

# **HM Inspectorate of Probation independent review of issues arising from the case of Joseph McCann**

## **Terms of Reference**

Joseph McCann was convicted of multiple offences of kidnap and rape. At the time of the offences he was subject to supervision by the National Probation Service, South East and Eastern Division.

The National Probation Service have acknowledged that there were serious failings in the supervision of this case and disciplinary action has been taken against a number of staff. They have also undertaken a detailed, internal Serious Further Offence (SFO) review. The SFO review includes a detailed chronology of the supervision of Joseph McCann over a 15-year period and clearly identifies deficits in individual practice of responsible officers and their managers. Areas for improvement by individual staff and managers are identified by the review, and are addressed in the action plan. Additionally, some generic actions are identified for staff and managers in certain offices of the National Probation Service, South East and Eastern Division. A multi-agency public protection arrangement (MAPPA) Serious Case Review has also been commissioned.

As an independent body, HM Inspectorate of Probation will assess whether the SFO review has identified all the important organisational and practice improvements needed and will also pursue a number of further lines of enquiry into the probation specific aspects of this case which will form the focus of its own independent review. Further lines of enquiry relating to the handling of this case by other agencies may emerge during the course of HM Inspectorate of Probation's review or the MAPPA Serious Case Review.

Our review will be in two parts:

- Part 1 – a specific review of the circumstances leading up to serious offences committed by Joseph McCann in April and May 2019, using the type of root cause analysis approach used by the NHS to review serious incidents, to focus on those issues which appear to be of most direct relevance to the outcome of this case. We will also review the sufficiency of actions taken at a local, divisional and national level to address the issues identified in the internal SFO review.
- Part 2 – a wider, national thematic review of the 'culture and practice' within the probation service around recall – and a look at whether staff understand what they are supposed to do and are following the guidance in terms of recalling people including those on indeterminate sentences.

## **Part 1**

Through our initial analysis of the existing National Probation Service SFO review, our further lines of enquiry are likely to include the following:

### *Failure to recall*

- Why was Joseph McCann not recalled?
- What are the issues about practice guidance; management oversight; policy expectations; staff training and understanding; and operational culture that may have had an impact on the failure to recall?

### *Underestimation of risk of harm*

- Why was the risk of harm presented by Joseph McCann – as evidenced by his previous offending, behaviour over a long period of time, and ultimately by the SFOs – not fully recognised at the point when recall was considered? Earlier assessments had contained pertinent information. Had this been lost, or the significance diminished over time?
- How effectively was information recorded, transmitted and used over a lengthy period in this case, including transfers between prisons and between probation staff?
- How effectively did agencies work together to share and analyse information and manage risk in relation to McCann?
- What are the issues about workloads, skills and experience that affected the quality of analysis of risk of harm?

### *Lack of appropriate work*

- Why was there no focus on his reported sexual interests?
- Why was the psychopathy test not completed and the Personality Disorder Pathway not followed?
- What are the issues about policy, resources and staff skills that affected the focus and quality of work undertaken?

### *Release planning and release*

- What are the policy drivers for the release of IPPs and how were these understood by probation staff in this case?
- How effectively did release planning work in this case?
- What were the barriers and how did they affect probation practice?

### HM Prison and Probation Service action plan

We will also review the action plan prepared following the internal SFO review. Our lines of enquiry will include:

- Do the planned actions sufficiently address deficiencies identified in the review?
- Are there gaps in the actions planned?
- Are there additional gaps identified by HM Inspectorate of Probation's review?
- Have the agreed actions been implemented?
- Have appropriate actions been taken in relation to responsible individuals.

### Methodology

The above lines of enquiry have emerged from HM Prison and Probation Service's own detailed SFO review. Although we do not propose to replicate the existing National Probation Service review we will examine the case records (Delius, OASys, ViSOR and prison records) used in that review, in order to clarify specific issues and verify key points.

We will interview relevant managers and staff involved with Joseph McCann in order to identify issues that have implications beyond this individual case.

We will also conduct meetings with groups of staff and managers in the relevant divisions and National Probation Service Local Delivery Units (LDUs), to evaluate the implementation

of the action plan and, where possible, to consider the effectiveness of the actions taken. In these meetings we will also seek evidence to inform our root cause analysis of policy and practice issues that go beyond this individual case.

### Report

We aim to publish a report on the findings from part 1 of our review by the end of June 2020. We will make recommendations to the National Probation Service, HM Prison and Probation Service and the Ministry of Justice, and to other government departments as appropriate.

### **Part 2**

A national HM Inspectorate of Probation thematic review into the 'culture and practice' within the probation service around recall.

The circumstances of the Joseph McCann case have called into question the wider culture and practice within probation around the recall of offenders under supervision. The SFO review has suggested that there were opportunities to recall Joseph McCann that were not taken by the supervising officers. HM Inspectorate of Probation will investigate whether this has become common practice and why.

This thematic will offer a national perspective on the culture and practice around recall, specifically whether staff are familiar with and are following the guidance around recall.

### Proposed scope

The thematic will focus on specific elements of the probation caseload:

- both Community Rehabilitation Companies and National Probation Service licence recall cases
- determinate sentence cases
- indeterminate sentence cases (IPP and life sentence prisoners)
- recall process: part A, part B and part C
- cases sentenced as adults (18 years and over).

The thematic will not include:

- post-sentence supervision cases
- cases sentenced as children (under 18 years).

### Workstreams

There will be three workstreams:

*1. Review of Ministry of Justice/HM Prison and Probation Service/inspection data on recalls, including:*

- the degree to which recall rates vary by LDU and local offices, taking account of differences in offender populations (if possible)
- the impact of Home Detention Curfews (HDCs) upon the increase in recalls
- the recall rate per LDU/office by offence type
- a time series of changes to recall rates against the introduction of new policies
- IPP reoffending rates (since the focus on re-release)

- out of hours recalls
- recalls from approved premises.

## *2. Inspection fieldwork*

We will conduct targeted interviews with managers and staff at a national level in order to understand policy and practice issues.

We will also conduct meetings with groups of staff and managers in the relevant National Probation Service Divisions/LDUs and Community Rehabilitation Companies, to elicit evidence around culture and practice at a local level.

## *3. Case reviews*

We will conduct a deep dive of a small sample of cases to illustrate recall decision-making and provide case studies for the published report. The sample will be selected from a long list of licence cases where warnings have been issued by a Senior Manager, some of which have been recalled and some that have not. National Probation Service cases will deliberately include some IPPs.

## Methodology

Ahead of the fieldwork:

- Telephone or face to face interviews will be undertaken with relevant Ministry of Justice and HM Prison and Probation Service leads.
- Analysis of relevant data.

Fieldwork:

- Issues of organisational policy and culture will be addressed through a review of policy, focus groups and semi-structured interviews.
- This will be supported by a qualitative deep dive of cases to illustrate recall decision-making. Inspection sites should be a mix of Community Rehabilitation Companies/ National Probation Service LDU areas with identified high and low recall rates.

## Publication

We intend to publish the results of part 2 of this independent review by the end of October 2020. We will make recommendations to the National Probation Service, HM Prison and Probation Service and the Ministry of Justice as appropriate.