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**A Summary of Findings on the Enforcement of Community Penalties  
from three Joint Area Inspections**

A complex picture of how community penalties are enforced emerges from a joint report from HM Inspectorate of Probation, HM Inspectorate of Courts Administration and HM Inspectorate of Constabulary, published today.

Community penalties are a key element of the Government's rebalancing sentencing agenda. Ensuring offenders comply with the requirements of their community penalties is a high priority as failure to achieve this reduces public confidence in the criminal justice system.

Enforcing community penalties swiftly and effectively is therefore a key performance issue for all the agencies involved in it. It is one of the Prime Minister's top priorities for the criminal justice system as a whole.

The Government made Local Criminal Justice Boards responsible for multi-agency targets for the enforcement of community penalties, recognising that there needed to be close cooperation between all agencies for enforcement to be effective. A performance measurement system, Comet, provides reports on progress against the two key quantitative targets. (1) Although there have been improvements, early results have not been encouraging in terms of swift completion of the enforcement process.

This inspection sought to go beyond the quantitative measures by analysing a sample of adult and youth cases (184) in three criminal justice areas (2), (Cleveland, Devon and Cornwall and West Midlands) and tracking them from start to end through the enforcement process.

A complex picture emerges. Different factors apply in different cases in different combinations, although the largest single factor in causing delays to the process was simply the offender failing to attend their scheduled court hearing. The inspectorates also identified a detailed issue with Comet, in the way it was 'counting' withdrawn cases, so that it was sometimes giving misleading performance results – this is now being rectified.

The report also found:

### **Starting the breach action**

- The decision making of Youth Offending Teams about returning someone to court was inconsistent, but once a decision to breach had been made the performance on carrying it out was usually good.
- Probation: Decision making within probation areas was generally reliable and consistent. There were good systems for starting the breach process.

### **Reaching the first hearing**

- Youth Offending Teams, probation and courts were all paying attention to the need to schedule a first hearing promptly, and were achieving this on average in about 20 working days. In the Inspectorates view, it would be difficult for them to improve significantly on this average figure within the rules governing the existing procedures.

Andrew Bridges, Chief Inspector of Probation, who led the inspection alongside Sir Ronnie Flanagan, Chief Inspector of Constabulary, and Eddie Bloomfield, Chief Inspector of Courts Administration, said:

“Improving performance in the future is possible, but not through any specific sweeping innovations. As is often the case with criminal justice system processes, improvement will be achieved through patient incremental improvement in detailed processes year on year. This path to improvement can and should be diligently followed by Probation, Youth Offending Teams, Courts, Police and others, working together.”

The report makes a number of specific recommendations to the Community Penalty Enforcement Group, Local Criminal Justice Boards and to Probation areas and the Youth justice Board

## **RECOMMENDATIONS**

### **The Community Penalty Enforcement Group should ensure that:**

- the new counting rules, with regard to the withdrawal of cases following an acceptable reason for absence, are adhered to
- it monitors the number of cases that are withdrawn and analyses the reasons for these withdrawals
- consideration is given to the inclusion of information on Comet that would allow data to be gathered on key characteristics of those in breach.

### **Local Criminal Justice Boards should ensure that:**

- local data are analysed to enable detailed troubleshooting of the reasons for delay
- local performance improvement plans are developed.

### **The Youth Justice Boards should ensure that:**

- the role of the regional manager, as a link between the LCJB and the YOTs within areas, is considered
- YOTs improve the consistency with which they record whether absences are acceptable or unacceptable.

### **Probation areas should ensure that:**

- greater effort is made to promote compliance with community penalties
- cases are not withdrawn from the prosecution process where there is a prima facie case of breach, simply because the file is not ready.

### **Notes to Editors:**

1. Media enquiries about this report should be made to Simon Steel, HMIP press office 0207 035 3853.
2. The report "*A Summary of Findings on the Enforcement of Community Penalties from three Joint Area Inspections*" is available on the HMI Probation website:  
<http://inspectrates.homeoffice.gov.uk/hmiprobation/> Media copies only are available from the Home Office press office.
3. The CJS Business Plan 2005/2006 set the framework for LCJBs and identified enforcement as one of five priority areas. For the first time, there were clear multi-agency targets for the enforcement of community penalties. Until this time there had been a series of single agency national standards and targets, although no overarching performance framework.

The two targets set by the business plan were:

- the average time from the (relevant) unacceptable breach to resolution of the case of less than 35 working days and
- 50% of community penalty breaches to be resolved within 25 working days of the (relevant) unacceptable breach.

The inspection of enforcement practice in these criminal justice areas is part of a wider inspection programme commissioned by the Criminal Justice Chief Inspectors group.