HM Inspectorate of Probation

AN EFFECTIVE SUPERVISION
INSPECTION PROGRAMME
THEMATIC REPORT

"I'm not a racist but …"

An Inspection of
National Probation Service
Work with
Racially Motivated Offenders

Home Office

2005

Foreword

The number of offenders prosecuted for racially motivated crimes has steadily increased in recent years. In part this has been due to increased reporting of such incidents. There is now an increased awareness amongst criminal justice agencies of the corrosive and damaging impact that such offending has on victims, families and communities.

The National Probation Service has an important role to play in working with those who commit racist offences in order to minimise the risk of harm they pose to the public and to make them less likely to reoffend in the future. The service is also well placed to work with other organisations involved in community safety to produce effective multi-agency responses to the issue of racially motivated offending.

This report indicates that the National Probation Service is dealing with a relatively small number of racially motivated offenders. However, in our view, there is considerable scope for improvement in the way these offenders are dealt with.

We found examples of good practice, but it is important that these do not remain isolated exceptions. Accordingly, we believe that the National Probation Directorate should give a lead to probation areas in emphasising the importance of effectively addressing racially motivated crime as a contribution to a safer and more just society.

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HM Chief Inspector of Probation

Acknowledgements

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Glossary

ACO	Assistant chief officer
CO	Chief officer
CP	Community punishment
CPO	Community punishment order: a community sentence requiring the offender to complete unpaid work, measured in hours
CPRO	Community punishment and rehabilitation order
CPS	Crown Prosecution Service
CRO	Community rehabilitation order
ECP	Enhanced community punishment
ESI	Effective Supervision Inspection: HMI Probation's current programme of inspection of the 42 Probation areas over three years from June 2003
HMI Probation	Her Majesty's Inspectorate of Probation
HMSO	Her Majesty's Stationery Office
ISP	Initial supervision plan: In a probation case record, the first formal assessment and plan for an individual offender's period of supervision
LoR	Likelihood of reoffending
MAPPA	Multi-Agency Public Protection Arrangements
MAPPP	Multi-Agency Public Protection Panel
NPD	National Probation Directorate: Although a part of the Home Office, the NPD is also the 'Head Office' of the NPS
NPS	National Probation Service: Consisting of 42 Probation Areas, each run by its own Board, plus the NPD
OASys	Offender Assessment System: The nationally designed and prescribed framework for both the NPS and the Prison Service to assess offenders, implemented in stages from April 2003.
OGRS	Offender Group Reconviction Scale
PAR	Parole assessment report
PSR	Pre-sentence report: Reports that advise a court at point of sentence
RMO	Racially motivated offender
RoH	Risk of harm
SMART	Specific – Measurable – Achievable – Realistic – Time-bounded
SPO	Senior probation officer

1. KEY FINDINGS AND RECOMMENDATIONS

OVERALL FINDINGS FOR QUALITY OF RMO MANAGEMENT

Strengths

- All areas had or were working towards policy and practice guidance on RMOs.

- Senior managers demonstrated a commitment to racially motivated offending work despite a lack of national policy direction, targets and performance measures.

- There was evidence of effective links with other agencies involved in reducing racist crime.

- There was a commitment to staff training and development in working with RMOs.

Areas for improvement

- There was little evidence nationally or in local probation areas of a strategic approach to racially motivated offending work.

- Senior managers had difficulty in ascertaining if RMO policy and practice guidance was followed.

- Little management information was available about RMOs and areas did not have robust systems for the identification and monitoring of these offenders.

- There was confusion amongst staff, and a lack of clarity amongst managers, regarding the desirability of including RMOs in accredited programmes.

- Protocols regarding the preparation of court reports on RMOs lacked clarity.

- There was little communication with sentencers about racially motivated offending work.

OVERALL FINDINGS FOR QUALITY OF RMO ASSESSMENT

Strengths

- In the majority of cases, where the level of RoH had been clearly identified, the assessed RoH classification was appropriate.

- There was corroboration of offences using CPS documentation, and victim ethnicity was confirmed.

- LoR was clearly indicated and good use was made of assessment tools when assessing this.

- Offenders understood the requirements of their order/licence.

- Recording of information was clear and sufficient.

Areas for improvement

- RoH assessments were generally unsatisfactory in terms of both quality of content and timeliness.

- Improvements were needed to the content and timeliness of ISPs.

- Appropriate interventions to address racially motivated offending were not always planned.

- High/very high RoH cases needed more consistent management in accordance with national standards.

OVERALL FINDINGS FOR QUALITY OF RMO INTERVENTIONS

Strengths

- Race equality and wider diversity issues were taken into account when making arrangements for RMO interventions.

- Interventions were delivered with sensitivity to race equality and wider diversity issues.

- In relevant high/very high RoH cases home visits were taking place.

- Interventions delivered were appropriate to the assessed level of RoH.

Areas for improvement

- Racially motivated offending related interventions were not delivered in a timely way resulting in delays or work not being carried out sufficiently.

- Case managers were not proactive in liaising with others delivering interventions.

- Victim issues required far greater prominence and attention.

- There was little evidence of reinforcement of learning.

- There was a lack of consistency regarding the inclusion of RMOs in accredited programmes.

OVERALL FINDINGS FOR QUALITY OF INITIAL RMO OUTCOMES

Strength

- Most offenders had not been reconvicted.

Areas for improvement

- There was room for improvement with regard to offender attendance and their compliance with additional conditions or requirements.

- Progress on relevant criminogenic factors was limited, as was improvement in community ties and social circumstances.

Recommendations

The NPD should ensure that:

- areas develop local policy and plans based on a national RMO policy and strategy

- systems are established for the effective identification and monitoring of RMOs

- the quality of assessment and risk management planning improves

- areas consider the use of the one-to-one programme as their chosen programme for working with RMOs, supported by good quality case management

- guidance is issued on standards of practice with RMOs

- policy on the suitability of different types of court report for RMO cases is clarified

- the effectiveness of interventions with RMOs is evaluated

- policy on NPS staff membership of political parties and other organisations is reviewed.

Boards should ensure that:

- all relevant staff have appropriate levels of racially motivated offending related knowledge, understanding and skills

- protocols with courts, regarding report preparation, include RMOs and sentencers are aware of the interventions available for these offenders

- protocols are established with relevant community safety partners to ensure that staff make use of all sources of information and advice when assessing and planning interventions with RMOs

- supervision plans on RMOs contain SMART objectives

- victim issues are given greater prominence in RMO work

- outcome measures for RMO work are clear

- the importance of the Macpherson definition of a racist incident is reaffirmed

- all RMOs are subject to an individual risk assessment before referral to a programme, ECP project or any other resource.

2.   AIMS, OBJECTIVES AND BACKGROUND TO THE INSPECTION

2.1   In an introductory guide to the Crime and Disorder Act 1998 the impact of racist crime is described as follows:

> "The government recognises that racist crime does not simply injure the victims and their property, it affects the whole family and it erodes the standards of decency of the wider community. Trust and understanding built up over many years between communities can be eroded by the climate of fear and anxiety which can surround a racist incident." *(Home Office 1998)*

2.2   As part of the duty to protect the public and reduce reoffending, the National Probation Service for England and Wales assesses and manages the risks presented by RMOs sentenced to community sentences and released from prison on licences.

2.3   The NPS aims "to increase public protection and reduce recidivism through effective management of adult offenders in the community" (Home Office 2004). The main mechanisms for achieving this are the assessment of offenders both pre- and post-sentence, by delivering interventions designed to reduce the LoR and RoH.

2.4   In its thematic report on race equality (Home Office 2000), HMI Probation described how, in the 1980s and early 1990s, probation services were amongst the first of the criminal justice agencies to develop anti-discriminatory practices and procedures. This included initiatives aimed at RMOs. A small number of probation areas introduced programmes specifically targeting RMOs and some resources were developed to assist probation staff in challenging racist crime. One of the most widely used was the 'From Murmur to Murder' resource that was accompanied by a series of training events as part of its introduction in probation areas.

2.5   The thematic report found that the events surrounding the tragic death of Stephen Lawrence, and the subsequent publication of the Macpherson Inquiry report (1999), had resulted in increased attention being given to RMOs in probation areas, although few had produced the detailed guidance necessary to translate this commitment into operational reality. Crucially, the thematic report found that all areas needed to re-examine their policies in the light of the acceptance of the definition given of a racist incident in the Macpherson report. The follow-up thematic report (Home Office 2004) found that progress on this had been patchy and that more work needed to be done.

2.6   The NPD response to RMOs included the commissioning of work to assess the feasibility of an accredited programme for such offenders and the publication of a theory manual in 2001 to identify the criminogenic needs of RMOs.

2.7   The Correctional Services Accreditation Panel concluded that, whilst the research base was limited, there was no indication that the majority of RMOs had substantially different criminogenic needs to general offenders. The NPD decided to test out the hypothesis that, aside from the very small number of politically motivated offenders, the needs of these offenders could be met through attendance at general offending

behaviour programmes. The Priestley One-to-One programme was considered the preferred option for delivery to RMOs as it is an individual programme which meant that the problems of working with groups of RMOs, who could reinforce each other's beliefs, was minimised.

2.8   The decision not to pursue an accredited programme for RMOs led a minority of probation areas to continue to arrange in-house programmes for these offenders, although this arrangement was not promoted nor supported by the NPD. The majority of areas however have not taken this route and have relied on existing provision, including general offending behaviour programmes, to manage RMOs.

2.9   The psychometric test battery has recently been extended to include questions about racist attitudes and over the course of time enough data should be gathered to assess whether accredited programmes have an impact on these attitudes. In the light of this additional offender management modules may be developed.

2.10   The Crime and Disorder Act 1998 created a new offence to tackle the problem of racial violence and harassment. In the ensuing years there has been a steady rise in the number of reported racist incidents and of prosecutions for racially aggravated offences. In 1999/2000 there were 21,750 racist offences reported to the police. By 2003/2004 this figure had risen to 35,021. The most common offence was racially aggravated harassment. In 2000/2001 there were 2,684 prosecutions for racially aggravated offences with a conviction rate of 83%. In 2002/2003 the figures were 4,192 and 85% respectively. These figures can only give a partial picture of the extent of racist offending; they do not include, for example, the offences that were unreported and offences where there was a racial motivation but the charge fell short of racial aggravation.

2.11   This inspection took place at a time when concerns about racist offending were very real. There had been a steady and continued rise in reported racist incidents in all parts of the country. In a number of areas there had also been an increase in the popularity of far-right political groups. The aim of this inspection was to evaluate the quality of management, assessment, interventions and initial outcomes, measuring current against best practice and to identify key areas for improvement.

2.12   The overall aim of the inspection was to:

   • determine the extent to which the NPS contributes to the reduction of harm to primary and secondary victims of RMOs.

2.13   The specific objectives were to:

   • determine the extent to which, in relation to RMOs, the NPS:
      ▪ identifies all relevant cases consistently
      ▪ assesses accurately the risks/criminogenic needs of offenders
      ▪ delivers effectively evidence-based interventions to address risk and criminogenic need
      ▪ collaborates with other agencies sufficiently and effectively
      ▪ reduces offending behaviour

- reduces the RoH to victims and others
- gives priority to victims' concerns
- addresses race, gender and other aspects of diversity for both victims and perpetrators.

2.14   The inspection was carried out alongside ESIs in seven areas: West Midlands, Norfolk, Suffolk, Greater Manchester, Merseyside, Cumbria and Northumbria. The criteria for both inspections therefore used the same structure and both evaluated the quality of: management, assessment, interventions and initial outcomes. This approach was based on our belief that offenders are effectively supervised if they are assessed well, receive good quality interventions and achieve some identifiable positive initial outcomes. The set of standards and criteria for the inspection oulined what best practice would look like in RMO work. This inevitably meant that some of the results were likely to fall short of a perfect score. The RMO work assessed was undertaken without the benefit of a national strategy, guidance, training or additional resourcing and positive outcomes were difficult to achieve. The area results should be understood in this context.

2.15   The inspection examined a sample of offenders in each area who were subject to community supervision, either as part of a court order or as part of a post-custodial licence, who had been convicted of aggravated offences as defined by the Crime and Disorder Act 1998, or whose offences were, in the opinion of the area, clearly racially motivated. The total sample size was 102, of which 93% had been convicted of racially aggravated offences as defined by the Crime and Disorder Act 1998.

2.16   The restricted number of areas in the sample meant that we did not look at some of the initiatives around the country that were addressing racially motivated offending, but the range and diversity of the areas inspected meant that reliable conclusions can be drawn from the findings of this inspection.

2.17   We asked for a range of evidence in advance from areas and this provided much of the information upon which judgements were made about the quality of management section of the inspection. In the larger areas we asked to see 30 cases and in the smaller areas 20. In the event none of the areas had sufficient numbers of RMOs to meet this request. The largest sample was in the West Midlands with 27 cases and the smallest was in Norfolk with four.

2.18   We undertook a range of interviews with senior and middle managers, practitioners, specialists and partners and service providers. We also interviewed members of the NPD with responsibility for RMO work.

2.19   The focus of this inspection was on the work of the NPS. The nature of racist offending made it inevitable that we would also attempt to look at the quality of inter-agency working. However, in order for there to be a comprehensive report into the effectiveness of RMO work, there would need to be a joint inspection involving other inspectorates.

3.   QUALITY OF RMO MANAGEMENT

3.1   This chapter considers the quality of management. We sought evidence that areas had a coherent framework for the implementation of RMO policy. This included that resources were allocated within a strategic context, human resource policies supported RMO work, where appropriate partnership and contracting out arrangements were in place and finally that there was a strategy for communication with sentencers. Evidence came from the interviews conducted with managers, practitioners, service providers and partners and some was included in documentation provided in advance of the inspection.

> **Leadership and planning:**
>
> - *There is an area policy/plan for working with RMOs. Effective management structures and processes exist for delivering the RMO policy/plan and managers are held accountable for its effective operation.*

3.2   Most areas had a policy for working with RMOs, although some needed updating. The policies varied in detail. Some were supplemented by detailed practice guidelines that outlined key operational procedures, as was the case in the West Midlands and Northumbria. Most policies made reference to the importance of accepting the definition of a racist incident as set out in the Macpherson Report into the death of Stephen Lawrence:

"... a racist incident is any incident which is perceived to be racist by the victim or any other person." (Macpherson 1999)

3.3   Policy and practice guidance on RMOs was often linked to broader equality of opportunity and anti-discriminatory practice frameworks. This was helpful in terms of locating work with RMOs within a broader theoretical paradigm.

3.4   There were a number of examples of policies being developed in consultation with other stakeholders, for example in Greater Manchester there had been extensive consultation. In addition, efforts had been made to publicise the policy to other agencies.

> *Good practice example:*
>
> A cross-grade working group had been established in the Norfolk Probation Area to develop practice guidelines for working with RMOs. The group had collected a dossier of good practice examples from a large number of probation areas and other agencies.

3.5   A major failing in all areas was that managers had very few means of knowing whether RMO policy was implemented and there was an absence of strategy. Area business plans tended to pay scant, if any, attention to racially motivated offending issues, reflecting current NPD priorities. RMO work was, therefore, not integrated with area

and national priorities. Similarly, there was little evidence of managers receiving information about RMO work, in marked contrast to other areas of practice, and none of the areas visited were able to provide detailed data about RMOs for the purposes of the inspection.

3.6   Senior managers demonstrated a commitment to tackling the issues of racially motivated crime in a number of ways. Some COs took a personal interest in the subject and ensured that they briefed staff and other agencies about the role of the probation area. Overall, however, this aspect of work lacked a clear strategic focus and in many cases the personal commitment to one senior manager, rather than a coherent organisational strategy, was the key factor at play.

3.7   All the areas inspected had difficulty in identifying the number of RMOs with whom they were working. All were able to identify offenders who had been convicted of racially aggravated offences, but few were able to identify offenders convicted of offence(s) that had been racially motivated. For example, an offender originally charged with a racially aggravated offence but where there was not enough evidence for the CPS to pursue the charge to conviction and a lesser charge took its place. Greater Manchester had made an effort to introduce a database as part of a case management system that recorded RMOs but, whilst this had potential, it was found not to be completely accurate.

3.8   This lack of information about the number of RMOs was a significant deficit. It impacted on areas' ability to plan, and meant that offenders were not challenged about their racism and could at times have compromised staff safety. For example, a RMO case may have been unknowingly allocated to a black or minority ethnic member of staff.

3.9   All the areas had made efforts to engage with other agencies in working to reduce racist crime. Some were more successful than others. In Merseyside, a panel chaired by a member of the CPS reviewed RMOs pre- and post-court in order to plan more effective responses to racist crime. The ACO in the area was a leading player in this process. In the West Midlands, helpful guidance had been issued to staff working in multi-agency fora that set out the role and purpose of their engagement. In Northumbria, there was also evidence of impressive links with other agencies in an effort to tackle racist crime.

> **Good practice example:**
>
> In Merseyside a multi-agency panel, which included representatives of the CPS and probation area, met regularly to assess the quality of PSRs written on RMOs.

3.10   In other areas joint working was dependent on local structures and geography. Where local management units in areas coincided with local authority boundaries, there tended to be more effective joint work. For example, in Greater Manchester where there were a number of examples of joint intelligence gathering and collaborative work. In other areas, especially smaller ones, this co-terminosity was not so apparent and senior managers often struggled to make a significant contribution.

3.11   Area Criminal Justice Boards were a forum for strategic inter-agency planning and the level of senior management commitment and planning was impressive. In Norfolk, the CO was the chair of a race action subgroup that reported to the Board. The Boards tended to focus on RMOs at the pre-sentence stage. The local authority area-based

Crime and Disorder Partnerships in contrast had a broader remit to work on community crime reduction initiatives including racist crime. In some circumstances it appeared that Boards and the partnerships were working independently of each other on similar issues. This led to some confusion amongst probation staff as to the role and purpose of these structures.

3.12   There were schemes (normally local authority led) in existence in all the areas designed to make the reporting of racist incidents easier for victims. In six of the seven areas inspected probation offices had been designated as reporting points. In practice this was a lost opportunity. Inspectors found that many staff were unaware of the arrangements and little had been done to promote the schemes in probation offices.

3.13   We found no probation focused outcome targets either nationally or in areas, nor any data collection relating to outcomes, although some areas had rudimentary development targets, for example about reviewing policy that included the introduction of monitoring and evaluative systems.

3.14   One of the criteria for leadership and planning involved the extent to which NPD action supported RMO policy in areas and held them to account. We found that there had been little focus on RMO work since the publication of the theory manual and areas had not been required to focus on this subject in the annual business planning process. As a result, areas had not been held to account for the quality of RMO work. The interim solution of allocating RMOs to general offending behaviour programmes was not well understood or necessarily accepted and had led to a variety of responses and guidance being issued to staff.

3.15   In Merseyside, a programme of intervention 'Against Human Dignity' had been set up for RMOs, but in the other areas there was no such provision. In some areas RMOs were referred directly to general offending behaviour programmes with little assessment of their suitability. In others RMOs were not referred unless work had taken place on their racist offending. Unfortunately, in the absence of a structured work package, this intervention often failed to take place. Finally, staff in other areas took the view that all RMOs were unsuitable for inclusion in an offending behaviour group. In the six areas that did not have a programme, where staff undertook work on RMO issues, this normally meant use of the 'From Murmur to Murder' resource pack, although in Northumbria RMOs could be referred to dedicated projects for assessment and intervention. The current national policy position had led to frustration and confusion.

Criteria	West Midlands	Norfolk	Suffolk	Greater Manchester	Mersey-side	Cumbria	North-umbria
There is an area policy/plan for working with RMOs	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET

3.16 In none of the areas visited had RMO-related results been defined. As a result, resource allocation was not strategically thought through in detail. Where areas could explicitly identify resourcing for RMO work, it tended to be for staff training. Merseyside, for example, had trained a number of staff to deliver the 'Against Human Dignity' programme, but this was not done within a clear strategic framework based on a proper identification of the number of RMOs and the workload of the staff.

3.17 The majority of the cases in the seven areas were assessed as low to medium RoH and all the areas took decisions about resourcing on the basis of RoH, i.e. the higher the RoH the more intensive the intervention. Inspectors found that on the whole RMOs were resourced consistently with this principle. However, the lack of good quality assessment information about the cases did lead to some questions about this approach. The victims of racist crime do not always report offences, or incidents do not lead to prosecution. In view of this the RMOs that came into contact with probation areas may have been more serious or repeat offenders. Checks were seldom made with the police or the racial harassment units by PSR authors or case managers to see if the victim or offender was known as a result of previous racist incidents.

Criteria	West Midlands	Norfolk	Suffolk	Greater Manchester	Mersey-side	Cumbria	North-umbria
The area demonstrates a strategic approach to effective resource allocation for RMO work	NOT MET	NOT MET	NOT MET	NOT MET	NOT MET	NOT MET	NOT MET

3.18 Under this heading we considered staff recruitment, selection, training, supervision and support.

3.19 We found that in all the areas inspected the area recruitment and induction processes helpfully fostered a climate of anti-racism and anti-discriminatory practice that was consistent with the intentions of RMO policy. For example, in Suffolk, a well-received training programme had been organised that included general awareness training for all staff and Board members and complemented a specific training course on working with RMOs.

3.20   As far as ensuring that arrangements were in place to make sure that those staff supervising RMOs had sufficient relevant knowledge, understanding and skills, the picture was mixed. Areas had organised or were planning to carry out RMO training sessions but, in many cases, not enough attention had been paid to which members of staff should receive training and how it should be targeted. The lack of information about the number of RMOs also meant that not all areas could guarantee that all staff were sufficiently trained.

3.21   Despite the relatively good provision of training, many staff interviewed expressed a lack of confidence in working with RMOs. This may have reflected the difficulty of dealing with racist issues in general. In many cases we inspected we found that staff had left unchallenged the racially aggravated/motivated dimension and had colluded with offenders' minimisation. A notable exception to this was in Merseyside where the case managers, who had specific responsibility for the 'Against Human Dignity' programme, were much more confident in working with RMOs. In Northumbria, case managers who were able to access schemes designed to work with perpetrators were also notably more confident.

> *Good practice example:*
>
> The Suffolk Probation Area had organised a comprehensive training programme for staff in working with RMOs that included sessions on RoH and OASys.

3.22   Most staff reported having regular supervision and training and in one area SPOs regularly discussed RMOs with staff in supervision sessions, although this was the exception. Unfortunately, a number of SPOs interviewed reflected a similar lack of confidence in dealing with race issues as the staff they supervised.

Criteria	West Midlands	Norfolk	Suffolk	Greater Manchester	Mersey-side	Cumbria	North-umbria
The area's human resource policies, strategies and personnel management practices ensure the effective delivery of RMO work	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET	PARTLY MET

> **Partnership/contracting out:**
>
> - ***Area partnership management ensures effective RMO harm reduction.***

3.23   We were looking for partnership arrangements that were tied in to probation and/or multi-agency objectives, where contracts had clear objectives and targets and were monitored and reviewed.

3.24   Only one area, Northumbria, had a contract or partnership for the delivery of RMO services. Two projects had been established under the auspices of the local Crime and Disorder Partnerships, whereby perpetrators of racist crime were referred to dedicated workers for assessment and intervention. There was no indication that the provision of such services had been considered by the other areas.

Criteria	West Midlands	Norfolk	Suffolk	Greater Manchester	Mersey-side	Cumbria	North-umbria
Area partnership management ensures effective RMO harm reduction	N/A	N/A	N/A	N/A	N/A	N/A	SATIS-FACT'LY MET

> **Effective communication with sentencers:**
> - ***Area communication with sentencers and justices' clerks supports RMO harm reduction.***

3.25   In order to meet this criterion the probation areas needed to have a good communication system with sentencers, backed up by good quality information and protocols.

3.26   Communication with sentencers about work with RMOs was not a priority for the seven areas we visited. Only Merseyside had provided information to sentencers about how staff worked with RMOs and the area had made a presentation to Crown Court sentencers on RMO work. Overall, the subject of communication with sentencers was neglected and this was compounded by the lack of data available on RMOs. It was also disappointing that area staff did not use the communication channels with sentencers to provide more general information about racist crime in the area, for example information from racial harassment units.

3.27   Only one area, West Midlands had a protocol that specified how RMOs should be dealt with in terms of the preparation of reports for courts. It was expected that in the West Midlands RMOs would be the subject of a full PSR. In the other areas there was a lack of clarity about the position and, consequently, the court could (on occasion) not have a full assessment of the offender's racially motivated offending and impact on the victim(s) prior to passing sentence.

Criteria	West Midlands	Norfolk	Suffolk	Greater Manchester	Mersey-side	Cumbria	North-umbria
Area communication with sentencers and justices' clerks supports RMO harm reduction	PARTLY MET	NOT MET	NOT MET	NOT MET	PARTLY MET	PARTLY MET	NOT MET

Overall findings for Quality of RMO Management

Strengths

- All areas had or were working towards policy and practice guidance on RMOs.

- Senior managers demonstrated a commitment to racially motivated offending work despite a lack of national policy direction, targets and performance measures.

- There was evidence of effective links with other agencies involved in reducing racist crime.

- There was a commitment to staff training and development in working with RMOs.

Areas for improvement

- There was little evidence nationally or in local probation areas of a strategic approach to racially motivated offending work.

- Senior managers had difficulty in ascertaining if RMO policy and practice guidance was followed.

- Little management information was available about RMOs and areas did not have robust systems for the identification and monitoring of these offenders.

- There was confusion amongst staff, and a lack of clarity amongst managers, regarding the desirability of including RMOs in accredited programmes.

- Protocols regarding the preparation of court reports on RMOs lacked clarity.

- There was little communication with sentencers about racially motivated offending work.

Recommendations

The NPD should ensure that:

- *areas develop local policy and plans based on a national RMO policy and strategy*

- *systems are established for the effective identification and monitoring of RMOs.*

Boards should ensure that:

- *all relevant staff have appropriate levels of racially motivated offending related knowledge, understanding and skills*

- *protocols with courts, regarding report preparation, include RMOs and sentencers are aware of the interventions available for these offenders.*

4.   QUALITY OF RMO ASSESSMENT

4.1   In this chapter we discuss the assessment of the RoH and the LoR; the extent to which those assessments informed supervision plans and reviews for case management purposes and their use in the identification and planning of interventions. Included in this section is reference to the importance of clear recording of information and relevant documentation being available, with particular regard to racially motivated offending related elements of offenders' supervision. The sources of evidence for the quality of assessment (and for subsequent sections on the quality of interventions and initial outcomes) were the scoring of questions applied to the 102 cases examined in the seven areas inspected. Further evidence also came from the interviews conducted with managers, practitioners, service providers and partners and information provided in advance of the inspection.

Assessment of RoH:

- ***RoH is satisfactorily identified and assessed using approved tools, drawing on relevant assessments, available victim information, previous convictions and knowledge of racially motivated offending risk factors.***

4.2   The following table shows the results for the range of questions on the assessment of the RoH.

Table 1: Assessment of RoH

Criteria	All areas
Quality of RoH assessment at the start of supervision.	51%
Quality of RoH assessment every four months.	28%
Quality of RoH assessment after a significant incident.	40%
Appropriateness of RoH classification.	89%
Details of the RMO has been corroborated at the PSR/PAR stage by reference to CPS documentation.	75%
Ethnicity of victims is confirmed.	81%
Close fit between interventions planned and assessed RoH.	76%
Satisfactory risk management plan prepared in five working days.	16%
Risk management plans address RMO issues sufficiently.	33%
Appropriate higher and middle manager involvement in the assessment.	20%
Release plans to protect victims have been recommended.	33%

4.3   In most cases a RoH assessment had been completed. Where RoH assessments had been carried out, consistent use was made of the paper or electronic version of OASys at the start of supervision. There were shortcomings in just under half of the cases, in

that the content of the assessments was not as comprehensive as they should have been. Examples included little account, if any, taken of previous assessments and cases where the level of risk was not clearly indicated.

4.4   The timeliness of assessments emerged as an issue. The main factor accounting for the poor quality of risk reviews at the 16 week stage of an order was their lateness or absence. Some explanation of this finding may have lain in the fact that over a quarter of the cases in the sample were assessed as being of low RoH, and a number of case managers reported that it was their area's policy not to review ISPs on low RoH cases given workload pressures.

4.5   Although there were a small number of cases where this was relevant, it was nonetheless disappointing that in only half of the sample was there a revisiting of the RoH assessment following a significant incident.

4.6   Even though the quality of RoH assessments needed to be greatly improved, we were satisfied that the levels of risk assessed were appropriate and all areas performed well in meeting this particular criterion. Furthermore, there was a close fit between planned interventions, whether restrictive or constructive, and the assessed level of RoH so that the higher the risk the more intensive were the planned interventions.

4.7   Areas also performed well in regard to the use of CPS documentation to corroborate the nature and circumstances of racially motivated offences at the PSR stage rather than placing sole reliance on the offender's version. Documentation included offence summaries, witness statements and previous convictions, if applicable, and in most there were transcripts of offenders' interviews with the police. We noted that not all documentation contained actual statements from victims and, during interviews, it was apparent that case managers had not always fully briefed themselves on the offences. Consequently, they were not making comparisons between the prosecution information and offenders' accounts and so were losing opportunities to challenge denial and minimisation.

4.8   In a number of OASys assessments and PSRs written on RMOs there were descriptions of racially aggravated offending that had been reinterpreted by case managers or PSRs as not racially motivated because, for example, the offender had been drunk or had acted out of character. This seemed at odds with the spirit of the Macpherson definition of a racist incident.

4.9   Linked to the provision of CPS documentation was the identification of the race and ethnicity of victims and again this scored highly. What was interesting about this finding was that the means by which race and ethnicity was identified was based on information drawn from CPS documentation. It was not clear, however, whether the victims themselves had indicated their race and ethnicity or whether arresting police officers had made identifications based on their own assessment.

4.10   Whilst a small number of cases, nine in total, were assessed as posing a very high RoH, it was disappointing that in every case there was either no risk management plan or it was completed beyond the national standard requirement of within five days. Where there was a plan, insufficient reference had been made to addressing issues related to racially motivated offending. In addition, risk management plans were not always

integrated into the overall ISP. Although case managers expressed an awareness and understanding of their area's policy on working with offenders who posed a high RoH, this was not always reflected in their management of the case. We also found instances where there was insufficient involvement of senior and middle managers in the assessment of very high RoH cases.

4.11   The preparation of release plans that focused on protecting victims was relevant in only three cases, but in two of these practice was poor in that there had been no attention paid to the need to protect victims when planning the release of a prisoner on licence.

4.12   Overall there was scope for improvement in the quality of RoH assessments. Particular attention was required to ensure assessments were done at the beginning of probation service contact with RMOs and that the national standard timescales were observed.

> **Assessment of LoR:**
>
> - ***Racially motivated offending related criminogenic factors and reoffending probability are identified and assessed using approved tools, drawing on all available information and previous assessments.***

4.13   The table below gives the results for criteria relating to the assessment of LoR.

Table 2: Assessment of LoR

Criteria	All areas
LoR and criminogenic factors have been satisfactorily assessed using approved assessment tools.	76%
LoR and racially motivated offending related criminogenic factors satisfactorily assessed.	72%
There is a clearly identified LoR score.	87%

4.14   Probation staff used both OGRS and OASys to assess the LoR. The content of assessments was, in the main, of a sufficient quality and was completed in accordance with the national standard timescales at the beginning of the order. All areas achieved high percentages for assessments showing a clear LoR score.

4.15   Though most of the areas performed reasonably well in identifying those criminogenic factors that research had associated with racially motivated offending (e.g. lack of employment opportunities), there was still scope for improvement. It was clear that the use of OASys assisted case managers and PSR writers in making full and accurate assessments, but there was still a need for more in-depth exploration in some cases. Predominant factors that emerged, and often needed greater exploration, included alcohol abuse, cognitive deficits and poor thinking skills, poor emotional management (often referred to in the context of anger management) and employment. Mental health, accommodation, relationship problems and peer influences were also identified as factors but to a lesser extent. Overwhelmingly, however, alcohol as a disinhibitor and poor thinking skills were the identified triggers to racist offending.

> **Case management:**
>
> - *ISPs/CPO assessments incorporate appropriate coordinated and sequenced interventions designed to minimise assessed RMO-related risk, address associated criminogenic needs and accommodate relevant victim/diversity issues.*

4.16   The table below gives the result for the criteria relating to case management.

Table 3: Case management

Criteria	All areas
ISPs /CPO assessments meet the content and timing requirements of national standards and, where appropriate, draw on MAPPA assessments, assessments by other agencies and previous probation service assessments.	47%
SMART objectives are set in ISPs and take account of the risk and need assessment.	55%
Appropriate interventions are planned to address RMO behaviour and criminogenic needs.	51%
Liaison responsibilities with all those involved are clearly defined especially in relation to high/very high RoH cases.	73%
The plan is sensitive to race and other diversity issues.	44%
Steps have been taken to ensure that the offender fully understands the requirements of the order/licence.	84%
The plan has been communicated to the offender so that s/he has the opportunity to participate actively in the planning process.	70%
Where relevant, the plan integrates the MAPPA action plan or the action plan from another risk management meeting.	0%

4.17   Plans were often prepared beyond the national standard time requirement. Of particular concern was the content of ISPs. OASys, as a guide to the content of ISPs, was not used to its full potential. We saw examples where, even though PSR writers had suggested objectives for supervision plans, these were not always transferred onto ISPs post-sentence. There was insufficient evidence of the relevant national standard informing ISPs so that, for example, rather than both the management of the RoH (restrictive interventions) and management of the LoR (constructive interventions) being featured, only one or the other was referred to. Other examples of gaps in plans reflected an insufficient, or absence of focus on such issues as the offender's awareness of the impact of offending or how and when additional requirements would be completed or enforced.

> *Good practice example:*
>
> The Northumbria Probation Area had developed a partnership with Newcastle City Council that enabled case managers to refer RMOs to a specialist worker for assessment.

4.18   SMART objectives tended to be prevalent in those areas where there was provision of intervention for RMOs. This was the case in Merseyside which had the 'Against Human Dignity' programme and in Northumbria. Other areas provided the 'From Murmur to

Murder' manual, but its take up by supervisors was inconsistent. Most knew about its existence and there were some examples of it being put to good use by supervisors, but others were reluctant to use it without training and therefore it was not always identified in plans as an intervention.

4.19 The identification of liaison responsibilities with others providing interventions was positive in all areas. Evidence of liaison arrangements was derived from case manager interviews and contact log entries. There was scope, however, for more use to be made of the liaison section in the OASys ISP.

4.20 All areas demonstrated that offenders were clear about the requirements of their order or licence. Case files contained contact log entries outlining induction processes and/or one-to-one contact between offenders and case workers during which the terms and conditions of orders or licences were reinforced. Copies of contracts or agreements to adhere to rules and regulations signed by offenders were contained in case files. Case managers took this responsibility seriously, particularly in relation to making it clear to RMOs that racist language or behaviour would not be tolerated. Offender participation in the planning process was another means of facilitating understanding and agreement. If the content of supervision plans had been of a better quality, offenders would have been even clearer about what was expected and required of them especially in respect of constructive and restrictive interventions.

4.21 It was not always apparent that sufficient consideration was given to ensuring plans were sensitive to race and diversity issues. We expected to see evidence that consideration had been given not only to the needs of offenders but also to problems they themselves may have posed as potential sources of racism to other service users and/or staff. For example, where reporting arrangements were being made for offenders attending offices where they may be in a waiting room with service users from different ethnic backgrounds, or where there may have been black or minority ethnic reception or duty staff. Similar issues arose when reviewing placement arrangements for those serving CPOs. In discussion with staff supervising cases, it was disconcerting to note that this perspective was not always sufficiently explored.

> **Documentation:**
>
> - ***All relevant documentation is available, satisfactorily completed and appropriately stored.***

4.22 The table below looks at the quality of the case records and at the recording itself.
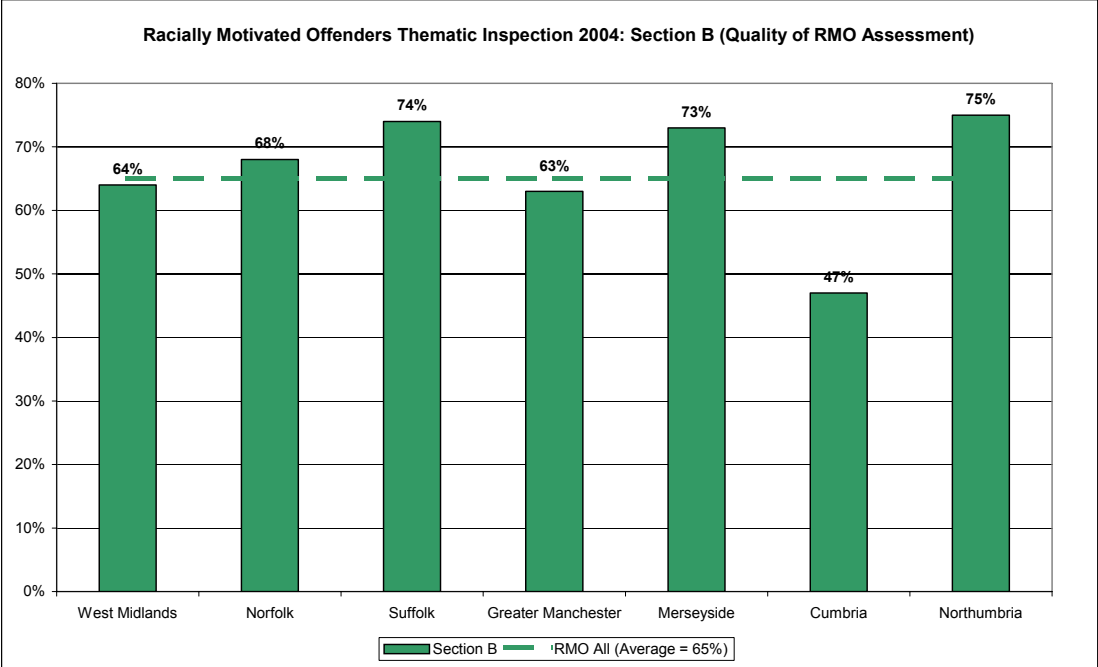
Table 4: Documentation

Criteria	All areas
Case records are well organised and contain all relevant documentation, including the required race and ethnicity monitoring information.	74%
Recording of information is clear and sufficient.	82%
Each supervision plan review addresses the racially motivated offending elements of the offender's supervision.	45%

4.23   Files contained information about offenders' race and ethnicity, which they identified themselves using monitoring forms that often also elicited other information about such things as language, religious observance and diet. Inspectors found that key documents were stored in the files and that they were arranged in a logical and sequential way. A particular strength was the recording of information that was considered by inspectors to be clear and sufficient.

4.24   We were particularly interested to assess the extent to which supervision plan reviews addressed the racially motivated offending elements of an offender's supervision as a means of ensuring sight was not lost of the reason for offenders serving orders. The results were disappointing. Case managers acknowledged that they needed to provide evidence in reviews that the focus on racially motivated offending behaviour was maintained.

4.25   The chart below shows combined scores for the quality of assessment.

Racially Motivated Offenders Thematic Inspection 2004: Section B (Quality of RMO Assessment)

Overall findings for Quality of RMO Assessment

Strengths

- In the majority of cases where the level of RoH had been clearly identified, the assessed RoH classification was appropriate.

- There was corroboration of offences using CPS documentation, and victim ethnicity was confirmed.

- LoR was clearly indicated and good use was made of assessment tools when assessing this.

- Offenders understood the requirements of their order/licence.

- Recording of information was clear and sufficient.

Areas for improvement

- RoH assessments were generally unsatisfactory in terms of both quality of content and timeliness.

- Improvements were needed to the content and timeliness of ISPs.

- Appropriate interventions to address racially motivated offending were not always planned.

- High/very high RoH cases needed more consistent management in accordance with national standards.

Recommendations

The NPD should ensure that:

- *the quality of assessment and risk management planning improves.*

Boards should ensure that:

- *protocols are established with relevant community safety partners to ensure that staff make use of all sources of information and advice when assessing and planning interventions with RMOs*

- *supervision plans on RMOs contain SMART objectives.*

5. QUALITY OF RMO INTERVENTIONS

5.1   In this chapter we describe work undertaken with offenders, including the extent to which planned RMO interventions were actually delivered and the nature and extent of the case manager's role in ensuring interventions were carried out. We examine the role of case managers in encouraging offender motivation and reinforcement of learning. Interventions related to criminogenic factors are also examined, together with diversity needs and the management of the RoH.

> **Delivering appropriate supervision:**
>
> - ***Interventions are delivered and coordinated to ensure supervision and risk reduction objectives are met.***

5.2   The table below shows how well criteria in relation to the delivery and coordination of interventions were met.

Table 5: Delivery and coordination of interventions to ensure risk reduction objectives are met

Criteria	All areas
Progress against the objectives in the supervision plan (including any changes made) is satisfactorily reviewed in line with the national standard or more frequently where necessary. Any decisions to depart from the plan have been recorded and justified.	35%
SMART objectives are set in the supervision plan review documents.	46%
RMO interventions have been appropriately carried out with the timing and sequencing reflecting the offender's RoH and LoR.	25%
Accredited programmes have commenced within the required national standard timescales or there is a valid reason for the delay.	38%
Appropriate action taken to implement additional requirements.	73%
Victim issues in general are properly addressed.	40%
Where there is a direct victim, work has been carried out to raise offender awareness of the impact of the offence on the victim.	40%
Work and resources are directed at community reintegration issues.	77%
The case manager motivates the offender by reinforcing the racially motivated offending work undertaken by others (including arranging sufficient contact while the offender is on an accredited programme) and by engaging with the offender to prevent reoffending.	48%
The case manager actively liaises with others providing RMO interventions.	50%
Interventions challenge the offender to accept responsibility for the offence and its consequences.	49%
In high/very high RoH cases reviews integrate the MAPPA action plan or action plan from another risk management meeting.	0%
Additional interventions incorporated in supervision where there was new information or an increase in the RoH.	50%

5.3   In a significant number of cases either there was no review of the ISP or, if there was, it had been completed beyond the national standard timescales. Once again, the theme that emerged in discussion with staff was a high workload and the consequent impact on their ability to carry out the entire task. In practice, case managers were prioritising tasks. Where there were reviews, the inclusion of SMART racially motivated offending related objectives featured infrequently.

5.4   Where racially motivated offending interventions had been planned, performance in actually carrying them out was poor. Staff commented on the absence of an NPD led accredited programme on working with RMOs and of finding that unhelpful. Although they were aware of the NPD's guidance that RMOs could and should be included onto general offending behaviour programmes, notably the Priestley One-to-One programme, areas themselves were resistant to subscribe to this guidance.

5.5   The view overall was that having RMOs in groups would create a detrimental effect on the group dynamic, exposing it to the risk of contaminating other members with racist attitudes, views and behaviour. Staff at all levels who were interviewed felt that including RMOs would have had implications for the provision of places for black or minority ethnic offenders, as numbers of those in the areas we visited were not high enough to justify providing offending behaviour groups specifically for them. Thus, out of the whole sample, only 21 RMOs were referred to accredited programmes, with the emphasis being placed on offenders attending those programmes in order to address cognitive thinking skills deficits rather than to specifically use the programme to address their racially motivated offending. It is not possible to comment on the overall efficacy or impact of accredited programmes on those offenders. Only four had completed a programme, 12 had yet to attend one, three were currently attending sessions and two had started but had dropped out.

5.6   Only one area – Merseyside – had taken the initiative to develop and deliver its own 'in-house' programme called 'Against Human Dignity'. Although courts had made orders with a condition that offenders undertake the programme, there were not enough trained staff in the area to deliver it. We therefore found cases where the condition was not being implemented because there was no suitably trained worker available. Individual staff members had attempted to carry out some of the sessions themselves but were ill-equipped to deliver them in the way they were meant to be delivered, or they were unable to sustain the level of delivery required due to the pressures of other roles and responsibilities. The area had recognised this was a shortfall in its provision and had recently trained a cohort of staff.

5.7   In some cases when planning interventions staff resolved to deliver racially motivated offending related objectives themselves. Although areas had made 'From Murmur to Murder' material available to staff, its use was not universal and awareness of it was mixed. There was also a view advanced that the 'From Murmur to Murder' material, although helpful, was in need of updating to ensure that it remained topical and was refined in the light of user feedback.

5.8   We found that where interventions were planned there were often delays of months before racially motivated offending related issues were actually addressed by case managers. The reasons case managers gave for this varied. Some felt they were lacking in adequate knowledge and skills in working with RMOs and were especially concerned about how to overcome denial and minimisation demonstrated by offenders.

Another issue was that some case managers were uncomfortable or uncertain about using the words 'racist' or 'racism' in their work with RMOs feeling it created barriers and may have overstepped political correctness boundaries. In other cases, the focus began and remained on addressing criminogenic factors which was done on either a one-to-one basis by area staff or through a referral to an external provider of services. Thus, areas scored well on addressing reintegration issues as a consequence of the focus on criminogenic needs/factors, but it begged the question of whether this was at the expense of concentrating more on attitudes and belief underpinning racially motivated offending.

> **Good practice example:**
>
> A case manager in Cumbria had used the raceaction.net website to seek advice from other practitioners about the most effective way of confronting denial and minimisation and had received helpful advice and support.

5.9   In a small number of cases case managers tenaciously worked with RMOs to hold them to account for displaying unacceptable attitudes and behaviour. This was evident in the work of staff in Suffolk where staff consistently challenged offenders. There were examples of similar practice in other areas but, overall, more needed to be done in relation to this aspect of practice.

5.10   Case managers had not always motivated offenders by reinforcing racially motivated offending work undertaken by others. This was often due to those interventions being instead of, rather than as well as case manager contact. When there were meetings between case managers and offenders the former tended to be side-tracked into dealing with problems offenders' raised thus opportunities to reinforce learning were missed. In some areas, notably Greater Manchester and Merseyside, case managers were using contact to reinforce learning. Whilst Merseyside case managers did better than staff in other areas, it was clear that there was scope for improvement in liaison between case managers and others providing interventions. We established that liaison tended to be one sided and there was more scope for case managers to be proactive in seeking and sharing information rather than leaving it to others to provide for them.

5.11   Apart from the evidence gained from a small number of cases, there was little sign of work being done to deal with victim issues generally and some case managers conceded that they did not give it adequate priority. Work to raise offender awareness of the impact of their racially motivated offending behaviour on victims was also inadequate.

> **Good practice example:**
>
> A case manager in the West Midlands had encouraged an offender, who had racially abused a restaurant worker, to write a letter of apology to the victim of his racist behaviour.

> **Meeting diversity needs:**
>
> - ***RMO-related service delivery meets diversity needs and appropriate support arrangements are in place.***

5.12   The table below shows the results for the criteria in this section.

Table 6: Meeting diversity needs

Criteria	All areas
Arrangements for racially motivated offending interventions in cases took account of race equality and wider diversity issues.	79%
Delivery of interventions was sensitive to race equality and other diversity issues.	88%

5.13   In all areas there was strong evidence of race and diversity issues being taken into account when racially motivated offending interventions were arranged. Staff were carrying out checks based on information they received and sought, identifying offender needs and responding accordingly. Examples included ensuring appointments did not clash with employment, childcare commitments or medical treatment. When arranging CP placements supervisors were mindful of not placing RMOs in groups with black or minority ethnic offenders if it could be avoided, and case managers were mindful of providing one-to-one contact as against group activity.

5.14   When interventions were being delivered it was evident that thought had been given to race equality and diversity issues in all areas. Staff were mindful of the nature and extent of the ability of offenders to undertake the learning required of them. There were good examples of staff exhibiting pro-social behaviour and attitudes especially when responding to unacceptable attitudes and behaviour shown by RMOs during their contact with the probation service.
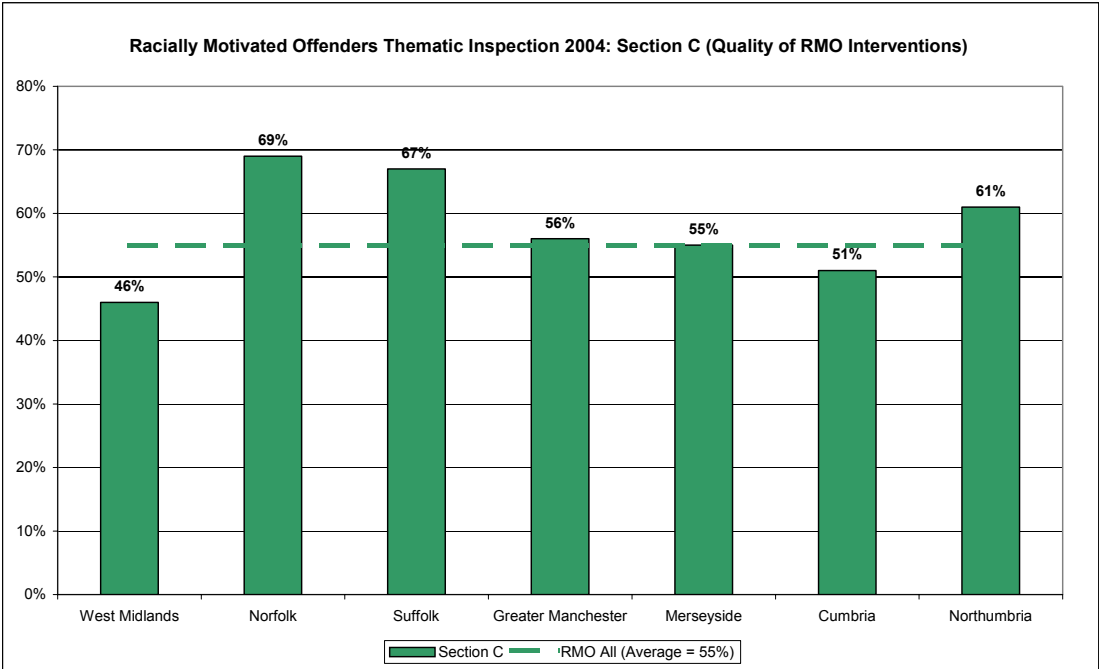
> **Management of RoH:**
>
> - **RoH is actively managed in collaboration with others.**

5.15   The table below covers criteria that referred to the management of RoH.

Table 7: Management of RoH

Criteria	All areas
Interventions and their level are appropriate to the assessment of the RoH.	81%
Where relevant, changes in the assessed RoH have been identified and managed, taking into account victim issues.	53%
For high/very high RoH cases: a) a good quality risk management plan has been produced under the MAPPA or other inter-agency arrangement;	0%
b) the risk management plan is being executed appropriately with effective liaison between agencies including accommodation issues;	17%
c) the risk management plan has been appropriately reviewed.	17%
For high/very high RoH cases, where a potential public protection issue has arisen including a failure to meet additional licence conditions, appropriate action has been taken.	60%
There is management oversight in line with area and national policy.	0%
A home visit has taken place.	83%
There is liaison with the NPD Public Protection Unit and/or the Prison Service Lifer Unit.	N/A

5.16   Both restrictive and constructive interventions that were implemented were appropriate to the assessed levels of RoH, with all areas scoring consistently highly on this.

5.17   Out of 34 relevant cases we found that in 53% changes in the RoH had been identified and managed appropriately. In the absence of a systematic review of risk at 16 weeks of an order there were examples where RoH had increased but case managers had not adequately responded.

5.18   Practice in the management of high/very high RoH cases varied. In areas that were supervising cases in this risk category home visits were being carried out and West Midlands and Greater Manchester performed particularly well. In the small number of relevant cases it was a matter of concern that a risk management plan had either not been produced or was not being effectively executed or reviewed. There was also little or no evidence that middle and senior managers were overseeing those cases.

5.19   The chart below shows combined scores for the quality of RMO interventions.

Racially Motivated Offenders Thematic Inspection 2004: Section C (Quality of RMO Interventions)

Overall findings for Quality of RMO Interventions

Strengths

• Race equality and wider diversity issues were taken into account when making arrangements for RMO interventions.

• Interventions were delivered with sensitivity to race equality and wider diversity issues.

• In relevant high/very high RoH cases home visits were taking place.

• Interventions delivered were appropriate to the assessed level of RoH.

Areas for improvement

- Racially motivated offending related interventions were not delivered in a timely way resulting in delays or work not being carried out sufficiently.

- Case managers were not proactive in liaising with others delivering interventions.

- Victim issues required far greater prominence and attention.

- There was little evidence of reinforcement of learning.

- There was a lack of consistency regarding the inclusion of RMOs in accredited programmes.

Recommendations

The NPD should ensure that:

- *areas consider the use of the one-to-one programme as their chosen programme for working with RMOs, supported by good quality case management.*

Boards should ensure that:

- *victim issues are given greater prominence in RMO work.*

6.   QUALITY OF INITIAL RMO OUTCOMES

6.1   In this chapter attention focuses on assessing the initial outcomes of supervision plans and interventions.

> **Interventions are delivered with the desired outcomes:**
>
> - *RMO harm reduction objectives are achieved and RoH/reoffending is demonstrably reduced.*

6.2   The table below shows the initial outcomes achieved during the first nine months of probation supervision.
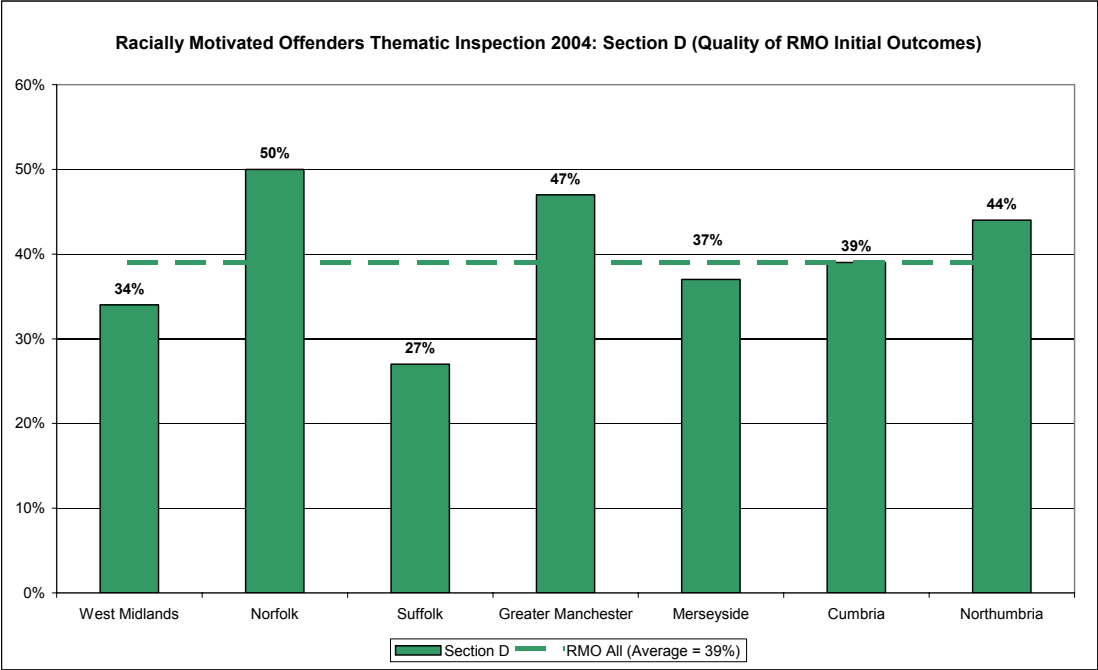
Table 8: Initial outcomes are achieved

Criteria	All areas
Reconviction since commencement of order/licence.	27%
OASys score reassessed since the initial assessment.	13%
Improvement of original OASys score.	38%
Progress on criminogenic factors.	42%
Evidence of a positive change in attitudes, belief and behaviour in relation to offending and an increased awareness of the effect of the offence on the victim.	22%
Evidence of a reduction in the RoH.	14%
Evidence of learning outcomes/skills being applied.	25%
Offender attended all or nearly all planned appointments or work sessions.	55%
Offender has complied with conditions and/or additional requirements of the order/licence.	59%
At least one measurable RMO-related objective achieved during supervision.	21%
Improvement in community ties and social circumstances.	42%

6.3   In just over a quarter of the case sample offenders had been reconvicted for all types of offending and not just racially motivated offences. Of the small number of cases that had been reassessed and rescored using OASys, 38% showed an improvement over the original score.

6.4   Thinking skills, alcohol abuse, anger management and employment were overwhelmingly the criminogenic factors that were identified by case managers when assessing RMOs. In around one in four of the cases there was some improvement in a criminogenic factor. Evidence for improvement came from offender self-reporting and/or case manager observation of offender behaviour or testing out of attitudes and thinking. There were examples where offenders described using less alcohol or adopting a more measured response to dealing with difficult problems they faced.

6.5   Overall, however, evidence of a positive change in attitudes, beliefs and behaviour in relation to racially motivated offending was limited, especially in regard to victim awareness. Many of the offenders regarded themselves as being victims feeling they had been unjustly prosecuted and labelled as racist. They were so preoccupied with this perception of themselves that they were either unable or unwilling to accept the effect of their offending behaviour on the victim. In the majority of cases we reviewed there was very limited, if any, increased awareness of the impact of the offences on victims. This may have had an impact on the poor outcome with regard to a reduction in the RoH posed by RMOs. In the face of entrenched perceptions on the part of offenders, case managers spoke of finding it difficult engaging with them to apply the skills and learning they might have gained in certain interventions.

6.6   Offender attendance at appointments or work sessions, and their compliance with conditions and/or additional requirements of orders, was satisfactory in just over half the cases reviewed. Performance between individual areas was variable and we came across a particular issue in certain areas where offenders were being 'stood down' from CP because of the shortage of session supervisors.

6.7   An improvement in community ties was limited to 42% of the cases inspected, although performance varied between areas significantly. We also examined the extent to which there had been measurable achievement in relation to at least one RMO-related objective. In less than a quarter of the cases was there evidence of achievement. It was a difficult criterion to measure, but the primary reason for the disappointing finding was that the original ISP objectives were inadequate and not SMART or interventions that had been planned had not been carried out.

6.8   The chart below shows the combined scores for the quality of RMO initial outcomes.

Racially Motivated Offenders Thematic Inspection 2004: Section D (Quality of RMO Initial Outcomes)

	West Midlands	Norfolk	Suffolk	Greater Manchester	Merseyside	Cumbria	Northumbria
Section D	34%	50%	27%	47%	37%	39%	44%

RMO All (Average = 39%)

Overall findings for Quality of Initial RMO Outcomes

Strength

- Most offenders had not been reconvicted.

Areas for improvement

- There was room for improvement with regard to offender attendance and their compliance with additional conditions or requirements.

- Progress on relevant criminogenic factors was limited, as was improvement in community ties and social circumstances.

Recommendation

Boards should ensure that:

- *outcome measures for RMO work are clear.*

7. CURRENT EMERGING ISSUES

7.1   The preceding chapters set out the findings from the inspection of seven probation areas. Arising from this and other aspects of the inspection, this chapter explores some of the key issues in more depth and makes recommendations aimed at addressing them.

Local management

7.2   In the absence of a national priority for RMO work, local developments, where they had taken place, depended upon the commitment and drive of local managers or committed practitioners. This had led to variable responses to the issue of racist crime. In a minority of areas the subject had received attention but, in most, RMOs did not feature strongly on the strategic agenda and business planning process. Whilst racially motivated offending was clearly a priority for community safety partners and had attracted resources, the absence of a clear policy lead from the NPD meant that probation areas had not developed practice or committed significant resources.

7.3   Many staff found that they did not have the resources to address racist offending, as a result much racist behaviour and attitudes went unchallenged by case managers. There was also an unsatisfactory position in respect of the allocation of RMOs to general offending behaviour programmes. The 'least worst option' appeared to be the one-to-one programme but it was accepted that the current programme did little to challenge racist offending. During the course of the inspection the NPD issued a Probation Circular clarifying the position regarding RMOs and attendance at accredited programmes. This reiterated the position (Home Office, 2004) that the one-to-one programme was the preferred option for RMOs; however, the guidance emphasised that preparatory work to address racist offending was necessary prior to taking up the place on the programme. This guidance was helpful as there was confusion and a lack of clarity about this issue. It should be noted however that a significant number of the RMOs were not within the target range for allocation to an accredited programme and that not all areas ran the one-to-one programme.

7.4   The main justification cited for allocation to the one-to-one programmes, rather than a group programme such as Think First, was that there would be a danger that a RMO would inappropriately influence other group members, or could pose an unacceptable threat to other group members, particularly black or minority ethnic offenders. This is reasonable, although it could be argued that a more detailed and sophisticated risk assessment should be used to ensure that each case is dealt with on its merits rather than impose a blanket prohibition. A similar position applied to ECP. A number of the RMOs were made subject to CP and similar issues of group contamination and safety applied in these cases when placement decisions were taken. Whilst the quality of the risk assessments was mixed, in these circumstances decisions were taken on a case-by-case basis as to the appropriateness of placements.

7.5   The priority afforded RMOs was, in the overwhelming number of cases, proportionate to the assessed level of RoH and LoR. The typical perpetrator was a young man convicted of a public order offence in which alcohol had played a significant part as a disinhibitor to the racist behaviour. This type of case would not normally attract intensive oversight and supervision. However, more work needs to be done to understand the impact of racist crime. Like domestic violence a conviction for a racially aggravated or racially motivated offence is often the culmination of a sequence of activities and the evidence from racial incident monitoring units suggest two things. First, only a minority of crimes are reported and, secondly, the attrition rate between a reported racist incident and conviction is large. The impact of racially motivated offending on the victim is a matter of grave concern, but equally significant is the impact on families, friends and the wider community in creating a climate of fear and intimidation.

7.6   Probation areas that had developed strategic links with other community-based agencies to address racially motivated crime were in a better position to appreciate the deeper significance of racist crime and take steps to tackle it. They were also better placed to take advantage of the help and support of these agencies in developing responses to perpetrators than the areas that had less well-developed strategic links.

> **Good practice example:**
>
> SPOs in Greater Manchester, in liaison with colleagues from other agencies, had made good use of information from probation staff to inform community safety partnerships about the prevalence of racial incidents and far-right political activity.

7.7   None of the areas visited had a reliable means of clearly identifying and monitoring the number of RMOs they were working with. We found relatively small numbers in all areas, but the lack of good data meant that resource management for this group of offenders was rudimentary. The OASys RoH screening section covers current and past racist offending and consistent collection and use of these data would provide a reliable measure of the number of RMOs on caseloads. In addition, all court report request documentation would benefit from having a means of clearly indicating whether or not the offence was racially motivated.

7.8   Many staff lacked confidence in working effectively with RMOs. The majority of staff had experience of anti-discriminatory practice training and were able to articulate the importance of this practice. However, when it came to confronting offenders about their racist attitudes and behaviour the resolve of case managers often weakened. Any training, therefore, needs to focus as much on confronting denial and minimisation as it does on the intellectual arguments against racism and anti-discriminatory practice. The website, raceaction.net, which all areas were able to access as a result of a NPD decision, provided a useful source of advice and support for practitioners working with RMOs but appeared to be underused.

7.9   Communication with sentencers was a key area for improvement. There was very little evidence that managers had engaged in dialogue with sentencers about raising the profile of work with RMOs or the most appropriate means to deal with these offenders. In contrast, it was clear that racist crime was an important priority for many Area Criminal Justice Boards but this was not reflected in probation/sentencer liaison.

7.10　Finally, there were a number of examples of short format reports being used for RMOs. It was not a suitable option because of the need to fully explore the RoH issues involved in a case. The shortened investigation process and reduced availability of information make short format reports a poor means of ensuring an appropriate proposal for disposal is made. Guidance should be issued aimed at ensuring that the RoH of RMOs is fully assessed and taken account of in reports to courts.

Assessment

7.11　The quality of assessments (mainly OASys based) was insufficient in many cases. Many lacked detail and relied very much on the offender's account of the incident. It was rare to see an examination of patterns of behaviour or any attempt to ascertain from the police or local authority racial harrassment units whether there were any reports of previous racist behaviour recorded in respect of the perpetrator.

7.12　Of equal concern was the manner in which racially motivated offending was described and analysed in PSRs and assessments. In a number of cases there were statements that had the effect of mimimising the significance of the racist incident. For example a PSR included the statement: "Mr X tells me he is not racist and acted out of character ... he has a number of black friends". These comments were not challenged or put in context. In some PSRs there were verbatim accounts of the offensive racist insults that had been used by perpetrators. Unfortunately, there was a lack of any analysis or statement of the unacceptability of the insult to give a sense of context to these accounts. As a result, the PSRs inadvertently gave the impression of condoning the language and the victim suffered a form of repeat victimisation.

7.13　In some assessments case managers argued that, although the offence had been proven to be racially aggravated, it was not in their opinion racially motivated. Whilst it is acknowledged that some offences are inevitably more serious than others, it is a concern that it is so easy to minimise or dismiss racist offending. The NPS has accepted the Macpherson definition of a racist incident, i.e. it is the effect not the intention of the act that is of prime importance; however, this practice suggests that for some staff the implications of Macpherson have not been fully understood.

7.14　Assessments identified criminogenic needs – most frequently this was alcohol abuse. Case managers would often focus on this factor exclusively and assume that by tackling this the racist attitudes and behaviour that were brought to the surface after drinking would disappear and the offender would be less likely to reoffend. There was a reluctance on the part of many case managers to identify racist attitudes as the sole or most significant criminogenic factor; in many cases this factor was incidental in the assessment of the offender.

7.15　The most effective assessments were those that made use of a specialist worker with experience of assessing and challenging racist attitudes and behaviour. These cases were however rare. There are of course resource implications to routinely adopting such an approach, but the inclusion of another worker does appear to reduce the risk of the case manager minimising the racist offending or not confronting denial on the part of the offender.

Interventions

7.16   Interventions aimed primarily at reducing the LoR were rare. The hiatus caused by the slow development of action research and publication of central advice to areas, the small numbers, high workloads and the relatively low RoH posed by many perpetrators conspired in a way that meant that in many cases there was little constructive engagement.

7.17   In the areas where case managers had the facility to refer to specialist projects, there were some examples of good work. For the most part however plans for intervention were vague and/or not followed through. Case managers struggled to find suitable resources to use with RMOs. The 'From Murmur to Murder' resource pack was used sporadically and needed updating but, whilst there were a number of enterprising uses of the material, this could not be considered a structured intervention.

7.18   There was an extremely mixed picture in terms of allocation to accredited programmes; some case managers took the view that RMOs were by definition unsuitable because of their potential damaging impact on other group members, whilst others were referred with little consideration of this issue. It was evident in some cases that work was rarely carried out with these offenders to address their racist offending.

7.19   The lack of meaningful engagement with many RMOs was a concern because the failure to confront and engage with these offenders does not present a pro-social message about the role of the NPS and its responsibility to promote social justice in the communities it serves. Guidance should be issued about the minimum standards that should be expected in acknowledging racist crime – even when offender attitude or lack of resources precludes a structured intervention. The national standard on supervision plans requires that, where the offence has been racially motivated, the supervision plan will describe how the offender's racist attitudes and beliefs will be challenged and addressed; all areas need to evidence how this standard is achieved.

7.20   A small number of the cases that were inspected were assessed as presenting a high RoH. There was confusion amongst case managers about the need to complete a risk management plan within five days, the link with MAPPA plans and the need for managerial oversight. Most of the RMOs supervised by the NPS are rightly assessed as presenting a low risk of serious harm but it is a matter of concern therefore that, in the minority of cases assessed as being at a high risk, practice is unsatisfactory.

Outcomes

7.21   The evidence gathered from the inspection regarding the quality of outcomes was disappointing. Few measurable objectives were set in supervision plans and there was also some scepticism amongst staff as to the way change could be reliably measured. There were a number of rudimentary attempts to measure attitudinal change and some attempts to provide factual information to counter prejudice and stereotypes. These are areas of practice that should be developed.

Recommendations:

The NPD should ensure that:

- *guidance is issued on standards of practice with RMOs*

- *policy on the suitability of different types of court report for RMO cases is clarified.*

Boards should ensure that:

- the importance of the Macpherson definition of a racist incident is reaffirmed

- all RMOs are subject to an individual risk assessment before referral to a programme, ECP project or any other resource.

8. FUTURE DEVELOPMENTS

8.1 This chapter looks at future areas for development: the strategic focus of RMO work, effective practice and human resource issues.

The strategic focus

8.2 Racially motivated crime has a devastating impact on victims and the wider community. Moreover, the number of RMOs is likely to increase given increased reporting of incidents. In order to respond effectively to reducing crime, the NPS needs a clear sense of direction in terms of how it works with RMOs. Policy and practice in relation to RMOs has not kept pace with other developments in the NPS, and Boards and senior managers were uncertain as to the priority that should be afforded to work with RMOs. Possible reasons for this included the relatively low numbers of RMOs, the national priority to focus resources on offenders assessed as presenting a high RoH and the need to achieve a range of other performance targets.

8.3 It is difficult to see how the current position will change significantly until the NPD sets out a strategic framework with performance measures for work with RMOs that can be translated into area business plans. Such a framework might include:

- clarification about the relative priority that work with RMOs should be given in area business plans

- the identification and allocation of sufficient resources

- a system for the recording and identification of RMOs

- a requirement to work with criminal justice and other agencies to develop a coordinated response to racist crime in the community

- the development of improved assessment criteria

- the identification and provision of interventions

- a definition of outcome measures.

Effective practice

8.4 The current position in respect of interventions with RMOs is unsatisfactory. The issue of whether these offenders should be allocated to general offending behaviour programmes was constantly raised regularly during the inspection and practice was inconsistent. What was clear is that current probation interventions with RMOs in most cases do not tackle the racist offending directly.

8.5 There are some promising developments, for example the NPD have commissioned work to adapt the Priestley One-to-One programme to meet the needs of RMOs. In

addition, some areas have worked with external providers to develop interventions. There is a need, however, to undertake an evaluation of the effectiveness of the range of responses that are emerging around the country. The introduction of the new generic community sentence as part of the Criminal Justice Act 2003, whereby offenders under supervision will be subject to a number of requirements, gives added urgency to this activity.

Human resource considerations

8.6   Staff should be equipped to work effectively with RMOs, this includes the provision of adequate training and ensuring that the most suitable staff are recruited. There is, however, another dimension to the staffing issue that revolves around the need for the NPS to demonstrate to the communities it serves that its staff will act fairly and appropriately at all times. Within the sphere of racially motivated crime the need to demonstrate this is all the more important in order to retain the confidence of victims.

8.7   Members of HM Prison Service are prohibited from being active members of far-right political organisations whose aims are deemed to be inconsistent with the objectives of the prison service. There is no such prohibition regarding NPS staff and this apparent anomaly was commented on by a number of staff in the areas that were inspected. With the development of the National Offender Management Service, and the closer working together of the two organisations, this difference in approach appears all the more inconsistent.

8.8   Whilst there are risks in pursuing such a course of action, both in human rights terms and in the risk of creating publicity for far-right groups, we take the view that if the NPS wishes to retain the confidence of all the communities it serves then a similar prohibition should apply to probation staff.

Recommendations:

The NPD should ensure that:

- *the effectiveness of interventions with RMOs is evaluated*

- *policy on NPS staff membership of political parties and other organisations is reviewed.*

9.   PROFILE OF THE RMO SAMPLE

Total sample	102
Gender	87% Male; 13% Female
Race and ethnicity	Black and Asian 2%; White 94%
Employment status	Unemployed 71%; Employed 29%
Disability	12% of the total sample had a disability
Age	17-24 31%; 25-34 24%; 35-44 32%; 45-54 8%; 55-64 3%; 65+ 2%
Index offence	Violence against the person 44%; Criminal Damage 6%; Theft and handling 2%; Other offences 49%
Order/Licence	CRO 64%; CPRO 20%; CPO 11%; Licences 6%
RoH categorisation	Very High 12%; High 1%; Medium 60%; Low 27%
OGRS	40 or under 42%; 41 or above 58%
OASys scores	40 or under 26%; 41 or above 73%
Type of criminogenic factors	Thinking Skills 42%; Alcohol 37%; Drugs 5%; Employment 4%; Accommodation 4%; Anger 2%; Peer influence 1%

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