there was a clear incident that led to the escalation process. In approximately half of the cases inspected there was reasonably swift action to refer the case to the National Probation Service, this included an informal discussion. We found that the remaining cases appeared to be allowed to drift for too long without decisive action.

Once the referral was made, there was usually a swift decision, although sometimes, the National Probation Service required more information prior to making a decision. In nearly all instances there was a prima facie case for the escalation. Where this was the case, all referrals were accepted. Problems with the quality of management information made it difficult for us to be certain of the time taken from the National Probation Service receiving the referral to their final decision to accept or reject the case.

There was a tension between reacting swiftly to incoming information about potential increases in risk levels and waiting to see the outcome of other processes, particularly around new offences. Some staff appeared reluctant to pursue escalation swiftly where the offender was already in custody on new matters. A third of all escalation cases were remanded in custody on the day the decision was made about their level of risk.

# Recommendations

(Paragraph numbers are indicated in brackets)

## National Offender Management Service

- The National Offender Management Service should evaluate the value and purpose of completing the Risk of Serious Recidivism in all cases prior to allocation especially where cases are automatically allocated to the National Probation Service, for example Multi-Agency Public Protection Arrangement cases. (1.12, 1.23)
- The National Offender Management Service should review the requirement to fully complete the Case Allocation System process for those cases where the allocation to the National Probation Service is mandatory, such as Multi-Agency Public Protection Arrangement eligible or offenders liable to deportation. (1.13, 1.42)
- The National Offender Management Service should amend the Case Allocation System process to align the Risk of Serious Harm screening into a single process. (1.26)
- The National Offender Management Service should explore the possibility of allowing joint access to the nDelius record for a short period after transfer, so that incoming information can be handled efficiently. (4.2, 4.32)

## National Probation Service and Community Rehabilitation Companies

- The National Probation Service and the Community Rehabilitation Companies must ensure that relevant information held by either party is shared efficiently at the court hearing stage. The National Probation Service must inform the Community Rehabilitation Company of all hearings involving cases under their jurisdiction, including the results of bail hearings. Any information provided by the Community Rehabilitation Company should be shared appropriately with the court. (1.2, 1.3)
- Where appropriate the management of medium and high risk offenders should include purposeful home visits, repeated as necessary. (2.14, 3.13)
- Community Rehabilitation Companies and the National Probation Service should agree a joint process to identify all partners involved in cases where risk review has caused a change in the organisation responsible for the case, so that they can be informed. (4.16, 4.20, 4.31)
- Community Rehabilitation Company and National Probation Service recording of breach and escalation information on nDelius should be improved to facilitate the production of meaningful performance management information for the National Offender Management Service. (4.3, 4.6, 4.14, 4.28)

## National Probation Service

- The National Probation Service should ensure that all cases have a risk of harm screening in place prior to allocating a case to the Community Rehabilitation Company. Where possible, if the screening indicates the need for a full assessment this should be undertaken prior to the allocation. (1.7)
- If it is not possible at the time of the allocation to gather all the necessary relevant information from partner agencies, National Probation Service staff should clearly indicate on the Case Allocation System what steps have been taken to gather that information, and what is required to complete the full analysis. (1.27)
- National Probation Service staff should ensure that all necessary documentation is uploaded on to nDelius at the point of allocation. (1.41)
- National Probation Service court duty staff should, where possible, ensure that a provisional first appointment is arranged before sentence, and confirmed once the sentence is passed. Community Rehabilitation Company staff should make available such provisional appointments, taking into account the relevant circumstances of the offender such as working patterns or child care arrangements. (1.37, 1.38)
- The National Probation Service should ensure that for all cases presenting a medium or high risk of serious harm, there is a full initial assessment of the offender and the risks they pose. (3.11)
- The National Probation Service should ensure that for all cases presenting a medium or high risk of serious harm, a comprehensive risk management plan is completed at the start of their community sentence or licence. (3.12)
- Where a case is accepted as high risk of harm by the National Probation Service, there should be a face-to-face meeting between the new offender manager and the offender as soon as possible, so that the case is actively managed to minimise risk of harm to the public. Where the offender is held in custody there should be a clear communication explaining the risk escalation and setting out the next steps. (4.30, 4.31)

## Community Rehabilitation Companies

- Community Rehabilitation Company managers must ensure that offenders engage with their allocated officer at the earliest opportunity. Where a group or duty induction is used, an appointment with the offender manager should always be provided as part of this process. (para 2.4, 2.6)
- Community Rehabilitation Company staff should ensure that they assess the potential barriers to the offender complying with the sentence and ensure that they put in place a plan to minimise them. (para 2.7, 2.9)
- On receipt of an allocated case, Community Rehabilitation Company staff should review the risk of harm screening or full analysis that has been completed as part of the pre-sentence report process and ensure that they have all the information necessary to confirm the risk of serious harm level posed by the offender. Where necessary they should review the risk management plan and ensure that it forms the basis for the necessary work to manage the risk of harm posed by the offender. (para 2.12, 2.16)
- Community Rehabilitation Companies should ensure that the plan to manage the offender throughout the sentence should be kept under review to ensure that it remains focused and relevant. (para 2.25)
- Where the Community Rehabilitation Company offender manager starts the escalation process it should be seen through to a referral to the National Probation Service promptly, or be withdrawn by the Community Rehabilitation Company manager. (para 4.22)

# The Early Work Methodology

The Early Work methodology evolved from the previous 'Court Work, Assessment and Allocation' and 'Start of Order' inspections that were undertaken in August and September 2014. These inspections covered approximately one month's work undertaken in July and August with the resultant report published in December 2014. The work inspected at that time was undertaken very shortly after the creation of the new bodies. We acknowledged in the report that the upheaval of the creation of the new bodies would cause a degree of disruption. The report contained a large number of recommendations, many of which could not have been acted on at the time of the current inspection. These recommendations are reproduced at appendix 1 and remain pertinent.

We hoped that some of the problems associated with the organisational split would have eased, although we expected that many of the issues identified in our December report would remain. This has indeed proven to be the case. The recommendations within this report should be considered alongside those made in the original report. We have included new recommendations in this report only where our evidence has become clearer, or to refine or clarify earlier recommendations. All of the recommendations from the earlier report are supported by those in this report.

This inspection can be seen as a continuation of HMI Probation's work to understand and report on the developing *Transforming Rehabilitation* landscape. The sample specification for this inspection is considerably different to our previous inspection. We have included work with those released on licence, and excluded those subject to a single requirement of unpaid work. We also visited different geographical areas. It is not, therefore, possible to directly compare the findings of the two reports and say conclusively that any apparent improvements are representative of performance nationally. It is our intention to use the methodology which underpins this report in a series of inspections to be conducted in the remainder of 2015.

The fieldwork for this inspection took place in December 2014 and January 2015, and looked at four months' work that had been undertaken between August 2014 and January 2015 with offenders who had received community sentences or had been released on licences. Similarly to our previous inspection, we have looked at the start of the order, but in this inspection we have also been able to look at work in the first three to four months, which often equates to about a quarter of the length of an intervention. As such, it is difficult for us to assess the long-term outcomes of the interventions, as they had, as yet, not had time to take full effect.

Using a bespoke inspection tool, we focused on work undertaken at the point of sentence and allocation, work undertaken by the Community Rehabilitation Companies (CRCs) and National Probation Service (NPS) to manage offenders, and the interfaces between the two organisations in respect of enforcement and risk review.

The case samples from the CRC and NPS are significantly different in many regards. Although the main differences relate to risk of harm levels and Multi-Agency Public Protection Arrangements (MAPPA status), they also differ in other ways. Most notably the NPS sample contains a much higher proportion of licence cases and a lower proportion of women.

We looked at 107 cases that had been assigned to the CRCs following sentence or release on licence between August and October 2014. Of these 87 were community sentences and 20 were licences; 80% of the sample were male and 94% were white British, 6% were from black and minority ethnic communities.

Piloting of this inspection methodology was undertaken in Somerset in November. We visited four NPS Local Delivery Unit clusters and the associated CRCs. These were: Bradford and Calderdale (West Yorkshire CRC), Essex South (Essex CRC), Knowsley, St Helens and the Wirral (Merseyside CRC) and West Mercia (Warwickshire and West Mercia). A team of between seven and eight inspectors visited each area for three days. In the final two areas we also looked at the processes and delivery of Risk of Serious Recidivism (RSR) tool in greater detail.

We asked the NPS and the relevant CRCs to identify all cases that met our specification and were sentenced or released in a certain time period. This was designed to enable us to look at between three and four months work. We also asked both the NPS and CRCs for all their cases that had been subjected to risk review due to escalation from June 2014 (regardless of the outcome of the review or the date the order or licence started).

We inspected 171 cases in the main sample including:

- 34 cases managed in the NPS
- 107 cases managed in the CRCs
- 30 cases that had been considered under the risk review processes as a result of a potential increase in the assessed level of Risk of Serious Harm (RoSH).
- We also inspected 28 RSR assessments in detail.

We interviewed 34 NPS case managers and 96 CRC case managers who were responsible for the cases we examined. We also held four focus groups for middle managers in the NPS and four for middle managers in the relevant CRC and interviewed 28 offenders using a semi-structured interview tool.

# Assisting sentencing and the assignment of cases

1





# 1. Assisting sentencing and the assignment of cases

Prior to the *Transforming Rehabilitation* reforms Probation Trusts were responsible for assisting magistrates and judges in deciding the most appropriate sentence for individual offenders. Since 01 June 2014 this work is now undertaken by the NPS. This function can only be delivered through close working relationships with the CRC. NPS staff need to understand what services the CRC can offer so appropriate proposals can be made for sentencing. Information will need to be gathered from the CRC if the offender is currently supervised by them. Also, where the offender is assigned to the CRC, information about the offender and the sentence will have to be passed by the NPS to the CRC.

Proposals for sentencing are delivered through pre-sentence reports (PSRs). There are three forms of PSR, an oral report, a short format report and a full report. These reports may be delivered on the day of sentence, after a short adjournment or a longer adjournment, usually up to three weeks after sentence.

In addition to covering important aspects such as offence analysis, offending behaviour, criminogenic needs and activities to reduce reoffending, all reports should be based on a judgement of the indicative risk of serious harm that the offender presents. As a minimum, all cases should be screened for various antecedents, and where indicated, a full analysis of the risk of serious harm should be to be undertaken and recorded. Any required full analysis of risk of serious harm should be completed using the approved offender assessment tool, namely the Offender Assessment System (OASys). The PSR should be based on the initial judgement about risk of serious harm; where a full analysis of risk of serious harm is needed, and has not been prepared before sentence, it should always be completed before the case is allocated to the appropriate organisation.

Since 01 June 2014 the NPS has also had to complete a number of additional tasks associated with the allocation of the offender to the correct organisation. Firstly, a RSR calculation; which uses actuarial data to identify the likelihood (as a percentage) of offenders with certain characteristics going on to commit a seriously harmful offence in the next two years. Secondly, the Case Allocation System (CAS) which includes a risk screening tool identifies which organisation the offender should be allocated to.

## Findings

### Pre-sentence work

- 1.1. Many of the processes associated with preparing reports for court are unaffected by the changes introduced by *Transforming Rehabilitation*, although the previous practice of the supervising officer being responsible for the preparation of reports on cases known to them is no longer possible where the offender is supervised by the CRC.
- 1.2. An issue was raised by CRC staff in that they were not always informed that cases known to them were appearing in court until after the event, or on occasions not at all. This could have serious consequences for the appropriate management of a case. CRC managers in one area told us of a case where, following a remand hearing, an offender, with a history of domestic abuse, was granted bail after being remanded in custody. This information was not passed to the CRC, leaving the offender with no reporting instructions and potentially representing a risk of harm to the victim. The CRC did not discover what had happened for three weeks. It is, of course, the case that there have been information exchange issues prior to the introduction of *Transforming Rehabilitation* but obviously the NPS/CRC split makes it more important that information is passed quickly to the relevant organisation.
- 1.3. We were told by CRC managers that in some cases information that they had passed on to the NPS court duty team seemed to have been ignored. An example they spoke about was that information about the progress of offenders on existing orders was not always passed on to the sentencers, leading, they said, to sentences being passed without full possession of the relevant facts.

- 1.4. Although we did find some instances where information was not shared as we would have expected, we also found others where there had been good liaison and communication. All NPS areas had processes in place to check if offenders were known to the CRC, although these did not always prove reliable. This issue was highlighted in our previous report.
- 1.5. NPS staff expressed concerns that they were becoming less knowledgeable about the detailed services offered within supervision requirements that were available as part of community sentences, as they had no personal experience of them. They were concerned that this would lead to difficulties in making appropriate proposals. Some felt that the CRC staff and managers would need to make increasing effort to communicate the details of their services. Despite this, our data showed that there was a clear proposal for an appropriate community sentence in nearly all cases inspected.
- 1.6. PSRs were produced in 91% (91 out of 100) of the cases that led to a community sentence. In approximately a third of cases, the report was produced on the day of sentence. A full typed PSR was produced in 36% of community sentences inspected.
- 1.7. We assessed that reports were based on sufficient information for sentencing purposes in 78% of applicable cases. Despite this, in 35% of reports there was no risk of harm screening, which is not acceptable. In a further 14% of cases a screening had been undertaken, indicating the need for a full assessment, although this had not been carried out prior to the allocation of the case to the CRC which is also unacceptable. Only 23% of PSRs were based on a full OASys assessment (although in some cases a full OASys assessment would not be required, for example where an unpaid work proposal was made for a first time offender).

### **Risk of Serious Recidivism**

- 1.8. Calculating the RSR is one of the new processes under *Transforming Rehabilitation*. There was an expectation that this would be undertaken in all cases from 01 June 2014. All areas were required to complete the RSR using an Excel spreadsheet. This process was superseded by the introduction of a web-based tool accessed through the internet browser Firefox. Each of the four areas we visited are now using the current arrangements.
- 1.9. Some staff responsible for the completion of the RSR commented that the process was 'easy to complete' or 'simple'. Closer questioning revealed that they had often not seen the guidance associated with the processes, or were aware of it, but nevertheless were not applying it correctly.
- 1.10. Other staff thought that training had been delivered without the benefit of the most up-to-date versions of the tool and that the cascade training approach meant that some of their queries could not be answered. Furthermore, when changes were made, these were often simply issued as email instructions, leaving them feeling inadequately briefed.
- 1.11. Despite the requirement to commence the use of the RSR tool from the outset of *Transforming Rehabilitation*, further guidance and update documents have been issued more recently (the current guidance was issued in October 2014). As a result of all of these changes few of the staff we spoke to were confident that they understood exactly what was expected of them. Despite the length and complexity of the 29 page guidance document (made longer by the insertion of a number of screenshots which, we were told by NPS officials, some staff had requested), there was still the need to refer to other schedules with regard to some relatively common offence types. It might be helpful if the guidance could be linked electronically to the form, as well as being available as a standalone document. This would make it easier for staff to consult the guidance for questions they were less certain how to answer.
- 1.12. Our earlier report identified that the RSR tool stands alone from the other NPS data systems, and requires the manual entry of data that has already been entered into nDelius and OASys. This

remains the case. Once the RSR tool is completed, the document and score must be manually uploaded on to nDelius. This is inefficient.

- 1.13. The National Offender Management Service (NOMS) require the RSR to be calculated in every case, even where there is no information to indicate that the offender has shown any behaviour indicative of causing serious harm. It is also mandatory to complete the RSR where there is a clear indication that the offender will be allocated to the NPS, for example because of their MAPPA status. We question the usefulness of this for the allocation decision and believe that valuable time could be freed up for NPS court staff who have taken on new tasks as a result of the changes introduced by *Transforming Rehabilitation*. We recommend that the NPS consider the scope for streamlining the completion of RSR at the allocation stage in appropriate cases.
- 1.14. An RSR score was recorded on the appropriate records within one day of sentence in 86% (74 out of 86 cases) of the sample. This was better than our earlier report where only 76% of cases had an RSR completed. RSR scores are important for determining, on an actuarial scale, which offenders are most at risk of committing serious offences in the future. NOMS' decision was that those scoring under 6.9% should be allocated to the CRCs and cases scoring 6.9% or above should be retained by the NPS. We found that 85% of allocated community cases had scored less than 3% and 93% scored less than 4%. Two cases scored over 6% but less than 6.9%. No case in the main sample scored over 6.89%, which is the threshold for a case to be automatically allocated to the NPS without any other relevant factors being present such as MAPPA status.
- 1.15. We became aware that there may be issues with the accuracy of the RSRs after two of the four inspection visits we made. We decided to dedicate a member of staff to look in detail at the issue for the final two visits. The inspector familiarised themselves with the detail of the various pieces of guidance and instructions. In addition to the main samples, we inspected 28 completed RSR forms and in some cases spoke to the officer completing the RSR. In one area we were also able to work alongside a local NPS performance manager.
- 1.16. In one area we looked at 16 cases that were in the main sample. Although this proved interesting, we did not see many cases with high RSR scores. For the final visit we examined 12 cases with a score of 4% or more.
- 1.17. Overall, we found that for the 18 cases with a score of lower than 5%, the variation between the score generated by the Inspectorate and the score generated by the NPS was usually less than 1 percentage point, with some scoring exactly the same. In none of these cases would the RSR score have influenced the allocation decision.
- 1.18. In the ten cases that scored 5% or higher there was much more variation, with six cases showing a variation of greater than two percentage points. Of the ten cases, we judged the score to be too high in five cases and too low in the remaining five. We found three cases which had been allocated to CRCs because the recorded RSR score was below the threshold of 6.9%, and where our calculation of the RSR score took them above the threshold.
- 1.19. We believe that the variation between the Inspectorate's RSR scores and those generated by the NPS is caused by the complexity of the counting rules. Staff were often overconfident in their understanding of these rules. Common mistakes were the exclusion of cautions, reprimands and warnings, the inclusion of breaches and failure to follow the guidance on what counts as a violent offence. Many staff were incorrectly recording offences of drunk and disorderly, criminal damage and public order as non-violent, conversely offences such as aggravated vehicle taking were incorrectly counted as violent by some staff.
- 1.20. Perhaps the most obvious difficulty encountered by staff was distinguishing between offences, convictions and sanctions. The more complex the offending history and the longer the Police National Computer record, the greater care was needed to ensure the correct data was entered

into the RSR tool. Tracking down the correct way to record certain offences could be very time consuming. Unsurprisingly, NPS staff reported finding this task difficult to complete accurately while performing other court duties.

- 1.21. In the NPS areas we visited we found no evidence of any quality assurance process to ensure the accuracy of the data entered into the RSR tool. Some managers were aware of problems with the consistency of scores produced. CRC managers did not routinely have access to this tool and did not base their decisions about allocation to individual officers on the RSR score.
- 1.22. NPS managers reported that there were very few examples of the RSR score alone affecting the ultimate allocation decision. They claimed that in the few cases that did have a score of 6.9% or more the offender was usually allocated to the NPS anyway as a result of their MAPPA or risk of harm status. The process of allocation was described as cumbersome and time consuming.
- 1.23. The RSR is an important tool for informing risk of harm assessments, by linking the actuarial score with practitioners' clinical judgements, and so potentially managing risk better. In the way that it is currently operated, however, we did not find evidence of the RSR being used to inform practice, for example at the point of risk review and in our view this represents an important lost opportunity.

### **Case Allocation System**

- 1.24. The final task prior to allocating a case to either the NPS or CRC is to complete the CAS. We found that there was evidence of the CAS being completed in 65% of cases that had received a community sentence. Between the areas visited there was a considerable difference in the proportion of cases where the CAS had been completed. The best performing area had completed the CAS in 87% of cases. Where the CAS had been completed, this was nearly always done on or before the sentencing date.
- 1.25. The CAS contains a risk of harm screening tool which is similar to, but not identical to, the OASys screening tool. The assessor completes the form section by section, confirming if there is sufficient evidence available to complete each section and indicating if the relevant question triggers the need for a full RoSH analysis.
- 1.26. Many staff were unclear about the extent to which it was necessary to complete both screening tools. The CAS requires more information about offences against vulnerable victims but less about other members of the public. As expressed in our previous report, we believe there should be a single screening tool which includes all relevant risks. As this is not currently the case, our view is that both are required. We share the frustration expressed by staff about the lack of integration between the CAS and OASys screenings.
- 1.27. Where the CAS had been completed we found that in 27%, elements were marked as 'not known'. Two of the areas that this applied to frequently related to the risk to children and the risks to known adults. These omissions meant that the information contained in the CAS was unreliable, and key areas of risk could be missed.
- 1.28. The ability of court duty staff to access information related to Child Protection and domestic violence from local children's services departments and the police varied from place to place. Some areas were able to gather information about domestic violence relatively quickly. Response times for information on Child Protection were usually slower.
- 1.29. Even where arrangements were established and efficient, staff told us that it was often unrealistic to expect that this information could be gathered quickly enough to complete the CAS screening accurately, within the required timescales, if there had not been an adjournment for a written report.
- 1.30. We assessed that in the 58% of cases where the CAS had been completed, either the CAS or other available information indicated that there was the need for a full RoSH assessment. For cases in

our sample allocated to the NPS, the full RoSH assessment was nearly always completed, as these offenders were rarely sentenced on oral reports. For those allocated to the CRC, at the point of allocation a full RoSH assessment had been completed in 57% of relevant cases.

- 1.31. Some CRC staff and managers expressed the view that where the NPS was not producing the required risk assessments this was effectively passing tasks between the two organisations in a way that was not consistent with the contracts and which would not be sustainable.
- 1.32. Our earlier report identified that there was confusion about which processes were supposed to be completed prior to the allocation of cases to the CRC, particularly the requirement to complete a full RoSH assessment when triggered by the screening tool. This confusion remains. NPS staff were aware of this requirement, but viewed it as very difficult to fulfil unless there had been an adjournment for a written PSR. Even completing the screening accurately for oral and short format reports was often problematic due to the difficulties in obtaining information from children's services or the police.

### **Making the allocation decision**

- 1.33. Once a sentence has been passed, the NPS is expected to allocate cases to the correct agency within two days (the expectation at the time of this inspection was one day). Our previous report indicated that the rate at which cases were incorrectly allocated was approximately 4%. This inspection found a similar low rate. We judged that 133 out of 139 cases were correctly allocated. Given that these processes were relatively new at the time of this, and the earlier inspection, this appears a good indication that the allocation processes nearly always achieve the correct result.
- 1.34. There are a number of ways that the NPS may make an incorrect allocation decision and either keep or refer a case inappropriately. We found examples of the RSR being scored too low, the risk of harm assessment being incorrect and MAPPA eligible offences being overlooked or wrongly identified. Two cases were not initially identified as being MAPPA eligible as a result of suspended sentence orders with a custodial element of twelve months or more.
- 1.35. There was a view among NPS court staff that if an OASys full risk of harm assessment was indicated as necessary, but it had not been completed as part of the PSR, it would be difficult to complete within the required timescale and with existing resources. Practically, the only way to undertake the full analysis would be to complete it immediately after sentencing; this would be logistically very difficult while maintaining a service to the court and interviewing other offenders for oral reports.
- 1.36. Each area visited had slightly different arrangements for informing the CRC of sentencing outcomes. Broadly speaking, information, about the sentence was passed on in the appropriate timescale, albeit not always containing everything that was required.
- 1.37. In most cases, NPS staff made contact with the CRC and secured a first appointment for the offender. In some cases the liaison was effective in securing an individual appointment with an offender manager from a CRC managed 'diary'. This sometimes meant that the CRC could allocate the offender to the offender manager responsible for the diary slot and effectively commence the intervention with the responsible officer from the first appointment. More frequently the first appointment was a group or 'duty' induction.
- 1.38. In one area NPS staff identified a tension between what was contractually required of the NPS and what the CRC would ideally like. It was thought that the CRCs may prefer the NPS to negotiate between the offender and the CRC to find a time for an appointment that took into account the offender's reasonable needs, such as childcare or work commitments, but that these bespoke arrangements would take more time for the NPS to deliver. Although there had been a willingness to attempt this, it was not clear if it would be sustained.

## Other Findings

- 1.39. We heard from CRC managers that they were unable to view incoming cases from the NPS without first accepting them. This was a source of frustration where it transpired that there was either missing information or a simple error had been made which was subsequently difficult to correct.
- 1.40. In some instances CRC managers told us that offenders were reporting prior to the formal allocation of the case to the CRC. As the CRC could not access the NPS system to check what they were being told by the offender, they could not manage these cases appropriately, or indeed, even record what they were told on nDelius.
- 1.41. Consistent with our own experiences, we were told by CRC staff that the uploading of documents onto nDelius by NPS staff was not always consistent or timely. This appeared to be a problem particularly in the cases commencing following the production of an oral PSR.
- 1.42. NPS staff reported that they were completing the RSR process as required, but hardly any thought that the process added any value at the pre-allocation stage. This was particularly the case when the offender was clearly going to be allocated to either the NPS because of the risk of harm assessment or other factor, or the CRC because there was no apparent risk of harm issues.

## Recommendations

- The National Probation Service and the Community Rehabilitation Companies must ensure that relevant information held by either party is shared efficiently at the court hearing stage. The National Probation Service must inform the Community Rehabilitation Companies of all hearings involving cases under their jurisdiction, including the results of bail hearings. Any information provided by the Community Rehabilitation should be shared appropriately with the court. (1.2, 1.3)
- The National Offender Management Service should evaluate the value and purpose of completing the Risk of Serious Recidivism in all cases prior to allocation especially where cases are automatically allocated to the National Probation Service, for example Multi-Agency Public Protection Arrangement cases. (1.12, 1.23)
- The National Offender Management Service should review the requirement to fully complete the Case Allocation System process for those cases where the allocation to the National Probation Service is mandatory, such as Multi-Agency Public Protection Arrangement eligible or offenders liable to deportation. (1.13, 1.42)
- The National Offender Management Service should amend the Case Allocation System process to align the Risk of Serious Harm screening into a single process. (para 1.26)
- The National Probation Service should ensure that all cases have a risk of harm screening in place prior to allocating a case to the Community Rehabilitation Company. Where possible, if the screening indicates the need for a full assessment this should be undertaken prior to the allocation. (1.7)
- If it is not possible at the time of the allocation to gather all the necessary relevant information from partner agencies, National Probation Service staff should clearly indicate on the Case Allocation System what steps have been taken to gather that information, and what is required to complete the full analysis. (1.27)
- National Probation Service staff should ensure that all necessary documentation is uploaded on to nDelius at the point of allocation. (1.41)
- National Probation Service court duty staff should, where possible, ensure that a provisional first appointment is arranged before sentence, and confirmed once the sentence is passed. Community Rehabilitation Company staff should make available such provisional appointments, taking into account the relevant circumstances of the offender such as working patterns or child care arrangements. (1.37, 1.38)

# Early Work in the CRCs

# 2



## 2. Early Work in the CRCs

Once the NPS has allocated a case to the CRC, it is their responsibility to engage the offender in a plan to prevent or reduce their reoffending and to manage any risk of harm that they pose. This chapter looks at the work of the CRCs to manage these objectives.

Understandably during this still early period of *Transforming Rehabilitation* (when the CRCs were still in public ownership) there had been very little time for the preferred suppliers to communicate their vision of how services would be delivered differently under the new regimes. Towards the end of the inspection period managers were starting to meet with representatives of the new owners.

Managers in some areas commented that they were continuing to lose staff at probation officer grade but had been able to recruit probation service officers. We were told that the changing grade profile of staff and the increase in inexperienced staff had led to an increase in workload for managers, which in turn meant there was less time available for routine quality assurance. Some middle managers also mentioned a decrease in resilience at all levels as result of the split. In offices that had previously had two managers, now each organisation had only one, meaning there was often no local manager to share tasks with in the event of peaks in activity or unplanned absences.

Findings in this section should not be compared directly to those in our previous inspection as the samples are constituted differently. This inspection has included cases released under licence, which were excluded from the previous inspection, and excludes cases of standalone unpaid work which were previously included.

There are a number of circumstances where the CRC must refer cases to the NPS. These are dealt with in chapter 4.

### Findings

#### Allocation induction and first appointments

- 2.1. In 69% (74 out of 107) of cases allocated to the CRC a named offender manager was identified within 24 hours of sentence or release, and 90% were allocated to a specific offender manager within a week. In the past the officer writing the PSR sometimes took responsibility for the court order or licence, although the advent of specialist court liaison teams (a pre *Transforming Rehabilitation* development) made this less common. This practice is no longer possible in CRC cases.
- 2.2. Some CRC managers felt that the fact the offender manager did not meet the offender until after the sentence, and sometimes not until after an induction with a duty officer or group, slowed the pace at which progress could be made at the start of the order.
- 2.3. 70% (73 out of 105) of all cases (including licencees) had their first appointment after sentence or release with their allocated officer, this was sometimes because the offender was receiving a new sentence and was already under supervision and sometimes as the result of effective allocation arrangements.
- 2.4. In 31 cases where a community sentence was made the first appointment was either a group induction or a meeting with a duty officer. In these cases 24 were given their next appointment with their allocated officer. Of the remaining seven most of these cases had repeated duty appointments.
- 2.5. A third of cases were seen by their offender manager within two working days, a further third within five working days, with the remaining third taking more than five working days.



- 2.6. As recommended in our previous report, for community sentences, we believe that every effort should be made to ensure the offender manager and offender meet at the earliest opportunity after sentence to draw up a sentence plan and manage any risk issues. This point also applies to those released on licence where the allocation to the offender manager should be planned well in advance of the release.
- 2.7. We expect to find that diversity factors and potential barriers to the offender complying with the sentence to be assessed. In 41% (43 out of 104) of cases we found that this had not happened sufficiently. In over half of all relevant cases there was no indication of how any diversity issues or barriers to compliance would be addressed and overcome.

## **Managing the offender**

- 2.8. There was a sufficient assessment of the likelihood of reoffending in 62% (65 out of 105) of cases. In 21% of cases we judged the assessment as insufficient, and in the remaining 17% there was no assessment.
- 2.9. We expect to see a plan outlining the actions that will be taken to manage the offenders' likelihood of reoffending in the first month of their order or licence. We found such a plan of intended objectives and a reporting schedule in only 60% of cases. Where there was a plan, we usually assessed it as sufficient.
- 2.10. As expected, none of the cases managed by the CRC were assessed as presenting a high RoSH. The largest proportion, 58% were assessed as presenting a medium risk of serious harm, 29% were assessed as low risk of serious harm, with no risk level recorded in 13% of cases.
- 2.11. Of the 61 cases that were assessed as presenting a medium risk of serious harm, nearly half were currently sentenced for offences of violence against the person. Two-thirds had been perpetrators of domestic violence, either in the current or previous offence, and in 26 there were concerns about protecting children.
- 2.12. Where required, a full initial analysis of the RoSH posed by offenders managed by the CRC had been completed to a sufficient standard in only 46% of cases. An analysis had been completed, but not to a sufficient standard in 30% of cases, with no analysis at all in the remaining 24%.
- 2.13. Although these cases were managed by the CRC, the absence of a good quality initial analysis of the RoSH can be argued to be a shared responsibility. In cases where the analysis was required, it should have been passed to the CRC at the point the case was allocated to them.
- 2.14. From our inspection we judged that in 40 cases there was a need to undertake a purposeful home visit to manage the (medium) risk of harm posed by the offender. This was usually in relation to child safeguarding issues. Such a home visit had been undertaken in only 12 cases.
- 2.15. Multi-Agency Child Protection Procedures were required in 26 cases but we found that in only 11 had these had been used effectively.
- 2.16. There was a sufficient plan to manage the risk of harm posed by the offender in only 38% of the relevant cases. The plan was insufficient in 42% of cases and there was no plan in the remaining 20%.
- 2.17. Once a case is allocated to the CRC, it is essential that a robust plan is put in place to manage the risk of harm presented. This had not happened in too a high a proportion of cases. We found that in only 28 out of 74 cases which required a risk management plan (RMP), a good plan was in place; in 31 (42%) of cases the initial RMP was insufficient and in 15 (20%) cases there was no plan.

## **Delivering the sentence**

- 2.18. The frequency of appointments offered was matched to the requirements and purposes of the sentence and the risk of harm posed by the offender in 73% (77 out of 105) of cases. Relevant diversity needs were taken into account in 70% of cases.
- 2.19. Sufficient work had been directed at overcoming barriers to engagement in 64% of the cases where this was necessary.
- 2.20. In nearly all cases the offender manager monitored attendance across all aspects of the order or licence. Where necessary, there was a timely and investigative approach to apparent instances of noncompliance in 81% (58 out of 72) of cases.
- 2.21. In slightly more than half of the cases inspected there was an absence or instance of unacceptable behaviour by the offender during the period inspected. In 85% of these cases a timely formal warning was issued. Enforcement action was commenced against 3 licence cases and 23 community sentences. Progress on these cases is reported in chapter four.
- 2.22. Where enforcement action was taken and contact was maintained with the offender, sufficient efforts were made to re-engage the offender and encourage their future engagement in 65% of cases.
- 2.23. Overall, we judged that the level of contact with the offender was sufficient to maintain constructive engagement and promote positive outcomes in only 65% (68 out of 104) of cases.
- 2.24. Interventions had been commenced promptly, or there was a plan to commence an intervention within an appropriate time scale in 70% (61 out of 81) of relevant cases.

## **Reviewing the work with the offender**

- 2.25. As we inspected cases that had been supervised for between three and four months, we expected to see reviews on some of the cases. Overall we judged that there should have been a review in at least 45 cases. We found that there had no review in 19 of these cases, a further 12 had been reviewed, but we judged them insufficient. There had been a review which we judged sufficient in 14 cases.
- 2.26. We were able to assess if there had been a further conviction or other disposal for an offence committed since the start of the order or licence in 101 cases. In nine cases there had been another conviction.

## **Recommendations**

- Community Rehabilitation Company managers must ensure that offenders engage with their allocated officer at the earliest opportunity. Where a group or duty induction is used, an appointment with the offender manager should always be provided as part of this process. (2.4, 2.6)
- Community Rehabilitation Company staff should ensure that they assess the potential barriers to the offender complying with the sentence and ensure that they put in place a plan to minimise them. (2.7, 2.9)
- On receipt of an allocated case, Community Rehabilitation Company staff should review the risk of harm screening or full analysis that has been completed as part of the pre-sentence report process and ensure that they have all the information necessary to confirm the risk of serious harm level posed by the offender. Where necessary they should review the risk management plan and ensure that it forms the basis for the necessary work to manage the risk of harm posed by the offender. (2.12, 2.16)
- Community Rehabilitation Companies should ensure that the plan to manage the offender throughout the sentence should be kept under review to ensure that it remains focused and relevant.(para 2.25)

# Early Work in the NPS

3



## 3. Early work in the NPS

Since 01 June 2014 the NPS has been charged with the responsibility of managing certain groups of offenders. Those who have committed a sexual or violent offence eligible for management under MAPPA, have been assessed as presenting a high RoSH, score over 6.89% on the RSR tool, certain foreign nationals and a small number of other offenders are managed by the NPS.

We looked at 34 cases that had been managed by the NPS following a sentence or release on licence that occurred between August and October 2014. This is a relatively small sample across a large geographical area. Of these cases 14 were community sentences and 20 were licences. All but four of the sample were men. There were no foreign nationals in the sample, 30 were white and 4 were of black and minority ethnic heritage.

We judged that 24 cases were eligible for management under MAPPA, including 2 cases that had not been identified by NPS staff. One case had been incorrectly identified as subject to MAPPA.

Findings in this section should not be compared to those in our previous inspection as the samples are constituted differently. This inspection has included cases released under licence, which were excluded from the previous inspection. The nature of the NPS cases differ from those managed by the CRC. It would therefore also be wrong to compare the NPS subsample with that obtained from the CRC.

### Findings

#### Allocation, induction and first appointments

- 3.1. There was some confusion about which agency the case should have been allocated to in five cases. These were reallocated to the NPS shortly after assignment. They were not subject to risk escalation.
- 3.2. For community sentences, cases were allocated to the NPS either on, or before, the date of sentence in over 80% of relevant cases. Only one case took more than five days to allocate. This was a satisfactory level of performance.
- 3.3. The first appointment given after sentence or release was held with the NPS allocated officer in 68% (21 out of 31) of cases, with 23% being seen by a duty officer. Eighteen of the cases were seen within two days of sentence or release and twenty six within five working days. The offender was seen by a member of staff in the CRC in three cases due to initial errors in allocation. As with CRC cases, we believe it is important to establish contact with the allocated offender manager as soon as possible after sentence or release.
- 3.4. We expect to find diversity factors and potential barriers to the offender complying with the sentence to be assessed and taken into account when services are delivered. In 81% (26 out of 32) of cases we found that this had happened sufficiently. Although these potential barriers were identified in a high proportion of cases, planning to overcome them was identified and recorded in only just over half of the cases.

#### Work to manage the offender

- 3.5. There was an assessment of the likelihood of reoffending in all cases. We judged that the assessment was of sufficient quality in only 69% (22 out of 32) of cases.
- 3.6. We expect to see a plan outlining the level of contact and the actions that will be taken to manage the offenders' likelihood of reoffending completed in the first month of the order. We found a record of the intended contact level in 59% of relevant cases and a plan with appropriate objectives in 63% of cases.

- 3.7. Slightly over half of the cases managed by the NPS had been assessed as presenting a high RoSH, the remainder were assessed as medium. We thought that three cases assessed as high were in fact medium.
- 3.8. Twenty four of the cases managed by the NPS were MAPPA eligible. The remaining ten cases had been assessed as presenting a high RoSH.
- 3.9. The most common current offence type was violence against the person, with 17 instances. Sexual offences accounted for a further seven cases. There were two offences of arson, two offences of robbery and single examples of fraud, criminal damage, burglary, theft, driving with excess alcohol and possession of a firearm.
- 3.10. Two-thirds of the sample was currently or previously convicted of offences related to domestic violence, and there were concerns in relation to children in 58% of cases.
- 3.11. A full initial analysis of the risk of serious harm posed by offenders managed by the NPS had been completed to a sufficient standard in 68% of cases, which is not a good enough level of practice.
- 3.12. As all the cases supervised by the NPS were assessed as presenting at least medium risk of serious harm, we expected to see a good quality RMP in every case. We found such a plan in 69% of cases. The quality of RMPs was insufficient in too high a proportion of cases. This is an issue that predates the introduction of *Transforming Rehabilitation*.
- 3.13. We judged that in 22 cases there should have been a purposeful home visit to manage the risk of harm posed by the offender. We found that such a visit had been undertaken in just 17, or 77% of applicable cases.
- 3.14. Overall, we found that Multi-Agency Child Protection Procedures were required in nine cases. We found that these had been used effectively in all but one case.
- 3.15. Eighteen cases had some form of restrictive intervention; we found that fifteen of these were appropriately monitored.

### **Delivering the sentence**

- 3.16. The frequency of appointments offered was matched to the requirements and purposes of the sentence in 90% (28 out of 31) of cases. In 75% it was matched appropriately to the risk of harm posed by the offender. Relevant diversity needs were taken into account in 85% of cases.
- 3.17. Sufficient work had been directed at overcoming barriers to engagement in 85% of the cases where this was necessary.
- 3.18. In nearly all cases the offender manager monitored attendance across all aspects of the order or licence. Where necessary, there was a timely and investigative approach to instances of noncompliance in all but two cases.
- 3.19. In 15 cases there was an absence or instance of unacceptable behaviour by the offender during the period inspected. In every case a clear and timely warning was issued.
- 3.20. Enforcement action was required in the case of one offender subject to licence in the sample. This offender was subject of a standard recall, which was managed appropriately. There were no examples in the sample of a community sentence that required enforcement proceedings to be commenced.
- 3.21. Overall, we judged that the level of contact with the offender was sufficient to maintain constructive engagement and promote positive outcomes in 87% (26 out of 30) of cases.
- 3.22. Interventions had either been commenced promptly, or there was a plan to commence the intervention within a reasonable timescale in 68% (17 out of 25) of relevant cases. In the remaining 32% we judged that the intervention had not been commenced, but should have been.

3.23. Fifteen cases managed by the NPS had appropriate restrictive requirements, such as an electronically monitored curfew or restraining order. In all but one of these cases the restriction was proportionate and appropriate.

### **Reviewing the work with the offender**

3.24. As we inspected cases that had been supervised for between three and four months, we expected to see reviews on some of the cases. Overall, we judged that there should have been a review in at least 12 cases. We found that there had been a sufficient review in seven of these.

### **Recommendations**

- The National Probation Service should ensure that for all cases presenting a medium or high risk of serious harm, there is a full initial assessment of the offender and the risks they pose. (3.11)
- The National Probation Service should ensure that for all cases presenting a medium or high risk of serious harm, a comprehensive risk management plan is completed at the start of their community sentence or licence. (3.12)
- Where appropriate the management of medium and high risk offenders should include purposeful home visits, repeated as necessary. (2.14, 3.13)

# The breach and escalation of cases initially managed by the CRC

# 4



## 4. The breach and escalation of cases initially managed by the CRC

Since 01 June 2014 the supervision of most offenders has been undertaken by the CRC. Under the *Transforming Rehabilitation* arrangements offender managers in CRCs must refer any case in need of enforcement action by the courts to the NPS who will, if they are provided with the correct information and judge it to appropriate, commence proceedings.

In addition, where a case is supervised by the CRC and the offender manager believes the risk of harm presented by the offender has increased to high, the case must be referred to the NPS using a process called 'risk review'. This transaction is undertaken by 'first line managers'. Broadly speaking there are four possible outcomes:

- if the NPS believe the threshold of high risk of serious harm has been crossed they must accept transfer
- the NPS may decide that further information is required prior to a decision being made, and if so the CRC must gather this information
- the NPS may decide that the case has not reached the point where it has become a high risk of harm, and therefore the CRC must retain management responsibility
- the requirement for a further risk review at a specified time.

### Findings for enforcement

#### Licences

- 4.1. Within our sample there were three cases released on licence that required enforcement action to be taken. In two of these cases the offender was arrested and remanded in custody as a result of fresh and relatively serious offences. The enforcement action followed swiftly from these events and the recall was efficiently managed. In the third case the offender breached the electronically monitored requirement of his home detention curfew. Although the offender was also subject to a licence, the electronic monitoring company liaised directly with the NOMS public protection and casework section that revoked the licence. The recall process was completed swiftly in all of the cases.
- 4.2. Despite a policy position set out in Probation Instruction 08/2014 (outlining the circumstances where a risk referral review must be made) there was a lack of clarity among CRC staff about whether, or with what priority, the cases should also be subject to a risk review. It is possible that cases can be recalled without any escalation in risk, which would mean the individual remained with the CRC unless, or until, the offender was sentenced for the new offence and the CAS determined otherwise.
- 4.3. Escalating cases through the risk review process requires the offender managers to engage in a formal reassessment of the level of risk, refer the case to their manager and produce a range of documents for the NPS. This was not seen as a priority. The offender managers took the view that as the offenders were in custody for new offences, a new sentencing event would cause a reassessment. In the cases inspected it could be argued that the alleged new offences appeared to increase the risk of serious harm to high. The offender managers did not pursue this immediately. In these cases there were no adverse consequences, however, had the charges been withdrawn, a new assessment would have been urgently required.



## Community Sentences

- 4.4. Of the 87 relevant offenders receiving a community sentence, the CRC had commenced breach proceedings via a referral to the NPS in 23 cases. At the time of the inspection these cases were at various stages of completion. Two cases were withdrawn prior to the court date, twelve were convicted and the remaining cases were ongoing. In some cases the referral to the NPS had been made at a time very close to our visit, and no inference can be drawn from the fact that cases were not concluded.
- 4.5. Where possible we measured:
- the number of days taken from the alleged breach to the referral to the NPS
  - the number of days that elapsed prior to the NPS applying for a court date
  - the number of days to the first court hearing
  - the number of days to the conclusion of the case (where the conclusion had been reached).
- 4.6. Due to deficiencies in the recording of some data on nDelius, it was not always possible to be sure about the dates for all stages of the proceedings. Of the 13 cases where the data was clear on the time taken between the alleged breach and the CRC contact with the NPS, it had been commenced as required by the National Standard of within 8 working days in 8 cases. With one exception, the remainder had been completed in 15 working days.
- 4.7. In three cases the NPS proceeded to apply for a court date within a day. Most applications had been made within a week. There were two cases where the application took between two and three weeks. In all cases a first court date was secured within three weeks of the application to the court.
- 4.8. Overall, we were able to track 13 cases from the alleged failure to comply to a court conclusion. In one case the total time was less than two weeks, which was swift. Just under half the cases were concluded in less than four weeks. A few cases took a significant time to bring to a conclusion, with six taking multiple court hearings. The average number of working days between the failure to comply and a conclusion to proceedings was 32 in total.
- 4.9. We were told in several areas that the key to effective breach work was a good relationship between the CRC staff and the NPS breach officer and we were often told that there were such good relationships. The most common view about the new enforcement procedures was that they were more time consuming, but, as long as the various steps were followed, could lead to a successful prosecution.
- 4.10. The requirement for the CRC to produce all the paperwork early in the process to allow for the breach to proceed was a particular concern to offender managers. CRC staff felt that to offer a true account of the offender's progress, it was necessary to submit a further report close to the court date, effectively meaning that it had to be done twice.
- 4.11. In most cases that we inspected, the CRC and NPS were managing the agreed processes efficiently. There did not appear to be any particular areas of the process that were not adhered to, although not all cases were dealt with in accordance to National Standards. Courts were also able to facilitate the enforcement action by providing dates for hearings swiftly. Where the conclusion of the breach took longer, this seemed to be as a result of multiple court hearings, either as a result of non-attendance by the offender or contesting the breach through the court.

## Findings for risk escalation

- 4.12. From our earlier inspection of *Transforming Rehabilitation*, we believed that risk review cases where the risk of harm was said to have escalated were relatively rare events. We therefore decided to seek out a separate sample of these cases, rather than relying on them appearing in our main sample randomly.

- 4.13. We asked both the CRCs and NPS for information on cases that had been subject to the risk escalation. We made it clear that we were interested in both cases that were accepted as escalation cases and were now managed by the NPS and cases that were not accepted. This process should have generated lists from both organisations that were identical.
- 4.14. Although we had not asked them to, two areas collaborated in the drawing up of a single list. The other two areas produced separate lists with some degree of variation. In one area the CRC identified twice as many risk escalations as the NPS, in the other 50% more. This indicates that there is a significant degree of discrepancy in the detailed records kept between the two organisations.
- 4.15. We also decided to include cases from early on in the post *Transforming Rehabilitation* period, as otherwise we would not have been able to generate a sufficient sample size. This approach did enable us to look at 30 cases in total, which in some areas represented nearly all of the cases that had occurred since June 2014. This had the benefit that some of the cases we inspected were representative of the first time some managers had undertaken the new process.
- 4.16. Two of the cases we inspected were not actually risk escalations but were more accurately described as attempts to rectify mis-allocations. We were told that the risk review process was the only approved method of correcting these mistakes. We were also told that there was no simple way for the NPS or CRC to distinguish risk escalation from other types of risk reviews. We were informed by NOMS, after the inspection, that the supporting IT does provide a way to make this distinction, although this did not appear to be widely understood. This may have accounted for some of the discrepancies in the lists produced for the inspection.
- 4.17. We were told repeatedly that staff and managers were not confident in the use of nDelius, particularly concerning the signing and locking of documents and the points of handover between the two organisations. This meant that as inspectors we often struggled to follow what had actually happened in complex cases by reference to the records alone.
- 4.18. Even when speaking to managers, it was clear that some relied heavily on administrative support to complete the escalation process. In some cases poor recording made it difficult to judge all aspects of this escalation work. Many managers described themselves as inexperienced in this regard, and could not always explain clearly what had happened, although most thought they would improve with exposure to the processes.
- 4.19. Where the evidence recorded was clear, in nine cases the risk referral had been generated by the offender manager, approved by the CRC manager and sent to the NPS within a day of the incident that led to the escalation becoming known. A further five cases took less than a week and three less than two weeks. The remaining cases took more than two weeks, sometimes months.
- 4.20. We were surprised that not all CRC case managers and their managers viewed the completion of the risk review process as a priority. In some cases the risk review had been started, but not concluded promptly as other events, such as new offences and remands in custody, had taken precedence.
- 4.21. In nearly all of the cases that could accurately be described as risk escalation, there was an event which triggered the offender manager to commence the risk review process. The exception to this was where the CRC believed the case had been wrongly allocated due to an underestimation of risk. In other words, there was no new evidence, but a simple re-examination of the evidence led to a different conclusion.
- 4.22. There was some discussion between CRC and NPS managers about when the risk escalation should be confirmed. In one area we were told of several cases where the police had arrested offenders on new charges, but subsequently withdrawn them as they were without foundation. The

CRC manager felt that it was not possible to know if the charges would be withdrawn, so wanted to act on the information she had. The NPS manager felt that once the case had been accepted as a risk escalation, it could not be sent back, and was therefore keen to await confirmation.

- 4.23. The first stage of the risk escalation process for the CRC offender manager is to submit a form to their manager. We recorded the date the incident happened, and if there was an informal discussion between the CRC and the NPS at that point.
- 4.24. Two cases were referred to the NPS without the formal use of the risk escalation process. In several cases we were presented with paper versions of the forms. This made an audit of timeliness difficult.
- 4.25. In 19 cases there was an informal discussion between the CRC and NPS managers as recommended by the guidance. The NPS asked for additional information in three cases. We judged that there was a prima facie case for the referral in all but two cases. Ultimately, with the exception of these two cases, every other referral was accepted by the NPS.
- 4.26. Once the referral was made, there was formal contact between the NPS and the CRC within a day in 21 cases. In three cases the NPS asked for further information. The quality of the referral was sufficient in the first instance in 20 cases.
- 4.27. We found that managers in the CRCs and NPS worked collaboratively to resolve issues identified in the escalation process. Most managers were confident in the ability of their counterparts to make reasonable decisions.
- 4.28. We had anticipated that we would be able to measure in hours the length of time between the referral being made by the CRC and being accepted by the NPS. This proved not to be the case. Although there is a requirement that this process be completed in one day, we could not find a simple, reliable way to calculate this. In many cases the entries were made retrospectively by administrators, and in others the correct entries on nDelius had not been made.
- 4.29. It is possible that these recording issues may be resolved as managers become more familiar with the requirements of the process, and is something we intend to consider in the next batch of inspections.
- 4.30. Ten of the twenty-eight cases inspected for risk escalation were either in police or prison custody in respect of new offences on the day the referral was made. We judged that these cases were escalated appropriately, although in some cases it made little difference to the management of the case. Often, the new offender manager had not made contact with the case pending further proceedings.
- 4.31. In other cases where the offender was at liberty, it was appropriate for the new offender manager to pick up the case quickly, although this did not always happen. It was also essential for the CRC manager to remain alert to the case. In one instance that had been escalated we were able to see that information pertinent to the management of the case continued to arrive in the CRC, most notably from the police.
- 4.32. The case manager was unable to enter this information into nDelius as she lost the right of access at the point the case was transferred. This lack of access meant she had to forward an email to the NPS manager with a message suggesting that this communication be cut and pasted into what was now the NPS nDelius record. We thought the offender manager acted appropriately in this case and the information was successfully shared. This is clearly not an efficient process and there was a real possibility information might not be forwarded appropriately or in a timely manner.
- 4.33. Some managers from both the NPS and the CRC expressed doubts that in instances where the CRC offender manager had suitable experience and knowledge of the offender, it would be unlikely that a new NPS offender manager, with no experience of the offender could manage the increased risk of harm more effectively.

- 4.34. CRC managers also felt that they, and their staff, were unable to define a case as high risk of serious harm under the post *Transforming Rehabilitation* arrangements. Passing a case to the NPS with an assessment of high risk of harm was merely 'provisional'. They thought that over time this power of the NPS to make the decision would undermine the confidence of staff.
- 4.35. We did not see any examples of a systematic approach to informing relevant partners that responsibility for a case had been transferred, despite this being a mandatory action in Probation Instruction 08/2014.
- 4.36. The assessment of whether a case has crossed a threshold between medium and high risk of serious harm is ultimately a judgement. We agreed with the judgement of the NPS to accept (or decline) the referral in all but one case. Even in this case, we felt that the decision was defensible.

## Recommendations

- The National Offender Management Service should explore the possibility of allowing joint access to the nDelius record for a short period after transfer, so that incoming information can be handled efficiently. (4.2, 4.32)
- Community Rehabilitation Company and National Probation Service recording of breach and escalation information on nDelius should be improved to facilitate the production of meaningful performance management information for the National Offender Management Service. (4.3, 4.6, 4.14, 4.28)
- Where the Community Rehabilitation Company offender manager starts the escalation process it should be seen through to a referral to the National Probation Service promptly, or be withdrawn by the Community Rehabilitation Company manager. (4.22)
- Where a case is accepted as high risk of harm by the National Probation Service, there should be a face-to-face meeting between the new offender manager and the offender as soon as possible, so that the case is actively managed to minimise risk of harm to the public. Where the offender is held in custody there should be a clear communication explaining the risk escalation and setting out the next steps. (4.30, 4.31)
- Community Rehabilitation Companies and the National Probation Service should agree a joint process to identify all partners involved in cases where risk review has caused a change in the organisation responsible for the case, so that they can be informed. (4.16, 4.20, 4.31)

# The views of offenders

5



# 5. The views of offenders

We offered offenders in our sample, the opportunity to participate in an interview with the inspectors. We interviewed a total of 28 offenders using a semi-structured interview tool. Most interviews were done by telephone, but a small number were done face-to-face, where the offender was due to attend the office at a time when we were also on site. In each area we managed to speak to some offenders both from the NPS and CRC. Overall, 16 individuals were managed by the CRC and 9 by the NPS; a further 3 had been subject to escalation due to increasing risk and had therefore been supervised by both organisations. Three-quarters of the offenders were subject to a community sentence, the rest were on a licence.

## Findings

### Court reports

- 5.1. The great majority of offenders interviewed had a report prepared prior to sentence. While their recollection of the type of report was vague, in general they felt that the quality of the report and the picture it painted of them was fair. A minority of our respondents said their report was unfair or negative in their view.

### Induction

- 5.2. The induction phase of a community sentence or licence is critical. Early engagement with an offender can promote effective compliance and positive outcomes. Almost all offenders said they knew when, and where, to attend their next appointment with either the CRC or the NPS.
- 5.3. In some instances this was due to already being under supervision. In others, offenders were instructed primarily by court officers who gave them appointments on the day, or by report authors who included reporting instructions in their reports.
- 5.4. Most of the offenders we interviewed said they felt the induction they received clearly went through the rules and what would happen if they did not attend and, generally, offenders saw their offender managers at the induction appointment. However, not everyone received individual inductions and instead some participated in group inductions. We also saw several cases where the offender had multiple appointments with a duty officer prior to seeing their offender manager.

“I met with my SO on the first appointment, she took time to tell me all about what I needed to do, and asked me what I wanted to achieve.”

“I saw duty officer twice. It would have been better to have got started quicker with the OM, but the duty officer was good and put my mind at rest.”

“I remember attending my first appointment when I met my OM and received a full induction which included what the expectation was of the order, rules, and compliance stuff. The OM also talked about what goals I had and wanted to achieve during the supervision period.”

## Compliance and Enforcement

- 5.5. We asked offenders about how well they had complied with the requirements of their order or licence. The majority of those asked said they had attended all appointments.
- 5.6. Where warnings had not been issued some offenders had provided medical certificates as proof of an acceptable reason for not attending. We were encouraged to find that most of the offenders who expressed a view felt that their offender manager had been fair, and tried to arrange reporting instructions which took into account their individual circumstances. Furthermore, when they were returned to court in breach, the great majority of offenders said they felt it was their fault that it had happened.

"I missed a couple of appointments but that was my own fault and went back to Court. Order was continued and happy with that."

"She fits arrangements around my work and rearranges when I need to. I don't want to get recalled so I make it work."

## Engagement

- 5.7. Engaging with an offender, building trust and a working relationship, enables the offender manager to break through barriers which may inhibit change. However, a consistent view of the offenders interviewed was that they felt they did not have anything going on in their life which was stopping them achieving what they wanted to with regard to offending. Most also said that their offender managers were helping them as much as possible to achieve their plans.

"Yes - on both my orders I always get a lot of time from him and he makes me fully aware that I can go in to talk to him about any problems. I've been feeling quite down, I've had money problems as well. He is always there so I can tell him anything. The first time I met him I took a big dislike to him but we've got past that and it's going really well now."

- 5.8. Inevitably, where offender managers were preventing offenders from doing what they wanted to do, in order to minimise risks, there was some negativity as illustrated by the quote below.

"My Probation officer is stopping me moving in with my girlfriend, which means I am homeless and living rough in the woods. They are no use at all and just stop me doing things."

## Offence focused work

- 5.9. The great majority of offenders had talked to their offender managers about the crime they committed that caused them to be on their current order or licence. Generally, this had been done towards the start of the order or licence, but in many cases was returned to later, either to reinforce progress made or address concerns. However, in order to stop reoffending in the future we would expect to see an exploration of the reasons for offending behaviour in all relevant cases. Almost all offenders we interviewed remembered exploring the reasons for their offending with their offender managers.

"We talk about the problems I am facing and also about the offences I have committed. I can talk to him about anything. I have been doing a programme and he makes sure I go to that."

5.10. Despite most comments being positive, one offender said:

"a) It was a one off b) I report and tick all the boxes. We have cosy chats."

5.11. The dominant theme emerging from these offender interviews was that generally they were satisfied with the services they received from the court stage through to induction and engagement, interventions and, where necessary, breach proceedings. It is encouraging to note, from this small sample of offenders interviewed, their generally positive perceptions and feedback at a time of great change for individuals supervised by the NPS or a CRC.



# Appendices



# Appendix I

## Recommendations from *Transforming Rehabilitation* – Early Implementation 1

### 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.
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.
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.

#### Other recommendations

4. All National Probation Service staff should wear visible identity badges when working in court.
5. National Probation Service managers to ensure that basic checking of court lists is done by staff of the appropriate grade.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.

## **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.
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.
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.
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.
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.
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.
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.
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.

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.

### **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.
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.
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.
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.
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.
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.
32. The National Offender Management Service should amend the Case Allocation System form to include the deportation status of the offender.
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.
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.
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.
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.
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.
38. Community Rehabilitation Company and National Probation Service middle managers should meet formally to discuss interface issues.

# 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.
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.
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.
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.

## Other recommendations

43. All Community Rehabilitation Company offender managers should engage offenders in the sentence planning process.
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.
45. Community Rehabilitation Company chief executives should clarify what type of case is appropriate for probation services officers to manage.
46. Community Rehabilitation Company managers should ensure that assignment decisions take place within five working days and are clearly recorded on nDelius.
47. Community Rehabilitation Company offender managers, where possible, should verify any reasons given by offenders for not attending appointments.
48. Community Rehabilitation Company offender managers should take previous non-compliance into account when considering enforcement action.
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.
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.
51. Community Rehabilitation Company chief executives should ensure full implementation of workload monitoring.
52. Community Rehabilitation Company managers should monitor the completion of the start of order assessment and take action if it is late.
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.

## 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.
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.
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.
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.
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.

### Other recommendations

59. National Probation Service offender managers should take into account all available information when completing a full Risk of Serious Harm analysis.
60. National Probation Service offender managers should ensure risk management plans contain relevant contingency plans and address risks to specific victims.
61. National Probation Service deputy directors should ensure that managers provide effective management oversight of cases.
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.
63. The National Probation Service should explore the feasibility of using nDelius to submit information for inputting onto the Violent and Sexual Offenders Register.
64. The National Offender Management Service should ensure full implementation of workload monitoring.
65. National Probation Service offender managers should investigate why offenders fail to attend appointments and record their findings.
66. National Probation Service offender managers should prioritise victim safety and take into account the views of victims when preparing assessments and plans.
67. The National Offender Management Service should ensure that effective methods are used to share information and deliver training to staff.

# Appendix II

## Acknowledgements

We would like to thank all the staff from the NPS and the CRCs we inspected for their assistance in ensuring the smooth running of the inspection. We would also like to thank all NPS and CRC staff who assisted in the piloting of these inspection arrangements in Somerset.

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# Glossary

<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>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"> <li>• Those presenting a high or very high risk of serious harm.</li> <li>• Those managed under MAPPA arrangements.</li> <li>• Those with an RSR score over 6.89%.</li> <li>• Those eligible for deportation.</li> <li>• Those subject to deferred sentence.</li> <li>• Those where there is a 'public interest' in the case.</li> </ul>
<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 <i>Transforming Rehabilitation</i> .
<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.

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