

The Implementation and Delivery of Rehabilitation Activity Requirements

An inspection by HM Inspectorate of Probation

February 2017

Thematic Inspection

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Foreword

In introducing rehabilitation activity requirements two years ago, the government wanted to ensure flexible and efficient sentencing aimed at reducing reoffending, and to encourage innovation. Rehabilitation activity requirements have now become a common feature of community sentence orders. They liberate probation services, enabling them to decide the best ways in which to rehabilitate each individual. There has been no review of the effectiveness of these orders so far.

The problems that have beset other aspects of probation delivery of late were evident on this inspection, but here we have focused on matters particular to rehabilitation activity requirements.

These orders can aid speedy justice, increasing the proportion of cases sentenced on the day. For sentencers to consider the full range of sentence options with confidence, however, they must be given sufficiently comprehensive information about the individual and all the sentence options available, and sound advice on what is most suitable and - where a rehabilitation activity requirement is recommended - the maximum number of days to specify. This is too often difficult or else impossible, in part because of other initiatives in the wider system (such as speedy justice, and *Transforming Rehabilitation*). We are reviewing probation reports to court in more detail in our thematic inspection of court work, now underway.

Probation services must assess people thoroughly after sentence, plan activities most likely to reduce a person's risk of reoffending and deliver them within the days available. If they do not do this well then sentencer confidence is undermined. We found significant shortcomings and a noticeable lack of impetus or direction in a good proportion of cases. In over one in ten, there had been no purposeful activity at all. We found early signs of a reduction in sentencer confidence.

There is an uncomfortable tension here, a symbiotic relationship between the making of the order and what is delivered, with the system leaving sentencers to assume services they are not fully confident about. We found a failure to enforce some orders when required, and sentencer confidence was affected by poor attendance in the cases that were returned to court.

A good range of services should be available to cover diverse needs. We found a limited range of services actually available, and so decisions in cases were inevitably constrained, and often pragmatic. Financial constraints are holding back full implementation of some Community Rehabilitation Companies' wider supply chains. That is understandable, but we found little to bridge the gap pending any change to be brought about by the government's probation services review.

I have commented before on the dated IT systems prevalent in probation services and do not wish to repeat myself unduly, but the problems are most exasperating here. Rehabilitation activity requirements are a new initiative and the systems struggle to support them in any reliable and consistent way. As a result, records are confused and usually inaccurate.

These orders have great potential. Better IT, more certainty and stability for Community Rehabilitation Companies and more expansive supply chains will all help deliver that potential, but inherent tensions remain, as sentencers must be able to

sentence with confidence – with sufficient information, and also sure that probation services will deliver competently in all relevant respects. Ultimately, unless probation services delivery improves materially, government’s policy aims will not be met.

A handwritten signature in black ink, consisting of several large, overlapping loops and a long, horizontal tail that ends in a small hook.

Dame Glenys Stacey

HM Chief Inspector of Probation

February 2017



Key facts

February 2015	Rehabilitation activity requirements were available to the courts from February 2015.
19,021	Number of community and suspended sentence order commencements containing a rehabilitation activity requirement between April and June 2016 ¹ .
36%	Percentage of community and suspended sentence order commencements containing a rehabilitation activity requirement between April and June 2016 ¹ .
44%	Percentage increase in the use of rehabilitation activity requirements for community orders during the period of April-June 2015 to April-June 2016 ¹ .
112%	Percentage increase in the use of rehabilitation activity requirements for suspended sentence orders during the period of April-June 2015 to April-June 2016 ¹ .
28	The average maximum number of activity days ordered in the 72 cases we inspected.
22%	The percentage of ordered activity days that had been delivered after 9 months in the 72 cases we inspected.

¹ Offender Management Caseload Statistics, Ministry of Justice, 2016 (England and Wales).

Rehabilitation activity requirements explained

Introducing rehabilitation activity requirements

When making a community or suspended sentence order, a court may include a rehabilitation activity requirement – that is, a requirement that the defendant participates in activity to reduce the prospect of reoffending. Rehabilitation activity requirements are commonly known as RARs.

RARs were introduced in 2015. Formerly, court orders used to specify both the nature of an activity to be undertaken and the number of days, but now only the *maximum number of days* of activity need be specified. This allows for the precise activity to be determined following a more in-depth assessment after sentence and allocation to probation services, and amended subsequently if needs be. An activity day can be of any duration, from less than an hour up to one day, according to the length of the session.

The considerations the court should take into account in deciding the maximum number of RAR days for any individual are not set out in legislation, but the enabling Act² makes clear that the primary purpose of RARs is rehabilitation. The court should also take into account the nature of the offending, as RARs can have functions other than rehabilitation, and indeed the order can also include other punitive requirements (for example unpaid work).

In legislating for RARs, the government aimed to ensure flexible and efficient use of sentencing so as to reduce reoffending, as it sought to encourage innovative work under new arrangements for delivering probation services, introduced at about the same time.

RARs in practice

RARs have taken centre stage in community sentencing for rehabilitation, and having superseded supervision and activity requirements, as intended, they are now the vehicle for most rehabilitative activity. Orders requiring specific programmes of intervention (known as accredited programmes, deemed to be effective in reducing the likelihood of reoffending) and also alcohol, drug and mental health treatments are much less common, as Table 1 shows.

Table 1: The Proportion of community and suspended sentence orders made in 2015/2016 with specific requirements included³.

Rehabilitation Activity	29%
Accredited Programme	8%
Alcohol/Drug/Mental Health Treatment	8%

² Offender Rehabilitation Act 2014.

³ Offender Management Caseload Statistics, Ministry of Justice, 2016 (England and Wales).

Note that the requirements are not mutually exclusive and some orders contained a rehabilitation activity requirement and also an accredited programme and/or and treatment requirement.

RARs in context

As RARs were introduced, established Probation Trusts were disbanded and new organisations – Community Rehabilitation Companies (CRCs) and a National Probation Service (NPS) – created to deliver probation services. The transition has been challenging, and performance so far is variable. In our routine inspections we are finding the quality of NPS work acceptable by and large (but there are notable exceptions and shortfalls) whereas CRCs are often struggling to deliver quality work consistently well.

Generally, we are finding CRCs with high, variable or changing caseloads for some professional staff, and insufficient attention given so far to staff supervision and quality assurance. Other common shortcomings include inadequate assessment or subsequent management of the risk of harm to others, inadequate or inconsistent supervision of service users, and – of particular relevance here – insufficient purposeful intervention likely to reduce an individual's likelihood of reoffending.

The change to new arrangements has been very demanding, and to compound matters, workload shortfalls have led to financial constraints and uncertainties for CRCs and a reluctance to commit to the settled arrangements with other providers needed to support RAR and other delivery. Information is not collected on the distribution of RAR orders (as between CRCs and the NPS) but the CRCs carry the bulk of these cases.

This is the context for our inspection of RARs.

Executive summary

Sentencing of RARs – court liaison

In most inspected cases the court received a pre-sentence report – as it should – before making a RAR. Only a small number were made without a report. The majority of reports were of sufficient quality to inform the court about the offending-related factors that need to be addressed. They did not, however, always include the information the court needed to decide whether a RAR was the best way to achieve this, or informed advice on the maximum number of RAR days to include, should the court decide to make a RAR.

We found no simple correlation between seriousness of offending and the number of days ordered. Ideally the number of days should relate to the anticipated activity, but it was difficult for liaison staff to give the court an accurate estimate or guide. Court liaison staff were working without any rationale for the factors they should consider, and lacked clear guidance on how to decide the maximum number of days to propose. To compound matters, they were often unaware of the actual projects that could be used in a particular case, and so their time requirements.

In practice, we found the maximum numbers of days being ordered slightly higher than that proposed, and in some cases both were considerably more than we considered were necessary. When the type of offending and the nature of the

rehabilitative task were considered, in the majority of cases we inspected the number of RAR days was reasonable, and almost always sufficient to allow completion of the amount of work required.

We found scope for the potential over-use of RARs in place of accredited programmes and treatment requirements. The increasing proportion of cases assessed and sentenced on the day coupled with workload pressures meant that staff did not always have time for the more detailed assessments necessary for some other requirements. As a result there may have been a tendency to propose RARs in preference. The reduction in availability of accredited programmes in some places was also likely to have led to an increase in RARs.

Management of RARs – planning and delivery

RARs require that detailed assessments will be undertaken after sentence and following allocation of the case to a CRC or the NPS. We found those assessments insufficient in too many cases. These are pivotal as they confirm the offending-related needs of the service user and determine a plan of activity and intervention to be delivered through the requirement. They are particularly necessary in those cases where only minimal information about the offender is received from the court liaison process.

The nature of the service users' offending and the reasons for it were mostly identified correctly, but decisions about the work to be done tended to be pragmatic and influenced more by the activities available rather than the factors most clearly linked to the offending, yet this was not the policy intention of government. Factors less related to offending were sometimes prioritised. On occasions no activity was planned to address the factors most directly related to the offending, and in the majority of cases insufficient progress had been made in addressing them.

There was a need for greater attention to public protection issues in planning and delivery of RARs. Many of the cases we looked at had been sentenced for behaviour that was harmful, and often this received insufficient attention.

Sentence plans completed in the relevant IT record (the Offender Assessment System) were often minimal and rarely included enough detail of offending-related factors, their relevant activity, and how many activity days would be used. This partly reflected the structure of the sentence planning function in the software, as it was not designed to provide the type of plan needed for delivering RARs. The best plans were those that were completed using stand-alone documents.

When it came to delivery, there was a general lack of impetus and actual progress during the sentence, with arrangements and actual delivery much looser than anticipated by government as RARs were introduced. We found a lack of discipline in setting, reviewing and keeping to plans, insufficient access to required interventions, and poor management of the order. Taking into consideration the length of time since sentence in the cases we reviewed, more of the planned RAR activities should have been delivered, and more progress made towards the intended outcomes. In some cases, RAR activities were not likely to be delivered by the end of the sentence.

Provision of RARs – strategy and content

RARs are being delivered in similar ways to previous supervision and activity requirements, in that we found more than half of the offending-related work delivered by responsible officers as part of their regular supervisory contact. Some of this was structured and purposeful and in places where this was the clearly anticipated model for delivery we found it was well organised. Elsewhere, few resources had been dedicated to developing group or one-to-one work packages to be delivered internally. This left the quality of work dependent on the skills and experience of the individual practitioner, with no library of individual work material readily available to draw upon.

Some CRCs planned for most RAR services to be provided externally, but not all of these services were in place, and in any event these models still envisaged that some issues would be addressed on a more individual basis. Little attention had been given to interim alternatives, and staff were in need of a more supportive and systematic approach to delivering RARs.

We found the range of external services overall narrower than we anticipated, in part due to partnership arrangements or contracts expiring before others were in place. Much of what was available was comparable to that in place in Probation Trusts. We did see examples of creative, well thought out and useful services, albeit they were driven by the external suppliers themselves, rather than CRCs.

We found no specific quality control of activities used in RARs, or any current national activity to evaluate RAR effectiveness.

Management of RARs – engagement, enforcement and recording

Insufficient attention was paid to diversity factors and engagement with service users.

Not enough RAR activity days had been delivered in the orders we looked at. An insufficient number of days were arranged, yet sentencer confidence can be undermined if the number of activity days attended is regularly and significantly lower than the maximum ordered.

The response to missed appointments was wanting, with too much discretion exercised in relation to missed attendance and enforcement. This led to a lack of sufficient progress in delivering planned RAR activities and achieving intended outcomes, and had a negative impact on sentencer confidence about orders being properly enforced.

Insufficient attention was given to effective offender management, in part due to changing staff caseloads and insufficient local guidance to responsible officers on how RARs should be delivered and recorded. The high level guidance issued by the National Offender Management Service and the National Probation Service was helpful, but the impact of this and any local guidance was often lost among other more important or immediate changes and pressures.

We found much confusion about the management and recording of RARs, and this was diverting the time and effort of practitioners. The replacement of supervision and activity requirements with a single rehabilitation activity requirement embodying both functions has complicated the legal framework, at least insofar as it is understood by many service users and probation staff. The different categories of contact (RAR activity days and RAR appointments) do not map easily on to the realities of probation activity, and so do not lay the ground for more effective delivery of rehabilitative interventions.

These problems are made worse by lack of functionality in the main case management system, nDelius. It predates RAR legislation and so is not designed to capture the new pattern of contacts. Modifications and improvements have been made but still more are required. Guidance has been issued, but it has not been effective in helping practitioners maintain accurate records.

Recommendations

The Ministry of Justice should:

- consider the management information it should collect to review whether rehabilitation activity requirements are working as intended.

Her Majesty's Prison and Probation Service⁴ should:

- provide National Probation Service court liaison staff with clear guidance on the factors to consider when proposing the maximum number of activity days for a rehabilitation activity requirement
- issue specific guidance on the types of contact that can be counted towards the different elements of a rehabilitation activity requirement
- make sure case management systems give an accurate record of rehabilitation activity requirement activity days and appointments.

The National Probation Service should:

- make sure that rehabilitation activity requirements are only proposed in preference to other requirements where they will allow the most effective rehabilitation of the offender
- produce all copies of oral pre-sentence reports as a typed document.

The Community Rehabilitation Companies and the National Probation Service should:

- make sure that National Probation Service court liaison staff have sufficient

⁴ On 08 February 2017, the Ministry of Justice announced that the National Offender Management Service (NOMS) will, from 01 April 2017, become Her Majesty's Prison and Probation Service.

information about the activities available to make informed proposals for rehabilitation activity requirements

- make sure rehabilitation activity requirements are started promptly, and their progress is kept under regular review
 - provide practitioners with a readily accessible library of modular materials for use individually and in groups, to deliver effective structured work addressing a variety of offending-related factors
 - make sure all offender absences, whatever their cause, are responded to appropriately, and orders are enforced when required.
-

1. Introduction

1.1. Why this thematic?

Our experience in recent inspections of probation services has suggested to us that RARs are not being delivered well enough, or as government envisaged. Specifically, we were concerned that not enough activity was being done by probation providers to implement these prevalent orders of the court, and meet the government's RAR policy aims.

1.2. RARs – the detail

The *Offender Rehabilitation Act 2014* (ORA) introduced the RAR as one of the requirements that can be inserted into a community or suspended sentence order, as from 01 February 2015. It quickly became common place, with almost one-third of relevant 2015/2016 orders containing a RAR provision⁵.

The RAR requires the offender to '...comply with any instructions given by the responsible officer to attend appointments or participate in activities or both'⁶. This allows the responsible officer to require the offender to keep appointments with them (or another person) so as to carry out work to promote their rehabilitation and desistance, irrespective of (and in addition to) the maximum number of activity days ordered by the court. It gives rise to the distinction between RAR appointments (with the responsible officer or another person) and RAR activity days. Activities can be of any duration according to the length of the session, from less than an hour up to one day, but are limited to the maximum number of days specified in the order. There is no requirement for the responsible officer to use the maximum number of activity days ordered.

The content of appointments and days is not specified by the Act or by the National Offender Management Service (NOMS). The whole RAR remains in force until the expiry (or revocation or amendment) of the order itself, irrespective of how many activity days have been completed. The majority of orders with a RAR include other additional requirements.

1.3. Aims and objectives

The aim of this inspection was to take a more in-depth look at how RARs were being ordered at court and then delivered so as to see to what extent our initial concerns were justified. Specifically we wanted to know the following.

1. Do NPS liaison arrangements enable courts to make appropriate RARs in all relevant cases, to support the rehabilitation of offenders and their desistance from further offending?
2. Does assessment and planning for RARs enable the setting of appropriate objectives and activities to achieve successful rehabilitation?
3. Does the delivery of RARs support the achievement of planned outcomes towards successful rehabilitation?
4. Specifically, is the delivery of RARs responsive to the needs and circumstances of service users and kept under review?

⁵ Offender Management Caseload Statistics, Ministry of Justice, 2016 (England and Wales). Note that the requirements are not mutually exclusive and some orders contained a rehabilitation activity requirement and also an accredited programme and/or and treatment requirement.

⁶ *Offender Rehabilitation Act 2014* Section 15 (3)(1).

5. Are RARs delivered, and where necessary enforced, in line with the expectations of the court?
6. Is there evidence that RARs reduced the likelihood of reoffending and contribute to public protection?

1.4. Report outline

Chapter	Content
2. Sentencing of RARs – NPS court liaison	The sentencing of RARs and the contribution of NPS court liaison staff to this process, and how it is supported by information from the CRCs.
3 Management of RARs – planning and delivery	The management of RARs from an offender management perspective looking at their planning and delivery, and the achievement of identified outcomes towards rehabilitation.
4. Provision of RARs – strategy and content	The strategy and models for the provision of activities and services for RARs, and examples of the content we found in the inspection.
5. Management of RARs – engagement, enforcement and recording	The management of RARs from the perspective of the engagement of service users, the management of compliance and enforcement, and problems relating to how RARs are defined and recorded.

2. Sentencing of RARs – NPS court liaison

We looked at the probation record of the sentencing process in all of the 72 cases in our sample. We interviewed sentencers, legal team managers and probation liaison staff and managers, observed NPS court liaison staff at work, and considered the information and guidance on which the information provided to the court was based.

We looked at the making of RARs in preference to other requirements, the number of RAR activity days being ordered, and took perspectives on RARs from a sample of sentencers.

2.1. Information for sentencing

Probation liaison arrangements in courts should support the making of appropriate RARs in all relevant cases. A report was provided to the court by the NPS as part of the sentencing process in 64 of the 72 cases examined. Some of the reports were delivered in writing, while others were presented verbally, with a written record provided on the probation case record. Our sample contained only cases where the court had decided to include a RAR in the community or suspended sentence order, although in two cases the report had proposed a different course of action but the court nonetheless made a community sentence including a RAR.

In the remaining eight cases we assessed, no report had been prepared. In seven of these it appeared that the RAR had been made without reference to NPS court liaison staff, while in one the offender had declined to cooperate with preparing a report.

We considered whether the reports we read provided the court with sufficient information about the particular offending-related factors that could be addressed by a RAR. We found that three out of four reports did so. A similar proportion indicated the specific issues that the RAR would be able to address. In our view almost all reports correctly identified the factors relating to the person's offending.

The NOMS Probation Instruction 58/2014 on RARs issued in October 2014 requires that:

'the NPS must pay proper regard to the identification of offenders' rehabilitative/ criminogenic needs identified through assessment as linked to offending behaviour and risk when considering a proposal for a RAR including confirmation of availability of activities'.

Most reports in our sample met this requirement, although in most there was no record of the actual assessment process itself available to the responsible officer who subsequently supervised the case.

All but two of the reports proposed included a RAR in the court order. In nearly one-half, the author went further and suggested a specific activity, service or intervention that could be undertaken within the RAR. The majority, however, did not include a definite confirmation of availability and in many instances the court liaison staff did not know what was available for use in a particular case. We expect probation staff in court to have information about available RAR activities, with details of the offending-related factors that can be addressed, the content and arrangements for delivery.

In Huddersfield, court liaison staff said they prioritised identifying the right issues to be addressed, but workload pressures meant there was no time to think about the specific activities that might be used in the RAR. In Newcastle upon Tyne and Leicester, we found high quality 'rate card' booklets had been provided by the respective CRCs but the court liaison staff observed that much of the content was not yet available to be delivered. In Carmarthenshire, court liaison staff said they had not been given details of what RAR activities were currently available, but they had at least taken the initiative to find out for themselves, and we were pleased that local sentencers reported that at a probation liaison meeting the CRC and NPS had explained the various types of RAR activities available locally.

While the sentencers we spoke with recognised that they did not need to know the precise content of any individual RAR, many commented that it was nonetheless

helpful and reassuring to know of the type of activities being undertaken in RARs, a view strongly echoed by the Magistrates' Association in their response to our call for evidence. It is the role of the NPS to facilitate meetings between sentencers and CRCs, however we found little evidence of timely liaison events to brief sentencers on how RARs were being delivered and the activities available.

Poor practice example: *In Newham, court liaison staff said that they had no written information to use with sentencers and no copies of the rate card for their own use. Sentencers complained that there had been no events by the CRC to set out how they were delivering RARs. They reported being "extremely dissatisfied" that the CRC had not attended some liaison meetings they had been invited to.*

2.2. Enabling the court to decide the most appropriate sentence

The reports we saw did not always enable the court to make a judgement about the most suitable community sentence.

Proposals for an accredited programme or alcohol, drug or mental health treatment require a more detailed assessment of the defendant's suitability for the intervention, and may also require specific information from other agencies, for example details from the police about domestic violence call-outs, or a mental health assessment. In contrast, factors that could be addressed using a RAR can usually be assessed more quickly, even though this might be a less effective intervention.

The requirements of speedy justice are relevant here, together with the policy aim to increase the number of court cases dealt with at first hearing. We were keen to see whether the high proportion of reports now completed at court on the day of sentence (rather than on adjournment) influenced the sentence to be proposed. In some places the impact had been positive as shown in the following example.

Good practice example: *In Newcastle we found that shorter adjournment periods had not been a problem, and had driven changes in practice. Court liaison staff explained there was an increased amount of pre-hearing preparation, such as checks with police domestic abuse units, children's services departments and obtaining information from the responsible officers in cases already under supervision. This enabled them to start exploring possible sentencing proposals before meeting with the defendant on the day of sentence.*

In contrast, court liaison staff in some other places we visited said that they did not have time to assess defendants fully. The more onerous assessment requirement to support recommending an accredited programme created a bias towards recommending RARs. One court liaison officer told us that the move to increased sentencing on the day had affected proposals:

“Yes it has... because we are doing assessments ‘on the hoof’. Have I got time to do assessments? No! So there are more RAR proposals at the expense of accredited programmes as we haven’t got the time to do the specific assessments [for] accredited programmes requirements. If someone is suitable for an accredited programme then we should add this requirement, however we don’t have the time to do all this assessment at the beginning.”

Some staff said that even where an accredited programme would be more effective, as service users needed more effort and motivation to complete accredited programmes, it was easier for all concerned to propose a RAR – especially where they did not have time for the fuller, accredited programme assessment.

We did not find any clear evidence of this in the sample of cases we inspected, but there is potential for an over-use of RARs at the expense of accredited programmes. In one place we visited the CRC reported large numbers of cases that should have received an accredited programme requirement but had been given a RAR instead, and they had tried to get the orders amended. In another location the provider of substance misuse interventions reported a significant reduction in the number of alcohol and drug treatment requirements being ordered, and an increase in referral for their services through RARs.

A move to the use of RARs in preference to accredited programmes requirements could also reflect changed provision. In some locations the availability of accredited programmes had reduced, and only those with the highest level of demand were now being delivered. In Carmarthenshire, for example, the very rural nature of the area made group delivery logistics difficult for small numbers. As a result the content of some programmes could only be delivered individually, either using an accredited programme requirement, or alternatively using a RAR.

2.3. How many days to order?

The range of RAR activity days proposed in our sample’s reports was 10-60 days. The range actually ordered by the courts was the same (10-60 days) but we are aware from our routine inspections of probation services that exceptionally, RARs with as many as 365 days have been made. The average maximum number of activity days ordered was 28 days, slightly higher than that proposed in the reports (25 days). In many of the places we visited the average maximum number for cases that were allocated to the NPS was slightly higher than in cases allocated to the CRCs, reflecting that those cases are typically of a more serious nature, but we did not find this was the case in every place.

The legislation and the Magistrates’ Court Sentencing Guidelines⁷ require that the restrictive effect of a sentence (including all its requirements) is in line with the seriousness of the offence, but how the number of RAR days should reflect or correlate with seriousness was not clear. In the NPS National ORA Guidance (February 2015) RAR bandings were proposed (presumably but not explicitly for the use of pre-sentence report (PSR) writers). These indicated an increasing number

⁷ Sentencing Council (2008) Magistrates’ Court Sentencing Guidelines (updated 2015 & 2016).

of days in proportion to seriousness of offending (indicated by the Offender Group Reconviction Scale (OGRS) score, a predictor of reoffending based upon the static risks of age, gender and criminal history). This particular provision was removed from the following edition of the guidance issued in February 2016, and in this inspection we found no correlation between the maximum number of days ordered and OGRS score.

Previous legislation set the limit on the maximum number of days that could be ordered in an activity requirement at 60. While the new Act does not set a maximum for the number of days that may be ordered for a RAR, the highest number found on this inspection was 60 days, the same as the highest number in the previous legislation, and in the bands suggested earlier by NPS guidance. The guidance, however, matched 60 days against the highest OGRS score (100%) and the maximum length of community sentence of 3 years. In contrast, we found cases where a requirement of up to 60 days had been made in cases with an OGRS score of 40% or less.

This may be explained partly by court liaison staff being ill-informed about specific interventions that would be delivered within RARs, and so proposing a maximum number of days based on their view of the seriousness of the offending-related issues they identified, or the likelihood of the person reoffending, rather than the number of days required to complete a specific intervention. In some cases, the lack of information about specific interventions meant the court was not given any rationale for the number of days proposed, and in our view the number was often more than was necessary.

We found no guidance to court liaison staff about the use of RARs alongside accredited programme requirements, where the RAR could provide for work to reinforce learning on the programme, and possibly rehabilitative support for other issues. Without any steer from the NPS, in some cases the court ordered a far higher maximum number of days than needed.

Overall, however, when considering the seriousness and type of offending and the nature of the rehabilitative work required, we considered that in more than three out of four of our sample cases the number of RAR days both proposed and ordered was reasonable. From our post-sentence perspective, in almost all of the cases we thought that the number of days ordered was sufficient for completion of the programme of work that had been subsequently planned, although it was sometimes considerably more than needed.

Sentencers may have been intentionally ordering a slightly higher number of days to allow the responsible officer to require a greater number of meetings or sessions, if needed. If so, this was a sensible and appropriate use of the legislation, provided the number of days proposed was not excessive. Some responsible officers, however, were unclear and concerned about how to deal with any excess of RAR days that had not been required.

2.4. Sentencer confidence

Sentencers we spoke with expressed themselves broadly content with the new approach introduced by the ORA. At one court the Chair of the Bench told us:

“We trust probation to pick the right course. The probation officer is the front-line person dealing with it. We think it is good that the decisions about what to do with the days are left to probation”.

In contrast, the Magistrates’ Association told us that the provision of more information from CRCs about their services would be an important way to make magistrates feel more informed and therefore more confident in the delivery of community sentences. In their recent survey of members almost three-quarters said that ‘they did not receive enough information about what offenders will do when serving a RAR’⁸. This last point goes beyond the statutory requirements, and of course NPS court liaison staff cannot say for certain how a CRC would implement a specific RAR.

Some sentencers we spoke with suggested that while historically they would have had complete confidence that any order made would have been implemented and enforced appropriately, now they were not so confident. This lack of confidence arose from broader impressions that some court orders (RARs included) were not always being properly enforced, rather than doubts about the appropriateness of their content. Sentencers expressed the same concern about the enforcement of RARs in our recent thematic inspection of services for women who offend⁹. Further findings about enforcement are included in Section 5.4.

2.5. Conclusions and implications

RARs are playing a significant role in the move to faster court processes by increasing the proportion of cases that can be sentenced on the day. The less onerous report requirements incidentally provide a potential cost saving for the NPS. In the majority of places we visited in the inspection, however, less detailed information was available for sentencers, and subsequently the relevant responsible officer, with consequent risks in some cases.

The expectation that most court reports will be completed on the day has sharpened good court liaison work in some places, but we are concerned that in some others, CRC staff reported increased numbers sentenced with RARs when a different requirement would have been more effective. RARs are being used in place of accredited programmes. This does not inevitably lead to a less appropriate or effective intervention, as ORA explicitly allows RAR days to be used to deliver ‘activities forming an accredited programme’, as an alternative to a court order for an accredited programme. This presumes, however, that the number of activity days ordered is sufficient, and moreover that a CRC can provide the programme and is willing to do so at the fee for RAR placements, which is substantially lower than the fee for accredited programmes. We saw little evidence of this in practice.

⁸ From the Magistrates’ Association’s internal survey of members, June–July 2016 (England and Wales).

⁹ HMI Probation (2016) ‘A thematic inspection of the provision and quality of services in the community for women who offend’.

3. Management of RARs – planning and delivery

In each of the places we visited we examined a sample of 12 cases against an inspection tool and where possible spoke with the responsible officer and sometimes the service user. We looked at the quality of initial assessments and planning post sentence, and the degree to which they supported the delivery of the RAR. We then considered the progress that had been made, and how this had been reviewed by the responsible officer. We also looked at the degree to which RARs took account of any risk of harm posed by service users and supported public protection, and finally the extent to which the purpose of the RAR in rehabilitating the service user and preventing further offending had been achieved.

3.1. Assessment

Assessments undertaken after sentence are important in confirming the offending-related needs of the service user and then determining a plan of activity and intervention to be delivered through the RAR. They were particularly necessary in those cases where only minimal information about the offender was received from court.

For some cases there was a typed copy of the court report, but in a notable minority of cases there was only a hand written copy of a report presented orally, some of which were indecipherable. In very few cases was there a copy of any assessment documentation completed to inform the report, or an outline sentence plan. The post-sentence assessment of the service user's offending by the responsible officer was, therefore, key to transforming the RAR into a plan of work based on a full understanding of the service user.

We considered that more than one in three CRC cases and one in four NPS cases did not have sufficient overall post-sentence assessment within an appropriate time following assignment to a responsible officer.

3.2. Planning

Most PSRs had correctly identified the factors relating to the person's offending. In our opinion, the factors we found most commonly associated with potential reoffending and that could be addressed through the RAR were thinking and behaviour, emotional well-being (including mental health and behavioural issues), and alcohol misuse, followed by personal relationships and attitudes to offending.

We expect sentence planning to prioritise factors most relevant to the likelihood of reoffending. In our sample, however, we found these less likely to be prioritised than other factors. Instead, priority was more often given to dealing with accommodation, education training and employment (ETE), drug misuse, and discriminatory attitudes.

Priority was given to issues where there was a course of action or activity actually available. Invariably these were relevant to the service users' general rehabilitation or welfare, but they were less a direct cause of the person's offending than some other factors, and in some cases no activity was planned to address the factors most directly relevant. For example, in Huddersfield an activity focused on addressing accommodation difficulties (such as referral to a housing provider) was included in the RAR for all cases we saw with housing difficulties, whether or not these directly related to the person's offending.

Overall, only 58% of the offending-related factors we identified were addressed sufficiently in the planning of RAR activities. Performance varied noticeably, from Huddersfield and Carmarthen (in both of the CRCs and the NPS) where almost all identified criminogenic factors were addressed, to the CRC in Northampton where less than one in five were. We found that places that were good at prioritising any one factor related to offending were generally good at prioritising all the factors.

In many cases, we found that the plan for delivering the RAR (as explained to us by the responsible officer) was much clearer and more coherent than the record of it on the case management system. Sentence plans should set out clearly the content and timetable for the delivery of the RAR, but those completed in the

offender assessment system (OASys) were often minimal. Where they identified the offending-related factors to be addressed by the RAR they rarely included specific detail of precisely which RAR activity was addressing which factor, how and by whom the work would be done, and how many of the RAR activity days would be used. Generally they were vague and unhelpful to anyone reassigned the case, or needing an overview. This finding partly reflected the structure of the sentence planning function in OASys, which was not designed to provide the type of plan needed for delivering RARs.

nDelius often gave a clearer picture in cases, if in the record of requirements the details of the RAR indicated its component interventions (termed non-statutory interventions in the system). In some cases the non-statutory interventions were not recorded. NOMS guidance and expectations on the detail of how RARs and their components were to be recorded has evolved over the past year and it appears that now this information is more likely to be completed.

In Huddersfield and Carmarthen we saw much better stand-alone sentence plans in their respective CRC cases that were linked to assessment and planning documents completed jointly by the service user and responsible officer as part of an initial sentence induction package. These new records were in the process of being introduced and were used in only a small numbers of cases in our sample.

3.3. Progress and review

The cases we examined were sentenced nine months before the fieldwork. We found that in total, sufficient progress had been made in delivering the RAR activities planned in only one in three. In a small proportion all planned activities had been completed, while in most cases activities were still being delivered. We found sufficient progress towards achieving planned outcomes in fewer cases, less than one in three, the difference attributable to the small number of cases where the delivery of activities had not resulted in any discernable progress towards planned outcomes.

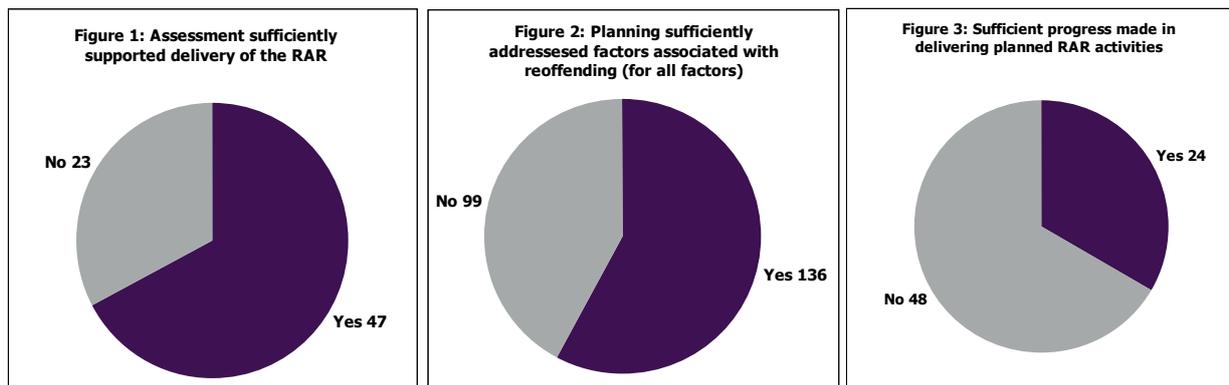
Again, we found considerable variation between places. In Newcastle sufficient progress had not been made in any of the 12 CRC and NPS cases we saw, while in the CRCs in Huddersfield and Newham half of the cases we saw had made sufficient progress. All of the NPS cases we saw in Carmarthen and Leicester had made sufficient progress.

In relation to the factors we identified as relevant to the person's offending, sufficient progress had been made in delivery of RAR activities in relation to these in only one in four cases. This reflects the finding that in many cases these factors had not been prioritised in planning the delivery.

Overall, against the offending-related factors we identified, the greatest amount of progress had been made in delivering activities to address alcohol misuse, where sufficient progress had been made in more than one in three cases.

The quality of work in the sample of cases relating to assessment and planning by the responsible officer and the degree of progress made in delivering the RAR is summarised in Figures 1 to 3.

Figures 1 to 3: Offender management dashboard



In some cases we saw adept sequencing of activities to deal with the offending-related factors.

Good practice example: Terry had a long history of offending, much of which (like the current offence of assault) was alcohol fuelled. This long-standing drink problem linked to long-standing mild depression and social isolation. Under supervision by the CRC in Carmarthen, the first priority for the RAR days was contact with a keyworker at the local drugs and alcohol service to bring and maintain his drinking to a low level, and additional voluntary sessions with a counsellor.

This counselling work was supported by regular meetings with the responsible officer as part of the RAR, and voluntary contact from a local housing support agency to address social isolation. Next on the plan was a programme of semi-structured work with the responsible officer on victim awareness and a 12 session 'moving on' course delivered by a mental health charity, both as part of the RAR.

Twenty cases in our sample had an unpaid work (Community Payback) requirement in their order. It is good practice and compliant with NOMS standards to start unpaid work promptly. In cases where the service user has significant employment commitments, it may be appropriate to allow for that, and deliver a parallel RAR requirement at a lower frequency of contact than normal. In other cases, however, it may be important to accord equal or greater priority to delivering the RAR activities, particularly given these may be the more likely to reduce the likelihood of a further offence. In some cases this had not been done and the start of the RAR had been delayed.

***Poor practice example:** Darren had been sentenced to a one year community order, supervised by the CRC in Huddersfield, for an assault. He had been ordered to complete 80 hours unpaid work and up to 10 RAR days. We were concerned to find that while he had carried out weekly unpaid work from the start and completed this requirement, there had been no contact in relation to the RAR in the first four months. There was a plan for Darren to attend a six-session anger management programme with an external provider, and to do three sessions of victim awareness work with the responsible officer. While arrangements had been made for these to happen, neither had been started within the first nine months of the order, even though this work was directly related to preventing further violence against the victim of the offence or indeed anyone else.*

Managing unpaid work entirely separately from other parts of a multiple requirement order could result in that requirement being implemented speedily, without regard to other work being undertaken. In some CRCs, including that in the previous example, organisational arrangements were changing so that unpaid work and other requirements in multiple requirement orders sat with the responsible officer, thereby enabling them to prioritise the delivery of all the requirements sensibly and strategically.

All RAR activity ends on the termination date of the order. The periodic review of cases with RARs is therefore important, not only to assess the actual progress made against the plan, but to make sure that interventions and other planned activity can be completed within time.

We found the responsible officer had not sufficiently reviewed progress in more than half of the cases we looked at, CRC and NPS cases alike. In only two cases was this the result of the service users' failure to engage with the organisation. Given that nine months had elapsed since the start of the orders we inspected, most of them had required some degree of review or check on progress.

Where a revision to the sentence plan was required to make sure timely completion of planned activity, this was done to a sufficient degree in only one-third of cases.

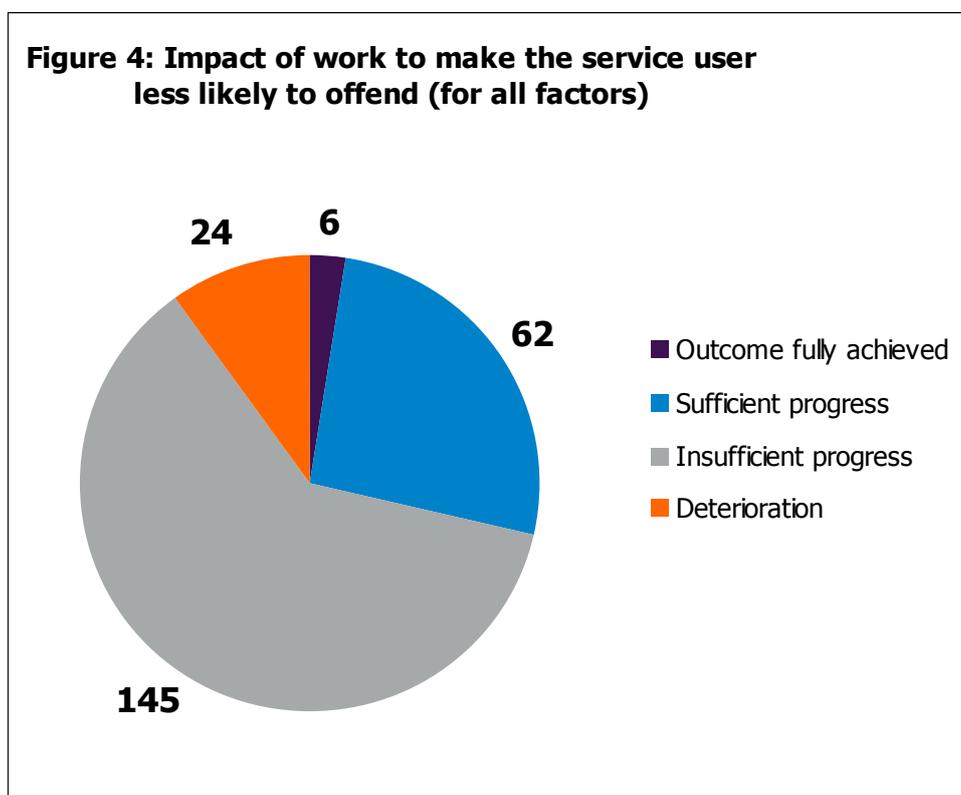
3.4. Public protection

In all cases it is important that work is planned, managed and done in ways that make sure the public is protected from any risk of harm the offender may present.

In more than two-thirds of the cases in the sample we examined, the offence amounted to harmful behaviour. In half of these cases there was insufficient focus in the delivery of the RAR on the risk of harm to others posed by the service user. This included both the responsible officer, and other parties where they were involved, and applied equally to cases managed by the CRCs and NPS.

3.5. Outcomes

We did not find that sufficient impact had been made on reducing the prospect of reoffending in the majority of cases inspected.



In our case sample, we assessed that sufficient progress had been made in addressing the factors associated with offending in less than one-third of the cases, consistent with our findings on the quality of assessment and delivery. In a small number the planned outcome had been fully achieved.

Overall we found more progress had been made in relation to ETE, alcohol misuse, emotional well-being, thinking and behaviour, and discriminatory attitudes. Less progress had been made in relation to financial problems, lifestyle, drug misuse, and attitudes to offending. This does not necessarily reflect differing quality of the interventions to address the various factors, since some factors such as drug misuse are inherently more difficult to overcome.

One-quarter of all the individuals in cases we inspected had been convicted, cautioned, or received another out of court disposal for an offence committed since the start of their sentence.

The overall performance in relation to the achievement of outcomes planned for the RARs in the sample of cases is summarised in Figure 4 above.

3.6. Conclusions and implications

Considerable improvement was required in the quality of initial assessments and sentence planning to support the effective delivery of RARs. This activity was not well supported by the information that accompanied the case from NPS court liaison

teams, which in most instances did not include assessment tools used to prepare the PSR, or a provisional outline sentence plan. Despite this we would have expected responsible officers to have made more progress on the factors associated with offending.

The layout and content of sentence plans were often inadequate as a record or agreement of how the RARs would be delivered. The best plans were those that were completed using stand-alone documents. Where CRCs plan to introduce new case management systems there is the potential to improve things significantly.

Throughout this inspection we frequently heard comments from local managers expressing their frustration at the lack of clear and consistent guidance about how RARs should be managed and delivered.

4. Provision of RARs – strategy and content

In each of the places we inspected, we visited local projects and services used in the delivery of RARs, and observed the delivery of RAR activities by CRCs, the NPS, and external organisations. We looked at the type, range and quality of activities and services available for use in RARs, including work delivered individually by CRC and NPS staff, as well as the use of external organisations. We were interested to see how well work and activity delivered internally was supported, how well work delivered externally was managed, and whether there were arrangements for quality control and evaluation.

4.1. Rate cards and service directories

All of the CRCs should have had a rate card in place at the time of the inspection, although these may not have been available at the time the cases in our sample were sentenced.

Insofar as the rate card provided a list and summary descriptions of interventions that might be used as part of RAR, it was important in informing the CRCs' own staff, and the NPS, of what was available. Some were well-presented, high quality documents. Unfortunately, not all of them were up to date, and some listed items that were not currently available. In London CRC the rate card was still in draft. As an alternative, some of the CRCs had comprehensive directories of services available, and established staff had their own knowledge and experience of services and interventions they could use.

The function of the rate card as a price list for the NPS in purchasing CRC services appeared to be irrelevant for the purpose of RARs, since in the places we visited a drive to reduce costs meant the NPS was using activities for RARs that were delivered by its own staff, or referring to services to which they had direct and free access.

In the NPS some managers observed that the range of services provided by the CRCs was inevitably tailored to the needs of its own caseload, and less relevant to the different characteristics of NPS cases. Projects and interventions were not being developed specifically for that group, which typically represent no more than one-fifth of the NPS caseload, and RARs were delivered using activities and interventions already in place for cases under supervision on release from custody, or on community sentences without RARs. There was a strong emphasis on using semi-structured programmes delivered individually by the responsible officer, or another member of staff on their behalf.

The London CRC was working towards a model where only services or organisations listed in a service directory could be used as part of statutory supervision, RARs included. This was to create clarity and constancy in interagency management, make sure providers were suitable and appropriate, and ensure a consistent exchange of information on attendance, to support enforcement. In Newham however, practitioners were unclear about the status of providers they were working with. They did not know whether their use was still permitted, or whether providers had to go through the approval process to be in the directory, and what and how quick that process was. They were also unclear about the status of other statutory agencies.

4.2. Internal provision by the CRCs and NPS

Much of the RAR work we saw in the CRCs and the NPS looked like a continuation of the previous regime of individual supervision by responsible officers. Similarly, for other methods of intervention, many of the activities and services available were the same or similar to those that had existed prior to Transforming Rehabilitation. The most noticeable difference, from our own past experience and the observations of many staff we met, was that the range of services had reduced.

Individual work

In our sample we found more than half of the RAR activity days were delivered individually by the responsible officer, in both the CRCs and NPS. One in three RAR days were delivered by external organisations. We found only four cases where a RAR activity was delivered through an internally run group, three by the CRC in Huddersfield, and one by the NPS in Huddersfield.

Good practice example: We found good use of the offender management model in the NPS in Carmarthenshire, for example, with the responsible officer (as the offender manager) delivering work to address sexual offending, with another member of staff in a supporting role delivering RAR activities on alcohol misuse or accommodation difficulties.

Where the RAR activity was delivered by the responsible officer, this was often in the form of semi-structured contact, and this amounted to nearly half of all activities. In a small number of cases (12) the intervention consisted of a (non-accredited) structured programme delivered on an individual basis.

In some cases the order included other requirements alongside the RAR. Nationally, the majority of orders with a RAR include other requirements as well (62% of all community and suspended sentence orders made October-December 2015)¹⁰. In many of these cases the RAR was used to deliver individual work by the responsible officer to support and motivate the service user's participation in the other requirement(s), in addition to delivering any distinct intervention using the RAR activity days.

In Carmarthenshire, we found most RARs being delivered individually in both the CRC and NPS - in response to the very rural nature of the area. CRC managers and practitioners had taken the initiative, and produced a suite of 12 workbooks covering different offending-related issues, available on the CRC intranet. They were written to be delivered in group form, but could also be used individually. Staff worked flexibly, and used the material creatively and without struggle. This approach met the twin objectives of promoting effective practice and efficient management of resources.

In contrast, we were concerned that in some other places practitioners appeared to have been left to their own devices in finding and using suitable materials for individual work. Most commonly, they had themselves sought out diverse materials taken from a range of sources that had often been designed for different purposes. Use was often made of the Targets for Effective Change manual, produced by Nottinghamshire Probation Service as long ago as 1999. This had not been updated to take account of current theory and practice in probation, although the use of such material was preferable to working without any at all. The content had to be adapted to the particular characteristics and circumstances of individual service users, with little guidance or support.

10 Offender Management Caseload Statistics, Ministry of Justice, 2016 (England and Wales).

Groupwork

Across the six places we visited we saw comparatively little groupwork being run by CRCs and the NPS to deliver RARs. In Newcastle, however, CRC staff were using the Positive Pathways programme of semi-structured work that had been developed by Northumbria CRC.

Good practice example: The Positive Pathways programme used by the CRC in Newcastle was a well-produced manual that formed a central and integral part of the service delivery model. All service users were required to complete a six-session programme, which included both individual and group sessions, based on desistance theory and the importance of the relationship between practitioner and service user. After completing the programme, supervision was more closely tailored to the individual, and delivery was moving to a 'resource centre' model where responsible officers and other CRC staff, workers from external agencies, and volunteers were all working from shared locations.

The CRC in Huddersfield was running two in-house group programmes, Action for Change (seven sessions on general desistance themes) and Victim Awareness (three sessions). These had been devised by practitioners locally, primarily as a means to pool resources and work with service users in a group to give better utilisation of their time. This did not form part of a wider model or strategy for the delivery of services, and this lack of strategic direction was reflected in the quality of the content. There was no clear rationale for the programmes to produce the intended outcomes, and no arrangements for evaluation.

Other internal provision

Other internal provision included more flexible patterns of contact, such as the Huddersfield 'One-Stop Shop', which was an informal style of group run by probation volunteers at the CRC office. It incorporated a service user feedback group, and flexible sessions using computers provided on site for work on job applications, CVs, benefit applications and so on.

RAR activity also included contact such as an ETE resource centre and 'job club' in Northampton that provided advice and support using specialist workers employed by the CRC.

In Carmarthen, CRC work with women on building self-esteem and confidence was done on an individual basis, but made use of the weekly 'women-only day' at the office.

In several places the CRC was in the process of moving towards a more community based style of delivery by locating its offices in premises shared with other community organisations.

4.3. External provision

In our inspection sample, of the activities delivered through external organisations, more than two-thirds involved multiple contacts. Less than one-third consisted of a single appointment only. Typically this was for an initial assessment to determine whether a programme of continuing intervention was appropriate.

Attendance at some external activities could be appropriately counted as RAR activity days because of its content, but would not have been enforceable. This was because the provider of the service required attendance on a voluntary basis, for example, a voluntary peer recovery group for substance misuse running in Newcastle. This was not problematic provided the service user attended as part of their sentence plan for delivery of the RAR, or if they declined, there was a different and enforceable activity available as an alternative.

The former Probation Trusts tended to work with a wide range of partner organisations to deliver services as part of community sentences. In this inspection we found that many of these relationships had lapsed as contracts or agreements had ended, and they had not been replaced. In some CRCs this was clearly due to lack of organisational resource or priority to put replacement arrangements in place. In Huddersfield and Carmarthenshire, ETE provision had lapsed in this way: the CRCs were in the process of bringing larger CRC-wide contracts for ETE services on stream, but they were not yet available in the those locations at the time of this inspection.

Provision through agreements or contracts with external providers varied between places, although everywhere had external provision to address substance misuse. Usually, externally provided services were delivered on the providers own premises, but this was not always the case: in Newham an ETE outreach worker funded by the Mayor of Newham was based at the CRC office.

In Leicester there was little individual work being done in RARs managed by the CRC. The operating model of the parent company envisaged much of the work being delivered through services provided by the partners in the company, for example ETE work by Ingeus, and the 'Foundations of Rehabilitation' desistance programme for substance misuse by CGL (Change Grow Live).

Arrangements were in place at all locations we inspected for provision of substance misuse services through RARs for those cases not serious enough to require alcohol or drug treatment requirements.

We saw several external organisations that were focused on a specific issue such as homelessness or substance misuse, but were also delivering a range of different services to address other potentially criminogenic factors. In Huddersfield, Foundation Housing, an accommodation provider also provided support services for finance, drug and alcohol problems. In Carmarthen, Gwalia, a provider of housing advice and advocacy in west Wales, also offered a range of related supporting services.

We also found a local substance misuse service running groups on budgeting, managing debt, housing, education; motivational groups for those in early stages of thinking about change, and a wide range of constructive leisure activities. There was a strong emphasis on making these interventions sustainable beyond the RAR. Referral to such organisations potentially provided the responsible officer with a 'one-stop shop' for RAR provision, although there were no arrangements in place for the CRC to assure the quality of this work.

Other community based projects

We also found examples of community mental health projects being delivered using RAR activity days.

Good practice examples: In Huddersfield the community mental health trust seconded a community psychiatric nurse to the CRC to provide an assessment and brief intervention programme of up to 20 RAR activity days, with onward referral to other related services where needed; and a families support project providing activities including help building relationships, maintaining family ties, mediation, individual mentoring, emotional support, supervised family contact arrangements, and anger management.

In Newham, offenders with mental health problems that do not meet the clinical threshold for a mental health treatment requirement can be referred by the London CRC to St Andrew's Healthcare (a mental healthcare charity) using RAR days. This service, commissioned by the CRC, includes a 15-session programme dealing with depression, relationships, and emotional control. Interventions are tailored to the individual within the structured programme.

Services for women

Examples of specific provision for female service users that we saw being used within RARs included:

- the New Dawn, New Day, Women's Centre in Leicester, which had been commissioned to deliver services across both of the Reducing Reoffending Partnership owned CRCs, and provided a suite of four programmes delivered in women-only environments
- the Good Loaf Women's Centre in Northampton, a social enterprise project that provided an extensive range of services including mentoring, befriending and several support groups. The project also provided work experience, and had links to various other local services and projects
- a similar project, the Evolve Women's Centre, in Huddersfield.

Mentoring

Mentoring was available to be used as part of a RAR in several places we visited. In some instances it formed a discrete external resource, such as mentors provided by SOVA to assist service users with training applications in Northampton, while in others mentoring was one of a number of facilities available from a contracted provider.

In Huddersfield the CRC was providing mentoring internally, and using its own volunteers as mentors.

Good practice example: The CRC in Huddersfield had introduced the use of mentors as a means to promote compliance and avoid the need for enforcement. All service users with a high likelihood of reoffending had a mentor involved in their induction. There was a specific focus on identifying barriers to engagement, and issues identified were picked up by the mentor and followed up in joint work with the service user. This could be counted as rehabilitative activity within RAR appointments.

Restorative justice

Restorative justice is one of only two areas of work that might be done through a RAR that is given as a specific example in the wording of the ORA (the other being delivery of 'activities forming an accredited programme'). Ironically, we found no examples in any of the cases we inspected, although projects were listed in some of the service directories. We are aware that restorative justice interventions are labour intensive and therefore costly, and can be difficult to organise.

Activities to raise the offenders' awareness of the impact of their behaviour on victims were, however, on the menu in all of the organisations we visited. They usually took the form of between one and three sessions of work delivered by the responsible officer.

4.4. Quality control and evaluation

While many RAR activities were provided by external providers (usually under contracts managed centrally by the CRC or NPS) we found no examples of local or central arrangements for checking the quality of the work. Service user feedback arrangements were usually in place, but these would not necessarily have revealed important deficiencies such as a failure to challenge pro-criminal attitudes or programme sessions deviating from the set content.

Refreshingly, the short term outcomes of the New Dawn, New Day, Women's Centre in Leicester (referred to previously) were being evaluated by the Derbyshire, Leicestershire, Nottinghamshire and Rutland CRC.

4.5. Conclusions and implications

Overall, the pattern of service delivery for RARs appeared to be similar to that previously for the separate supervision and activity requirements, in that more than half of the RAR days in our sample were delivered through individual work with the responsible officer. This was not necessarily inappropriate, and some of this work was structured, well organised and purposeful. We found no evidence to suggest that this was in itself indicative of poorer quality work or problematic in terms of achieving a positive impact. In Carmarthenshire and Newcastle this was the anticipated model for

CRC delivery, and these were the only places where we found it was well organised. There may be cost implications, however, if activities could be provided by external organisations more cheaply.

Elsewhere, we were concerned that few resources had been dedicated to the development of work packages to be delivered internally by CRC staff, either individually or in groups. This left the quality of work dependent on the skills and experience of the individual practitioner, with no library of individual work material readily available to draw upon. We met staff who were keen to work with their cases in groups to achieve better utilisation of their time, but the initial investment to enable the development of methods to put this in place had not been forthcoming.

In relation to some interventions, delivery by external organisations may have encouraged the service user to form relationships with community organisations that could provide assistance in the future beyond the sentence. In some places there appeared to be an over-reliance on work delivered by responsible officers on an individual basis as a response to insufficient progress in obtaining access to potentially more effective services available externally.

5. Management of RARs – engagement, enforcement and recording

In this section we have considered factors contributing to the overall management of orders with RARs, including the engagement with the service user, the delivery of RAR activities, and the management of attendance and the enforcement of orders. We also report on the problems of practitioners in determining what constitutes RAR activities and appointments, and how to record them.

5.1. Diversity, engagement and motivation

Attention to diversity factors and involving service users in the management and planning of their orders is important in securing engagement in their order and motivating them in a process of rehabilitation.

In the cases we inspected, the responsible officer meaningfully involved the service user in planning the arrangements for the RAR in less than half of the cases where this was possible (in a small number of cases this was not possible because the service user refused to cooperate). In relation to the ongoing review of progress the service user was meaningfully involved in only one in three cases.

This reflects our findings noted in Section 3 that the overall assessment, planning, delivery and review of RARs required improvement.

Effective engagement had been disrupted in some cases by changes of responsible officer.

***Poor practice example:** In Newham we saw the case of James who had had an extensive interview with a court liaison officer, followed by a succession of three different responsible officers after allocation to the CRC for supervision of the order. While the RAR was being used appropriately to support the compliance with a drug rehabilitation requirement and engagement with community mental health services, the level of contact had been only nine rehabilitative appointments in nine months.*

There had been two further offences, the last resulting in a further community order with a RAR. James was still in contact, and a formal plan was being put in place. But essentially he had carried on using drugs, suffering mental ill-health, and shoplifting. While there may have been some improvement, the responsible officer had not been sufficiently involved in the case.

We found that in more than one in four cases the service user's individual diversity characteristics and circumstances were not sufficiently taken into account in the delivery of the RAR.

We also expect that particular attention will be paid by practitioners to any possible barriers to effective engagement. These include personal factors such as learning style or literacy level, and practical circumstances such as employment or caring responsibilities that might conflict with attendance. Sufficient attention was paid to identifying and overcoming such factors in only just over half of the cases we looked at.

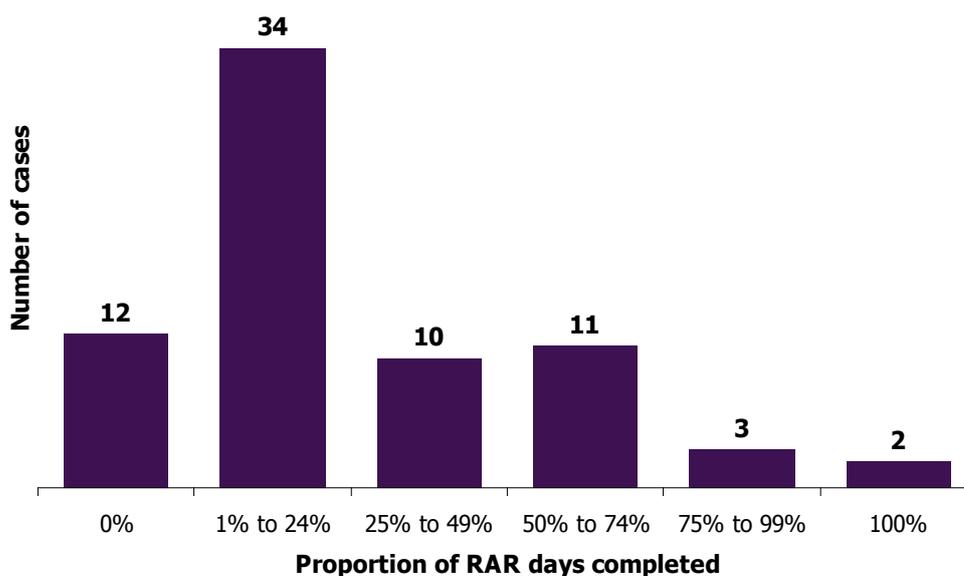
In cases where a RAR activity was being delivered by an external organisation, we found the responsible officer provided insufficient ongoing motivation and support for the service users' engagement with the activity in half of the relevant CRC cases we inspected. Practice in the NPS cases was sufficient in most cases.

5.2. Number of days delivered

The average maximum number of RAR activity days ordered in the cases in our sample was 28 days per person, but the average number completed at the time of the inspection (9 months after sentence) was only 6, representing an average rate of less than 1 day per month, and only 22% of all days ordered. In total, only 5 of the 72 cases had completed more than three-quarters of the maximum number of days, 2 of them having completed the full number ordered¹¹.

Overall, we found two-thirds of the cases had completed less than one-quarter of the maximum number of days, and of these 12 had completed none at all. Of course, in some cases the rehabilitative work required could have eventually been completed in less than the maximum number of activity days ordered, and in one case this had already happened. This information is summarised in Figure 5. Failing to deliver the maximum number of days ordered is not necessarily indicative of a failure to deliver all the work that was required, although as noted earlier the majority of cases we inspected had not made sufficient progress in the delivery of the planned RAR activities.

Figure 5: Proportion of RAR days completed in first nine months



When considering all contacts made in the order however, including RAR appointments as well as RAR activity days, and also those relating to any other requirements in the order, a different picture was gained. We found 31% of all appointments made had not been kept, albeit that some of these (such as unpaid work) did not have any directly rehabilitative purpose. Nonetheless, these levels of contact may in part explain why we found insufficient progress had been made in the majority of cases, in delivering the planned activities.

¹¹ The number of RAR days completed was calculated by reviewing the contact log entries in each case to determine the number of contacts that should have been counted as RAR activity days, based on their content. Further details are given in section 5.6.

Good practice example: In Huddersfield the CRC had set up a tracking report using nDelius information to monitor the rate of delivery of RAR activity days. This alerted practitioners when too few days had been done relative to the lapsed time of the order.

5.3. Offender expectations

Many of the practitioners we met told us about the difficulty of managing offenders' misunderstandings about the legal requirements of their orders. In summary, many offenders believed their only obligation was to attend meetings with their responsible officer, or another person as directed, for the number of times as indicated by the maximum number of activity days ordered. At court they had generally understood the length of the order and the number of days, but they were often unaware of any finer points such as the obligation to attend any number of appointments as required with their responsible officer, to receive visits at home, and to notify the responsible officer of various details.

As one court liaison officer explained to us:

“Service users are really confused; and it’s difficult because you can’t give them a thorough explanation. The service directory should be a tool to speak with service users when they are sentenced. You should be able to look at it with them and say ‘you’ve had so many RAR days, these are the areas that you need to address, and so the likelihood is that you’ll be asked to do this, this and this...’ But we’re not comfortable talking to them about it in court since no-one really knows what they will end up doing”.

Or as one District Judge we met put it:

“What is clear is that RAR days are meaningless to a defendant. The legislation was far from clear”.

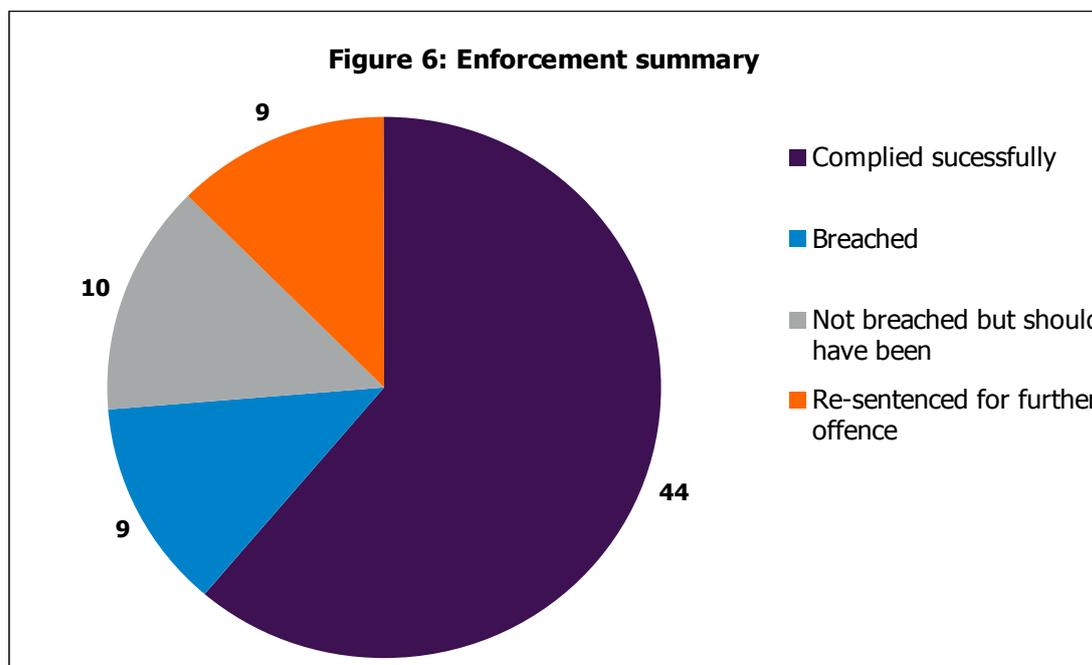
Consequently, many offenders had been unpleasantly surprised to be informed at some point after sentence that, rather than simply attending for the number of activity days, in fact considerably more would be expected of them, often beginning with their initial induction appointment where this realisation first dawned.

This was particularly an issue in multiple-requirement orders where the offender had thought the entire content of the order, for example a number of hours of unpaid work, attendance on a drug treatment requirement, and the work actually envisaged for the RAR, would all be completed within the stated number of days. Dealing with

the service users' disgruntlement and re-motivating them to engage in a purposeful way with what was required by the order, and to achieve successful change towards their rehabilitation, was an added challenge to the work of the responsible officer that would not have arisen under the previous legal framework.

5.4. Enforcement

We found that up to the time of the inspection more than half of the individuals in cases of our sample had complied with their orders satisfactorily, insofar as they had attended most of the appointments arranged, and behaved appropriately when they did. Of those that had not complied, one-third had been returned to court for breach, one-third resentenced for a further offence, and one-third should have been returned to court for breach or variation of the order but were not. While some of these cases had other requirements in their order in addition to the RAR, in most instances they were in breach of the RAR, irrespective of any other requirement. This information is summarised in Figure 6.



In our sample, when cases were returned to court for breach, or for a further offence, the outcome was that a community sentence with a RAR continued in all those cases where we considered this was a sensible and purposeful course of action.

In all of those cases that should have been returned to court but were not, our view was that allowing supervision with a RAR to continue would have been appropriate advice to give the court. In our conversations with sentencers, however, the greatest concern expressed was not about the detail of RARs themselves, but about the proper enforcement of community sentences generally. It is not whether the outcome would have been different in the cases we inspected had the order been returned to court for review, but that the continued confidence of sentencers in community

sentences and the organisations that deliver them was dependent on a respect for process. It is the role of the courts to determine what should be done in the event that an offender is in breach of their order and not the responsible officer.

Discretion can, and was used by responsible officers and their managers in applying the standards set by NOMS for when enforcement action was to be taken, but this should be properly monitored and supervised, and it appeared that in some cases it was not.

At one court we visited the Chair of the Bench and the District Judge were concerned about an apparent reduction in the number of breaches appearing before the court. The local court liaison officers reported they had noticed an increase in the number of missed appointments being deemed acceptable in the CRC cases appearing before the court, and observed that sentencers had commented on this in both Crown and magistrates courts.

We also saw a high level of absences deemed acceptable in some cases. Sentencers expressed their concerns about proper process; they thought it right that responsible officers should exercise discretion over the number of missed appointments, but that orders with significant numbers of missed appointments (both acceptable or otherwise) should result in the order being brought before them.

One Bench Chair told us:

“We are not entirely satisfied with the CRC. We are finding that they [responsible officers] are not breaching their cases quickly enough. Word gets around and it’s not long before people don’t think that they have to do what their orders state. Other people [sentencers] have been informing me that this has been a problem too”.

A District Judge said:

“I do get frustrated when breaches come back and find out nothing has happened in the case for six or seven months”.

5.5. Problems with defining RARs

We encountered some confusion about what in practice could be counted as rehabilitation, for the purposes of RAR and this had affected how the requirement was delivered and recorded.

Intentionally, neither the enabling Act or NOMS guidance has defined rehabilitation, to avoid inadvertently limiting the range of practice and interventions that could be considered rehabilitative. This was consistent with the government’s objective of encouraging innovation and creativity in achieving desistance from offending.

The initial higher level guidance on RARs issued by NOMS (probation instruction 58/2014) and the NPS (National ORA Guidance updated in 2015 and 2016) gave a

clear picture of the legal framework for their delivery. Our conversations with staff indicated that the impact of this, and accompanying local guidance, was lost due to it being overshadowed by the parallel introduction of new arrangements for supervision on release from prison, large-scale organisational changes, and a heavy reliance on management communication to staff by email and circular rather than more personal and engaging methods. Training and briefing activity had been minimal.

All of the staff we met were clear about what in principle could constitute rehabilitation, but some in practice were unsure about whether a particular contact could be counted as such. Guidance issued by some of the CRCs was clear that offender management activities such as induction, initial sentence plan appointments, sentence plan review meetings, and meetings to discuss compliance and enforcement could be counted as work with a rehabilitative purpose and therefore logged as RAR appointments; but not as RAR activity days. The latter, by implication would have been more directly focused on addressing factors that had contributed to the offending. We agree.

National and local guidance was clear that RARs should not be used to deliver activities that should be provided through a separate requirement available in the legislation such as unpaid work (Community Payback), or drug treatment. The exception to this was in relation to accredited programmes, which is expressly permitted by the legislation as noted earlier.

Guidance issued on this last point varied. The NOMS guidance (probation instruction 58/2014) noted that: 'Providers will be able to deliver an accredited programme under the RAR if they wish to do so provided it can be completed in the maximum number of days specified by the court'. The NPS National ORA Guidance allowed for the use of a RAR to deliver an accredited programme, but only where there had been insufficient information available at the time of sentence to confirm that the offender met the criteria for the programme and so a RAR had been made instead.

Some of the CRCs' guidance extended this and prohibited the use of RARs to deliver accredited programmes under any circumstances (for example London) while others (for example Wales) permitted it providing the order contained a sufficient number of days to complete the programme. One CRC manager expressed concern at this since the fee for delivering the same programme through a RAR would be considerably less than through an accredited programme requirement.

In Huddersfield the CRC had inherited a practice from the former Probation Trust where a unique arrangement with the local courts anticipated a similar arrangement to the RAR, where accredited programmes were ordered using a generic programme requirement and the Trust determined which programme would be delivered following a post-sentence assessment. There was now no clear plan or policy about whether accredited programmes were delivered under a RAR or accredited programme requirement. As a result, the CRC had been delivering accredited programmes using RARs, but their intention was to make sure as many as possible were delivered through accredited programme requirements in order to maximise income.

The guidance about a RAR not being used to deliver work that could be delivered through a different requirement was further confused where both requirements were being provided by the same external organisation. For example, organisations providing alcohol, drug or mental health treatment requirements might also be

providing similar packages of work for use with service users on RARs. There could be considerable overlap in the content of what was actually delivered, even though the legal basis on which this was done would be different. We encountered some cases that were undertaking alcohol or drug treatment requirements, with a RAR being used to provide additional support with other rehabilitative work, while in the same place there were cases with single RAR requirements and the RAR included activity days delivered by the substance misuse service. This was appropriate given that the latter cases had not met the threshold for a treatment requirement, but superficially it appeared confusing.

As noted earlier, many orders include other requirements alongside the RAR. In some cases we found evidence of RAR contact used appropriately to support work delivered through other requirements. Individual discussions between the responsible officer and the service user were used to prepare the service user for the participation in an accredited programme or a drug treatment programme delivered under a separate requirement. Similarly, subsequent meetings with the responsible officer were used to reinforce and follow up on the service user's progress during and after the completion of the programme. This was work undertaken on a RAR that could have properly been counted as an activity day. This approach was illustrated in a case we inspected in Huddersfield.

***Practice example:** David was sentenced to a community order for drink driving, supervised by the CRC in Huddersfield. His order included requirements for 60 hours unpaid work, the Drink Impaired Drivers (DIDs) programme (an accredited programme of 14 sessions) and a RAR with 25 activity days. The responsible officer used RAR days to deliver bespoke pre-programme work focused on alcohol misuse as preparation for the DIDs course, and also a three-session individual programme on victim awareness followed by work on generic problem solving. These activities used 21 RAR days, and the remainder had not been needed. Contacts to undertake induction, planning and review meetings were counted as three RAR appointments, while attendance on DIDs was counted separately under the accredited programme requirement. The unpaid work and DIDs programme had been successfully completed. There had been only one (acceptable) absence, and given David's good progress the order had been returned to court and revoked early for good progress.*

Some team managers and practitioners were less clear about the distinction between RAR activity days and RAR appointments, although this appeared to be more of an issue in some places than others. One factor that contributed to this was that while the 2014 Act and *Transforming Rehabilitation* may have envisaged that most rehabilitative activity would be delivered by external providers in discrete and clearly defined packages or programmes, in reality the majority was actually being delivered individually by the responsible officers themselves (as noted in Section 4.2). Even though this was often fully or semi-structured work based on modular programmes,

it more closely resembled contact that would have previously been delivered through a supervision requirement, rather than activities delivered by others that would have been delivered through an activity requirement.

This led practitioners to see the work as 'supervision' rather than 'rehabilitation' (even though it could be seen as both), and to define the contact as RAR appointments rather than RAR activity days. This could then be compounded by guidance given by some CRCs which could be misunderstood to imply that individual rehabilitative work by responsible officers could not be counted towards RAR activity days, although this possibility was not precluded either by the wording of the ORA, the NOMS instruction, or the NPS National Guidance.

The counting of RAR contacts as either activity days or appointments is illustrated in a case we inspected in Carmarthen.

***Practice example:** Dafydd was on a community order with the CRC in Carmarthen, including a single RAR with 20 activity days. He had a long history of offending, much of which, like the current offence of assault, was alcohol fuelled. This long-standing drink problem was linked to problems of mild depression and social isolation.*

The priority for the RAR days was Dafydd's contact with his keyworker at the Dyfed Drug and Alcohol Service to bring and maintain his drinking to a low level, and these were correctly counted as RAR activity days. Arrangements had been made for him to attend a 12 session programme run by MIND (on behalf of Dyfed Drug and Alcohol Service) and this was to be appropriately counted as RAR activity days as well.

The responsible officer also planned to deliver a four-session programme on victim awareness individually, and to correctly count these contacts as activity days. This already took the number of activity days delivered and planned above the maximum of 20 ordered. In practice, once the maximum number of days ordered had been reached the remaining contacts could have been counted as RAR appointments. The responsible officer was in regular ongoing contact with Dafydd to provide motivation, support and reinforcement for these activities, and these were logged as RAR appointments and not as activity days. Given the semi-structured and rehabilitative nature of these meetings they could equally be defined as activity days. Voluntary support from Gwalia Support to address social isolation was correctly not counted as any part of the court order.

Some responsible officers had not recorded a RAR activity day as such because the specific offending-related need and work being done had not formed part of the

sentence plan, even though the content was still rehabilitative. In our view this work could have been counted as a RAR activity day, particularly where the sentence plan could have been updated to incorporate it, or alternatively as a RAR appointment.

In some instances, practitioner counting of contacts as appointments rather than activities had the potential to be influenced by CRC concerns about containing costs and the over-use of particular activities in delivering RARs, even though in such cases the practice would have changed only the counting of the contacts and not the actual content or its cost. The London CRC guidance on RARs noted the need to contain costs in their delivery¹².

One point of universal clarity among the staff we met was that an activity day was defined by the content of the session and not its duration. Most also understood that multiple activities occurring on the same day could only be counted as one day, although they would need to be recorded on the contact log as separate RAR activity contacts.

The fact that multiple appointments on the same day only counted once was an issue in deeply rural areas, when an appropriate delivery arrangement was to book several appointments on one day to mitigate limited and expensive public transport. This resulted in fewer days being recorded, with the sentence appearing less onerous than would have been in an urban area where the same contacts would have been spread over more than one day.

5.6. Problems with recording RARs

We found that nDelius did not always hold an accurate record of the number of activity days completed. In most of the 72 cases we inspected the number given in the nDelius count was not the number the responsible officer had defined as being activity days delivered, or where our opinion differed the number we considered delivered. We found the number given by nDelius was on average half a day less per case than our own calculation. For the whole sample this amounted to 10% of the nDelius total. Within this figure, the difference in individual cases ranged from fifteen days more to fifteen days less than the nDelius figure. In only 11 cases did we agree with the figure recorded in nDelius (excluding those cases where we agreed with the record that no days at all had been completed).

There was a range of causes for the inaccurate recording of the actual amount of RAR activity. Some entries reflected a misunderstanding by the practitioner of the legal requirement that all RAR contact had to include a rehabilitative content. Some contacts had been incorrectly counted as a RAR activity, when the meeting had not included any rehabilitative content; for example, when the service user was only 'reporting-in' to maintain contact on an occasion where the responsible officer was unavailable, or for a discussion about matters relating to the management of the order rather than those with a specifically rehabilitative focus.

Other contacts clearly did have a rehabilitative content for the service user, but for some reason had not been logged as a RAR activity, because the practitioner was only counting those that had been planned and programmed in advance, or those that related to a specific area of work. On some occasions, particularly progress

¹² London CRC (June 2016), 'Working with the Rehabilitation Activity Requirement, Guidance for Staff'.

review meetings involving the service user, responsible officer and a worker from an external organisation delivering the RAR activity days, a meeting contained conversation about the management of the order and a review and recap of the change or learning achieved. It was debatable as to whether the meeting should have been logged as a RAR appointment (as suggested by some guidance noted earlier), or as a RAR activity day because the content amounted to a substantive part of the rehabilitative work itself.

Many of the practitioners we met thought that because they could not exceed the maximum number of RAR days ordered by the court, RAR days had to be rationed to ensure that there was a reserve of unused days for use in meeting any unforeseen need later in the order. This resulted in legitimate RAR activity days being logged instead as RAR appointments. In reality, such future needs could have been met through legally enforceable appointments as opposed to activities, just as the work undertaken in the current contacts had been counted as appointments rather than as activities. As a result, the case records showed a lower count of RAR activity days than had actually been done. This practice did, however, avoid a potential problem that use of appointments rather than activities might have limited the scope of work after the ordered number of days had been used, since implicitly more could be legally required of an offender in a RAR activity day than a RAR appointment.

In some instances, RAR activities had been delivered by external organisations and had not been recorded because the attendance had not been notified to the responsible officer. Some agencies were able to input contacts directly into nDelius, for example substance misuse services who could log contacts for RARs, and also those for drug rehabilitation requirements. Here there was the possibility that the entering of a contact could be overlooked, and this would be undetected unless the responsible officer noticed the apparently missed attendance. In many cases, even where external agencies had made entries directly on to nDelius, it contained nothing more than a note the service user had attended. Resolving these issues could be difficult, as often the contract with the agency was held with the CRC owning company, or at national level with the NPS. At a local level managers might be able to raise concerns but had no power to insist on improvement.

Finally, some errors were essentially mistakes in the use of the nDelius system itself, where both we and the practitioner considered that the contact did constitute a RAR activity day, but it had not been recorded as such. This may have been a simple oversight or error, or because of a combination of insufficient guidance to the practitioner in use of the system, or a lack of competence on their part.

A court liaison officer told us how difficulties with case records were impacting on enforcement proceedings at court. In the particular CRC in their locality this was compounded by the CRC's use of a call centre for contacting staff:

“It seems that there is just a general lack of recording RAR days and this means that the court liaison staff can't tell how many have been done when an order comes back for breach or if the offender is back in for another offence. nDelius can be difficult to decipher.

“Liaison staff just don’t have the information available and it makes us look stupid in court. The CRC have a call centre now and they do everything through this, which means we can’t phone responsible officers directly. It’s impossible; I was trying to phone through yesterday as the court were waiting on some information and I got told I was 19th in the queue!”

“We end up ringing people that we know on their personal mobiles to get information. People are still working on the goodwill of legacy relationships.”

5.7. Conclusions and implications

The lack of sufficient progress in delivering the planned RAR activities and achievement of intended outcomes we found, along with insufficient levels of contact and too much discretion in relation to missed attendance and enforcement, was not caused by the availability or quality of RAR activities, but insufficient attention to effective offender management. This had the potential to undermine the confidence of sentencers.

The lack of attention to offender management was caused in part by the disruption to staff roles and caseloads brought about by organisational change, and insufficient guidance to responsible officers on how RARs should be delivered and recorded.

In particular there had been insufficient guidance for responsible officers as to how required case management activity that was not rehabilitative (such as the management of Child Protection risks or problems with attendance) should be carried out, albeit that the legislation provides the authority for a responsible officer to undertake such activity.

There was confusion surrounding the management and recording of RARs, and this was clearly diverting the time and effort of some practitioners from more efficacious work.

Appendices

1. Glossary
2. Methodology
3. Acknowledgements
4. Role of the inspectorate and code of practice

Appendix 1: Glossary

Accredited programme	<p>A programme of work delivered to offenders in groups or individually through a requirement in a community order or a suspended sentence order, or part of a custodial sentence or a condition in a prison licence. Accredited programmes are accredited by the Correctional Services Accredited Panel as being effective in reducing the likelihood of reoffending. Examples include:</p> <p>Thinking Skills Programme - a programme to develop an offender's thinking skills to help them stay out of trouble</p> <p>Building Better Relationships - a programme to reduce reoffending by adult male perpetrators of intimate partner violence.</p>
Alcohol Treatment Requirement	A requirement that a court may attach to a community order or a suspended sentence order aimed at tackling alcohol abuse
Allocation	The process by which a decision is made about whether an offender will be supervised by the NPS or a CRC
Assignment	The process by which an offender is linked to a single responsible officer, who will arrange and coordinate all the interventions to be delivered during their sentence
CGL	'Change Grow Live', previously known as 'CRI', is a social care and health charity that supports and enables people to change their lives. Its service users include people who have offended
Court Liaison Officer/ Staff	Officers/Staff employed by the NPS to undertake liaison activities in court, providing information to sentencers from the NPS and the CRCs about defendants and available probation services, and from the court to the NPS and CRCs about defendants and the details of their offending and the results of court proceedings
CRC	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
Desistance	The cessation of offending or other antisocial behaviour
DIDs	Drink Impaired Drivers Programme: a nationally accredited programme which aims to confront offenders with issues related to drinking and driving

Drug Rehabilitation Requirement	A requirement that a court may attach to a community order or a suspended sentence order aimed at tackling drugs misuse
ETE	Education, training and employment: work to improve an individual's learning, and to increase their employment prospects
Gwalia	A charitable organisation working in Wales to provide housing and related care and support
Local Delivery Unit	An operational unit comprising of an office or offices, generally coterminous with police basic command units and local authority structures
MAPPA	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together locally to manage offenders who pose a higher risk of harm to others. Level 1 is ordinary agency management where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This compares with Levels 2 and 3, which require active multi-agency management
MIND	A national mental health charity providing advice and support to those experiencing mental health problems and campaigning to improve services and raise awareness
MoJ	Ministry of Justice: the government department responsible for the criminal justice system in the United Kingdom
nDelius	National Delius: the approved case management system used by CRCs and the NPS in England and Wales
NOMS	National Offender Management Service: the single agency responsible for both prisons and probation services in England and Wales
NPS	National Probation Service: a single national service which came into being in June 2014. Its role is to deliver services to courts and to manage specific groups of offenders, including those presenting a high or very high risk of serious harm and those subject to MAPPA in England and Wales
OASys	Offender Assessment System: currently used in England and Wales by CRCs and the NPS to measure the risks and needs of offenders under supervision
OGRS	Offender Group Reconviction Scale: a predictor of reoffending based upon static risks; age, gender and criminal history

Offender management model	A model of case management used by NOMS in which an offender manager (now usually termed the responsible officer) holds overall responsibility for a case but various components of the offenders' supervision are delivered by other staff or organisations under the offender manager's oversight
ORA	<i>Offender Rehabilitation Act 2014</i> : implemented in February 2015, applying to offences committed on or after that date, the <i>Offender Rehabilitation Act 2014</i> is the Act of Parliament that accompanied the <i>Transforming Rehabilitation</i> programme
Partners	Partners include statutory and non-statutory organisations, working with the participant/offender through a partnership agreement with a CRC or the NPS
PSR	Pre-sentence report: this refers to any report prepared for a court, whether delivered orally or in a written format
Probation officer	This is the term for a qualified responsible officer 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 more complex cases
Probation services officer	This is the term for a responsible officer who was originally recruited with no probation qualification. 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 depending on their level of training and experience. Some probation services officers work within the court setting, where their duties include the writing of pre-sentence reports
Rate card	A standardised list of the projects and services a CRC has for working with offenders, showing the price (or rate) for which these may be purchased by the NPS or another CRC
Responsible officer	The term used for the officer (previously entitled 'offender manager') who holds lead responsibility for managing a case
RAR	Rehabilitation Activity Requirement: From February 2015, when the <i>Offender Rehabilitation Act 2014</i> was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded

Appendix 2: Methodology

The key components of this thematic inspection were:

Part one: Pre-fieldwork

1. A review of policy documents and guidance documents about RARs in England and Wales.
2. A call for evidence in May 2016 via our website, Twitter, LinkedIn and a targeted email to NOMS, all NPS Divisions, all CRCs and their respective owners. This generated eight detailed responses from CRC owners (three), the NPS (four), and the Magistrates' Association (one).
3. Meetings with NOMS leads for policy development, performance and operational assurance, to identify current strengths and concerns in the management and delivery of RARs and any relevant future plans.
4. A pilot exercise for the fieldwork involving an informal visit to the CRC and NPS in Lincoln (Humberside, Lincolnshire & North Yorkshire CRC and the North East NPS division) during July 2016 to gather information and test fieldwork methodology.

Part two: Inspection fieldwork

The inspection fieldwork included visits to six places in September and October 2016 covering a mix of metropolitan, urban and rural areas as follows:

Place	CRC	CRC owner	NPS division
Carmarthen ¹²	Wales	Working Links	Wales
Huddersfield	West Yorkshire	Purple Futures	North East
Leicester	Derbyshire, Leicestershire, Nottinghamshire and Rutland	Reducing Reoffending Partnership	South East
Newcastle	Northumbria	Sodexo	North East
Newham	London	MTC Novo	London
Northampton	Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire	Sodexo	South East

The fieldwork visits comprised:

1. interviews with 8 CRC senior managers and 6 NPS senior managers
2. meetings with 63 staff from CRCs and NPS including middle managers, probation officers, probation service officers, trainee probation officers, and administrators
3. meetings with 14 staff and managers from 9 external organisations providing services to the CRCs and NPS

¹² In Wales we focused on the work in Carmarthen but the local court and some of the relevant services were located elsewhere in Carmarthenshire.

4. meetings with 25 local sentencers and legal advisors
5. interviews with 15 service users
6. visits to local projects and services used in the delivery of RARs, and observation of the delivery of RAR activities by both CRCs, NPS, and external organisations
7. observation of NPS work in court including reviews of arrangements for PSR preparation and sentencing information about RARs
8. reviews of 72 cases; as well as case file assessments, the reviews included interviews with the responsible officers in 60 cases. In the remainder the responsible officer was not available but in some cases the case was discussed with the team manager or other representative.

Inspection fieldwork: case profile

We examined 72 cases from the 6 places in England and Wales, of offenders who had been sentenced to a community order or suspended sentence order that included a rehabilitation activity requirement in November and December 2015. These orders were, therefore, made nine or ten months after RARs were introduced on 01 February 2015.

At each place we inspected eight cases allocated to the CRC and four cases allocated to the NPS. This was not a statistically representative sample; our case inspection is intended to generate illustrative findings. Of these cases:

- 16 (22%) were female
- 54 (77%) were white
- 28 (58%) were of no religion; 12 (25%) were Christian; and 5 (10%) were Muslim
- Half were recorded as heterosexual and half were not clearly recorded or preferred not to say
- 23 (32%) were recorded by the responsible officer as having a disability; 16 of these as having issues with emotional state or mental health
- 47 (65%) were serving a community order; and 25 (35%) a suspended sentence order
- 48 (67%) were being managed by a CRC and 24 (33%) were being managed by the NPS
- most commonly the offenders had committed a violent offence or a theft
- in relation to risk of serious harm to others 6 had been classified as high risk; 53 medium; and 13 low risk
- 14 cases were Multi-Agency Public Protection Arrangement eligible and all were managed at Level 1.

Inspecting RAR days completed

In each case we inspected we recorded the number of RAR activity days that had been completed. This was done by reviewing the contact log entries to produce a figure for the number of contacts we considered should have been counted as RAR activity days, based on their content. We also noted the number as recorded in the nDelius total, which was not necessarily the same.

NB: Throughout this report all names referred to in practice examples have been amended to protect the individual's identity.

Appendix 3: Acknowledgements

We would like to thank all those who took part in this inspection: the staff and managers of the Community Rehabilitation Companies and the National Probation Service, magistrates, District Judges, and the men and women who had been involved in the criminal system and who told us of their experiences.

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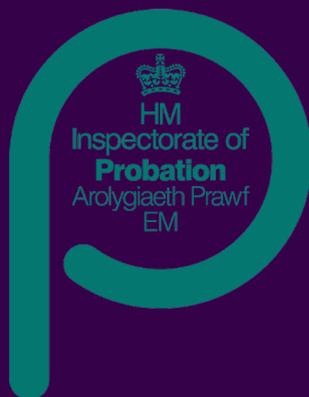
Appendix 4: Role of the inspectorate and code of practice

Information on the Role of HMI Probation and Code of Practice can be found on our website:

<http://www.justiceinspectorates.gov.uk/hmiprobation/about-hmi-probation/>

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

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