



HM Inspectorate of Probation

AN EFFECTIVE SUPERVISION
INSPECTION PROGRAMME
THEMATIC REPORT

Work to Reduce Crime

An Inspection of the
delivery of Employment
and Basic Skills (EBS) with
offenders by the National
Probation Service

Foreword

Our Area inspection programme contains a changing thematic element. The first topic on which we have chosen to focus is offenders' Employment and Basic Skills (EBS), factors known to be critical for reducing the likelihood of reoffending. This report brings together our findings regarding EBS work with offenders from the first seven Area reports under the Effective Supervision Inspection (ESI) programme.

We find that, despite the good progress achieved in relation to the nationally prescribed Basic Skills targets, there has not yet been established a performance-focused culture and structure for EBS work which is likely to ensure a steady course of continuous improvement. There is not in place a well-developed resource allocation methodology for EBS work, both nationally and locally. In the current context, however, it would be realistic to expect it to take some time for these to develop. EBS considerations are not well enough integrated into the mainstream case management of offenders by the National Probation Service (NPS). Moreover, current uncertainties about 'compelling' offenders to take part in either Basic Skills or Employment work need to be resolved.

Given that employment is one of the major factors in reducing reoffending, it is striking that so much resource and energy has been devoted by the NPS to Basic Skills targets, but relatively little to offender employment. The employment of offenders needs to be the subject of a performance target (ideally shared with the Prison Service). Further, the NPS and its partners should in our view pay more attention to increasing the 'demand' side of the work, marketing offenders in the labour market by developing a customer service approach with potential employers.

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Glossary

ACOP	(The former) Association of Chief Officers of Probation
Basic Skills	Literacy and Numeracy skills provision which caters for the literacy, language (English as a second language) and numeracy needs of all post-16 learners, including those with learning difficulties or disabilities, from Pre-Entry up to and including Level 2. (Some, considering the term demeaning, use the term 'Essential Skills'.)
BSA	Basic Skills Agency
CO	Chief Officer of a Probation area
CPO	Community Punishment Order: a community sentence requiring the offender to complete unpaid work, measured in hours
DTTO	Drug Treatment and Testing Order: a community sentence requiring the offender to undergo treatment, and be tested regularly
EBS	Employment and Basic Skills: Simply a convenient way of grouping together some closely connected and important pieces of NPS work. In the context of this report it includes all work related to increasing the employability of offenders, including both what has been traditionally called 'ETE' in some areas and the new emphasis on Basic Skills as an aim in its own right.
Education & Skills	A term used in this report to capture the world of work currently presided over by the Department for Education and Skills (DfES)
EEM	European Excellence Model
ESF	European Social Fund
ESI	Effective Supervision Inspection: HMI Probation's current programme of inspection of the 42 Probation areas over three years from June 2003.
ETE	Employment, Training and Education: traditional terminology used in some Probation areas for employment-related work with offenders
ICT / IT	Information (and Communications) Technology
ISP	Initial Supervision Plan: In a Probation case record, the first formal assessment and plan for an individual offender's period of supervision
LSC	Learning and Skills Council
Level 2	One of several 'Levels' of educational qualifications, as determined by the QCA
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.
PC	Probation Circular: Statutory instruction or briefing by the NPD to areas.
PSR	Pre-sentence report: Reports that advise a court at point of sentence.
QCA	Qualifications and Curriculum Authority
SDA	Service Delivery Agreement: Performance targets set at national level
SLA	Service level agreement
SR2000	'Spending Review 2000' – the process during 2000 that led to specific public expenditure investment decisions for the following two financial years.

1. KEY FINDINGS AND RECOMMENDATIONS

Key findings

QUALITY OF EBS MANAGEMENT:

- 1.1 All areas fully demonstrated the commitment of their senior management team to achieving the Basic Skills targets. There was more variation in the commitment to Employment work.
- 1.2 However, despite the good progress achieved towards the targets by the seven areas visited, there was as yet insufficient evidence of an established steady course of continuous improvement towards the Basic Skills targets required of the NPS.
- 1.3 Furthermore, a methodology of resource allocation for Employment and for Basic Skills, both nationally and in areas, was as yet insufficiently developed within the NPS.
- 1.4 Areas had established a variety of models for delivering EBS, both in-house (providing) and through partnerships (purchasing), with neither being consistently more or less effective than the other.
- 1.5 Better management attention was needed in order to demonstrate that all offenders had fair access to EBS interventions, regardless of their race, gender or age. (Though our own analysis, plus the examples of good diversity practice we found, suggest some success by the NPS in delivering EBS action fairly among key groups of the offenders it supervises.)

QUALITY OF EBS ASSESSMENT:

- 1.6 Both the Basic Skills and the employability of offenders were assessed in a high proportion of cases. Appropriate EBS interventions were planned for the majority of the relevant offenders.
- 1.7 But quarterly reviews of supervision plans incorporated the EBS elements in only a minority of the relevant cases. EBS was not yet well enough integrated into the mainstream case management of offenders by the NPS.

QUALITY OF EBS INTERVENTIONS:

- 1.8 In most of the cases where EBS interventions were planned, these actually took place as planned. Among a small sample of offenders, where a Risk of Harm concern had arisen, the level of risk was kept to a minimum in the majority of cases.
- 1.9 However, there was limited evidence of regular reviews of progress towards EBS objectives being included in the main case record.

QUALITY OF INITIAL EBS OUTCOMES:

- 1.10 Half the sample of offenders were assessed as having achieved an EBS objective and/or improved their EBS status by the end of the first eight months or so of supervision. Allowing for some caution concerning the quality of the evidence, this was an encouraging move in the right direction.

CURRENT EMERGING ISSUES AND FUTURE DEVELOPMENTS:

- 1.11 There was no appreciable difference between the levels of service provided by the NPS to the main sample of cases and to the sub-sample of offenders who were unemployed at start of order, which seemed surprising. More pleasing was that there was similarly no appreciable difference in the levels of service provided to sub-samples defined by race, gender and age.
- 1.12 It would be realistic to expect that Probation areas will continue to take some time to establish the necessary infrastructure of effective resource deployment and performance-focused culture that is needed to deliver the Basic Skills agenda successfully.
- 1.13 It continues to be a striking contrast that much resource and energy has been devoted to the Basic Skills targets, but relatively little to offender employment, when in terms of the current working hypothesis for EBS it is employment that makes the big difference in terms of reducing reoffending. Given that offender employment is, overall, one of the biggest factors in reducing reoffending, there is a need for some strategic planning about how much of the resources of the NPS and its partners should be focused on this work.
- 1.14 The integration of the way that cases are managed needs to be improved in a number of ways, one of which concerns the ability of external partners to ensure that their work is recorded on the main case file.
- 1.15 Current uncertainties about 'compelling' offenders to take part in either Basic Skills or Employment work will need to be clarified and resolved, a need that will be even more pressing with the advent of the Criminal Justice Act 2003.
- 1.16 Employment work should also be developed further by having a performance target (jointly with the Prison Service) and by increasing the 'demand' side of the work, marketing offenders in the labour market by developing a customer service approach with potential employers.

Recommendations

The NPD should:

1. *Lead a process to develop a methodology of resource allocation for both Employment and Basic Skills (Chapter 3).*
2. *Ensure that the next revision of OASys enables a record to be made of an offender's level of educational achievement at start of supervision, and subsequent progress achieved during supervision, to enable 'added value' targets to be set in future (Chapter 7).*
3. *Ensure that all service providers will be able to make entries directly onto the future single IT-integrated case record system for the NPS (Chapter 7).*
4. *Establish, jointly with the Prison Service and other relevant partners, a joined-up target for employment of offenders (Chapter 8).*

Boards should:

5. *Ensure that they can demonstrate that minority ethnic and female offenders are gaining fair access to EBS services in their areas (Chapter 3).*
6. *Ensure that they can demonstrate that EBS is fully integrated into the case management of effective supervision in their areas (Chapter 4).*
7. *Cultivate a customer service approach with local employers, as part of a strategic development of the demand side of employment work as well as the supply side (Chapter 8).*

2. AIMS, OBJECTIVES AND CONTEXT OF THE INSPECTION

Purpose of inspection

- 2.1 The National Probation Service for England and Wales aims to increase both the Basic Skills and the employability of the offenders it supervises in order to reduce their likelihood of reoffending. There is a well-developed evidential basis ('business case') for pursuing this course, which we describe from here on as the 'working hypothesis' for EBS.
- 2.2 Recent research from Britain and North America supports the view that the three most common criminogenic factors for repeat offending are cognitive skills, substance misuse and lack of employment (for example, May, 1999). More than half the offenders who receive community or custodial sentences are unemployed at the time of conviction (ACOP, 1993-2001). Hence there is a clear case for the NPS and other agencies to try to increase offender employment.
- 2.3 The nature of the link between unemployment and offending is not completely straightforward. On the one hand considerable research, using a range of approaches, has been undertaken to test the hypothesis that unemployment is a cause of crime, and yet the evidence is inconclusive. It is difficult to demonstrate that unemployment is a significant factor in leading a person of previous good character to become an offender (e.g. Tarling, 1982 and Orme, 1994).
- 2.4 On the other hand there is strong evidence that once a person has become an offender gaining employment is a significant factor in determining whether or not they reoffend. So although unemployment cannot confidently be linked to the onset of offending, there is good evidence to link it with desistance from reoffending. It is gaining a job that makes the difference to an offender being less likely to reoffend. Although there may be benefits from intermediate activities such as being assessed, receiving vocational guidance or undergoing education and training, the activities do not in themselves lead to reduction in reoffending (Lipsey, 1992 and 1995). They may be necessary to the offender becoming more employable but are not in themselves sufficient; it is gaining employment that makes the difference in criminogenic terms (See also Farrington et al, 1986, and Farrall, 1995 and 2002).
- 2.5 Hence the working hypothesis for the NPS is that it should improve offenders' Basic Skills so that they become more employable, and also increase their employability in other ways, because getting offenders into employment makes them less likely to reoffend.
- 2.6 There are other benefits from increasing offenders' Basic Skills including:
 - improved participation and involvement in other aspects of community supervision, such as accredited programmes
 - contributing to the Government's 'Skills for Life' targets which are designed to improve the relevant skills of the working population.

- 2.7 This inspection therefore aimed to examine how well the NPS was delivering an EBS service to the offenders it was supervising in 2003. What design of service was it aiming to deliver, and was it delivering it successfully? Although it was a thematic inspection, it was undertaken within our new programme of area inspections, the ESI programme, from the first seven Probation areas we inspected: Cheshire, Derbyshire, Kent, Hampshire, Lancashire, Leicestershire & Rutland, and Nottinghamshire.
- 2.8 In each of those seven areas we asked questions relating to the core ESI criteria and to the EBS criteria. The advantages were, first, that we were collecting evidence for two inspections through a single collection exercise, reducing disruption to the area, and secondly that EBS findings could be related to those for ESI.
- 2.9 The criteria for both inspections therefore used the same structure and both evaluated:
- Quality of Management
 - Quality of Assessment
 - Quality of Interventions
 - Quality of Initial Outcomes.
- This approach is based on our belief that offenders are effectively supervised if they are assessed well, receive good quality interventions and achieve some identifiable initial outcomes. Furthermore, certain management criteria need to be met to support this front line process. It will be seen that this report applies the same structure and principles as ESI, but applies them specifically to EBS.
- 2.10 Our aim was therefore to assess whether the selected sample of offenders had experienced good quality EBS assessments and interventions, and whether they were achieving initial EBS outcomes. We also sought to identify whether management arrangements supported effective EBS work with offenders. Our inspection criteria were selected to shadow the ESI criteria wherever possible, and the management criteria were also originally related to the European Excellence Model (EEM) criteria, since the NPS makes wide use of this model. (However, for the purpose of this report, the original referencing and numbers have been removed.)
- 2.11 Accordingly we collected the following evidence for this inspection. We analysed 100 cases in each of the seven Probation areas as evidence for the Quality of EBS Assessments, Interventions and Initial Outcomes criteria. We collected the evidence for the Quality of EBS Management criteria from the senior management team in each area, and interviewed a range of local staff, partners and providers. Additional evidence was gathered from the National Probation Directorate (NPD), together with information from the Offender Learning and Skills Unit (OLSU), the Learning and Skills Council (LSC), and the Basic Skills Agency (BSA), as well as Jobcentre Plus in a number of local settings.
- 2.12 One cost of the link with ESI is that, unlike previous thematic reports, the range of Probation areas visited was drawn from just three English regions. We trust that this cost will be outweighed by the benefits of examining a large sample of cases and minimising the burden of inspection.

2.13 This link also meant that our primary focus was on the service as experienced by this representative sample of 'service users' (i.e. offenders under supervision) and the mechanisms that supported that service. As a consequence, it has not been our purpose to attempt to evaluate current partnership arrangements from the top down. The interviews with partners of the NPS informed our assessment of the work of the NPS, but it has not been our business to attempt to evaluate the contribution made by those partner agencies themselves.

3. QUALITY OF EBS MANAGEMENT

- 3.1 This chapter considers the management investment in EBS. We sought evidence that areas were both setting and making realistic plans to achieve appropriate targets and objectives, and monitoring progress towards their achievement. We expected areas to have built in relevant diversity measures, and ensured that their plans were communicated to the relevant audiences. Resources – both money and people – needed to have been allocated and effectively managed in order to achieve these plans. We set inspection criteria accordingly.
- 3.2 There was a range of different models of service delivery within the seven areas, and we had to apply the inspection criteria as appropriate to each area. In Hampshire, EBS services were provided entirely in-house, which meant that the detailed criteria about partnership management did not apply to them. In others, including Lancashire and Cheshire, where extensive use was made of external providers from the statutory, voluntary and private sectors, these criteria were extremely important.
- 3.3 However, most criteria applied to all areas. In particular, whatever the local service delivery arrangements, there was a need to ensure that case managers integrated specialist assessments, interventions and outcomes into the overall management of the case.
- 3.4 In all a total of 14 management criteria were identified, of which 13 applied directly to the local area, and one to the NPD. The table below indicates in summary form the number of criteria met by each area.

Table 1A: Summary of the extent to which areas met the management criteria

Extent to which Criteria were met	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Fully met	57	6	9	6	11	7	10	8
Partly met	28	6	4	4	1	6	3	4
Not met	4	1	0	1	1	0	0	1
Not applicable	2	0	0	2	0	0	0	0

- 3.5 It can be seen that overall the areas broadly did well in meeting the management criteria. The table overleaf lists the 13 relevant criteria in detail, and our assessment of how far each Probation area met each one.

Table 1B: Description of the management criteria and the area scores

CRITERIA	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Leadership & Planning (1): There is a plan that states both SDA and local targets for both Employment and Basic Skills, and how they will be met.	Partly met	Met	Partly met	Met	Met	Met	Met
Race equality and diversity measures, including monitoring by race and gender, were built-in at the planning stage.	Not met	Met	Not met	Partly met	Partly met	Partly met	Partly met
The plan re EBS has been clearly communicated to relevant staff, courts and relevant partners.	Partly met	Partly met	Met	Met	Partly met	Partly met	Met
Leadership & Planning (2): The area's senior management team has demonstrated collective commitment to achieving its EBS targets.	Met	Met	Met	Met	Met	Met	Met
Monitoring reports are used to hold managers to account for performance against EBS targets, including race and gender.	Met	Met	Met	Met	Partly met	Partly met	Partly met
National and local EBS targets are met.	Partly met	Partly met	Partly met	Met	Partly met	Met	Not met
Resource allocation: Expected EBS results have been defined, and are clearly understood by staff, and any relevant partners/ providers.	Partly met	Met	Met	Met	Met	Met	Met
The area can demonstrate that its resource allocation for EBS is appropriate for delivering its planned EBS results.	Met	Partly met	Met	Met	Partly met	Met	Partly met
Management & supervision of staff: Recruitment and assignment of staff is aligned to the area's EBS objectives.	Met	Met	Partly met	Met	Met	Met	Met
Staff are held accountable for achievement of individual and/or team targets.	Met	Met	Met	Met	Met	Met	Met
Partnership/Contracting out: 'Best value' appraisals have been undertaken to establish whether EBS services provided will best be delivered by area staff, or contracted out to commercial or voluntary sector providers or through partnership and referrals.	Met	Met	Partly met	Not met	Met	Met	Partly met
EBS contracts with providers are designed to achieve the area's EBS targets.	Partly met	Met	n/a	Met	Met	Met	Met
Providers are held accountable for achievement of relevant EBS targets.	Partly met	Partly met	n/a	Met	Partly met	Met	Met

3.6 In the remainder of this chapter we discuss each of these criteria in more detail, grouped under the sub-headings used above, plus the criterion relating to the NPD. The first three criteria relate to strategic planning.

Leadership and planning (1):

- *there is a plan that states both SDA and local targets for both Employment and Basic Skills, and how they will be met;*
- *race equality and diversity measures, including monitoring by race and gender, were built-in at the planning stage;*
- *the plan re EBS has been clearly communicated to relevant staff, courts and relevant partners.*

3.7 The majority of areas had up-to-date EBS plans, stating the SDA target and any local targets, together with the timescale and the management lead. Areas that did not meet the criteria had allowed their plans to become out of date, and/or did not include current targets.

Good practice example:

In Nottinghamshire, new policy and guidance included targets for the year ahead, segmented by locality, supervision type, and planned outcome type.

3.8 Only one area, Derbyshire, had produced EBS plans that fully incorporated race equality and diversity measures, including monitoring of race and gender. Four more areas partly met the diversity criterion and two others did not meet it at all. Whilst these two areas had examples of individual good practice, management practice did not include, for example, monitoring that compared EBS referrals with the overall workload. Without such a lead being set, staff lacked a diversity standard to aspire to and, without effective focused monitoring, they could not demonstrate that all offenders had equal access to EBS interventions.

3.9 There were, however, many examples of good diversity practice:

- rural, childcare and travellers' issues were addressed in Cheshire
- Derbyshire benchmarked race and gender data against caseload proportions, reporting this to its equal opportunities strategy group
- Employment, Training and Education (ETE) officers in Hampshire extracted the names of minority ethnic offenders from the area caseload to check that appropriate EBS referrals were made
- a case manager in Kent asked ETE staff to intervene to organise more suitable voluntary work for a high-risk offender
- staff from a partner agency attended diversity training provided in Lancashire
- there was a team objective in Leicestershire & Rutland that race and diversity data were collected at key stages of the Basic Skills process.

3.10 Hampshire, Kent and Nottinghamshire had fully communicated their EBS plans to their staff and key stakeholders, and all the others partly met the criterion. A range of communication methods was used including team briefings, regular newsletters and their intranet. Examples of omissions included the plan being available to one partner but not to others, and failure to provide information for the courts.

Leadership and planning (2):

- *the area's senior management team has demonstrated collective commitment to achieving its EBS targets;*
- *monitoring reports are used to hold managers to account for performance against EBS targets, including by race and gender;*
- *national and local EBS targets are met;*

3.11 These three criteria cover two of the processes required to achieve EBS targets, as well as the targets themselves. It was commendable that all areas fully demonstrated the commitment of their senior management team to achieving the Basic Skills targets. Without exception Basic Skills matters regularly featured on management meeting agendas, with plenty of informal evidence that this had been driven by the cash link. Examples of good practice included:

- a Cheshire Board member had specialist knowledge and had participated in the contract review for a major partner
- the Derbyshire chief officer (CO) regularly met each manager individually to review performance against targets, as well as communicating through line managers
- the Nottinghamshire CO used the staff conference to make a presentation in person on Basic Skills.
- in Nottinghamshire and Leicestershire & Rutland there were serious efforts to maintain strategic planning for Employment as well as Basic Skills
- Hampshire had protected the EBS budget and continued the local Employment target.

There was some evidence that, despite the examples given above, Employment was sometimes receiving less management attention than in the recent past, partly because there was a national target for Basic Skills and not for Employment. We revisit this theme later, in view of the working hypothesis that gaining employment is what makes a difference to reoffending.

3.12 Four areas fully met the criterion regarding the use made of monitoring reports and the extent to which they were used to hold managers to account for performance, with the remainder meeting it in part. Mechanisms included monthly reports prepared by the area and its partners; a performance accounting system together with targets for each case management unit. The monitoring by race and gender was not always as clear as we would advocate. A suggested model is offered here, with a worked example, for the purpose of this inspection, provided in Chapter 7.

A suggested model table for monitoring service delivery by race, gender and age

Item to be monitored, such as: Performance item, or Action (e.g. report proposal, referral), or Process outcome (e.g. early termination)	ALL	RACE		GENDER		AGE	
		White	Minority Ethnic	Male	Female	Under 25	25 or over
In what proportion of cases was performance item 'A' achieved?	% of this column	% of this column	% of this column	% of this column	% of this column	% of this column	% of this column
In what proportion of cases did action 'B' take place?	% of this column	% of this column	% of this column	% of this column	% of this column	% of this column	% of this column

- 3.13 For the national Basic Skills targets, we referred to the figures given in the NPS Performance Report for 2002/2003 as a whole (NPS Performance Report 8). Although we also noted progress made by some areas towards locally determined targets, in the interest of equity we did not take these into account in scoring areas against this criterion.
- 3.14 Each area had been allocated a 'share' of the national target of 6,000 'Starts' and 1,000 'Qualifications' to achieve in 2002/2003. Broadly, this was in proportion to the size of the area, so that, for example, Cheshire had been set an area target of 87 Starts and 15 Qualifications, while Lancashire had been set 201 Starts and 34 Qualifications. In the table below, where the figure is below 100% the relevant target has not been met. Only where both figures were 100% or above was the criterion assessed as fully met.

Table 2: Area performance against the 2002/2003 Basic Skills targets.
Source: NPS Performance Report 8.

	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicester-shire & Rutland	Notting-hamshire
Performance against the 'Starts' target	66%	106%	110%	116%	430%	142%	99%
Performance against the 'Qualifications' target	153%	21%	14%	129%	18%	131%	22%
CRITERION: National and local EBS targets are met.	Partly met	Partly met	Partly met	Met	Partly met	Met	Not met

- 3.15 Two areas, Kent and Leicestershire & Rutland, met or exceeded both national Basic Skills targets for 2002/2003, and one of the two targets was achieved by four of the other five areas (and Nottinghamshire missed its Starts target of 163 by just one). It can also be seen from this table that there has been a fluid context to these targets both nationally and locally, with Cheshire appearing to produce a high number of Qualifications from a low number of Starts, and Lancashire exactly the opposite. But these figures do not represent an area's achievement with a single cohort of offenders. Instead they represent snapshots of two moving pictures. They monitor progress by two different cohorts of offenders at two different points in the process during the same time period. As an illustration of this fluidity, in the first quarter of 2003/2004, against new higher target figures, Lancashire went on to exceed both its Starts and its Qualifications target, and then fell away in the second quarter, while Cheshire dipped on both (NPS Performance Reports 9 & 10).
- 3.16 Other factors had also contributed to the unstable context. Both the principle and the detail of the targets set has been controversial during the three years since they were first set; we discuss the 'milestone' v 'distance travelled' debate in Chapter 7. In this context the national targets were adjusted in March 2002 to the above figures from a previous (unrealistically) higher specification (PC 15/2002). Final area targets were not formally announced for 2003/2004 until June 2003 (PC 36/2003), although areas had been given an earlier indication of these.
- 3.17 For some areas there had been additional complications. Nottinghamshire had been given an increased target halfway through 2002 as part of its contribution to the Street Crime Initiative, though the original target was later restored. Some areas also had to adjust their initial local arrangements in order to adapt to the definitions of both Starts and Qualifications announced during 2003. PC 38/2002 confirmed that the

Qualifications that would count in future would be those accredited by the Qualifications and Curriculum Authority (QCA).

3.18 Areas that were not meeting the Basic Skills targets had taken steps to address their shortfall in Starts and Qualifications, both in raising their appeal to offenders and in improving their internal arrangements. Action taken included:

- clarification within the area of definitions of Starts and Qualifications
- promotional videos in office waiting rooms
- mentor or buddy arrangements
- payment of travel costs for offenders in rural areas
- childcare provision
- audit of reporting systems: one identified that an external partner had been reporting Starts to its own organisation but not to the area
- measures to increase awareness of the Basic Skills agenda among the case managers from whom the referrals had to come.

3.19 In addition, more than one area had taken the step of lowering the threshold for making a Basic Skills referral. This was also a matter of controversy in some quarters, a symptom of the 'milestone' v 'distance travelled' debate. It clearly meant that more offenders could access Basic Skills interventions and achieve Qualifications, and thus also increase the prospect of the area meeting its targets for Qualifications. But many of our respondents expressed concern that this might happen at the expense of offenders who had greater EBS needs. Although we understood the argument, we did not, in the course of this inspection, come across examples of evidently 'high EBS need' offenders being denied EBS interventions because of a priority given to lower-need offenders. Indeed, in view of the increased national targets for 2003/2004, the NPS will need to work purposefully with both high and low-need offenders to deliver the required volumes.

3.20 Probation areas did moderately well against the 2002/2003 national targets, with all areas together achieving 100% (when rounded) of the Starts target, and 85% of the Qualifications target. However, these aggregate figures conceal the fact that over half of the 42 areas fell short of each of their own local target figures (NPS Performance Report 8). It also has to be noted that (because of the link with the core ESI programme) the seven areas we visited came from just three English regions, and these happened to be three of the four best performing regions in the NPS in relation to Basic Skills Starts. There is therefore a sharp upward curve still to climb by most areas in order to achieve not only the level previously set, but also the new targets for 2003/2004. These represent increases from 6,000 to 16,000 Starts, and from 1,000 to 4,000 Qualifications by 31 March 2004, with a further prospective increase for the following year.

3.21 It should be added here that there is an indirect implication in the new targets for the current year that the NPS should be able to deliver one Qualification for every four Starts. Although in practice two separate (but overlapping) cohorts of offenders are being monitored for these targets, the figures do imply such an expected 'conversion rate.' Certainly one strategic respondent from the world of Education & Skills drew such an implication, and advised us that even among non-offender learners this would be a challenging conversion rate to achieve.

- 3.22 Therefore, taking into account all the factors outlined above, we conclude that despite the good progress achieved towards the targets by the seven areas we visited, there was insufficient evidence as yet of an established steady course of continuous improvement towards the Basic Skills targets required of the NPS.
- 3.23 Moving onto offender employment, Hampshire was the only area to set a clear specific target, doing so following a long-standing commitment to ETE work. Some other areas had also developed relevant management practices from experience:
- ETE staff in Kent had a team target
 - Lancashire had identified Employment performance indicators
 - both Nottinghamshire and Leicestershire & Rutland tracked progress against employment-related outcomes.
- 3.24 It continues to be a striking contrast that much resource and energy has been devoted to the Basic Skills targets, but relatively little to offender employment (with the exception to date of the evolving Employment Pathfinders), when in terms of the working hypothesis it is employment that makes the big difference in terms of reducing reoffending. We therefore return to the question of targets for offender employment in Chapter 8.

Leadership and planning (3):

- *Action by the NPD both supports and holds the area to account for its achievement of SDA targets.*

- 3.25 This was the '14th' criterion, the one that applied to the NPD rather than to the individual Probation areas. It addresses only the relevant Service Delivery Agreement (SDA) targets, i.e. Basic Skills.
- 3.26 Respondents at different levels in the areas expressed a variety of responses as to whether they felt that action by the NPD had supported them to assist achievement of their targets as well as holding them to account. Some had hoped to learn from the Basic Skills Pathfinder project, and expressed disappointment with the report; others complained about changes to targets and definitions part-way through the financial year so that work programmes had to be adjusted. Most generally welcomed the impetus that the SDA targets had given to their work, and all certainly felt held to account for achieving them.
- 3.27 Our assessment was that following an initial period of uncertainty there was clear evidence of NPD leadership on this subject from March 2002 onwards, with new targets, definitions and monitoring arrangements clearly established. These were well disseminated in some areas but not others. Although the 2002 fluctuation in the Nottinghamshire target had brought more problems than benefits, we felt that the NPD had managed the other changes very reasonably, for example giving areas until March 2003 to move away from Qualifications that were not accredited by the QCA. However, the NPD was late in that the 2003/2004 area targets were not published until June 2003. This criterion was therefore partly met.

Resource allocation:

- *expected EBS results have been defined, and are clearly understood by all staff, and any relevant partners/providers;*
- *the area can demonstrate that its resource allocation for EBS is appropriate for delivering its planned EBS results.*

- 3.28 The seven areas visited were good at defining EBS results for staff and relevant partners, although we assessed Cheshire as only partly meeting this criterion.
- 3.29 The picture about how the areas went about allocating resources for EBS was much more varied. We asked areas to give account of how their current allocation for both Employment and Basic Skills had been arrived at. In most cases it had developed historically in an iterative manner, although there were at least some good examples of areas using formal reviews to inform parts of their future plans. Both Nottinghamshire and Derbyshire had in recent years assessed their respective Employment provision and made substantial changes to the delivery arrangements, based on a 'business case' assessment of what had previously been provided in exchange for the resources invested.
- 3.30 In 2000 the original bid to the Treasury projected numbers of offenders who would be screened and tutored for the proposed funding, but the bid did not succeed in that form. It was hard to find that since then a 'business case analysis' had been done at either national or area level from first principles in relation to both Employment and Basic Skills. We sought evidence of a calculation having been made, and we gave credit where we could find evidence of this. What we normally found was the iterative approach.
- 3.31 The need for evidence of a calculation seemed to us to be particularly important in relation to Basic Skills, given that alongside a set of national targets a specific additional national resource allocation had been made over the two years 2002/2004. (There had been none for the first year of the NPS, when no target had been set, but the targets for the following years were already known.) The NPD advised Probation areas in March 2002:
- "Probation Areas have already been allocated funds within the cash limit for the provision of Basic Skills programmes from the SR2000 spending round totalling £3.6m for 2002/3 and £7.9m for 2003/4. Areas should use this additional funding to complement their existing spend on Basic Skills programmes and should target its use on reaching the new targets outlined below." (PC 15/2002)
- 3.32 Hence the allocation of funds was only a guide. In theory, areas could spend less than their allocation, although they were clearly expected to spend more. This is an approach to resource allocation nationally that we support, although it led us to seek from areas evidence of calculations that referred to the set targets.
- 3.33 Probation areas had had a year to plan how they would deploy their 'share' of the £7.9 million allocated for 2003/2004. Although it should be acknowledged that they did not know until very late that the finalised targets would be 16,000 Starts and 4,000 Qualifications, the fact is that until the adjustment they should have been working to the 12,000 Qualifications target that had originally been announced in PC 92/2000. (On

that basis, and also working on a minimum conversion rate of four Starts per Qualification, this would have led towards a projection of starting some 48,000 offenders per year nationally!) In total, £7.9 million amounts to an average contribution of £493.75 towards each of the 16,000 offenders targeted to achieve a Basic Skills Start in 2003/2004. Probation areas were in a position to note how much of the national allocation was for them, and they then had to decide how much to spend in addition to this in order to achieve the targets.

- 3.34 This was unquestionably difficult, whether at national or local level, because so little guidance has been available about what is the 'average' amount of resource that needs to be allocated per projected Start and/or Qualification. Most respondents from the world of Education & Skills declined to offer even an estimate of what the average might be. They spoke, entirely reasonably, of the widely differing amounts of teaching hours that each learner would need, varying from five to 300 according to the individual. However, none were prepared to say that, for example, a given budget of '£x thousand' had produced 'y' amount of Qualifications. One Prison Service respondent stated informally that each Qualification that they had achieved had 'cost' on average 90 teaching hours. Generally, however, there is virtually no guidance available to area Boards from anywhere on which to base a resource allocation decision.
- 3.35 Despite all of the above, resource allocation decisions have to start somewhere. So it was still disappointing to find relatively little evidence of an area making a calculated projection (e.g. *'We will aim to deliver 20 teaching hours to each of our 400 projected Starts next year at an average rate of (say) £30 an hour, all overheads included. This represents £600 per offender, and hence a budget allocation of £240,000 ... etc.'* And *considerably more if aiming at 90 hours per projected Start*). Comparable decisions were also needed for other offender employment work, following which they needed to be monitored so that adjustments could be made in the light of evolving experience.
- 3.36 Overall, therefore, a methodology of resource allocation for Employment and for Basic Skills, both nationally and in areas, was as yet insufficiently developed.

Good practice example:

The workload of each Kent case management unit had been calculated and resources allocated accordingly. The expected EBS results were incorporated into the contracts with external partners and were shared with the LSC.

- 3.37 Areas had, however, been creative in making different uses of external funding, but in our view this had often proved something of a mixed blessing. One of the curiosities about both Employment and Basic Skills work in the Probation Service over the last ten years has been that the most enterprising areas have been successful in attracting external funding from sources such as the European Social Fund (ESF). However, the cost of success has been that to sustain the work repeated bids to the external bodies have to be made, with no guarantee of success. When bids fail, the funded activity fails. We found an example of this in Nottinghamshire where an imaginative project was on the verge of closure at the time of our visit.

- 3.38 In a variation of this dilemma, Derbyshire sought external funding for an EBS service in the north of the county with a bid that failed unexpectedly. Although this was a creative initiative, and the area had contingency plans, the effect was still a delay in the provision of the service, a delay that would not have taken place if it had been funded from the area budget. Hence there is the paradox that because external bodies can be willing to fund some key Probation-related activities (which reduce the likelihood of reoffending), these activities can often in practice become vulnerable to cuts, and even be seen as peripheral by mainstream Probation staff.
- 3.39 An additional resource issue was that in several areas specialist EBS staff reported constraints from office accommodation as they attempted to offer rooms for group and one-to-one Basic Skills tuition as well as exam conditions, alongside the mainstream and other specialist Probation interventions.

Management and supervision of staff:

- *recruitment and assignment of staff is aligned to the area's EBS objectives;*
- *staff are held accountable for achievement of individual and/or team targets.*

- 3.40 This criterion was fully met by all areas except one, where it was partly met. Specialist staff were generally linked to a case management team and were able to promote good working relationships, although this carried the risk that inconsistent systems might develop across the area as a whole. As well as using Basic Skills staff for their core task of assessing offenders and providing tuition, Hampshire also used them to review all standard correspondence and programme material to ensure that it was readily comprehensible.

Good practice example:

Leicestershire & Rutland issued an Employment manual to all staff with descriptions of staff and partner roles.

- 3.41 The commitment of management teams described earlier was matched by a sense of accountability among staff for achieving their targets. This was the only other criterion to be fully met in all seven areas. There was evidence of performance being reported to, and discussed during team meetings and individual supervision.

Good practice example:

In Lancashire EBS awareness training was provided for staff, including trainee probation officers, and was to feature in forthcoming induction programmes.

Partnership/contracting out:

- *'Best Value' appraisals have been undertaken to establish whether EBS services provided will best be delivered by area staff, or contracted out to commercial or voluntary sector providers or through partnership and referrals;*
- *EBS contracts with providers are designed to achieve the area's EBS targets;*
- *providers are held accountable for achievement of relevant EBS targets.*

3.42 Four areas met the criterion concerning 'Best Value' appraisals, two others met it in part and it was not met in Kent. On the evidence of this inspection, Probation areas have become more value conscious than they have sometimes been in the past. However, the circumstances and form in which these appraisals take place can vary considerably.

3.43 Taking just two examples: In 2001 Derbyshire had used an external consultant to undertake a formal review of its contract with a major service provider and terminated it due to poor performance. Nottinghamshire could demonstrate that its current EBS arrangements had evolved in the light of its experience of what had worked in practice, and there was evidence that these were contributing well, but there had been no formal appraisal to this effect.

3.44 Some 'Best Value' appraisals we saw included additional features, such as:

- a staff survey carried out in Cheshire
- an appraisal in Lancashire, using an EEM approach, that resulted in a pilot reporting centre within a partner's premises
- a Partnerships Review Report in Leicestershire & Rutland that was used to assess performance against cost.

Some appraisals had culminated in tendering processes with extended contracts and others had been terminated. An additional factor for the two areas in the South-East Region was the evidence that long-standing strong regional links were being used there to provide a means of comparing and developing best practice.

3.45 Five areas had contracts or Service Level Agreements (SLAs) with providers which were clearly designed to support their EBS targets, and another partly met this criterion. Hampshire did not have external partners and so the criterion was not applicable. Some partnerships were for an EBS-related service across the whole area. Others were often specific to different groups of offenders, such as those living in approved premises, or to different localities, and sometimes linked with external funding.

3.46 Of the six areas to which the final partnership criterion was applicable, three met it in full and the remainder met it in part. There was evidence of areas holding regular meetings with providers and including performance information on the agenda. In most instances there were many examples of commitment to joint objectives and targets.

3.47 Joint work with other partners did not come within the scope of these criteria.

Overall findings for Quality of EBS Management

Strengths

- Management teams in all areas demonstrated their collective commitment to achieving their EBS targets.
- Similarly all areas had systems which held staff to account for reaching the targets.
- Areas were working with external partners in a range of imaginative ways, while at the same time being sensitive to 'Best Value' considerations.

Areas for improvement

- Although there were good examples of race equality and diversity interventions, both for individuals and groups, few areas monitored their provision and compared it either with the area's general population or with its caseload to assess whether they were providing fair access to services.
- Despite the good progress achieved towards the targets by the seven areas we visited, there was insufficient evidence as yet of an established steady course of continuous improvement towards the Basic Skills targets required of the NPS.
- A methodology of resource allocation for Employment and for Basic Skills, both nationally and in areas, is as yet undeveloped.

Recommendations

Boards should ensure that they can demonstrate that minority ethnic and female offenders are gaining fair access to EBS services in their areas.

The NPD should lead a process to develop a methodology of resource allocation for both Employment and Basic Skills.

4. QUALITY OF EBS ASSESSMENT

4.1 This chapter examines the different criteria that constitute quality of EBS assessment. These are, first, the initial screening, supervision planning and identification of suitable objectives, and then the ongoing reviews and records that provide evidence of how well the case is managed overall. The evidence came from the scoring of specific questions applied to the 697 cases examined in the areas inspected during the first seven ESI visits.

Assessment of likelihood of reoffending

- *Basic Skills screening has been carried out at start of supervision;*
- *the offender's employability has been assessed (using OASys where available) at start of supervision;*
- *there is a clear assessment of the extent to which there are EBS criminogenic factors in this case.*

4.2 The first three criteria relate to the ESI section on Assessment of Likelihood of Reoffending, with the results given below in Table 3.

Table 3: Assessment of likelihood of reoffending

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Did a structured screening of the offender's Basic Skills take place at start of supervision (either the PSR or ISP stage) for example using the Basic Skills Agency's '20 questions' assessment?	65% (456 out of 697)	75%	54%	45%	79%	47%	75%	82%
Has the offender's employability been adequately assessed at start of supervision?	75% (523 out of 697)	76%	80%	66%	85%	79%	70%	70%
Has there been a clear assessment at start of supervision of the extent to which there are EBS criminogenic factors in this case?	61% (367 out of 599)	75%	51%	49%	69%	63%	64%	59%

4.3 Two-thirds of all offenders had their Basic Skills screened at the start of supervision, most commonly by the PSR author or the case manager, and usually using the BSA's '20 Questions' screening tool. Areas have worked hard in the last three years to introduce this new process into the mainstream practice of report writers and case managers, alongside many other major changes in Probation practice, so this result is encouraging. Although Hampshire and Lancashire had less than half of the offenders in their ESI sample screened, Nottinghamshire did particularly well with 82%.

4.4 In spite of there not being a relevant national standard, more offenders were adjudged to have had their employability assessed at this stage, with three-quarters of cases having

this recorded on file. The definition of what ‘counted’ as an ‘adequate’ employability assessment was inevitably more flexible than for a Basic Skills screening, as the cases examined for this inspection pre-dated the local implementation of OASys. This result was nevertheless very encouraging. The lowest score (Hampshire) was 66%, while Kent produced the highest result with 85%.

4.5 The point of the third criterion was that the officer making the initial assessment of the case should indicate their view of the extent to which there is any connection between the offender’s Employment and/or Basic Skills and their offending behaviour, past or potential. For example, although there is a strong statistical connection between unemployment and reoffending, this will apply to either a greater or a lesser extent in individual cases. We were looking for evidence of the officer recording their opinion on this point in each first assessment where this was applicable (no assessment of this point was required if the offender had had no apparent EBS ‘needs’).

4.6 Cheshire and Kent were assessed as meeting this criterion in over two-thirds of cases, with the average for all cases being over 60%. Taking these first three criteria as a group, Kent did well overall, and this may be in part a reflection of a long-standing commitment in that area to the EBS dimension of working with offenders; we observed this before in our joint report *Through the Prison Gate* (HMI Prisons & HMI Probation, 2001).

Case management

- *appropriate EBS interventions have been planned in response to the EBS assessment;*
- *the ISP either integrates EBS interventions into the overall work plan, or clearly explains why the offender does not need them.*

4.7 These two criteria are about the planning of EBS interventions following the assessment, and integrating them with other planned interventions.

Table 4: Case management

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Have EBS interventions been planned that are appropriate to the case?	73% (260 out of 355)	89%	55%	67%	80%	70%	70%	75%
Does the ISP adequately integrate EBS interventions into the overall current work plan or clearly explain why this has not been done?	58% (206 out of 353)	68%	43%	67%	64%	63%	52%	51%

4.8 Appropriate EBS interventions were planned for nearly three-quarters of the offenders for whom an EBS need had been identified. Cheshire had the highest figure, with a very good 89%. It was encouraging that officers were not only assessing EBS needs but also planning action in response in most cases.

4.9 What was less encouraging was the evidence that case managers had integrated the planned EBS interventions into the overall supervision plan, although just over half the cases still met this criterion. Again the highest percentage was in Cheshire, with this area doing well overall on these two case management criteria. We return to this with the last two criteria covered in this chapter, which take further the question of integrated case management.

Documentation

- *there is an adequate record in the case manager's file of the EBS plans and interventions undertaken by others;*
- *each quarterly review properly incorporates the EBS elements.*

4.10 What we looked for here was a record in the file of, first, the plans and work actually undertaken by other staff and/or providers, and, secondly, evidence that the case manager had included such EBS work as an integral part of the written quarterly review.

Table 5: Documentation

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Is there an adequate record in the case manager's file of the EBS plans and interventions undertaken by other staff and/or providers?	69% (221 out of 318)	80%	53%	72%	76%	66%	55%	83%
Does each quarterly review properly incorporate the EBS elements of the offender's supervision?	48% (151 out of 312)	65%	42%	48%	45%	62%	37%	36%

4.11 We found that areas were quite good overall at getting the specialist plans and actions onto the main file, by a variety of means, but were not very good at integrating these into the overall planned management of the case. In over two-thirds of cases there was an 'adequate' record of specialist EBS action. We found it significant that the two areas that showed the best result on this point were Nottinghamshire and Cheshire. In other areas external service providers were not always able to access case records and make direct entries, either because it had not been thought of or because of identified data protection issues. Some were able to communicate by email, and in other areas some quite creative paperwork had been designed and deployed. However, Cheshire and Nottinghamshire had both made arrangements for providers to access records and make direct entries.

4.12 As stated earlier, there was a range of models of provision, incorporating in-house and external providers, and neither was necessarily better than the other in their ability to integrate their case records. Areas using both models had good scores, Nottinghamshire being partly in-house and Cheshire with external providers. It was clearly beneficial that the providers' work be recorded reliably on the case file, and these findings support the approach taken by these two areas.

- 4.13 It was therefore disappointing that in less than half the cases did the quarterly reviews properly incorporate the EBS elements of the offender's supervision. The contrast between the two figures was particularly marked in Nottinghamshire. The implication is that the information about the specialist EBS interventions was safely reaching the case manager as outlined above, but the case manager did not then make sufficient use of the information when reviewing the progress of the case as a whole.
- 4.14 Achieving integrated management of each offender under supervision does partly involve good ICT systems, but it also requires the case manager to have a sense of ownership of all the action being planned, taken and reviewed with that case. These findings suggest that EBS is not yet well enough integrated into mainstream case management by the NPS.

Overall findings for Quality of EBS Assessment

Strengths

- Both the Basic Skills and the employability of offenders were assessed in a high proportion of cases.
- Appropriate EBS interventions were planned for the majority of the relevant offenders.

Areas for improvement

- Quarterly reviews of supervision plans incorporated the EBS elements in only a minority of the relevant cases.
- EBS was not yet well enough integrated into the mainstream case management of offenders by the NPS.

Recommendation

Boards should ensure that they can demonstrate that EBS is fully integrated into the case management of effective supervision in their areas.

5. QUALITY OF EBS INTERVENTIONS

5.1 This chapter describes work undertaken with offenders, including the extent to which planned EBS interventions were actually delivered. The role of case managers in supporting EBS work, through preparation, communication and motivation, was also examined. There was separate scrutiny of ‘high Risk of Harm’ cases to assess whether Risk of Harm was kept to a minimum while EBS interventions were being managed.

Delivering appropriate supervision

- *EBS interventions take place as planned, or decisions to depart from the plan are recorded and justified;*
- *there is appropriate use of resources (partnerships and community groups, etc.), with the EBS work undertaken being monitored and recorded and the contribution to meeting the EBS objectives of supervision regularly reviewed;*
- *the case manager prepares and motivates the offender, reinforces work undertaken by others, etc.*

5.2 The first three criteria therefore focus on the effective implementation of EBS interventions.

Table 6: Delivering appropriate supervision

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Did EBS interventions take place as planned, with any decisions to depart from the plan recorded and justified?	71% (203 out of 286)	83%	53%	73%	79%	76%	60%	72%
Was there appropriate use of resources, with EBS work being monitored and recorded and the contribution to meeting the EBS objectives of supervision regularly reviewed?	57% (161 out of 284)	73%	45%	67%	50%	81%	45%	40%
Did the case manager prepare and motivate the offender to engage with the EBS interventions?	75% (209 out of 278)	90%	60%	92%	79%	86%	62%	61%

5.3 For nearly three-quarters of offenders, EBS interventions were either implemented according to the plan or there was a recorded decision justifying departure from it. Cheshire produced the highest proportion, with 83%, and Derbyshire the lowest, with 53%. One factor here might have been the unexpected failed bid for external funding and consequent delay in the plan to establish an EBS-related service in the north of the county.

5.4 The results for monitoring and reviewing interventions, including the appropriate use of resources, were less positive overall, with just over half the cases being assessed as

meeting this criterion. The scores ranged from Lancashire’s very good 81% to Nottinghamshire’s 40%, where the poor recording of EBS issues in the case manager’s reviews counted against them.

5.5 There was better evidence that case managers worked in harmony with specialist EBS workers to motivate offenders so that they were ready and committed to participate in EBS interventions. The results for both Hampshire and Cheshire were excellent. Relating this to the question of overall integration of case management, during this inspection we saw some excellent imaginative work undertaken by specialist providers in areas like Leicestershire & Rutland and Nottinghamshire, but this case analysis shows that this was not supported sufficiently by enough of the relevant case managers.

Good practice example:

In Nottinghamshire, specialist EBS staff issued selected offenders under supervision with attractive loose-leaf diaries that both assisted the learning and supported the process of Probation supervision.

Management of Risk of Harm

- **EBS interventions and changes are constantly monitored for any possible Risk of Harm considerations.**

5.6 The sub-sample of cases where a Risk of Harm issue had arisen was small, as was to be expected – only 53 out of the total of 700. Of these, the Risk of Harm had been kept to a minimum in more than three-quarters of the cases. Two areas, Cheshire and Leicestershire & Rutland, had excellent results, with the others less so.

Table 7: Management of Risk of Harm

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Have any of the EBS interventions or any change in the offender’s employment status given rise to any potential Risk of Harm considerations, and is subsequent action adequate to ensure that the risk is kept to the minimum level feasible?	79% (42 out of 53)	100% (4 out of 4)	57% (4 out of 7)	90% (9 out of 10)	83% (5 out of 6)	33% (1 out of 3)	100% (11 out of 11)	67% (8 out of 12)

5.7 Integrated case management takes on special significance when management of Risk of Harm is considered. Every specialist intervention, including those for EBS, may raise Risk of Harm issues, especially with offenders assessed as high or very high Risk of Harm to the public. Specialist service providers need to know what level of Risk of Harm has been assessed for each offender, including the nature of any identified risk.

- 5.8 Hence there needs to be close and regular communication between the case manager and specialist staff. In this inspection only a relatively small number of active EBS cases had risk concerns, and in a high proportion of those the seven areas dealt with the matter appropriately. But at the risk of drawing too strong a conclusion from a small number of cases, the evidence suggests that Leicestershire & Rutland's case management of Risk of Harm has been excellent at the same time as their case management of EBS matters has been modest. Meanwhile there appears to be an all-round strength to Cheshire's case management.
- 5.9 However in Risk of Harm matters it is the exceptional that attracts public attention. Not all specialist providers will immediately understand the significance of Risk of Harm issues, so the role of the case manager is vital. This reinforces the two points already made about effective case management. There needs to be not only a sense of ownership of the case and all the work being done with the offender, but also an integrated case record that ensures that all interventions are recorded and new Risk of Harm factors are identified and acted upon.

Overall findings for Quality of EBS Interventions

Strengths

- In most cases where EBS interventions were planned, these actually took place as planned.
- In most instances identified in this inspection, case managers and EBS staff ensured that the Risk of Harm posed by offenders was kept to a minimum.

Areas for improvement

- Some areas could not demonstrate that in the main case record they maintained a regular review of progress towards EBS objectives.

6. QUALITY OF INITIAL EBS OUTCOMES

6.1 This chapter assesses the outcome of the EBS plan and interventions for each offender. It should be noted that the cases in the sample were examined when they were about eight months into their period of Probation supervision (earlier in community punishment order (CPO) cases). Hence this was a measure of *initial outcomes* – those achieved by the end of the first eight months or so of supervision.

Interventions are delivered with the desired outcomes

- *a measurable EBS objective was achieved during supervision (to date);*
- *Employment and/or Basic Skills status has improved since start of supervision.*

6.2 The first criterion sought evidence of an EBS objective having been achieved during the relevant period, with some flexibility being allowed as to what was allowed to ‘count’. The second was intended to allow us to note where an unemployed offender had gained a job or a qualification by the ‘end’ of the period of supervision being scrutinised, but it appears likely that similar flexibility may have been exercised in assessing this criterion too.

Table 8: Initial outcomes are achieved

Criteria	ALL	Cheshire	Derbyshire	Hampshire	Kent	Lancashire	Leicestershire & Rutland	Nottinghamshire
Does the case record clearly indicate that at least one measurable EBS objective was achieved during supervision?	50% (139 out of 277)	66%	41%	44%	56%	57%	44%	43%
Does the case record clearly indicate that the offender’s Employment and/or Basic Skills status at end of supervision was better than at start?	51% (193 out of 377)	53%	65%	63%	59%	50%	39%	38%

6.3 The case records of half the offenders in the sample indicated that at least one EBS objective was achieved in the course of supervision to date, with Cheshire achieving the largest proportion. It was permissible to ‘count’ relatively ‘soft’ outcomes such as gaining a job interview or other milestone for this question, but even so this figure looks encouraging for just eight months or so into supervision.

6.4 A similar percentage of a slightly higher number of cases were assessed as having a ‘better’ Employment and/or Basic Skills status at the time of the inspection than at the start of supervision. This question was intended to focus more on ‘harder’ outcomes such as gaining a qualification or job (or better job), yet from a larger number of ‘relevant’ cases, again a half were assessed as meeting the criterion.

- 6.5 Although we sought relevant supporting information, in practice we were not successful in collecting enough that would constitute, for example, evidence of what was being 'counted' as outcomes achieved in the different Probation areas. This means that we have to view these findings with some caution, but nevertheless they indicate an encouraging move in the right direction.

Overall findings for Quality of Initial EBS Outcomes

Strengths

- Half the relevant offenders were assessed as having achieved an EBS objective in the course of their supervision to date.
- A similar proportion were assessed as having improved their Employment and/or Basic Skills status.

7. CURRENT EMERGING ISSUES

- 7.1 Any analysis of a sample of cases from seven different Probation areas inevitably produces a patchwork of good and indifferent practice. Specific issues have been identified for some of the areas inspected. It is not the purpose of this chapter to revisit the issues for individual areas but instead to consider the current wider issues emerging from the findings. The final chapter will then consider questions concerning future developments.
- 7.2 As summarised in Chapter 2, the working hypothesis underlying EBS work is that by increasing an offender's Basic Skills, their employability improves, and if they gain employment they are less likely to reoffend. Additional benefits are that the offender is better able to participate effectively in other NPS programmes, and also that certain qualifications contribute to the Government's wider 'Skills for Life' targets. We therefore explore first some further aspects of how this is being put into practice.

Unemployed offenders

- 7.3 When planning this inspection we hypothesised that Probation staff would have focused EBS interventions on the offenders with the greatest apparent need, i.e. the offenders unemployed at start of supervision. It seemed likely that out of the total sample of nearly 700 cases, the unemployed offenders would be the ones with the greatest EBS needs. We had even expected to be challenged about why we were examining the delivery of EBS services to employed offenders.
- 7.4 Accordingly we had noted the 'employment status' at start of supervision of each case in the sample – as recorded by the Probation area at the time. The categories of employment status were collapsed into four: Employed, in Full-time Education or training, Unemployed (and available for work), and Other – this last to represent all the categories of people who are simply not in the employment market, e.g. signed off sick long-term. We compared the analysis of the total sample with one for the sub-sample of the unemployed cases, with results that surprised us.
- 7.5 It can be seen that there was no appreciable difference between the levels of service provided, with in most instances an apparently lower level of service to the unemployed sub-sample (though not statistically significant). Although it was not possible to be conclusive, we considered a number of possible explanations.

Table 9: Comparison of 'All Cases' with 'All Cases who were Unemployed at start of supervision'

Criteria	ALL CASES (688)	ALL UNEMPLOYED AT start of supervision (287)
ASSESSMENT:		
Did a structured screening of the offender's Basic Skills take place at start of supervision (either the PSR or ISP stage) for example using the Basic Skills Agency's '20 questions' assessment?	65%	60%
Has the offender's employability been adequately assessed at start of supervision?	75%	70%
Has there been a clear assessment at start of supervision of the extent to which there are EBS criminogenic factors in this case?	63%	58%
Have EBS interventions been planned that are appropriate to the case?	73%	69%
Does the ISP adequately integrate EBS interventions into the overall current work plan or clearly explain why this has not been done?	59%	57%
Is there an adequate record in the case manager's file of the EBS plans and interventions undertaken by other staff and/or providers?	70%	67%
Does each quarterly review properly incorporate the EBS elements of the offender's supervision?	49%	51%
INTERVENTIONS:		
Did EBS interventions take place as planned, with any decisions to depart from the plan recorded and justified?	72%	74%
Was there appropriate use of resources, with EBS work being monitored and recorded and the contribution to meeting the EBS objectives of supervision regularly reviewed?	57%	60%
Did the case manager prepare and motivate the offender to engage with the EBS interventions?	76%	79%
Have any of the EBS interventions or any change in the offender's employment status given rise to any potential Risk of Harm considerations, and is subsequent action adequate to ensure that the risk is kept to the minimum level feasible?	79% (42 out of 53)	73% (19 out of 26)
INITIAL OUTCOMES:		
Does the case record clearly indicate that at least one measurable EBS objective was achieved during supervision?	51%	54%
Does the case record clearly indicate that the offender's Employment and/or Basic Skills status at end of supervision was better than at start?	52%	55%

7.6 On the positive side, it could be said that in relation to Basic Skills screenings the service was being provided across the board, with perhaps a few of the unemployed proving to be the least cooperative. But in almost every other respect too there was no evidence of EBS action being targeted on the unemployed. Although we cannot be conclusive, we take the view that Probation and allied staff appear to be taking EBS actions not 'according to need' in terms of the working hypothesis but in accordance with the current general approach adopted by the relevant practitioner. (Burnett (1996) has shown that the supervision options delivered often owe more to the preferred approach of the individual practitioner than to the objective assessment of the individual offender.)

7.7 It could further be inferred that part of this general approach is that where unemployed offenders have (as they often do) other factors requiring intervention, Probation staff are continuing to tackle the other factors first, leaving the EBS matters until later in the supervision period. This was a pattern of supervision practice identified by Bridges (1998): employment-related interventions were often delivered by Probation staff consecutively (i.e. late in supervision) rather than concurrently alongside other interventions early in the order. The current inspection looked only at the first eight months or so of supervision, so the table above could be said to be consistent with (rather than proving) the idea that Probation staff still tend to deliver interventions consecutively rather than concurrently.

Fair access to EBS action

- 7.8 As is increasingly our normal practice, we also segmented the findings by race, gender and age. The purpose of this is to check whether or not key groups are disproportionately represented at any point in the process. The summary table is reproduced overleaf.
- 7.9 This table illustrates one aspect of what it means in practice to ‘measure’ diversity in service delivery practice, in this case ‘fair access’ to service. Whereas in the previous table it was a disappointment to read across and find similar figures within the same row, in this table the lack of variation in the data can be seen as broadly an encouraging sign.
- 7.10 Points to note from the table opposite include:
- looking first at the sub-samples as a whole, it can be seen that collection of data re race, gender and age was not 100%, but being over 96% was acceptable for the purposes of this analysis
 - the representation of female offenders at 12% was well in keeping for a sample of this nature; the figure of over 6% for minority ethnic offenders was in the acceptable range, bearing in mind the profile of the seven areas visited
 - finally, looking at the findings themselves, the most obvious pattern is the lack of any significant deviation between the figure for each question for the ‘All’ sample and that for any of the sub-samples. Although this cannot of course be said to prove that fair access has been provided, it can be said that the findings are ‘consistent with’ the provision of fair access.
- 7.11 The examples of good diversity practice, identified earlier in this report, combine with this statistical picture to suggest that the NPS is achieving some success in delivering EBS action fairly among key groups of the offenders it supervises.

Table 10: Diversity: Percentages of All Cases where the criteria were Sufficiently (or better) met, segmented by race, gender and age, where recorded

Criteria	ALL (688)	RACE		GENDER		AGE	
		White (627)	Minority Ethn (42)	Male (581)	Female (84)	Under 25 (222)	25 or over (438)
ASSESSMENT:							
Did a structured screening of the offender's Basic Skills take place at start of supervision (either the PSR or ISP stage) for example using the Basic Skills Agency's '20 questions' assessment?	65%	66%	71%	67%	64%	75%	61%
Has the offender's employability been adequately assessed at start of supervision?	75%	75%	76%	76%	75%	76%	75%
Has there been a clear assessment at start of supervision of the extent to which there are EBS criminogenic factors in this case?	63%	65%	62%	64%	57%	61%	64%
Have EBS interventions been planned that are appropriate to the case?	73%	73%	80%	72%	76%	75%	72%
Does the ISP adequately integrate EBS interventions into the overall current work plan or clearly explain why this has not been done?	59%	58%	73%	58%	55%	63%	55%
Is there an adequate record in the case manager's file of the EBS plans and interventions undertaken by other staff and/or providers?	70%	70%	69%	69%	74%	74%	68%
Does each quarterly review properly incorporate the EBS elements of the offender's supervision?	49%	48%	56%	47%	50%	52%	46%
INTERVENTIONS:							
Did EBS interventions take place as planned, with any decisions to depart from the plan recorded and justified?	72%	72%	81%	70%	80%	78%	68%
Was there appropriate use of resources, with EBS work being monitored and recorded and the contribution to meeting the EBS objectives of supervision regularly reviewed?	57%	57%	69%	56%	68%	63%	53%
Did the case manager prepare and motivate the offender to engage with the EBS interventions?	76%	75%	80%	75%	77%	78%	73%
Have any of the EBS interventions or any change in the offender's employment status given rise to any potential Risk of Harm considerations, and is subsequent action adequate to ensure that the risk is kept to the minimum level feasible?	79%	81%	75%	79%	78%	75%	80%
INITIAL OUTCOMES:							
Does the case record clearly indicate that at least one measurable EBS objective was achieved during supervision?	51%	51%	53%	51%	54%	58%	46%
Does the case record clearly indicate that the offender's Employment and/or Basic Skills status at end of supervision was better than at start?	52%	52%	50%	52%	52%	62%	46%

Basic Skills targets

- 7.12 In Chapter 3 we reviewed progress by the seven inspected areas, and by the NPS as a whole, towards the evolving national Basic Skills targets. However, this has been taking place in the context of some wider debates about such targets, which we now explore.
- 7.13 In November 2000 the emergent NPS was required by PC 92/2000 to increase the educational and vocational qualification of offenders under supervision, in what was largely a new venture for the service. Notice was given that the NPS would be required to deliver 6,000 completions of Basic Skills Level 2 Qualifications in 2002/2003, and 12,000 such Qualifications in 2003/2004.
- 7.14 Advice at the time from a wide range of sources inside and outside the NPS was that both the required level of qualification ('milestone') and the target numbers required were too high at that stage in the life of the probation service. However, the compelling reasons for setting the target were:
- Level 2 was the level which related to the wider targets being set in the Education & Skills world at that time, which was prior to the establishment of 'Skills for Life'
 - a challenging outcomes target was required which specified what was going to be achieved for the expenditure being bid for
 - the Prison Service was starting to achieve impressive numbers of qualifications with broadly comparable groups of offenders.
- In time the Qualification target was adjusted downwards as described earlier in Chapter 3.
- 7.15 'Fixed milestone' or 'distance travelled'? Some commentators from the worlds of both Probation and Education & Skills have argued that it is inappropriate to use an indicator whereby a given number of people have to achieve a defined level of qualification. They say that it provides an incentive for an organisation to focus its attention on those who are just short of achieving the qualification, or those who already have the ability but have not been tested. This is done 'at the expense of' those in greater need. As we said in Chapter 3, we found no evident examples of this happening, though equally we cannot demonstrate that it never happens.
- 7.16 Nevertheless the key argument put forward is that instead of counting the numbers passing a selected milestone, one should instead measure the 'distance travelled' by each person – sometimes referred to as 'added value'. As things currently stand, an individual with an initially low level of Basic Skills might improve considerably whilst under supervision but would still fail to 'count' for the target if they did not reach the specified milestone. Meanwhile someone else might pass the milestone with little effort because their existing abilities were already relatively good.
- 7.17 We recognise the strength of the argument, but consider that it would be difficult in practice to adopt an 'added value' type indicator at this stage. As a prerequisite it would require the establishment of a practice whereby the existing level of achievement of each offender under supervision is assessed and recorded at start of supervision. This could become established within OASys in time, together with the means of recording the 'added value' outcomes achieved as supervision unfolds, and we recommend this

course of action. In the meantime, Probation areas will need to work more effectively to achieve the current Qualifications target, and use their experience to ensure that they are also increasing the Basic Skills of all offenders below the milestone.

7.18 Adding the target for Starts: In March 2002 the revision to the original targets created a target number of Starts as well as of Qualifications. Although there were initially some difficulties in defining a Start, the NPD issued formal guidelines in due course defining a Basic Skills Start as:

- “1. Where an individual learning plan has been developed and agreed with the learner/offender;
2. Where a learner/offender has attended a ‘taster’ Basic Skills course;
3. Where a learner/offender is still in Basic Skills provision after two sessions although the individual learning plan has not been completed.”

Although some respondents reported to us some continuing detailed implementation difficulties, this did not emerge as a significant problem.

7.19 More fundamentally, it has been argued by some that a Start is not a suitable basis for a performance target. However we take the view that, as an intermediate solution, Starts are an acceptable basis for a performance indicator during the period in which a new venture is becoming established. However, the aim must be to move purposefully towards focusing on outcome targets.

7.20 Target numbers: During the current year 2003/2004 the target number of Qualifications to be achieved can be at “any level – entry, Level 1 or Level 2” (PC 36/2003), which represents a major reduction from the originally announced target of 12,000 at Level 2. However, many still argue that the target is too high.

7.21 In our view it is true that, given that the NPS had only achieved 85% of its 1,000 target in 2002/2003, the current year’s target of 4,000 Qualifications still presents a major challenge. On the other hand, it raises questions about how the previous two years have (or have not) been used to establish the necessary infrastructure and culture within areas. We now discuss this point in relation to the resources deployed for this purpose.

Resources

7.22 We have heard it argued that resources have not been effectively deployed to enable Basic Skills targets to be achieved. As we have already noted, there was no specific allocation in the 2001/2002 NPS budget, but notice was given of the then planned future targets, so it was reasonable to expect areas to plan accordingly. It is hard to avoid the conclusion that most areas did not use this period to redeploy significant resources for Basic Skills, perhaps because, among other reasons, it coincided with financial and other pressures arising from the national restructuring in April 2001.

7.23 As already identified in Chapter 3, there is little evidence to date of any clear methodology for allocating resources to either Employment or Basic Skills. The usual approach is iterative, which means that alongside other pressures on area budgets the opportunity has not been taken to develop the necessary infrastructure and culture within areas over the last three years. It has also meant that when the additional

allocations from SR2000 came through (in 2003/2004 an additional £7.9 million, the equivalent of £493.75 per targeted Start), there was no clear approach to how this sum should be used.

- 7.24 The current plan is that this sum will be hypothecated from April 2004, and will form part of a new, larger, pooled funding arrangement between the NPS and the LSC, a development that offers both a benefit and a cost. Under the arrangements to date, a Probation area might choose to provide specialist Basic Skills assessment and training, either in-house or purchase it from a third party, or any mixture of the two, but still make its own budget decisions. Under the new arrangements NPS managers will influence, but not control, the resourcing of Basic Skills work with offenders. The desired benefit is to avoid 'silo' arrangements, whereby the service for offenders is handled differently from that for other service users. There are parallels with the original funding for supported accommodation and for drug treatment and testing orders (DTTOs). In both cases, the money has been transferred away from the NPS to a 'pooled funding' arrangement with the 'lead department' for the relevant area of work. Since, as we have been advised, the NPS's Basic Skills targets will be jointly owned by the LSC the potential benefits are real.
- 7.25 On the cost side, however, our view is that the new hypothecation arrangements will cause additional short-term disruption to Boards' abilities to develop resource allocation skills, much as we previously saw short-term disruption to the management of resources for DTTOs (HMI Probation, 2002). An additional 'cost' in the new arrangement, based on experiences with drug treatment (and offender accommodation too), is that substantial additional senior management time will be required to ensure that partners understand the delivery of services to offenders. Accordingly, we believe that it would be realistic to expect that Probation areas will continue to take some time to establish the necessary infrastructure of effective resource deployment and performance-focused culture that are needed to deliver the Basic Skills agenda successfully.
- 7.26 There is a similar problem affecting the resourcing of Employment work. In the probation service this has always tended to be fragile, and has never been the subject of a bid to the Treasury as was the case with Basic Skills. Employment work expanded in the 1990s from a previous position where it had been practically negligible. This expansion was a response partly to what was then a new strong Home Office policy on offender employment, and partly to the then target for 'partnership spending'. The probation service at that time was expected to spend 5% of its budget on partnerships. A number of creative schemes were established, some with external funding from the ESF and/or other sources. Some schemes had more substance than others and were often separately funded, so that they were often poorly integrated into mainstream provision. And if the funding ceased, they ceased. Investment decisions were based not so much on effectiveness in reducing the likelihood of reoffending, but more often on the source of their funding. In this and in other respects resource allocation over the years has again tended to be an iterative process.

- 7.27 Therefore, as we noted in Chapter 3, in this inspection it was hard to find at area or national level that a 'business case analysis' had been undertaken from first principles. Given that Employment is one of the biggest factors in reducing reoffending, there is a need for some strategic thinking about how many of the available resources should be focused on this work. The lack of national targets for Employment also reduces the likelihood that the NPS will seriously address the question, a matter to which we return in Chapter 8.

Improving integration by case managers

- 7.28 A number of points emerge from our findings concerning the need to integrate the way that every case is managed. First, there was the positive finding that employability assessments were regularly completed in most areas, as 75% of offenders in the sample had received an assessment. Furthermore, it appears clear that the roll-out of OASys will increasingly help to make this an even better established practice. However, we also saw that integration of EBS action into subsequent supervision reviews was weak, and there are issues here for the future training of case managers.
- 7.29 Next, there is an inherent conflict between outsourcing delivery of specific services for offenders and needing to integrate the recording and management of the case. As we identified in Chapter 4, external service providers were not always able to access case records and make direct entries, either because it had not been thought of or (we were advised) because of identified data protection issues. Yet Cheshire and Nottinghamshire had both made arrangements for providers to access records and make direct entries. Data protection issues had been resolved there, and we saw this as commendable practice for integrating EBS into mainstream Probation supervision. This was a clear benefit in ensuring that work was recorded, even though this did not necessarily lead to the case manager covering it any better in supervision reviews.
- 7.30 The issue is not restricted to Employment and Basic Skills, nor is it simply about case recording, although this is a significant aspect of it. Increasingly, Probation supervision of offenders includes contributions from specialist sources, some external to the NPS. At the same time as outsourcing specialist interventions, there is the problem of coordinating them back into an integrated approach to the management of the case. This requires overcoming logistical and data protection problems. As we noted in Chapter 5, this need becomes even more acute when Risk of Harm issues are involved. All service providers should be able to make entries on a single case record, and case managers should take them into account when undertaking supervision plans and reviews. This should be fundamental both to the development of future ICT systems for the NPS, and to the training of case managers.

7.31 Finally, there are other ways in which NPS supervision of offenders can fail to appear joined-up. It is striking that, although in theory it is important for offenders to gain employment, in practice many supervision arrangements rely on most people under supervision continuing to be unemployed. In some areas, weekend community punishment placements have had to be rationed when numbers of offenders gain jobs, and the majority of accredited programmes still run during conventional working hours. Where offenders are unemployed at the start of supervision (and over half are), it is unfortunate if their success in finding employment becomes a reason for disrupting their Probation supervision plan. (For example, switching from a daytime to an evening accredited programme typically causes both an interruption and a need to re-establish learning with a new tutor and group members.) Future supervision in the community will, in order to be more 'joined-up', need to be designed more clearly around offenders either being in work or actively seeking work.

Recommendations:

The NPD should:

Ensure that the next revision of OASys enables a record to be made of an offender's level of educational achievement at start of supervision, and subsequent progress achieved during supervision, to enable 'added value' targets to be set in future.

Ensure that all service providers will be able to make entries directly onto the future single IT-integrated case record system for the NPS.

8. FUTURE DEVELOPMENTS

8.1 This final chapter looks at future areas for development: national targets for offender employment, the question of compulsion, and the need to develop the 'demand' side of increasing offender employability.

Employment targets

8.2 The working hypothesis is that improvement of Basic Skills helps lead to employment, which in turn makes the offender less likely to reoffend. Employment work should constitute a robust link between Basic Skills and mainstream case management of offenders, in order to reduce the likelihood of reoffending. On this basis it appears surprising that the NPS has high profile targets for Basic Skills, but none set for increased employment or even the employability of offenders. However, they have been under active consideration by the NPD for some time and we note that there are various alternative options, each with advantages and disadvantages.

8.3 Possible options for targets include:

i) *Of offenders terminating supervision, percentage of offenders in employment:*

A key advantage of this option is ease of measurement (six-month cohorts of case terminations). A disadvantage is that people on the fringe of the employment market may dip in and out of employment; thus (for example) a temporary period of unemployment at the point of termination means that the progress achieved hitherto by the offender is not 'credited'.

ii) *Of offenders unemployed at the start of supervision, percentage of those achieving a job start at any point during supervision:*

The advantage of this option is that if a job-start is achieved, it cannot be 'taken away'. However, for the same reason it can be argued that this 'over-values' transient job-starts, and thus 'unsustainable' employment.

iii) *Of offenders unemployed at the start of supervision, percentage of those achieving a job start AND maintaining the job for a minimum of three months:*

This option looks technically superior, tackling the issue of 'unsustainable' jobs, but logistically it is the most difficult. It is potentially harder to record as well as harder to achieve (as a minimum the offender must start employment more than three months before the order ends). There is no benchmark figure available, while for options (i) and (ii) some possible national benchmark figures and potential targets can be identified. The other advantage of option (i) is that it assesses the whole cohort of offenders during a given period, not just those who were unemployed at start.

8.4 An additional complication is that target figures need to allow for variance between geographical areas according to the state of the local employment market. This is a genuine problem, but one that can be resolved statistically. For example, a national NPS target of '40% employed on termination' could be cross-referred with the national

unemployment figure (currently around 5%). The extent to which general unemployment in a local area deviates from the national figure of 5% could be the basis for calculating the extent to which the local target figure for that Probation area would deviate from the 40% target. Statistically this would still mean that if every Probation area achieved its own individualised local target the aggregated national figure would meet the 40% target.

8.5 We think that although there are respectable arguments for any single one of the above options, we generally favour option (i) because:

- (a) the measurement addresses all cases terminating supervision, and not just those unemployed at start;
- (b) it should prove to be the easiest to collect the required data;
- (c) it could most readily be adapted and 'joined-up' to serve as a joint target (with the Prison Service, Jobcentre Plus and other relevant partners) for people coming out of prison.

We recommend accordingly.

8.6 We do not seek to be prescriptive about the exact form of such a future joint target, but we offer the following observations:

- at a time when a 'joined-up' approach to sentence management is about to be adopted, as a consequence of the Criminal Justice Act 2003 and other developments, it makes no sense for either the Probation or the Prison Service to adopt a separate performance indicator for offender employment
- with OASys implemented, the mechanism will be available for recording the employment status of each offender at a certain point late in supervision (this cannot sensibly always be at point of termination as some orders and licences are very long)
- it would also assist this process considerably if the Jobcentre Plus database were developed so that the employment status of offenders under supervision could be tracked
- it should nevertheless be possible to devise an agreed definition of the point at which employment status should be recorded. We would suggest 'at termination, or 12 months after either the start of supervision or the final release from custody, whichever comes first'
- an initial target figure for those in employment could be set of, say, 40%, for all offenders reaching this point during future identified time periods.

Compulsion

8.7 When an offender receives a community sentence, to what extent is it either lawful or reasonable for him or her to be required to undertake Basic Skills assessment and, if appropriate, training? The dilemma is rarely addressed directly and as a result there are currently a variety of enforcement arrangements, many acknowledged as being unsatisfactory. With the advent of the Criminal Justice Act 2003 it will be increasingly important to clarify and resolve this dilemma.

- 8.8 As things stand, the practice of securing an offender's attendance under duress at a formal accredited programme has become reasonably well established. Detailed implementation issues undoubtedly continue, but the expectation has been introduced, and to a large extent supported by the courts in practice when required. EBS interventions are not as yet in this position. Under Section 202 of the new Act, programme requirements must be an 'accredited' programme approved by 'the accreditation body'. In the future it is possible that an EBS programme might gain this accredited status, but this will leave all other form of EBS interventions potentially to continue in the existing state of uncertainty at a time when there is a need to meet increasingly demanding targets.
- 8.9 The question can be pursued formally or informally. Formally, there has not yet been a provision for an additional requirement to a community sentence for offenders to be compelled to attend Basic Skills tuition, and this would now only be introduced in the context of any future accredited EBS programme. Even if and when such a provision comes into place, one can anticipate problems with breach court proceedings. If the breach were proved, the court might be reluctant to impose a punishment for what could be perceived as inability or unwillingness to learn to read or write.
- 8.10 Unsurprisingly it is even more difficult to implement formal enforcement measures when Basic Skills tuition is undertaken as part of the mainstream reporting requirements outside the provision of an accredited programme. A number of Probation areas have a policy for Basic Skills to be integrated in the supervision plan, and for such appointments to be enforceable. Yet no example has come to our attention of an offender being breached solely for his or her failure to attend Basic Skills tuition. There would appear to be, in effect, a consensus amongst practitioners and managers that it would be unwise to take enforcement action in such cases. This approach was supported by a number of Basic Skills tutors in different areas who advised us that they did not want to teach a student who was attending against their will.
- 8.11 However, when we move to the informal aspect of the question, although the position looks more complicated it also offers more opportunities to find a way forwards. The question of whether someone is 'motivated' or is 'willing to learn' takes an interesting dimension when viewed alongside practice in Prison Service establishments. The Prison Service has achieved very creditable success in producing large numbers of Basic Skills qualifications. It is a commonplace to observe that this is from a 'captive population'. But in terms of motivation, the reality is that offenders receiving custodial sentences often become motivated and willing participants in a class spending several hours a week learning to read and write, gain a Basic Skills qualification or undertake some other worthwhile activity. (And the Basic Skills tutors repelled by the idea of tutoring offenders attending under duress with a community sentence, appear to be more comfortable working with offenders serving custodial sentences.) For these offenders, this activity is preferable to the others immediately available.
- 8.12 So the task for the NPS's motivation of offenders should be seen in its own context. In what way might offenders be informally 'motivated' to achieve Basic Skills qualifications? As with other interventions, much can be achieved by the case manager's engagement with an offender, drawing the offender in, getting them involved in recognising their difficulties, so that they perceive the intervention to be beneficial. Specialist staff, who are often enthusiasts for their work, are often especially effective in

selling the benefits of their service, even to unwilling offenders, provided that they get the opportunity to do so. (This links back to the skill of the case manager in effecting a referral to such specialist staff.)

- 8.13 Much of this discussion of compulsion for Basic Skills work can also be applied to Employment. It can be expected that courts would be unenthusiastic at imposing punishment for breaches of community sentence solely concerned with employment or training, even under a future accredited Employment programme. Yet clearly there would be benefits if the NPS promoted increased employability and, where possible gaining a job, as a normal expectation of mainstream supervision. Hitherto there has been less pressure to resolve the compulsion issues because there are currently no national Employment targets.
- 8.14 With the advent of the Criminal Justice Act 2003, however, the question will still have to be faced about what can and should be required of an offender under mainstream supervision. This is because, if challenging targets are to be met, many interventions will almost certainly have to continue outside the provision of any future accredited programmes. (And the provision for 'activities' under Section 201 does not appear to help, as these must relate to 'reparation'.)
- 8.15 In principle it would clearly be beneficial to effective supervision of offenders in the long-term for Employment initiatives as well as Basic Skills interventions to be part of the 'normal' supervision arrangements. But for this to work both the informal culture of expectation and the formal support from the courts would have to be in place.

Building from 'supply' work into 'demand' work too

- 8.16 Finally we look at one aspect of the work where we found very little to inspect. Unemployment outcomes differ significantly from other objectives for offenders. The NPS can improve the offender's employability, but under the working hypothesis the key step is only achieved when the offender is offered, accepts and starts a job. To do this he or she has to be recruited in the free market by an employer requiring a new employee. The NPS and its partners need not only to produce as high a quality of potential employee as possible – the supply side – but also to market them among employers and secure recruitment – the demand side.
- 8.17 The vast majority of activity we inspected was on the supply side. There was comparatively very little to be found on the demand side; it was 'the dog that didn't bark'. There was some awareness of the importance of marketing offenders among employers, but the work that was done was mainly piecemeal. Individual work with one or two cases in an area was sometimes cited. At the time of the inspection, only Leicestershire & Rutland gave evidence of developing a strategic plan for this area of work.
- 8.18 We strongly recommend that this dimension of the work should not be ignored. Employers' organisations such as the Confederation of British Industry and the Institute of Personnel Management have indicated their enthusiasm to support such initiatives. (This work would also have to include 'Disclosure' work: the question of how records of previous convictions are handled both by prospective employers and by the job

applicants themselves.) Employment markets are local, almost by definition, and Probation Boards that wish to develop a truly entrepreneurial side to their work will find local partners with whom they can do business to help find places in the real employment market for the offenders they supervise. Since this will need employers to buy the services of offenders as employees, this will involve Boards needing to cultivate a customer service approach with such potential employers.

- 8.19 This and our other recommendations taken together are designed to support the full implementation of the working hypothesis we outlined in Chapter 2, that getting offenders into real jobs is what makes the difference in making them less likely to reoffend. Whether on community or custodial sentences offenders would have their Basic Skills or employability assessed, and participate in the EBS interventions they need to make them better equipped to succeed in the labour market. In parallel, other enterprising initiatives with employers would also be helping to increase the prospects for offenders of securing real jobs. In this way offender employment would be further increased, and reoffending would be further reduced.

Recommendations:

The NPD should establish, jointly with the Prison Service and other relevant partners, a joined-up target for employment of offenders.

Boards should cultivate a customer service approach with local employers, as part of a strategic development of the demand side of employment work as well as the supply side.

Endnote: A framework for a local EBS strategy

- 8.20 The table below provides, for illustration, some of the key elements needed on both the supply side and the demand side at each of the three key stages of getting offenders into employment: Assessment, Development and Placement.

	Supply side	Demand side
Assessment	Basic Skills screening, Specialist assessments Capability assessments	Identifying local labour market shortages
Development (interventions)	Basic Skills tuition Workplace skills Vocational skills	Identifying resources for vocational training
Placement (interventions)	Interviewing skills Disclosure skills Practising both	Marketing with employers, using a customer service approach

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