



HM Inspectorate of Probation

# Towards Race Equality

*FOLLOW-UP  
INSPECTION REPORT*

2004

## Foreword

Three years ago my predecessor, Sir Graham Smith, published *Towards Race Equality*. This was a comprehensive inspection and some of the findings raised very serious concerns about disparities in standards.

Much has happened since. In 2001 the National Probation Service came into being (see *'From Aspirations to Reality' An Inspection of the Governance of Probation Areas by Probation Boards*, HM Inspectorate of Probation, October 2003). It is clear that the governance and management structures of the NPS are much more representative of the diverse communities that they serve than the previous arrangements. Within these structures we find encouraging evidence of strong and positive leadership to promote race equality and wider diversity. This commitment, and its translation into practice, is apparent both at the centre of the new organisation and through the local Boards.

We also find clear evidence of considerably improved standards of practice in work with offenders. Yet it was still of concern that some aspects of work with white offenders remains of a slightly better quality when compared to the standards achieved with minority ethnic offenders. It is not entirely clear why these disparities persist, but they must be rectified.

There are a number of other issues, clearly itemised in the report, that require attention as a priority. Most disturbingly, is the continuing sense of disadvantage experienced by some minority ethnic members of staff. These matters are balanced, however, by an abundance of good practices which we have sought to identify so that they can be adopted more widely. Such examples should provide helpful pointers to assist the service to achieve further positive development.

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We are also grateful to local probation areas for assisting with the file reading process, the distribution of questionnaires to minority ethnic staff and for making such full area returns which provided many examples of good practice.

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## Glossary

ABPO	Association of Black Probation Officers
ACAS	Advisory, Conciliation and Arbitration Service
ACOP	Association of Chief Officers of Probation
BEM	An abbreviation used by some minority ethnic staff when responding directly to us to mean Black/Ethnic Minority
CIPD	Chartered Institute of Personnel and Development
CLANs	Centrally Led Action Networks
CO	Chief officer
CP	Community punishment
CPO	Community punishment order
CPRO	Community punishment and rehabilitation order
CPS	Crown Prosecution Service
CRAMS	Case Record Administration and Management System
CRE	Commission for Race Equality
CRO	Community rehabilitation order
CS	Community service
CSAP	Correctional Services Accreditation Panel
DipPs	Diploma in Probation Studies
DTTO	Drug treatment and testing order
ECP	Enhanced Community Punishment
EEM	European Excellence Model
ESI	Effective Supervision Inspection
HMCIP	HM Chief Inspector of Probation
HMIP	HM Inspectorate of Probation
HR	Human resources
LAGIP	for lesbians, gay men, bisexuals and transgender working in probation
NAAPS	National Association of Asian Probation Staff
Napo	National association of probation officers
NPD	National Probation Directorate
NPS	National Probation Service
NVQ	National Vocational Qualification
OASys	Offender Assessment System
PDA	Practice development assessor
PIP	Performance Inspection Programme
PO	Probation officer
PSO	Probation service officer
PSR	Pre-sentence report
REIG	Race Equality Implementation Group
RMO	Racially Motivated Offender
SSR	Specific sentence report
TPO	Trainee probation officer

# 1. INTRODUCTION

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- 1.1 In June 2000 HMIP published the thematic report *Towards Race Equality*. This national inspection had been carried out in the wake of the inquiry into the death of Stephen Lawrence (hereafter referred to as the Macpherson report to distinguish it from previous reports) and examined the extent to which the then probation services promoted and achieved race equality in employment practices and work with offenders.
- 1.2 The specific objectives of *Towards Race Equality* had been to:
- ascertain how far the policies and practices determined by probation committees and implemented by services promoted and achieved race equality
  - examine the extent to which probation services achieved race equality in their employment practices
  - examine the degree to which probation services ensured equality of provision for offenders from minority ethnic groups
  - ascertain, insofar as was possible, the effectiveness of work with offenders from minority ethnic groups
  - determine how far probation services had addressed the requirements of the Crime and Disorder Act 1998 in the implementation of new legislation on racially motivated crime
  - make recommendations, as appropriate, based on the findings of the inspection, to achieve improvement.
- 1.3 The findings of *Towards Race Equality* had been no less sobering than those of the Macpherson report. In the foreword HMCIP had declared himself “*dismayed by many of the findings, of which some raised very serious concerns. The attention given by probation services to the promotion of equal opportunities during the 1980s and early 1990s has clearly diminished in recent years. I was particularly disturbed about the disparities found in a number of areas of practice between the approach to work with white offenders compared to minority ethnic offenders.*” He also stated that “*significant work is required regarding the recruitment, selection, promotion and retention of minority ethnic staff*”.
- 1.4 *Towards Race Equality* contained 19 recommendations that addressed policy development, improving the quality of service delivery to offenders, the recruitment and training of staff and performance monitoring. Its publication led to the formulation of a national action plan, agreed by Ministers, ACOP, HMIP and the predecessors of what is now the Probation Boards’ Association. This action plan combined the targets and recommendations set out in both the thematic inspection and the earlier report to the Home Secretary *Developing Minority Ethnic Representation in Probation Services*.
- 1.5 In the three years to elapse following the original inspection, there were many important changes and the action plan had to be implemented during the key developmental period

immediately prior to the establishment of the new National Probation Service for England and Wales on 1 April 2001.

- 1.6 In June 2001 the then acting HMCIP and the National Director of the Probation Service published a joint progress report against this action plan, including specific reference to all the original recommendations of *Towards Race Equality*. This was based on submissions by almost all probation areas and details of work completed at a national level by the probation REIG. The findings detailed in that progress report formed the first part of the evidence base for this follow-up and are contained within the report in relation to each specific recommendation.
- 1.7 There have been a number of other significant developments since June 2001 that have impacted on race policies and service delivery arrangements within the NPS. Four of these had a special significance for race equality, namely the:
- publication of *A New Choreography: An integrated strategy for the National Probation Service for England and Wales*. Issued in August 2001 this was the new national service's first comprehensive strategic statement
  - national implementation of the Race Relations (Amendment) Act 2000 with a requirement on all probation areas to have Race Equality Schemes in place by 31 May 2002
  - publication of *Achieving Through People: The people management strategy of the National Probation Service 2002/2007* in September 2003 and of *The Heart of the Dance* a diversity strategy for the National Probation Service for England and Wales 2002/2006 in March 2003.
- 1.8 In February 2003, HMCIP announced that a follow-up inspection would be undertaken. The specific objectives for this follow-up were to:
- examine the extent to which all the recommendations of *Towards Race Equality* had been implemented
  - assess the subsequent impact on employment practices and work with offenders with the NPS
  - promote examples of good practice for race equality and, where apparent, their relevance to wider diversity initiatives.
- 1.9 The definitions and standards used in the follow-up were as defined in the original report (paragraphs 1.13-1.20 and Appendix 1), although the wording was updated to take account of new governance arrangements and other relevant developments. In particular, the changes to race and ethnicity categories in the 2001 national census, which had been applied within the NPS, were used to differentiate our follow-up data. The definition therefore of minority ethnic in this report is '*the total proportion of all categories excluding White British, White Irish and White Other and excluding cases where the data are missing, refused or not provided*'. The word 'Black' is therefore only used in its generic sense when part of a title.
- 1.10 The design of the follow-up methodology was informed by a series of four consultation events. The first of these took the form of a workshop at the NPS Diversity Conference, the other three being held separately at venues in London and Manchester. More than 60 participants attended these events including: COs, Probation Board Chairs and other

Board members, regional managers and a mixture of managers and practitioners from some 30 probation areas. There were also representatives from key constituent organisations including ABPO and NAAPS and the CRE.

1.11 The resulting follow-up methodology included:

- assessment of national samples of 500 PSRs and 500 CPOs and of which 60% were minority ethnic offenders
- discussions with groups of staff following the ten regionally based file reading events
- a detailed questionnaire to all 42 probation areas to which there was a 100% response, with most areas providing additional supporting information
- a perspective questionnaire issued through local areas for all minority ethnic employees of the probation service. Three hundred and sixty-two responses were made confidentially and directly back to HMIP, a response rate of 18%
- interviews with key personnel within the NPD including the Director General and Head of Diversity.

1.12 The PSR and CPO samples provided a reliable and up-to-date national picture and comprised the most recent commencements prior to 1 February 2003. The samples were structured so that 60% were minority ethnic offenders and 40% were white. Although some cases were taken from every single probation area, proportionately more cases were drawn from larger areas and those with a higher percentage of minority ethnic offenders overall.

1.13 Our decision to survey the perspectives of only minority ethnic staff during the follow-up was a point of some debate. We do not deny the importance of consulting all staff irrespective of race or ethnic categorisation. However, we wanted to give priority in this particular piece of work to seeking the views of those who might suffer disproportionate discrimination on the basis of their skin colour. Furthermore, the chosen approach was selected because it replicated the original methodology and as such was appropriate for assessing progress against the recommendations. Many of the questions related to positive action or other initiatives that were not applicable to white colleagues.

1.14 It will be seen that where some other sources of evidence were available to provide useful direct comparisons between minority ethnic employees and the wider staff group, these were used fully. The requirement on all local probation areas to complete an annual EEM self-assessment was also significant since perception measures were particularly important in the EEM process. It may be helpful therefore for local areas to look at the findings of our national perspective survey of minority ethnic staff in comparison with their own EEM data.





## 2. SUMMARY AND IMPLICATIONS

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2.1 Of the 19 recommendations:

- three had been well met
- 11 had been partially met
- three had not been met but there was evidence of some progress
- two had not been met and there was no evidence of progress.

2.2 More specifically:

### ***Recommendations for policy and performance monitoring***

- The Director General and Probation Boards had provided strong leadership in the drive to promote race equality. All areas had responded to the requirements of the Race Relations (Amendment) Act 2000, although work on policy impact assessment was limited.
- The NPD had stressed the importance of monitoring and had commissioned some valuable perspective surveys.
- Many areas still had gaps in their race and ethnic monitoring database and there was no differentiation in monitoring of work with victims.

### ***Recommendations for work with offenders***

#### ***PSRs***

- All probation areas had set an annual target for improvement from 2001.
- The quality of PSRs had improved considerably, although the differential associated with race and ethnicity had not lessened. 83% of PSRs on white offenders were found to be satisfactory or better, compared with 75% on minority ethnic offenders.
- Many areas had revised policy statements and practice guidance in respect of PSRs to take account of specific issues relating to minority ethnic offenders.
- Most, but not all probation areas, were routinely collating monitoring data, including the race and ethnic background of offenders. However, fewer areas were using these data to inform practice.

#### ***RMOs***

- The NPD had issued appropriate guidance for inclusion of RMOs in mainstream programmes.
- Not all areas had up-to-date policies or practice guidelines.
- Very few areas had adopted the Macpherson definition explicitly.

### ***Partnerships and working with communities***

- The NPD had stressed the importance of developing community links and promoted some good practice examples.
- Locally there had been much innovation but work was often ad hoc, lacking a strategic foundation.
- Most Probation Boards acknowledged that there was still so much more to be done both in promoting the probation area to minority ethnic groups and in listening to and learning from those groups in order to develop more effective services.

### ***What Works***

- Clear national guidance had been issued to help prioritise race and diversity within What Works strategies.
- Diversity criteria had been incorporated into the process for the development of accredited programmes for offenders.
- Research had been commissioned and the findings were being used to improve outcomes.
- There had been a substantial investment in training.
- More productive use could have been made of available performance information if it had been diversified by race and ethnicity.

### ***CPOs***

- The quality of risk assessments had improved considerably and there was no general quality differential associated with risk variables.
- The assessments of background factors relevant to work placement had also improved, although there had been a greater improvement for white offenders.
- The development of OASys and ECP arrangements had taken account of diversity issues.
- Staff confidence in working with minority ethnic offenders had increased, but there was still some confusion about how to take account of offenders' cultural background.
- A more strategic approach was needed when consulting the community in order to develop a broader portfolio of placements.

### ***Recommendations for HR management***

- 16% of the members of new Probation Boards came from a minority ethnic background. This was a much higher proportion than under the previous governance arrangements.
- The proportion of managers from minority ethnic backgrounds had also increased.
- The NPD had provided partial guidance for areas on staff recruitment.
- The NPD had not reviewed the appraisal framework, but there was evidence that supervision and appraisal arrangements were operating more effectively locally.

- There had been little support, centrally or locally, for the establishment of a separate complaints procedure for use by staff as recommended, and the level of confidence that minority ethnic staff had in how management would deal with their complaints had not increased.
- The proportion of minority ethnic staff experiencing racism from offenders had fallen considerably, although there was little change in the level of racism experienced from other sources including probation colleagues, staff from other organisations or the public.
- The majority of probation areas had met targets for minority ethnic staff recruitment and many had implemented innovative positive action initiatives.
- The proportion of minority ethnic staff who reported that they felt isolated in the workplace had increased slightly since the original inspection, in spite of apparent management backing to attend support groups.

### Areas for further improvements

2.3 This follow-up inspection has revealed many examples of good practice both in work with offenders and in HR management. We will give priority to promoting these findings through regional initiatives, working alongside regional managers, and through other appropriate avenues. Also, we will further monitor progress through the new ESI programme.

2.4 The NPD should now:

- achieve the objectives set out in *The Heart of the Dance* and *Achieving Through People*
- ensure that all strategic managers within the NPD demonstrate their commitment to promote race equality and wider diversity and that all aspects of strategic coordination within the NPD take full account of race and wider diversity issues
- ensure that aggregated performance data are differentiated by race, ethnicity and other diversity variables
- develop a strategy that will enable local areas to provide services for victims that are sensitive to their diverse backgrounds and needs
- provide more guidance on policy impact assessment under the terms of the Race Relations (Amendment) Act 2000
- issue very clear guidance to areas on the interpretation of the Macpherson definition of racism and how it should be applied in both service delivery and HR management contexts
- review the effectiveness of OASys and other tools in assessing the cultural needs of all offenders.

## 2.5 Local probation areas should now:

- ensure that race and ethnic monitoring is completed for all offenders and staff
- demonstrate that provision for victims is sensitive to their diverse backgrounds and needs
- develop a strategic approach to partnerships with local community groups in order to meet more effectively the different needs of minority ethnic offenders and victims
- improve the quality of PSRs on minority ethnic offenders to achieve parity in quality with provision for white offenders
- review the quality and outcomes of SSRs in relation to race and wider diversity factors
- ensure that, when placing offenders on CPOs or CPROs in work, particular priority is given to improving the quality of assessment on all relevant background factors for minority ethnic offenders in order to achieve parity of provision with white offenders
- contrast local staff perception information, gained through the EEM self-assessment process, with the minority ethnic staff survey results provided through this follow-up
- use staff perception measures as part of the process of monitoring the quality of supervision and appraisal arrangements
- ensure that arrangements for minority ethnic staff attendance at support groups are explicit, well publicised through induction programmes and other appropriate routes, supported publicly by the Probation Board including the CO and implemented consistently
- make sure that the achievement of targets for the overall recruitment of minority ethnic staff, and their representation in tiers of management and governance structures, does not constrain efforts to achieve further progress through proactive and innovative strategies
- ensure that arrangements for staff to make complaints are well publicised and are efficiently integrated within related procedures to remove any possible confusion.

### 3. FINDINGS: Recommendations for policy and performance monitoring

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- 3.1 Five recommendations required clear leadership from the centre and at local level through Boards and COs, policy review, the development of action plans with comprehensive monitoring and the use of collated data to improve practice.

#### WELL MET

1. *The Home Office, probation committees and chief probation officers should provide clear direction and guidance to probation services in order to inform their development of equal opportunities and anti-racism policies.*

- 3.2 The original inspection revealed that the absence of clear national direction had undoubtedly contributed to the low priority given to race equality by some probation services. Furthermore, at local level, the degree of attention given to the promotion of race equality by chief probation officers and probation committees had varied considerably.

- 3.3 At that time, the majority of services who had acted on the recommendations of the Macpherson report and the Home Secretary's Action Plan were still in the initial phase of identifying areas of work to be addressed. It was evident from discussions with minority ethnic staff in all services and feedback from the questionnaire that the Macpherson report, and the subsequent response by the Home Secretary, had raised expectations of significant change in the culture, management and performance of the service.

- 3.4 In June 2001 the joint progress report noted '*increased levels of activity to promote race equality*'. At the centre, the remit of REIG had been extended to address the recommendations of *Towards Race Equality* and their progress report was being submitted to the Home Secretary. The post of Race Equality Advisor to the NPS (which was subsequently redesignated Diversity Manager) had just been created. Also at local level there was evidence that COs had given a strong personal lead, trying to contact local community groups or in establishing networks of communication with probation staff from minority ethnic groups.

#### Current findings

- 3.5 In August 2001 the NPD published *A New Choreography*. Issued just four months after the establishment of the new national service, this strategy gave priority to valuing and achieving diversity, on grounds both of fairness and effectiveness, and reflected on progress already made against the national employment targets and broader themes raised by *Towards Race Equality*. As such a clear lead was provided, although the detail of the work to be undertaken, at both national and local level, had still to be addressed.

3.6 Other NPD initiatives included:

- visits by the Director General to local areas, the content of her speeches and evidence of her personal commitment to specific initiatives
- establishing a national Diversity Strategy Board supported by a structure of CLANs which focused on particular aspects of diversity
- the appointment of a senior manager to lead on diversity within the NPD
- establishing a forum to support minority ethnic Board members
- the issue of some best practice guidance
- a Diversity Checklist to be used in business planning or organisational self-assessment, as part of consistent national arrangements to apply the EEM
- a model template for implementation of the Race Relations (Amendment) Act 2000 with an associated matrix for policy impact assessment. Areas were also invited to bid for additional funding to support aspects of the Act's implementation
- an NPS Diversity Conference (which included workshops by all the areas that had won additional funding for Race Relations (Amendment) Act 2000 projects)
- publication of *The Heart of the Dance*, the NPS Diversity Strategy. One of the six priority objectives in this was '*Leadership and a learning organisation*'. The aim here was to '*develop all managers to provide leadership and effective management*'.

3.7 Key themes in local areas were revealed by our own earlier inspection of governance arrangements in the NPS. We found that '*The Boards in all the areas visited were able to show evidence of valuing diversity and working towards eliminating discrimination*' (*'From Aspirations to Reality' An Inspection of the Governance of Probation Areas by Probation Boards*, HMIP, October 2003, page 22, paragraph 3.3).

3.8 Some general examples of local good practice in policy development were the:

- establishment of diversity sub-committees to monitor performance, for example in the recruitment, retention and progression of minority ethnic staff
- use by Boards of sub-committees and links with representatives of outside agencies such as the local Race Equality Council
- provision of diversity training for Board members and staff
- appointment of diversity managers
- Boards' willingness to acknowledge that they found diversity to be a wide-ranging agenda which required an ongoing focus.

3.9 Through our questionnaire areas were asked to specify the most significant and helpful guidance that they had received from the NPD (or other sources), to inform the development or application of diversity policies:

- 23 areas cited *The Heart of the Dance* itself in their responses
- 16 identified the guidance provided on the Race Relations (Amendment) Act 2000

- 11 referred to the EEM Diversity Checklist
  - a very long list of other guidance documents and sources were mentioned, including external organisations such as the CRE or freelance training agents.
- 3.10 Areas also told us about their need for further guidance. The most frequent requests related to policy impact assessment (ten areas), the need for assistance with recruitment of staff from minority ethnic groups (six) and the suggestion that the NPD might produce more 'model' policy templates for specific diversity issues (five).
- 3.11 Overall we found that **recommendation 1** had been well met because:
- the Director General herself had provided strong leadership
  - the central NPS strategy and its core business planning and self-assessment tool gave a high priority to diversity
  - specific guidance and encouragement, supported by some carefully deployed additional resources, had been given in relation to core legislation, particularly the Race Relations (Amendment) Act 2000. A strategy was in place to promote the good practice that developed as a consequence
  - there was evidence that local Boards, whilst recognising that much more needed to be done, were working hard to promote race equality and diversity.

**PARTIALLY MET**

10. *Probation committees and chief probation officers should ensure that, in order to promote race equality:*
- (a) *all existing equal opportunities and anti-racism policies are reviewed, and amended as appropriate, to ensure that they cover the full range of employment practices and work with offenders;*
  - (b) *action plans are produced which include specific measurable objectives to support the implementation of the policies;*
  - (c) *equal opportunities policies, anti-racism policies and related action plans are monitored and reviewed annually by the probation committee.*

- 3.12 The original inspection revealed that almost all services had developed equal opportunities policies. The range of issues addressed varied considerably. It was difficult, in most cases, to estimate their effect due to the absence of any supporting action plan with agreed outcome measures. The amount and quality of information presented to probation committees on the implementation of their equal opportunities and anti-racism policies differed greatly and few of the services visited used it to inform discussions with the probation committee or at senior management level.
- 3.13 In June 2001 the joint progress report noted that 25% of areas reported work on policy revision, with a further 40% also having revised accompanying procedures. Of the remaining 35%, most were able to cite some action designed to meet area race targets. However, the majority of areas did not have specific action plans at that stage and, as a consequence, arrangements for monitoring and review were also limited.

## Current findings

- 3.14 Since then, the NPD has issued limited policy guidance to areas through various probation circulars. Local plans have also been subject to approval by the centre. A *New Choreography* provided a broad outline of policy with effective integration of diversity themes. *The Heart of the Dance* took this further and included the priority objective of 'meeting legislative responsibilities'. One of the specific objectives in this part of the overall strategy related to implementation of the Race Relations (Amendment) Act 2000. It was a significant achievement that all 42 probation areas had produced their own Race Equality Schemes under the Act by the required deadline of 31 May 2002. *The Heart of the Dance* then made the commitment to complete impact assessments of policy, implement race and ethnic monitoring of all staff and develop a standard format for the full evaluation of Race Equality Schemes. All of these were clearly appropriate. The consultation process surrounding the development of *The Heart of the Dance* was deliberately lengthy in order to maximise ownership. This meant that by the time of publication some of the work had already commenced and some of the key milestone dates had already been passed.
- 3.15 Key themes in local areas were evidenced by our own survey and virtually every area provided much information concerning their own Race Equality Schemes and associated action plans. It was apparent that in many cases the production of the scheme had triggered a helpful process of policy review, encouraged greater community consultation and contributed to the development of formalised cycles of objective setting, monitoring performance and review. However, only limited work had been completed on policy impact assessment. Furthermore, as will be shown later in this report, baseline monitoring information was sometimes incomplete.
- 3.16 Some examples of good practice were:
- the application of the Diversity Checklist in the EEM process. In West Mercia for instance, an independent evaluation of the local EEM assessment resulted in an excellence award for diversity work
  - the development of protocols for joint work with other statutory bodies such as local authorities and Primary Care Trusts. West Mercia, again, had used the amalgamation of the area as an opportunity to review and develop these protocols with specific reference to diversity. This work had played a significant part in the establishment of the area's new identity
  - in County Durham, copies of all policies were provided to staff via an electronic database. Review dates were included and an 'alarm' ensured that they were completed within the specified timeframe
  - in Northumbria, all Board and management group reports had a diversity dimension, as did agendas for team and divisional meetings
  - in Greater Manchester, an annual thematic report on diversity issues was presented to the Board.



3.17 Overall we found that **recommendation 10** had been partially met because:

- the NPD had issued guidance to areas regarding the Race Relations (Amendment) Act 2000, with its inherent requirement for policy review and the development of action plans
- all areas had responded with the production of their own local schemes by the required deadline
- it was apparent that much productive work had been completed in respect of policy review, although some areas were struggling to complete meaningful policy impact assessments
- performance monitoring was limited in some areas, often with gaps in the core offender database.

**PARTIALLY MET**

6. *The Home Office should require probation services to meet set targets for the submission of race and ethnic data.*

**NOT MET BUT EVIDENCE OF PROGRESS**

15. *Probation committees and chief probation officers should set targets in annual business plans from 2001 for the completion of 100% of race and ethnic monitoring forms and implement specific measures to ensure their achievement.*

**PARTIALLY MET**

16. *Probation committees and chief probation officers should ensure monitoring systems are in place and information is collated which is used to inform and improve employment practice and work with minority ethnic offenders.*

3.18 These three recommendations can be considered together. The Criminal Justice Act 1991 (Section 95) had required the Secretary of State to publish information '*to facilitate the performance of such persons in their duty to avoid discrimination ...*' and was therefore a significant milestone for all criminal justice agencies. A nationally agreed monitoring system for race and ethnicity had been introduced in probation services from October 1992. Yet our original inspection revealed that, despite the apparent commitment of services to the principle of race and ethnic monitoring, the proportion of ethnic data missing had risen substantially from the mid-1990s. We found that performance varied considerably from one local service to another, but overall monitoring arrangements were of particular concern and required immediate attention.

3.19 The problem was exacerbated since '*few of the services visited (during the original inspection) made any significant use of the information collated, either with staff or to inform discussions with the probation committee or at senior management level*'. There was little evidence of a strategic approach to the introduction of monitoring, with an explanation of its purpose supported by a training plan. It was not surprising therefore that some staff did not attach a high priority to the collection of basic monitoring data. Our conclusion at the time was that '*It was ... difficult to see how the majority of services could monitor their performance, make any strategic decision on provision for minority*

*ethnic offenders or promote race equality on the basis of the monitoring information currently available'.*

- 3.20 In June 2001 the joint progress report noted that a national Monitoring Working Group had been established to report to the REIG. There had been consultation on categories to be used for monitoring and a decision made to move to the 16 + 1 formula to be consistent with the 2001 census. Other criminal justice agencies also followed this approach. However, there was no evidence of work to set targets for monitoring completion and timeliness, nor of any efforts, either national or local, to use such information strategically to plan services and improve their quality. In relation to the need for targets to be set in local plans to achieve 100% monitoring, the joint progress report merely commented *'Action is required by the National Probation Service to monitor the response by probation areas to this recommendation and to advise on remedial action where appropriate'.*

### **Current findings**

- 3.21 Through *A New Choreography* the NPD made a firm commitment to the importance of differentiation in monitoring. The strategy stated *'It is a matter of priority that comprehensive monitoring arrangements are developed and reliably put into place. All NPS staff, offenders and victim statistics and performance assessments will need to report in ways which separately identify minority ethnic groups, women and the disabled'.*
- 3.22 There was some evidence however that a greater level of coordination was required within the Home Office and the NPD to ensure that best use was made of available information. For example:
- there were significant delays in the analysis of data. The NPS performance report for the year ending 2002/2003 (published in June 2003) only gave staffing data up to September 2001
  - the NPS had not sought to differentiate the database on enforcement by race or gender variables
  - no work had been done centrally to facilitate local access by probation areas to victim monitoring information held by the police or the CPS
  - there had been delays in the adaptation of CRAMS to enable the input of the new 16 + 1 monitoring categories
  - a significant research project on PSRs and minority ethnic offenders, due to commence in early 2003, was abandoned altogether, apparently because of financial constraints but without any consultation within the NPD Strategic Group.
- 3.23 Our questionnaire asked areas if they had set targets in business plans for completion of 100% of race and ethnicity monitoring and for details of specific measures to achieve this. In response, 31 out of 42 areas indicated that they had explicit targets for completion of monitoring, although in one case it was for 95%. Almost all of the remaining 11 areas acknowledged the expectations of the NPD and provided evidence of their own efforts to achieve a comprehensive coverage.

3.24 Areas also advised us of the proportion of missing data as follows regarding:

- the **offender** database: four areas did not specify the percentage of missing race and ethnic data, a further nine acknowledged they had between 44% and 11% of offenders with no race and ethnicity recorded, 22 areas had between 10% and 3% missing, and just seven areas had 2% or less missing
- **victims**: 35 areas had no data at all on race and ethnicity, four others were attempting to build up monitoring arrangements, leaving only three areas, Dyfed-Powys, Nottinghamshire and County Durham, who had achieved comprehensive monitoring of victims. This point had been noted in the recent HMIP Victims thematic and the need for a nationally based agreement with the police, addressing data protection and confidentiality concerns, to take this work forward
- **staff**: the local databases showed fewer omissions overall but still only 21 areas, exactly half, had 2% or less missing, though almost all the others had less than 10% missing.

3.25 Some examples of good practice were:

- recent surveys commissioned by the NPD to examine the experience of both minority ethnic Board members and of minority ethnic offenders supervised by the probation service. This approach was consistent with the emphasis placed on perception measures by the EEM self-assessment
- in Kent, clear emphasis was placed on achieving 100% completion of offender and staff databases. Gaps were identified and individuals followed up by e-mail or telephone if necessary. For 2002/2003, data were missing on only three of the 4,000 PSRs produced annually
- the use of reports and programmes databases in Cheshire to provide information on proposals, sentences, referrals, completions and attrition rates, broken down by race and ethnicity
- in Lancashire, following the use of concordance information, CPO proposals were reduced and CRO proposals increased for minority ethnic offenders, although the area stated *'this did not significantly influence sentencing patterns'*
- work in Leicestershire & Rutland, using the OASys self-completion form to contrast the self-perceived needs of offenders from different race and ethnic groups and then applying the results to refining and planning interventions. This area had also broken down its own enforcement data by race and ethnicity, demonstrating higher compliance by Asian and white offenders but lower compliance by black offenders, enabling them to target motivational work more effectively.

3.26 Overall we found that:

- the NPD had given a clear message to areas on the importance of race and ethnic monitoring, but to an extent had undermined this by not making best use of opportunities to differentiate information or ensure a prompt aggregation and publication of area returns. Therefore **recommendation 6** is assessed as partially met

- almost all areas were working hard to complete the necessary monitoring in response to either national or local targets. However, too many areas were still failing to complete baseline data and this undermined the value of any subsequent analysis. Also, little emphasis had been placed, either by the centre or locally, on the need to monitor service provision to victims with reference to diversity variables. Therefore **recommendation 15** is assessed as not met although in some areas there had been much progress
- arrangements for the use of monitoring data were variable and of limited value because so many areas still had shortfalls in their offender database. However, there were many examples of productive use of data and the situation was improving due to the policy impact assessment requirements of the Race Relations (Amendment) Act 2000. **Recommendation 16** is assessed as partially met.

## 4. FINDINGS: Recommendations for work with offenders

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- 4.1 Five recommendations required Probation Boards and COs to take action to improve the quality of PSRs on minority ethnic offenders, adopt the definition of a racist incident in the Macpherson report and produce revised policy and practice guidance to ensure the effective supervision of RMOs. Service strategies were to be put in place to meet the different needs of minority ethnic offenders, and the development of formal and informal partnerships to be informed by the expertise of local community groups. Further attention was required in implementing and monitoring the revised national standards and ensuring that What Works strategies made specific provision for effective work with minority ethnic offenders. A final recommendation was that COs should undertake a review of community service policy and practice guidance.

### **PARTIALLY MET**

7. *Probation committees and chief probation officers should take action to improve the overall quality of PSRs on minority ethnic offenders by:*
- (a) *setting an annual target for improvement from 2001;*
  - (b) *revising policy statements and practice guidance in respect of PSRs to take account of specific issues relating to minority ethnic offenders;*
  - (c) *collecting and using comprehensive monitoring data, including the race and ethnic background of offenders;*
  - (d) *ensuring that quality assurance measures address the particular circumstances of minority ethnic offenders.*

- 4.2 The original inspection revealed that, despite some examples of good practice, only 57% of PSRs were satisfactory or better overall. 60% of reports on white offenders were satisfactory or better and this was a higher proportion than the overall average for minority ethnic offenders at 53.5%. The negative differential masked a significant variance in quality for different race and ethnic groups. 63% of reports on Asian offenders were satisfactory or better in comparison to just 49% for African/African-Caribbean. There had also been a noticeable failure to comment on the management of risk in the majority of PSRs prepared on African/African-Caribbean offenders and differences in the types of proposal put forward.
- 4.3 Considerable variations were demonstrated between probation services in performance. Although quality assurance systems were in operation in most services, the effectiveness of such measures was questionable. Inconsistent practice was compounded by the lack of data on race and ethnic origin and the failure of services to monitor their performance through analysis of reports on minority ethnic offenders.
- 4.4 In June 2001 the joint progress report noted that particular attention had been given by many services to the preparation of court reports on minority ethnic offenders. A number cited the use of monitoring and concordance data as part of an overall improvement

strategy. Others had reviewed quality control procedures, provided more training and in some instances established specialist report writing teams.

### Current findings

- 4.5 All local areas had set an annual target for improvement from 2001. In addition, the NPD had set a target in 2002/2003 for all areas to ensure that PSRs on minority ethnic offenders contained a specific proposal. The average performance for the year (for all 42 areas) was stated as 91.6%, with ten areas achieving 100% and only three areas below 80%. However, these figures over-represented actual performance being based on less than 90% of the completed work, since 11.8% of the data in the national figures were defined as 'missing or using old codes'. Moreover, the value of this target as defined was inherently limited, since it did not reflect, in any sense, either the suitability of proposals or concordance with sentencing.
- 4.6 The majority of probation areas had revised policy statements and practice guidance in respect of PSRs to take account of issues specifically relating to minority ethnic offenders. The introduction and implementation of a PSR template in almost all probation areas was a significant local response that had helped to lift quality, as did the ongoing commitment to training, often broadening the focus onto wider diversity themes. Local areas were also preparing a higher proportion of reports as SSRs. We found little evidence that areas were reviewing the quality and outcomes of these more limited assessments in relation to race and wider diversity factors.
- 4.7 The PIP programme provided a further source of evidence about activity in local areas to improve PSR quality. Most significantly, 29 areas in the first eight regions had to respond to a recommendation to make better use of concordance information to improve PSR quality. At the follow-up stage 12 months later only six had done this at least adequately, although there had been some evidence of progress in a further 17.
- 4.8 Some examples of good practice were:
- County Durham's comprehensive action plan following the recommendations from the original inspection
  - the dissemination of thorough PSR practice guidance within the following probation areas: Cheshire, Cumbria, Derbyshire, Devon and Cornwall, Essex, Leicestershire & Rutland, Teesside, Thames Valley and West Midlands
  - internal PSR audits in the Dyfed-Powys, Gwent, Hampshire, Lancashire and Nottinghamshire Probation Areas, including some research on concordance rates.

### The quality of PSRs

- 4.9 Examination of the case sample of 500 PSRs showed a considerable improvement in quality in comparison with the original inspection. The results are given in table 1.

Table 1: Quality of PSRs. Source: File reading sample

PSRs – proportion assessed as satisfactory or better	White	Minority Ethnic	African/African-Caribbean		Asian	Other
Original thematic	60%	53.5%	49%		63%	59%
	White	Minority Ethnic	Black	Mixed	Asian	Other
Follow-up	83%	75%	79%	71%	76%	71%

### **Commentary**

- There had been a considerable increase in the overall proportion of PSRs defined as 'satisfactory or better' across all race and ethnic groups.
- There was still an apparent negative quality differential however, with reports on white offenders still tending to be better.

4.10 Additional comments relating to particular sections of PSRs are made below.

### **PSR background and contextual issues:**

- CPS prosecution papers were available to the PSR author for 83% of the white offender reports, but only for 79% of the minority ethnic reports.
- The offence patterns overall for the PSRs on both white offenders and minority ethnic offenders were broadly very similar.
- 3% of white offenders did not cooperate with the PSR author compared with just 1% of minority ethnic offenders.

### **PSR Introduction:**

- PSR authors were more likely to verify information on white offenders (53%) than on minority ethnic offenders (48%).
- Verification of key information was less likely to be undertaken for Asian offenders than for any other ethnic group.
- 5% of white offenders received a home visit as part of the PSR preparation process compared with just 2% of minority ethnic offenders.

### **Offence analysis:**

- 86% of PSRs on white offenders provided a satisfactory assessment of the context of the offence, to enable the court to understand why it occurred, compared to 77% of minority ethnic offenders.
- Assessment of culpability and premeditation were less likely to be adequate for Asian and Other offenders.
- Assessment of the consequences of the offences, including impact on victims, was not addressed at all in 36% of the PSRs written on minority ethnic offenders compared with 24% written on white offenders.

### **Relevant offender information:**

- Only six PSRs on white offenders (just 3%) made reference to religious or cultural factors in the offender's background, whereas 119 (38%) on minority ethnic offenders included such information.

- However, in 38 of the above reports (almost one-third), the points made were considered irrelevant to the risk analysis and proposal. This was an important factor that diminished the quality of PSRs on minority ethnic offenders.
- The worst examples involved negative stereotyping, whereby reports on minority ethnic offenders would contain thorough offence analyses to be followed by the first sentence in the next section giving the offender's place of birth as perhaps Jamaica or an African state. In such cases there was no indication as to how the place of birth could be relevant to the purpose of the report. The effect was to link the place of birth with the criminal behaviour.
- There was a considerable difference between the quality of the background information with regard to understanding offending behaviour which was satisfactory in 86% of PSRs written on white offenders compared to 69% on minority ethnic offenders.

***Risk to the public of reoffending:***

- Whilst the scores for white offenders were generally better, the quality differential was less marked than for other sections of the PSR.

***Conclusion of PSR:***

- Minority ethnic offenders were slightly more likely to have a proposal for custody (10%), or to have no clear proposal (9%), than white offenders (7% and 6% respectively).
- However, the significance of this gap was reduced as slightly more minority ethnic offenders had been remanded in custody at the outset (27% compared with 26% for white offenders).
- Minority ethnic offenders were also more likely to have a proposal for a CPO (21%) than their white counterparts (16%).
- White offenders were more likely to have a proposal for a DTTO or a sentence defined as Other (including fines and discharges).
- Adverse effects on the offender or family in the event of custody were identified less for minority ethnic offenders (46%) than for white offenders (51%).

4.11 It can be seen that reports on minority ethnic offenders tended to be of a slightly poorer quality on virtually every performance variable. This negative finding needs to be set against the overall significant improvement in quality since the original inspection.

4.12 Overall we found that **recommendation 7** had been partially met because:

- all probation areas had set an annual target for improvement from 2001 and the quality of PSRs on minority ethnic offenders had improved considerably
- the NPD had also set a standard target for minority ethnic PSRs to contain specific recommendations in 2002/2003
- the majority of probation areas had revised policy statements and practice guidance in respect of PSRs to take account of issues specifically relating to minority ethnic offenders



- all probation areas were routinely collecting PSR monitoring data, including the race and ethnic background of offenders, although not all areas were achieving 100% coverage as indicated previously
- more areas were making some use of PSR concordance information than previously
- although there had been concerted efforts to ensure that quality assurance measures addressed the particular circumstances of minority ethnic offenders in some probation areas, these were not sufficiently effective. A negative quality differential was apparent against virtually every performance variable. Further work is required in this area to make sure that monitoring information is used to inform and develop practice.

#### **PARTIALLY MET**

8. *Probation committees and chief probation officers should adopt the definition of a racist incident in the Macpherson report and produce revised policy and practice guidance to ensure the effective supervision of RMOs.*

- 4.13 The original inspection revealed that although there was a commitment to work with RMOs, few of the services had produced the detailed guidance necessary to translate this into operational reality. All services needed to re-examine their policies in light of the acceptance of the definition of a racist incident given in the Macpherson report.
- 4.14 Work with RMOs had been given greater prominence in some areas by its inclusion in the local crime safety strategy. A number of services had entered into multi-agency initiatives to tackle racially motivated incidents and offending. Such innovative partnerships were commended.
- 4.15 In June 2001 the joint progress report noted that '*work with racially motivated offenders had been taken forward by the majority of services through the development of appropriate policies and practice guidelines and instigation of training*' although '*this work was still in an early stage of development*'. Many services had indicated that they had adopted the Macpherson definition of a racist incident. The joint progress report had also noted the establishment of a pathfinder project to develop an accredited offending behaviour programme specifically for RMOs.

#### **Current findings**

- 4.16 The NPD had developed a theory manual and an outline proposal for a programme for RMOs. This was submitted, along with a request for further advice on the need for a specific accredited programme for RMOs, to the then Joint Prison/Probation Accreditation Panel in February 2001. On the basis of the advice received, the NPD then recommended that RMOs could be included in general offending behaviour programmes, supported by the development of additional modules and requiring comprehensive evaluation of impact. The NPD concluded at that time that it would only proceed with the development of a new programme specifically for RMOs should the

- strategy for inclusion in general programmes fail or when further research had identified that RMOs presented distinctive additional dynamic risk factors.
- 4.17 We acknowledge that difficulties in selecting the best pathway forward had been exacerbated by the paucity of existing research evidence and also the practical pressures that bear on local areas faced already with the implementation of a range of accredited programmes. It is also recognised that OASys did address the issue of racial motivation in offending.
- 4.18 Nonetheless, some areas still made comment to us about the lack of an accredited programme specifically for RMOs and stated that more guidance was required from the NPD on best practice. One area, West Yorkshire, had developed its own modular programme based on the resource pack *From Murmur to Murder* and had trained staff to apply it.
- 4.19 Other key themes in local areas were that:
- only 24 out of 42 had produced a policy or issued practice guidance and were able to supply details of this
  - a further seven areas either had old policies that predated amalgamation or had drafts that were still to be finalised and formally approved by the Board
  - eight areas had not issued policies or practice guidance but they had instigated some training for staff usually based on *From Murmur to Murder*
  - the three remaining areas not only did not have a policy but also, apparently, had not taken any action to train staff or even raise awareness.
- 4.20 Most of the policies supplied to us were comprehensive, addressing aims and objectives, legal background and definitions, features of racially motivated offending and principles for effectiveness including reference to specialist practice areas such as work with offenders in approved premises, CPOs and work with victims. Many, but not all, included a statement that staff from a minority ethnic background should not be required to work with RMOs and this was stated most strongly in South Yorkshire *'identified racially motivated offenders will not be supervised by minority ethnic staff other than in circumstances where they (the staff) express a specific wish to do so. In those instances appropriate safeguards will be provided'*.
- 4.21 Whilst these clauses were understandable, they did give rise to some practical difficulties that could limit the treatment options available to case managers. If RMOs were referred to accredited programmes then any programme led by a minority ethnic tutor would not be deemed suitable. Also there were legitimate concerns regarding the placement of RMOs on group programmes where there might be minority ethnic participants. Few policies determined how these difficulties should be overcome.
- 4.22 Almost all of the policies seen cited the Macpherson definition of a racist incident, although in some instances it was not apparent whether this was provided for information or had been formally adopted by the local Board. Most policies also provided a helpful summary of other definitions, from a legal context.
- 4.23 There were a number of strengths that just featured in a minority of policies and some of these are cited below as examples of good practice:

- detailed guidance for practitioners provided in Northumbria, although many other useful and succinct examples of practice guidance were seen
- the linkage with wider equal opportunities policy evidenced in South Yorkshire, with a consequent emphasis on the importance of community links and partnerships as well as a specific statement on how the policy was to be resourced
- specific guidance in Lancashire on the issue of black offenders charged with racially aggravated offences
- collaborative work with other agencies such as in Sussex via Crime and Disorder Partnerships
- the priority given to training hostel staff and TPOs in Nottinghamshire
- how feedback from staff in Gwent, following training, was now being used in policy review.

4.24 Overall we found that **recommendation 8** had been partially met because:

- the NPD had issued advice on the suitability of RMOs for mainstream offending behaviour programmes and was seeking to further research this agenda
- OASys made appropriate reference to racially motivated offending
- many local areas provided examples of comprehensive policy statements supported by some practice guidance
- however, not all areas had up-to-date policies
- not all policies included practice guidance
- the Macpherson definition was replicated in almost all the policies seen but very few clearly stated that the definition had been explicitly adopted.

**PARTIALLY MET**

9. *Probation committees and chief probation officers should demonstrate that, as part of service strategies to meet the different needs of minority ethnic offenders, the development of formal and informal partnerships has been informed by the advice and expertise of local community groups.*

4.25 The original inspection revealed that all services had considerable work to do to gain the confidence of local minority ethnic communities, both in terms of work with offenders and as a potential employer. Services needed to ensure that there was appropriate consultation and communication with local minority ethnic communities in devising and implementing strategies. Where they were being used however, partner organisations proved a valuable resource in providing culturally sensitive services for minority ethnic offenders.

4.26 In June 2001 the joint progress report noted that it was disappointing that in 'a *small but significant number*' of areas little had been done to reverse the trend of declining links with local community groups that had been apparent since the early 1990s. Others however had made considerable efforts to re-establish relationships and for many the local Race Equality Council had played a major role in facilitating these arrangements.

Some areas had also been able to cite useful collaborative work with other criminal justice agencies in forging valuable community links. Sometimes success had been achieved in response to the Home Office initiative 'Connecting Communities' and through local collaborative community safety strategies. Overall, there was evidence of considerable variation in both the extent and effectiveness of the efforts made.

### Current findings

- 4.27 *A New Choreography* stressed that local Probation Boards would 'ensure a good fit with community safety forum imperatives thus genuinely connecting with local fears and priorities'. As a consequence it was anticipated that 'confidence in the NPS will grow because local people, wherever possible, will be included in the determination and delivery of services on the ground'. Effectiveness would be enhanced because 'communities will be working positively with probation staff, taking more part in the prevention and reduction of crime in their localities'. Since then the NPD has produced best practice guidance that outlined some successful models of achieving better links with local communities.
- 4.28 One of the six priority objectives in *The Heart of the Dance* was 'communicating and connecting with local communities and working in partnership'. The aim was to increase both the profile and the credibility of the probation service particularly 'amongst ... minority ethnic groups'. There were five specific objectives in this part of the overall strategy:
- establishing good models of consultation
  - each Board having knowledge of the make-up of the local population
  - including diversity issues and customers in EEM customer surveys
  - ensuring that minority groups are fully represented as beneficiaries of CP
  - and a general objective to keep the NPS at the heart of community integration, social inclusion and joined up work on tackling discrimination holistically.
- 4.29 Evidence from the HMIP Governance thematic inspection confirmed that local Boards acknowledged their role in ensuring the promotion of the service in their area to local communities and the need for developing consultation arrangements. Some good practice examples were identified and it was readily apparent that in many instances the diversity present within the composition of the Board itself was a key factor in facilitating progress. However, most Boards felt that this work was still at an early stage of development and required significant further attention. Evidence from the HMIP Victims thematic inspection confirmed that, even where areas had developed links with minority ethnic groups, contacts were not being used to inform the development of services for victims.
- 4.30 Our area questionnaire asked for examples of how consultation with local community groups had informed policy development and application. Although all 42 areas returned questionnaires, two made no specific response to this question and a third claimed that in its area 'there are no formal minority ethnic organisations'. A further 11 (making 14 in all) either gave very limited information of any consultation arrangements or formally acknowledged that their arrangements were still inadequate.

4.31 Key themes in local areas were the:

- sense that the focus on delivering national standards and the development of accredited programmes had encouraged introspection
- absence of policies or strategies to drive forward the establishment of community links in a planned and purposeful manner. In most areas this work was ad hoc
- general lack of substantive research or even more basic community profile information to inform strategic planning. The implementation of OASys was seen as a significant new opportunity to assimilate more information about the needs of offenders from minority groups and the overall caseload profile
- perception that attempts to link and consult with communities were hampered by a basic lack of knowledge amongst those communities as to what the main duties of the probation service were
- overload or consultation fatigue experienced by community groups, since so many other statutory agencies were also issuing invitations or questionnaires or forwarding policy documents for consultative purposes. This approach contrasted with the much greater efficiency of collaborative work when the probation service worked with other criminal justice agencies to develop community links
- reliance on the local Race Equality Council as a broker and facilitator
- positive role that Board members could play themselves directly, especially when they used their own links with community groups.

4.32 Some examples of good practice were:

- the use of research to inform or evaluate strategies with particularly good examples evidenced in the Derbyshire and Thames Valley areas
- some areas' commitment to 'capacity build' local organisations thereby creating a win/win situation. This approach was supported in London by a system of Borough Diversity Champions: namely, probation employees who had volunteered to act as local champions for promoting diversity and gave many practical examples of how they were improving links with local organisations
- the North-East Region Probation Forum had developed a regional strategy for improving links with minority ethnic communities. This began with a regional event for representatives of local minority ethnic organisations and probation areas to meet with each other. The strategy had specific aims and objectives with a definition of priorities and timescales and a commitment to evaluate progress. One of the priority areas was to study the needs of victims from minority ethnic communities. It was apparent that although a regional strategy, each constituent area was retaining its own identity
- Leicestershire & Rutland had assessed the strengths of local partnerships and community links defining areas for improvement through an EEM Thematic Self-Assessment on Diversity
- North Wales provided evidence of a contractual approach based on a defined service agreement with the local North Wales Race Equality Network

- Cheshire had identified an individual Board member to lead on partnership matters and also monitor contracts carefully in relation to diversity, to ensure that there was equal access in relation to race, age and gender
- Nottinghamshire had synchronised a large-scale community consultation event with the national recruitment programme for TPOs
- Essex had used the opening of a new local office in Southend, and the scheduling of the Home Office 'Diversity Week', as an opportunity to invite representatives of local minority ethnic organisations and conduct a workshop to refine their local race equality action plan
- the very extensive range of activities and special events during 'Diversity Week', details of which were promulgated subsequently through the NPS Diversity Newsletter. Even those with very few minority ethnic residents such as Dyfed-Powys had seized the opportunity to celebrate diversity. But most, regardless of their size, had taken the opportunity to cultivate deeper and wider community links.

4.33 Overall we found that **recommendation 9**, which required a strategic response, had been partially met because:

- the NPD had stressed the importance of developing community links, achieved a more representative governance structure and promoted some good practice examples many of which were seen. Some were localised, others area-wide or collaborative. All could be used to define local building blocks
- most areas still acknowledged however that much more needed to be done both in promoting the probation service to minority ethnic groups and then in listening to and learning from those groups in order to develop more effective services
- there was a lack of background area profile information to support partnerships' policy and strategy in most areas and consequently no planned strategic approach with defined aims and objectives and measurable outcomes.

**PARTIALLY MET**

17. *The Chief probation officers should ensure that in implementing and monitoring the revised national standards and local What Works strategies, they should make specific provision for effective work with minority ethnic offenders.*

4.34 The original inspection included a comparative analysis of national standards performance. Although some of the constituent sample numbers in individual services were considered too small for firm conclusions, key differences in degrees of contact and enforcement practice were noted when these data were broken down by race and ethnic categories. There was little evidence that the local services themselves were seeking to identify and address such apparent variations in performance through the routine differentiation of monitoring information.

4.35 The inspection also revealed that, as part of the implementation of local What Works strategies, some services had begun to apply the principles of effectiveness to their work with minority ethnic offenders. The report also acknowledged the commitment and enthusiasm of staff in the services where groups for minority ethnic offenders were

- evolving and saw this as commendable. A number of services had submitted their specialist programmes for working with minority ethnic offenders for inclusion in the Home Office pathfinder programmes which were to be developed in accordance with What Works principles and to be made available nationally. However, at that early stage, none met the stringent accreditation criteria. Of course, in some smaller probation services, where there were relatively few minority ethnic offenders, the establishment of structured group work programmes targeted exclusively at minority ethnic groups was impracticable. In such contexts and more widely, the use of partner agencies was seen to be especially valuable.
- 4.36 Overall, it was apparent that significant further work was required in the majority of services to develop clear objectives, structured programmes and appropriate systems for monitoring and evaluation.
- 4.37 In May 2001 Probation Circular 76/2001 *What Works, Diversity Issues and Race* was issued. This proved to be a significant milestone in the process of taking forward the inspection recommendation and focused on:
- guidance to areas on the implementation of accredited programmes for minority ethnic offenders
  - broader work being done by the NPD, including plans to review existing programmes from a diversity aspect.
- 4.38 This new momentum was welcome since in June 2001 the joint progress report gave a very mixed picture of progress. It noted that *'many services clearly identified their work with minority ethnic offenders as an essential part of What Works and some had well-established groups for black and Asian offenders'*. Some had commissioned local research or improved local monitoring arrangements: for example, to track minority ethnic referrals to programmes or partnerships and the outcomes. However, the report also concluded that *'disappointingly little attention appeared to have been given to direct work with minority ethnic offenders by some services'*.

### **Current findings – Revised national standards and monitoring**

- 4.39 National standards were substantially revised during 2002 to reflect the change in titles of probation orders, and increased support for victims as a result of the Criminal Justice and Court Services Act 2000. The revised standards did include *'the principle that the National Probation Service, and organisations acting on its behalf, will operate fairly and consistently to all offenders and avoid inappropriate discrimination on grounds of race, nationality, ethnic origin, sex, age, disability, religion, sexual orientation or any other improper ground'*. The standards also introduced a general requirement to *'provide suitably qualified interpreters in all circumstances where offenders or their families might otherwise be disadvantaged'*. There were some helpful, albeit too few, references in different sections of the standards to how the principle to operate fairly might be applied in particular practice contexts.
- 4.40 The NPD has since established a system for the routine monitoring of national standards performance. Monthly samples are taken in each probation area and then collated at the centre to produce area-by-area 'league table' reports and aggregated data. Comments have already been made about this system in relation to recommendations 6, 15 and 16.

It was disappointing however that no attempt was made to break down the substantial volume of data collected on contact and enforcement into race, ethnic or other diversity variables, so that any differences in performance could be identified and action points developed. At local level the small number of minority ethnic offenders in the monthly samples would have meant that such a breakdown would have had a limited value but, nationally, useful lessons could have been learned from the aggregated data.

### **Current findings – What Works in local areas with minority ethnic offenders**

- 4.41 None of the specialist programmes designed for work with minority ethnic offenders met the stringent criteria set by the accreditation panel. New guidance was then issued in July 2002 by the Joint Prison/Probation Accreditation Panel on the way diversity issues should be integrated into any new What Works schemes seeking accreditation. *'The ... Panel's commitment is to ensure that all accredited integrated systems demonstrate across the full range of its accreditation criteria that appropriate consideration has been given to diversity issues. Integrated systems will be more effective if they take on board the implications that gender, culture, age, sexuality, ability, nationality, ethnicity, religion, learning style and past and present life experiences have for systems access, participation and treatment outcome.'* This definition was adopted by the NPD and has been used in the design of new schemes that sought accreditation.
- 4.42 In September 2002 the NPS and prison service published a diversity review report of offender behaviour programmes. This gave clear advice that general offending behaviour programmes were suitable for minority ethnic offenders, subject to programme tutors being attentive to issues of responsiveness. The NPD confirmed the following progress since the review:
- an agreement with the prison service to rewrite the What Works strategy jointly and include diversity issues more comprehensively
  - a process now owned by the Diversity Strategy Board of the NPD to ensure that training for staff takes place to improve their confidence in addressing responsiveness
  - a new change control strategy which gave priority to responsiveness.
- 4.43 These principles were reinforced by further research commissioned by the NPD into the experience of 500 black and Asian offenders under probation supervision, including some subject to accredited programmes. The findings indicated that the race of a programme tutor was a less critical factor than their skill or delivery style.
- 4.44 *The Heart of the Dance* diversity strategy committed the NPD to a number of objectives that set out to integrate diversity with What Works. They included targets for the number of minority ethnic offenders on each accredited programme and ensuring access to programmes for women offenders. Some of the timescales for these activities were lengthy.
- 4.45 Our Audit programme assessed the management and delivery of accredited programmes, and thereby provided another useful source of evidence about What Works and race or wider diversity issues. Four specific criteria assessed during each area audit were particularly relevant. Table 2 shows these for all 42 areas.



Table 2: Management and delivery of accredited programmes. Source: Analysis of HMIP's audit data

Criteria	Scored 2 fully met	Scored 1 partially met	Scored 0 not met
B1.1 Resources and facilities	21	16	5
B1.2 Provision of information leaflets about the programme	6	31	6
B6.4 Accessibility of group work programmes	8	22	12
C1.4 Programme delivered addressing race equality and diversity issues	13	20	7

### Commentary

- There was much room for improvement, particularly with regard to the provision of appropriate information leaflets and the general accessibility of programmes.
- The audit process identified particular recommendations for improvement with regard to race and diversity in 21 local areas. The key themes were:
  - providing additional support to staff on diversity issues
  - improving accessibility of programmes
  - putting policies in place for singleton placements for minority ethnic and women offenders
  - informing sentencers on how programmes catered for minority ethnic and women offenders so these could be considered as suitable sentences
  - improving information leaflets so they referred to the support available for minority ethnic offenders.

4.46 The audit reports also highlighted other concerns. Most significantly some staff members did not challenge racist comments made by offenders during the delivery of programmes. Training also needed to be improved in some areas and in many the staff group was insufficiently representative to be able to offer support to minority ethnic offenders on the programme.

4.47 However, the results from the audit follow-ups showed a positive improvement on these issues as indicated below in table 3.

Table 3: Follow-up of recommendations on accredited programmes. Source: Analysis of HMIP's audit data

Criteria	Scored 2 fully met	Scored 1 partially met	Scored 0 not met
B1.1 Resources and facilities	16	4	N/A
B1.2 Provision of information leaflets about the programme	12	9	0
B6.4 Accessibility of group work programmes	10	9	1
C1.4 Programme delivered addressing race equality and diversity issues	11	8	1

### Commentary

- Almost all areas had shown at least partial improvement across all four criteria.

- 4.48 Other positive themes that were evidenced through the audit follow-up process were that:
- reference was made to the needs of women and minority ethnic offenders, and wider diversity considerations
  - guidance was now in place on singleton placements for women and minority ethnic offenders and offering them a choice
  - tutor groups included more minority ethnic staff
  - mentoring and support for minority ethnic offenders was more comprehensive
  - tutors and managers showed greater confidence in addressing a wider range of diversity issues
  - staff demonstrated examples of challenging discriminatory behaviour and modelling a positive approach to diversity.
- 4.49 Through our survey, undertaken as part of this follow-up, areas were asked to specify what provision they had made for effective work with minority ethnic offenders when implementing revised national standards and local What Works strategies. Most areas only gave a limited response, but the key themes were:
- nine areas used mentoring arrangements to support minority ethnic offenders
  - five had produced local practice guidelines
  - a number of rural or smaller areas had negotiated services for minority ethnic offenders from larger metropolitan neighbours
  - six areas said that they had made no extra provision for minority ethnic offenders.
- 4.50 Some examples of good practice were the:
- care given to the provision for appropriate rooms for programmes to be delivered and video monitored to ensure anti-discriminatory practice. In addition, NPD 'new build plans' would ensure that future facilities would meet the Disability Discrimination Act 1995 requirements
  - accessibility arrangements to group work programmes in Derbyshire and Hampshire
  - provision of information leaflets about programmes found in Cheshire and Lincolnshire
  - diversity review by the NPD and prison service and the research involving consultation work with minority ethnic offenders were also to be commended.
- 4.51 In summary we found that **recommendation 17** had been partially met because:
- the potential to differentiate performance information within a very large national database had not been exploited
  - there had been clear national guidance on prioritising race and diversity in What Works
  - research had been commissioned and the findings were being used to improve services
  - resources had also been invested in training to ensure programmes integrated diversity
  - substantial evidence from HMIP audit follow-ups that areas had responded well to the initial findings and recommendations on race and wider diversity

- diversity criteria had been incorporated into the programme accreditation process.

**PARTIALLY MET**

18. *Chief probation officers should undertake a review of CS policy and practice guidance and ensure that:*
- CS assessments take account of the different needs of minority ethnic offenders;*
  - the potential for racist attitudes and behaviour is assessed as part of the CS risk assessment;*
  - decisions about the placement of minority ethnic offenders are based on risk assessment, identified needs, health and safety and individual skills;*
  - a range of placements are available to meet the different needs of minority ethnic offenders;*
  - information is collected on the ethnic origin of all beneficiaries and used to ensure that CS benefits all sections of the community.*

- 4.52 The original inspection revealed that 83% of probation services had CS policy or practice guidelines, but less than one-third of these referred explicitly to the needs of minority ethnic offenders. It also exposed considerable weaknesses in the assessment process, particularly the risk assessment of African/African-Caribbean offenders commencing CPOs. For example, whereas risk assessments had been prepared for three-quarters of offenders overall, they were only completed for 54% of African/African-Caribbean offenders. Also the quality of the African/African-Caribbean assessments tended to be less satisfactory in comparison with other ethnic groups. Another weakness was the failure to assess the risk of racially motivated behaviour. We found that this dimension had only been considered satisfactorily in 13% of cases, although there was evidence of a firm approach to racist behaviour on CS sites by CS supervisors.
- 4.53 Concern was also expressed about the placement decisions that followed assessment. Probation staff were more likely to identify matters relevant to the placement decision for white offenders. Such issues, when identified, were taken into account in determining a suitable placement for 96% of white offenders and 91% of Asian offenders, but only 86% of African/African-Caribbean offenders.
- 4.54 Work for minority ethnic beneficiaries tended to be undertaken through the medium of individual offender placements and this was particularly apparent for Asian offenders and beneficiaries. Overall, most services offered a suitable range of placements and there were some very good examples of practice in linking with minority ethnic organisations. However, the inspection showed that 42% of all probation services did not carry out work for local minority ethnic organisations and this was a point of significant concern.
- 4.55 In June 2001 the joint progress report stated '*it was encouraging to note the attention given to improved assessment of minority ethnic offenders subject to CS orders both in relation to risk and in ensuring that their placement took appropriate account of their religious and cultural requirements. Many services spoke of the action taken to improve the range of CS placements*'.

### Current findings – Reviewing CS policy

- 4.56 The recommendation asked COs to review CS policy and practice guidance in the light of the Race thematic findings. Evidence was provided through our area survey that this had been done in 38 out of 42 areas. Indeed some had undertaken full-scale Best Value reviews incorporating the findings from the Race thematic. Some areas that had not reviewed policy had instead held meetings with staff to publicise findings from the thematic. However, many had failed to give this work a high priority and considerable time had passed between the recommendation being made and the completion of policy reviews.
- 4.57 Within the NPD key service delivery priorities had been the development and implementation of assessment tools and accredited programmes. As such, OASys could be expected to improve the risk assessment of all offenders commencing CPOs. Furthermore, there had been a substantial investment in pathfinder projects to develop ECP arrangements. Central to the process of developing ECP had been a consultative model allowing stakeholders to participate and comment at every stage. The scheme was based on the evaluation of 11 pathfinder areas and eight specific projects.
- 4.58 The ECP submission received provisional accreditation from CSAP in November 2002. This was the first accredited programme to be designed in line with the new integrated diversity criteria. The CSAP referred the ECP scheme back to the NPD to ensure that race and diversity issues were fully integrated in the work. The NPD had already commissioned a small working party to review the ECP core scheme manual and to make changes designed to meet the criteria. The manual was then launched in December 2002. Overall the plans, if fully implemented, should ensure a comprehensive and integrated approach to race and wider diversity, with regular systematic evaluation and monitoring of outcomes.

### Current findings – The quality of CP assessments

- 4.59 The results of the follow-up inspection showed a considerable improvement in the quality of risk assessment in comparison with the original inspection as shown in table 4 below.

Table 4: CPOs – Proportion of risk assessments considered satisfactory or better. Source: File reading exercise

<b>Original thematic</b>	<b>Overall</b>	<b>White</b>	<b>Minority Ethnic</b>	<b>African/African-Caribbean</b>		<b>Asian</b>	<b>Other</b>
Risk of reoffending	74%	72%	77%	76%		75%	83%
Risk of harm to the public	81%	85%	75%	73%		78%	89%
Risk of harm to staff	78%	82%	72%	70%		75%	89%
Risk of self-harm	69%	73%	64%	64%		68%	56%
Risk of racially motivated behaviour	13%	13%	14%	10%		10%	31%
<b>Follow-up</b>	<b>Overall</b>	<b>White</b>	<b>Minority Ethnic</b>	<b>Black</b>	<b>Mixed</b>	<b>Asian</b>	<b>Other</b>
Risk of reoffending	87%	89%	86%	89%	83%	85%	84%
Risk of harm to the public	91%	89%	92%	93%	89%	92%	91%
Risk of harm to staff	88%	86%	90%	92%	94%	92%	84%
Risk of self-harm	85%	84%	87%	89%	90%	84%	84%
Risk of racially motivated behaviour	51%	47%	53%	58%	58%	84%	52%

### Commentary

- It can be seen that the proportion of offenders placed in work without satisfactory risk assessments being completed had fallen considerably.
- Performance for minority ethnic offenders overall was higher than for white offenders in many respects, although there was no clear pattern of quality differential.
- The proportion of cases with a satisfactory assessment of risk of racially motivated behaviour had increased considerably but was still poor. However, we did not find a single case in the sample where there was evidence of racially motivated behaviour which had been ignored.

### Current findings – Placing offenders into work projects

4.60 97% of white and 95% of minority ethnic offenders had a general assessment before placement as required by the national standard. This was distinct from the risk assessment process. The factors that the national standard specified must be taken into account were: health, skills, availability for work and any particular placement needs such as cultural or religious considerations. As previously stated, there was also a general requirement in the standards to provide *'suitably qualified interpreters in all circumstances where offenders or their families might otherwise be disadvantaged'*. Table 5 below shows specific areas of weakness as revealed by the original inspection and contrasts this with current performance.

Table 5: CPOs – Factors addressed in accordance with national standards as part of the assessment. Source: File reading exercise

Original thematic	Overall	White	Minority Ethnic	African/African-Caribbean		Asian	Other
Domestic circumstances	89%	92%	87%	88%		81%	91%
Religious requirements	34%	31%	36%	37%		31%	36%
Cultural needs	18%	20%	15%	12%		23%	18%
Need for interpreter	25%	26%	24%	22%		28%	30%
Follow-up	Overall	White	Minority Ethnic	Black	Mixed	Asian	Other
Domestic circumstances	85%	87%	83%	83%	87%	83%	74%
Religious requirements	67%	71%	65%	64%	69%	65%	62%
Cultural needs	57%	60%	55%	52%	55%	59%	51%
Need for interpreter	63%	64%	62%	63%	59%	63%	59%

### Commentary:

- Overall, the quality of assessment had improved considerably in the three aspects of previous weakness.
- Performance for white offenders was generally better than for minority ethnic offenders.

- There was still a need to improve performance considerably to ensure that national standards requirements were met and an appropriate assessment process was completed.
- 4.61 It was significant to note that National Standards 2002 provided no definition of 'cultural considerations'. The following definition was made available to areas by the NPD through the EEM Diversity Checklist '*An identity which everybody has, based on a number of factors such as: memories, ethnic identity, family attitudes to child rearing, language, class, money, religious or other celebrations, division of family roles according to gender or age. Cultures are neither superior nor inferior to each other. They are constantly evolving for individuals and communities*'. We met many CP managers and staff during the course of file reading for this follow-up and they indicated that more guidance on addressing cultural factors in the assessment process would have been beneficial.
- 4.62 The original thematic considered the type of placement given to white and minority ethnic offenders. There were some significant differences:
- 25% of African/African-Caribbean offenders were placed in workshops supervised directly by the probation service compared with only 11% of white offenders
  - 28% of Asian offenders were given individual agency placements and this was twice the proportion of any other ethnic group.
- 4.63 The follow-up showed that although some differentials were apparent, overall they were much reduced as table 6 below indicates.

Table 6: CPOs – Type of placement by ethnic group. Source: File reading exercise

	White	Black	Mixed	Asian	Other
Workshop	16%	14%	11%	10%	22%
Group placement supervised by probation	60%	54%	62%	51%	59%
Group placement supervised by beneficiary	4%	4%	2%	5%	3%
Individual	14%	22%	17%	21%	11%
Combination	6%	6%	9%	13%	5%

**Commentary:**

- Asian and black offenders were less likely to have a group placement as their main placement than other groups.
- Asian and black offenders were more likely to be placed individually than other groups.

**Current findings – The range of placements available**

- 4.64 The PIP programme provided a useful source of evidence about activity in local areas to develop an appropriate range of placements for minority ethnic offenders. Most significantly 19 areas in the first eight regions had had to respond to a recommendation focused on this issue. At the follow-up stage 12 months later ten had done this at least

adequately with a good impact on performance, with a further five showing some evidence of progress.

- 4.65 Through the race thematic follow-up file reading we attempted to assess directly if the work placement was appropriate to the offender’s needs, taking into account all the available information in the case file. However, in a high proportion of cases there was insufficient detail in the file about the nature of the work placement. The results are given in table 7 below.

Table 7: CPOs – Appropriateness of placement by ethnic group. Source: File reading exercise

Appropriate placement	White	Black	Mixed	Asian	Other
Yes	68%	65%	56%	63%	78%
No	2%	2%	8%	5%	0%
Unclear	30%	34%	37%	35%	23%

**Commentary:**

- Whilst it was clear that a significant number of offenders had been placed appropriately, there was insufficient evidence in the case file to confirm this in approximately one-third of cases. Often only anecdotal evidence was available to show how the placement would meet the needs identified at the assessment stage.
- Information on the full range of placements did not appear to be readily available to CP staff when making placement decisions.
- Many areas had automatic allocation policies, for example based simply on which day of the week the offender was available for work. Such arrangements did not take race and diversity needs into account.
- Staff completing initial assessments were not necessarily the same staff as those making the placement decisions and this highlighted the importance of good liaison and communications. To some extent this problem had been exacerbated by the introduction of OASys which was normally completed at the PSR stage.

**Current findings – Beneficiaries**

- 4.66 The NPD confirmed that there was no national system to gather information on the ethnic origin of beneficiaries. We asked areas how they collected such data to ensure that CP work benefited all the community. Only seven areas out of 42 did this routinely.

- 4.67 Other key themes in local areas were:

- in almost all CP staff had received race and wider diversity training
- CP staff expressed confidence in dealing with minority ethnic offenders
- staff were positive that the ECP arrangements would further improve assessment and the quality of work placements

- staff felt that managers placed an introspective emphasis on achieving national standards work rates and enforcement requirements, rather than an externally focused priority on the quality of the service to the community. Of course these two agendas are not contradictory
- there was little evidence of white offenders being placed in minority ethnic settings, although there were some examples of minority ethnic offenders being placed within different minority groups.

4.68 Some examples of good practice were:

- the NPD consultative approach to ECP policy development and implementation
- very good initial assessment templates seen in Warwickshire, Humberside and Lincolnshire
- Gloucestershire had set targets for total time spent on minority ethnic beneficiaries' projects and had achieved 29% since October 2002
- Dorset had amended placement task specification to collect EEM data and these were reviewed annually as part of the beneficiary review
- Avon and Somerset set appraisal objectives for all staff members to address diversity issues with offenders
- West Yorkshire had developed a partnership with a community organisation to supervise offenders and deliver a more appropriate service to the local Asian population.

4.69 Overall we found that **recommendation 18** had been partially met because:

- almost all areas had reviewed CP policy, albeit some only recently
- the development process for ECP had fully referenced race and wider diversity issues
- the quality of offender assessment had improved, although some significant weaknesses were still apparent, including the assessment of the potential for racially motivated behaviour. Most areas had comprehensive assessment tools, but did not always use them fully
- areas were not able to demonstrate linkages between the assessment of offender risk and need factors and subsequent decisions on work placements
- although overall staff confidence in working with minority ethnic offenders had improved, there were still difficulties in assessing cultural factors and how they might impact on the work placement decision
- there was still little evidence of a strategic approach to consultation with minority ethnic communities to develop a broader portfolio of placements. Very few areas could demonstrate that the work undertaken by offenders benefited all sections of the local community.



## 5. FINDINGS: Recommendations for human resource management

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- 5.1 Nine recommendations required that action should be taken to increase minority ethnic representation on the new Probation Boards and within middle and senior management, as well as addressing overall imbalances in staff recruitment, to develop effective support systems for those minority ethnic staff in post, to establish a separate staff complaints procedure and ensure that the Macpherson definition was used as a basis for complaints and to review training and appraisal arrangements.

### WELL MET

2. *The Home Office should ensure appropriate minority representation on the new Probation Boards.*

- 5.2 The original inspection revealed that the number of minority ethnic representatives on probation committees was very low, with four of the ten services visited having none at all. At that time the majority of committee members were elected by local benches of magistrates, although most of the minority ethnic committee members had been appointed through a co-option process.

- 5.3 In June 2001 the joint progress report noted that '*as a result of the combined actions of the Home Office and local services, ABPO and NAAPS, some 100 minority ethnic Board members had been appointed*'. This represented 16% of the total Board membership.

### Current findings

- 5.4 The NPD Performance Report for the year 2002/2003 noted that there were currently 84 Board members and six Board Chairs from a minority ethnic background. At the time of this follow-up, arrangements were being made to appoint Board members for the next three year cycle. A CO, who had been involved in the initial successful recruitment campaign, was being seconded to the NPD to assist with the Board membership renewal process. It was apparent that the NPD and local areas were anxious to use every formal advertising opportunity as well as informal networks to continue to recruit positively.

- 5.5 In view of this positive approach, and the results achieved, we found that **recommendation 2** had been well met.

### PARTIALLY MET

3. *The Home Office should in order to achieve improved consistency of approach:*
- (a) *further review the model framework for the recruitment and selection of TPOs;*
  - (b) *issue guidance to all services on the recruitment and selection of all grades of staff.*

- 5.6 The original inspection revealed that although 80% of services had agreed a strategy with their local consortium for the recruitment of TPOs, a lower proportion had specific strategies for minority ethnic recruitment and few were proactive. Such initiatives needed to be progressed quickly and implemented consistently. The inspection had also revealed some variations in the general recruitment practice.
- 5.7 In June 2001, the joint progress report noted that further work was to be undertaken for a model national framework for TPO recruitment and selection as well as developing a standard national recruitment process. Both actions were to be taken forward by the NPS. The report included a summary of responses by probation services to Probation Circular 45/2000 *Developing Race Equality in the Probation Service* issued in July 2000, which asked all services to provide a detailed report on progress in relation to race equality since August 1999. A number of services referred to the contribution made by the regional training consortia in increasing the number of TPOs from minority ethnic groups. Examples of practical steps that had been taken included:
- additional support to minority ethnic staff wishing to apply for training
  - career fairs targeted at minority ethnic groups
  - joint initiatives with other criminal justice agencies to encourage applicants from minority ethnic groups
  - applicants speaking directly with a member of ABPO about their experiences of the service as an employer.

### Current findings

- 5.8 The NPD had issued recruitment and selection procedures for TPOs annually which all consortia were using from cohort 4 onwards. The second inspection of DipPS programmes, undertaken jointly by HMIP and the Community Justice National Training Organisation between January and March 2003, found that all *'Consortia had worked hard to establish a proactive approach to recruiting a diverse group of TPOs'*. There was also evidence of links with local community groups, consultation with Race Equality Councils and the production of a recruitment booklet celebrating the diverse backgrounds of existing staff. Most regions had met or exceeded their targets for minority ethnic TPO recruitment.
- 5.9 *Achieving Through People* established as an objective *'to conduct a review into the continued applicability of DipPS and examining entry routes in to the Service'* by September 2004. Areas were also required: *'to develop within the objectives of the NPS Diversity Strategy a system that allows us to monitor the recruitment, retention and promotion of staff from minority groups'* and *'to develop diversity competencies for recruitment, selection and promotion'* by September 2005.
- 5.10 No general guidance has been issued by the NPD on the recruitment and selection of staff but through our survey areas were asked to specify the most significant form of help that they had received from the NPD or any other sources. The following responses were received:

- a number of areas referred to the NPD assessment centre process for PSO appointments
- one area mentioned helpful guidance from the NPD about TPO recruitment
- some identified *The Heart of the Dance* and the Diversity Checklist used in EEM self-assessments as giving a steer
- several cited *Recruiting, Retaining and Progressing the Careers of Minority Ethnic Staff in the Probation Service* commissioned by the NPD
- other common sources concerning arrangements for the recruitment and selection of staff included the CRE, ACAS, CIPD and Gee's Encyclopaedia of Employment Law
- several areas had used trainers and consultants for recruitment processes and diversity issues
- a number of areas also spoke of the use of diversity advisers on interview panels. One area had received helpful guidance from regional colleagues and clearly used the region as a forum to access specialist expertise.

5.11 Some examples of good practice were seen:

- in Bedfordshire, Cambridgeshire, Hertfordshire and Essex where the use of trainers and consultants had improved recruitment processes or other HR policies from a diversity perspective.

5.12 Overall we found that **recommendation 3** had been partially met because the NPD had:

- not commissioned a review of the model framework, but had issued guidance on recruitment and selection procedures for TPOs that were being used by all consortia. However, the NPD had not produced guidance for areas on the recruitment and selection of all other grades of staff and the consistency of approach had not improved
- established a assessment centre process for PSO appointments
- commissioned the report *Recruiting, Retaining and Progressing the Careers of Minority Ethnic staff' in the Probation Service*
- developed a 'Diversity Checklist' for EEM self-assessments which directed areas' attention to diversity issues concerned with 'People'
- published *Achieving Through People* which contained several objectives that would achieve further progress towards this recommendation in due course.

**NOT MET BUT EVIDENCE OF PROGRESS**

4. *The Home Office should review the appraisal framework and issue guidance to ensure that it addresses accountability, development needs and support for all staff.*

5.13 The original inspection revealed that the circular introducing a national system for performance appraisal in 1993 did not explicitly address the different requirements of minority ethnic staff. This omission was replicated at a local level in policy or practice guidelines. It was also a matter for serious concern that the quality of supervision was inconsistent and appraisal arrangements were poorly implemented in the majority of the

- ten services visited. It was acknowledged that whilst these issues would have a negative impact on all staff, those from minority ethnic groups would be particularly disadvantaged. In part this was because of their line managers' perceived lack of awareness of sensitivity and cultural difference and the absence of attention to these issues in services' management standards.
- 5.14 The joint progress report in June 2001 noted that little had changed except an acceptance that guidance would be produced and that this action would be taken forward by the NPS following the publication of *Recruiting, Retaining and Progressing the Careers of Minority Ethnic Staff in the Probation Service*. This report endorsed recommendation 4 of *Towards Race Equality* for a review of the appraisal framework.

### Current findings

- 5.15 The NPD had not reviewed the appraisal process but in *Achieving Through People* specified an objective: '*to research and develop the current appraisal system, ensuring it addresses commitment to diversity, together with links to competencies and performance management, recommending changes and developing new process as appropriate*'. This objective was to be achieved with a timeline from January 2003 to April 2005. A project initiation document for reviewing the appraisal system, including a timetable for research, consultation, design and arrangements for a pilot has been submitted and approved by the NPS Strategic Board. The pilot arrangements were scheduled for March/April 2004. It was intended to introduce a model scheme which would be sufficiently flexible to meet particular local needs. Although the scheme would not be mandatory, it would have a number of mandatory requirements to ensure compliance with NPS strategies on people management and diversity.
- 5.16 Through our survey, areas were asked to specify the most significant and helpful guidance that they had received from the NPD and other sources in relation to staff appraisal. In addition they were asked to provide information about the proportion of staff appraised annually with trend data. Finally areas were asked how the CO was satisfied that the appraisal scheme in operation addressed accountability, development needs and support. In general the responses indicated that areas had shifted from a specific focus on race equality issues towards a broader diversity perspective. Several areas had introduced new appraisal schemes within the last two years. Two had employed diversity consultants to review all their HR policies and procedures. However in most instances, either areas did not monitor the completion rate of appraisals at all, or they had just introduced a new scheme and therefore had no trend data. Completion rates, where monitored, varied greatly from 40% up to 100%. Most COs and senior managers received an analysis of the aggregated data from appraisals particularly about staff development and support needs, which informed local training plans.
- 5.17 Some documentation supplied to us, such as workload management agreements or HR performance appraisal development plans, did not take any account of the different needs of minority ethnic staff or any other diversity issues. These documents were devoid of any diversity perspective despite mechanisms for policies and procedures to be vetted or filtered. It would have been helpful if areas could confirm that a policy had passed a diversity check. A simple statement in each document would be sufficient.

- 5.18 Differences in minority ethnic member of staff's perception of the implementation of supervision and appraisal policies are shown below in table 8 comparing data from the original and follow-up inspections.

Table 8: Implementation of supervision and appraisal policies. Source: Perspective questionnaires from original and follow-up inspections

Supervision and appraisal	Supervision provided by line manager	Supervision rated as unsatisfactory or poor	Appraisal completed during time in area	Appraisals completed on annual basis
Original thematic	88%	29%	80%	54%
Follow-up	80%	17%	76%	74%

### Commentary

- These self-report data showed an increase in the quality of supervision but a fall in the proportion of minority ethnic staff reporting that they received supervision from their line manager.
  - The percentage of staff to have any formal appraisal completed had fallen slightly.
  - Many more minority ethnic staff had an appraisal completed on an annual basis. However, for those staff who completed the questionnaire only 60% of their appraisals were completed on time, 2% were early and 38% were late.
  - 55% of minority ethnic staff who completed the staff questionnaire agreed that their line manager did demonstrate awareness and sensitivity to cultural difference and race, 30% said not always and 14% said no.
- 5.19 Some examples of good practice were:
- Derbyshire recorded the gender and race of both the postholder and their line manager on appraisal documentation. This was important for monitoring completion rates for appraisals and other issues.
  - West Midlands had carried out an internal inspection which indicated that minority ethnic staff were supervised and appraised less frequently than their white colleagues. A subsequent staff survey in 2001 indicated an improvement.
  - Greater Manchester commissioned a report entitled *Enhancing the Potential for the Career Development of Black Staff within Greater Manchester Probation Service* by an external consultant. This report assisted in a review of supervision, appraisal policy and procedures.
  - Merseyside adopted a proactive approach to improve the completion rate of appraisals for all staff. It had carried out a review of supervision and appraisal in 2002 which indicated that 66% of staff who replied had had an appraisal within the relevant time period and 29% of staff found the appraisal useful. Targets were set to achieve a 95% completion rate for appraisals and increase the quality rating. An electronic version of supervision notes and appraisal reports were about to be launched using Lotus Notes as the platform. As a result of this work, the area would be able to monitor not only completion rates but quality issues as well.

- 5.20 Overall we found that **recommendation 4** had not been met but there was some evidence of progress because:
- the NPD had not reviewed the appraisal framework or issued guidance to ensure that it addressed accountability, development needs and support for all staff, although there was work in progress to address this recommendation
  - there was some evidence that the quality of supervision had improved and the proportion of minority ethnic staff being appraised annually had increased considerably.

**NOT MET AND NO EVIDENCE OF PROGRESS**

5. *The Home Office should ensure that a separate complaints procedure is established so that any complaints made by probation service staff are given proper consideration.*

- 5.21 The original inspection revealed that the interaction between racial harassment procedures and discipline and grievance procedures was complex and, at times, confusing. An example was given of a member of staff bringing a complaint of racial harassment to the attention of their line manager. If the line manager minimised or ignored the complaint the member of staff would then need to take out a grievance against their line manager. It was our opinion that the position would be clarified by the development of a separate complaints procedure.
- 5.22 The joint progress report of June 2001 noted that the REIG had responded to the recommendation positively by commissioning a model harassment procedure which had been circulated to all probation areas for adoption from April 2001. Clearly this response was intended to deal with the issues identified in the inspection, although it did not follow the specific recommendation to establish a separate staff complaints procedure.

**Current findings**

- 5.23 The NPD has issued a National Complaints Procedure, effective from the September 2001, although this is currently under revision. This procedure and the revision in draft did not cover staff employed by local Probation Boards. *Achieving Through People* contained a continuous action objective *'to ensure that all HR policies, practices, procedure and functions were proofed in compliance with the NPS Diversity Strategy and legislation to ensure that they did not inadvertently have a negative impact against any minority group'*. This objective reflected the spirit of the Macpherson definition of institutional racism but, again, did not specifically address the issue of complaints by staff.
- 5.24 Areas were asked whether they had established a separate complaints procedure to ensure that any complaints made by staff were given proper attention, referring to existing grievance procedures if relevant. They were also asked to supply information on the number of complaints that were lodged formally in writing by members of staff during 2002/2003. In addition, areas were asked to provide an overview of the focus of the complaints, a breakdown of complainants by race and details of how many were upheld.

- 5.25 Although no areas had separate complaints procedures for staff, it was apparent that grievance procedures and harassment and bullying procedures covered issues relevant to this recommendation. Some areas had trend data about the number of grievances and also complaints under the harassment and bullying procedure that were lodged each year. Where monitoring had taken place, information about race and ethnicity was collected. Many areas had not had any grievances lodged in the last 12 months. In general, where grievances had been recorded, either they did not involve minority ethnic staff, or if a minority ethnic member of staff was a complainant were rarely about racism. Harassment and bullying policies covered incidents of racial harassment and discrimination.
- 5.26 One area's complaints procedure stated '*It is possible that, on occasions, a staff member may wish to make a complaint regarding a colleague*'. Staff were then asked to refer to the equal opportunities policy for clarification and exploration of issues relating to discrimination, victimisation or harassment. They were also asked to ensure that the complaints process should not be used where the existing grievance procedure might apply. However, after following these instructions, staff could still complain under the procedure. Another area did not think a separate complaints procedure for staff was necessary in view of the link between their harassment at work and grievance procedure. Yet another area made clear in its anti-harassment policy and procedures that the harassment procedure should be completed before a grievance was brought by either party. It also stated that complaints were reserved for members of the public and did not apply to staff.
- 5.27 Our perspective questionnaire issued to minority ethnic staff provided more evidence of confusion. Of those staff responding who had had an induction, less than half (44%) said that it covered a familiarisation of policies and procedures including harassment and bullying and grievance. Although 69% said they knew what action to take if they experienced racism in the workplace, their comments indicated they were less clear about which procedure to use.
- 5.28 Table 9 illustrates the differences between the original inspection and the follow-up in the proportion of minority ethnic staff who are clear about how their probation area would deal with racist behaviour from different groups.

Table 9: Clarity of procedures addressing racist behaviour. Source: Perspective questionnaires from original and follow-up inspections

<b>% clear about how area would respond to racist behaviour from</b>	<b>Staff</b>	<b>Offenders</b>	<b>Staff of other organisations</b>	<b>Staff of partner organisations</b>	<b>Members of the public</b>
Original thematic	42%	60%	27%	Not recorded	Not recorded
Follow-up	49%	64%	34%	31%	39%

### **Commentary**

- Although two-thirds of minority ethnic staff were clear how their area would deal with racist behaviour from offenders, they were less so regarding staff and particularly with people outside the organisation.

- There had been an improvement in the overall level of clarity amongst staff but, as can be seen, this only represented a slight improvement.
- Areas needed to ensure that minority ethnic staff knew which policy and procedure should be used.

5.29 Overall we found that **recommendation 5** had not been met with no evidence of progress because, implicitly, there had not been any support for this recommendation. Model grievance, harassment and bullying and complaints procedures had been issued, but the specific issue identified in the original report concerning the complexity and possible confusion between the different procedures and the need for a separate complaints procedure for staff had not been addressed in most areas. Although areas had adopted national models for procedures and some had attempted to ensure staff understood the interaction or links between procedures, there was evidence that confusion was still widespread.

#### **NOT MET AND NO EVIDENCE OF PROGRESS**

14. *Probation committees and chief probation officers should adopt the definitions of racist behaviour and institutionalised racism given in the Macpherson report as the basis for disciplinary and complaints procedures and ensure that the implications of this change are reflected in future policy and practice guidelines.*

5.30 The inspection also revealed that there was no common understanding across individual services of what constituted racist behaviour. Over half the minority ethnic staff responding to our perspective questionnaire in the original inspection had experienced racist behaviour during the course of their work: 52% from offenders and 57% from colleagues or members of external organisations. 77% had referred the matter to their line manager but only 30% who had done so were fully satisfied with the response where offenders were involved, 50% if the complaint involved other members of staff.

5.31 Another concern to emerge from the original inspection was that few white staff expressed confidence in their own ability to address racist behaviour amongst staff or to deal with allegations of racial harassment.

5.32 The joint progress report of June 2001 restated the recommendation that probation areas should adopt the Macpherson definitions and consider the implications for policy and practice. The REIG was to issue guidance so that this work could be taken forward by local probation areas.

#### **Current findings**

5.33 Areas were asked to describe how they had adopted the definitions of racist behaviour and institutional racism given in the Macpherson report as the basis for disciplinary, grievance and complaints procedures. We also asked how they had ensured that the implications of this change were reflected in future policy and practice guidelines. Many areas referred to using the definition of racist behaviour in their harassment and bullying policies. Most stated that their Boards had formally adopted the Macpherson definitions, but there was little direct evidence of this in the documentation that was supplied.



- 5.34 Often the spirit of the Macpherson definition of racist behaviour was evident in policies however. This was seen in phrases such as:
- *'an incident can be defined as behaviour either physical, verbal or written, which causes injury or is perceived to be threatening or discriminatory'*
  - *'it is for the individual to determine what behaviour is acceptable to them'*
  - *'it is the deed itself and the impact on the recipient rather than the intention of the perpetrator'.*
- 5.35 It was even less clear how the definition of institutional racism had been adopted. Only one area quoted it in its anti-harassment policy.
- 5.36 In the original inspection only 11% of minority ethnic staff considered that the grievance/disciplinary procedures were applied 'completely fairly' and 50% thought they were applied fairly 'to some extent'. The percentages for the follow-up inspection were 20% and 38% respectively. This did not show any substantive improvement and it was distressing to learn of the perceptions of minority ethnic staff that a disproportionate number of complaints were made against them, they were seen as the problem and there were unnecessary delays in procedures. One hundred and eighty-six comments were made on these themes. These direct comments illustrate some of the problems:

**Staff views**

- "Incident - Colleague used term 'Paki' in conversation to another colleague. What was done?" [Nothing mentioned not even in team meeting.]
- "Work colleagues could not see the issues around having a leaving do/NAPO meeting in a pub when Muslims are not allowed to drink or be in that environment."
- "As a student I was encouraged to pursue a complaint against one colleague who was very rude and covertly racist. She was interviewed but nothing came out of it because she had moved job."
- "I feel that there is racial discrimination in the office I work in. I feel that I am constantly watching my back."
- "Black staff appear to be more vulnerable to grievance/disciplinary procedures earlier in their careers."

- 5.37 Table 10 gives details of minority ethnic staff's experience of racism in the last two years.

Table 10: Minority ethnic staff's experience of racism 2001/2003. Source: Perspective questionnaires from original and follow-up inspections

% of minority ethnic staff experiencing racism and their response	Racism from offenders	Incident referred to manager	Outcome fully satisfied	Racism from staff, other organisations or the public	Incident referred to manager	Outcome fully satisfied
Original thematic	52%	77%	33%	57%	77%	48%
Follow-up	32%	74%	34%	50%	54%	14%

**Commentary**

- Racism experienced from offenders had dropped considerably. There was also a slight fall in the proportion of such incidents to be referred to the line manager. What was more disappointing was that the percentage of minority ethnic staff who were fully satisfied with the outcome was basically unchanged from the original inspection.

- 50% of minority ethnic staff in our follow-up perspective survey reported experiencing racism at work from at least one source excluding offenders. The constituent breakdown of sources was 33% of minority ethnic staff experiencing racism from other probation employees, 17% from the staff of other organisations and 23% from the general public.
- The percentage of minority ethnic staff who experienced racism from staff and external organisations had remained depressingly unchanged with less incidents referred to line managers.
- The alarming drop in the proportion of staff who described themselves as fully satisfied by the action taken by their line managers needed to be investigated further.

5.38 Minority ethnic staff were asked if they had experienced racism in the workplace, either from offenders or others, and why they had not referred the matter to their line manager. A number of comments showed that action was taken by the complainant themselves in the case of offenders and dealt with. Many staff said they were worried about pursuing a complaint as it would invite more victimisation or they felt they would not be believed. Although it was apparent that some managers were regarded as effective when dealing with complaints of racism, others were not trusted or suspected of complacency and collusion. This lack of confidence was evidenced by staff looking to ABPO and NAPPS and Trade Unions for support. Areas needed to be satisfied that their line managers were adequately trained to deal with issues such as evidence gathering, keeping the complainant informed and outlining the procedure and expectations of what would happen.

5.39 Some examples of good practice were:

- Lancashire had harassment advisers who were available to staff for informal and confidential discussions on any issues relating to harassment and bullying
- Northumbria had a grievance monitoring table that covered the last four years and included: division, grade, gender, ethnic origin, age, outcome, representative and appeal
- Teesside recorded both the ethnicity of the complainant and the person against whom the allegations were made
- the equal opportunity standing group in Merseyside commissioned a survey to ask minority ethnic staff about the number of racial incidents they had experienced which they did not report on a formal basis. The results of the survey indicated that there were no serious deficiencies in their policies.

5.40 Overall we found that **recommendation 14** had not been met with no evidence of progress because:

- there was insufficient explicit evidence that Probation Boards had formally adopted the definitions, although the spirit of the definitions of racist behaviour was present in most relevant documents, mainly harassment and bullying policies and procedures
- minority ethnic staff were not confident about the fair application of policies and procedures nor were they sufficiently clear about the area's response to racist behaviour, particularly from external agencies.

**PARTIALLY MET**

11. *Probation committees and chief probation officers should develop workforce planning strategies from April 2001 to meet set targets for the recruitment of minority ethnic staff and implement positive action measures to address imbalances.*

- 5.41 In July 1999 the Home Secretary announced employment targets for the recruitment of minority ethnic staff. Just one month later the report *Race Equality: Developing Minority Ethnic Representation in the Probation Service* had been published by the Home Office. This report made 22 recommendations and included a detailed action plan to improve recruitment, retention and career progression of minority ethnic staff in probation services. The REIG was established to take this forward and each local service was required to submit revised policies, area targets and an action plan to the Home Office by mid 2000 and were working towards this goal at the time of our original inspection fieldwork.
- 5.42 The staff profile of the probation service at that time showed that a disproportionately low number of Asian compared to African/African-Caribbean staff were employed, with the main concentration of minority ethnic staff in operational roles, particularly in hostels and research and information units. Minority ethnic staff were under-represented at all management grades. Some services had taken limited action to encourage applicants from minority ethnic groups, but the majority of services could have been more proactive.
- 5.43 The joint progress report published in June 2001 noted the progress made by the REIG and local areas with the review of recruitment strategies. On the basis of research completed, it determined that the development of a model framework for the recruitment of all grades of staff should be taken forward by the NPS. This work would build on work already undertaken to pilot the use of assessment centres in the recruitment of staff. It was also noted that at the end of December 2000 9.9% of probation staff were from minority ethnic groups which already exceeded the target for 2009 of 8.3%.

**Current findings**

- 5.44 A central theme of *A New Choreography* was to value and achieve diversity in the NPS, demonstrated in part by progress against the Home Secretary's race equality employment targets. Subsequently *The Heart of the Dance* noted that there was a significant under-representation of staff from an Asian background and included a specific objective to address this. *Achieving Through People* also referenced the need to '*achieve a balanced workforce in respect of ethnicity, gender, disability, sexual orientation that encompasses a process of succession planning*'.
- 5.45 Areas were asked to describe how they had developed workforce planning strategies to meet targets for the recruitment of minority ethnic staff and what positive action measures had been implemented and the results. Few areas made a connection between their actions and the impact those actions had on the recruitment of minority ethnic staff. Many had achieved levels of recruitment of minority ethnic staff that exceeded the target and some had set local targets above the proportion of minority ethnic people in the local community. Areas had taken various actions to improve recruitment from minority ethnic

groups. Examples of positive action included: adverts in the minority ethnic press, advertising vacancies in local community centres, open days or evenings, recruitment fairs, regional work, working with the local Race Equality Council, inviting potential applicants to spend time with the area, and a booklet for potential minority ethnic candidates.

- 5.46 Information on recruitment in terms of race and ethnicity was available to most senior management teams and Boards, with usually a commentary or analysis by the ACO (HR). However, it was not clear what action resulted from the information that was provided. A few areas were not at all innovative and seemed to take the view that recruiting minority ethnic staff was difficult particularly if the proportion in the local population was low. The perception of the NPS by minority groups in the community was influenced by how welcoming individual probation areas were. This could be demonstrated by their explicit commitment to race equality, the quality of their induction processes and the availability of support to minority ethnic staff; all these factors had an impact on recruitment and retention. Valuable information from the final question in our minority ethnic staff perspective questionnaire gave some clues for future action. Here are some examples.

**Staff views**

- "I have observed areas of good practice whereby a colleague reported racist behaviour to my line manager, she spoke to the individual concerned and matter was resolved immediately."
- "I feel the area is keen to promote diversity issues and I am well informed on national issues and directives."
- "No problems encountered generally; feel I have been treated fairly and equally by all."
- "Not for people from an ethnic minority. If your white you're alright."
- "This area can be seen to have made good progress in terms of having a diversity advisor, diversity panel on the Board, relevant policies, etc. However, the impact is not felt at the coalface and individuals continue to feel largely unsupported by senior/middle management. The moves made are seen as ineffective."
- "I would recommend other black/ethnic minority members of the community to apply for careers with the probation service because the work is crucial to reducing offending/crime. Protecting the public and providing a safe environment for all members of the community. Society is made up of many different individuals and groups and the probation service should reflect this in the make-up of its workforce. Particularly since they are supposed to be a signifier of social justice."
- "As a county area is developing a fantastic scheme regarding diversity training and also setting up new mentoring/support groups which I am actively part of. As an administrator I am impressed at the fact they allow and pay me to go on ABPO conferences and attend the recently formed BEM group. Rapid progress is being made."
- "I have previously completed a form similar to this some two/three years ago. To my knowledge the treatment of ethnic minority staff has changed very little. Although there is always great enthusiasm to continually discuss matters, there has been absolutely nothing which leads me to believe this paper exercise will change the subtle aspects of institutionalised racist policies and practices."
- "I think of the many professions that are about, the probation service is fairly good in terms of equal opportunities. This is not to say that there is no room for improvement."

- 5.47 In terms of recruitment, minority ethnic staff were asked whether their job had been advertised in the minority ethnic press. The majority did not know, 31% said no and only 8% said yes. This raised a number of questions about how many areas were actually advertising posts through this medium and/or how effective it was for attracting potential candidates.
- 5.48 Nearly all the staff who responded to the follow-up questionnaire were appointed after June 2000, since the original inspection took place. They were asked whether their initial impression on joining their local area was a positive one. Little change was noted in the last three years, with 83% in the original inspection and 84% of minority ethnic staff in

the follow-up inspection having had an initial positive impression. Overleaf are some comments from staff.

**Staff views**

- "Friendly, informative and professional in their approach."
- "I was introduced to joining black probation group within a month of joining."
- "The advert made it clear that minority ethnic applicants were being sought after. It gave me the confidence to apply for the post."
- "My initial impression was that probation is a demanding, challenging and positive sector."
- "As a PDA myself and other colleagues in this post have discussed at length where TPO post should be advertised, i.e. within black communities. This has been ignored. The role of the TPO and what is expected in two years is such that they are often unable to attend support groups. I joined the service believing it to be a fair and just organisation in respect of my race. How wrong I was. I am looking for employment out of the local area and the service hopefully where my black face will be accepted."
- "No induction given. Not met by a member of management team on first day. Left to introduce myself to staff."

- 5.49 Related to this question was whether minority ethnic staff thought that their area had taken seriously its responsibility for race equality, nearly three-quarters of minority ethnic staff were generally positive, but 25% said not particularly and 4% said not at all. Those who thought the area did not take its responsibilities for race equality seriously were asked to comment.

**Staff views**

- "I think this area sweeps a lot of race equality under the carpet. Procedures and policies are on paper but not put into practice when an individual brings a race issue to the attention of managers."
- "Black staff do not appear to progress within the area and have to leave the area to get promotion."

- 5.50 Policies were in place but not perceived to be effective, managers were reluctant to act, there was a lack of sensitivity, a lack of tangible outcomes when processes were invoked and a feeling that institutional racism was still in operation. Areas needed to be clear about what the minimum level of expectations should be in terms of their responsibilities to minority ethnic staff. Those expectations should be consistently met.

- 5.51 Minority ethnic staff were asked what else would they like their area to do to demonstrate its commitment to race equality. The following quotes are a sample of comments.

**Staff views**

- "Show commitment to race issues by actively encouraging staff to attend support meetings. Put some policies in place to look at assisting black/Asian staff to progress in the service, i.e. mentoring, management training workshops for black staff. Provide better services for black offenders, i.e. interpreters, etc."
- "I would like to see more managers from minority ethnic groups but also consistency in terms of these issues nationally. As a regional member of ABPO there are serious discrepancies between areas, i.e. some will not pay expenses. Others will not provide workload relief, etc. The result of this is that staff whilst in need of support are unable to attend much needed support groups'."
- "1. Proper career progression programme for black staff across all grades. 2. Formalised mentoring/coach structure of systems for all black staff to access. 3. Proactive involvement with local minority ethnic/black community organisations. 4. A firmer stance and commitment towards addressing racism experiences by black staff from white colleagues and offenders. Not just pay 'lip service' - when will people be disciplined for their racist behaviour."

5.52 This question tapped a deep vein of frustration and anger from some minority ethnic staff, anger about the lack of progress in careers, the failure to put policy into practice, lack of feedback and the need for more openness and accountability. Minority ethnic staff were asked whether they saw themselves continuing their career with the probation service and whether they would recommend a career in the probation service to others. Around three-quarters said yes to both questions, but one in four answered no. These findings must be treated with some caution in that we do not have direct comparative data concerning the views of white staff, who may experience similar frustration. Although, in spite of this consideration, it was disappointing to find that areas were in danger of losing 25% of a staff group they had tried so hard to recruit.

5.53 Formal induction took place for 70% of minority ethnic staff who responded to our questionnaire compared to 77% in the last inspection. The majority of minority ethnic staff received their induction in the first three months, which was positive. The original inspection found that often induction programmes did not give proper consideration to equal opportunities. In the latest staff questionnaire minority ethnic staff were asked about their experience. Their comments can be summarised as follows:

- less than half of the induction programmes as experienced by minority ethnic staff included a familiarisation of policies and procedures such as equal opportunities, harassment and bullying and grievance
- only a quarter of minority ethnic staff experienced an induction which covered the support offered by external organisations such as ABPO and NAAPS. When we asked how minority ethnic staff learnt about such support groups, just over half mentioned colleagues, a quarter indicated their line manager or information provided by the area was a source but under a fifth identified induction
- a third of minority ethnic staff had been involved in a discussion about equal opportunity and diversity.

5.54 Those staff who had not taken up any of the options offered were asked what was covered in their induction that related to race equality and diversity. There were several comments which suggested that ABPO and NAAPS had not been properly promoted in their area. Other comments included:

**Staff views**

- "Nothing – I was told from colleagues and from a local organisation."
- "Subject was not covered."
- "The only reference was to equal opportunities in relation to offenders' behaviour whilst at the probation office."

5.55 In summary the comments indicated that there was no consistent model for induction. There were assumptions being made that people already in post when promoted would not need a new induction. Some areas were not taking the opportunity to use induction to discuss organisational and individual expectations with regard to race equality and diversity with their new staff.

5.56 The issue of dual discrimination was raised at the consultation meetings for the follow-up inspection. It was decided therefore to include a question on this in the perspective questionnaire for minority ethnic staff. A fifth of respondents confirmed that they felt discriminated in ways other than racism. Examples given were gender, childcare needs, a declared faith or religious allegiance, a disability, general stereotyping, gay or lesbian, age, seniority, size and status/role. Comments included:

#### Staff views

- "Gender – black females are subjected to the double bind and this is often made worse dependent on class and marital status."
- "Disability not always fully taken into consideration with regards to workload."
- "Due to gender and sole carer for children, sometimes childcare issues are not taken into account and cannot progress career as flexibility is requested which is difficult to get."
- "Sexist attitudes by some senior managers in partner organisations."
- "I have a limited say as a black male in predominantly white female enterprise."

#### 5.57 Some examples of good practice were:

- in Staffordshire, through monitoring recruitment, the area discovered that there were a low number of applications from minority ethnic candidates for TPO places. Also the area had no minority ethnic managers. In collaboration with the Regional Race Issues Group, Staffordshire initiated a regional 'Positive on Probation' poster and material, eventually including a website. The campaign involved open days in key community locations, improved external adverts relating to PO and middle manager posts, highlighting a commitment to anti-discriminatory practice and provision of support for minority ethnic staff including development plans for middle managers. The initiative resulted in an increase in applications from minority ethnic candidates
- the North-East Consortium published a booklet entitled *Probation works ... do you have something to contribute ...?* containing six case studies of people joining the probation service. Three of the case studies were about minority ethnic staff. The booklet described the probation service's commitment, projects to develop promotional opportunities, funding and support for ABPO and NAAPS and the percentage of minority ethnic TPO appointees in 2002 (11%) and provided a focal point for further discussion
- Essex had integrated diversity issues in their HR processes, through recruitment and selection to exit interviews. HR statistics with a brief analysis were provided to the senior management team on a quarterly basis. In particular a policy document on staff supervision emphasised that staff should feel able to raise issues of concern such as discrimination, harassment or grievance
- Cheshire reported a 'Cheshire Probation Area Awareness Programme' aimed at increasing the recruitment of disabled and minority ethnic staff. The programme involved a structured timetable of placements within the area giving individuals who were interested in applying for a job the opportunity to find out more about the organisation and jobs available
- in Derbyshire, where practical, the black staff group and/or the TPO group spent time with candidates on the interview or assessment centre day, 'welcoming' them
- Avon and Somerset's Recruitment and Selection Procedure included a section on positive action which described '*... projects which help employ and provide training to people with disabilities and minority ethnic groups*'. The document was a good example of how diversity issues could be integrated in to an HR policy. Avon and Somerset also attached impact assessments of policies as appendices to policy documentation
- the *Recruitment Guide* in Gloucestershire specified the short-listing process whereby, if no minority ethnic applicants had been short-listed, their original

applications would be identified and re-examined to consider if they met the criteria. If it was decided they did, then they would be interviewed in addition to those already short-listed

- Wiltshire used 'Jobs Go Public', an internet jobs publication to advertise their vacancies and had recently funded links from 'Jobs Go Public' to minority ethnic and disabled websites.

5.58 Overall we found that **recommendation 11** had been partially met because:

- there was little evidence that Probation Boards and COs had developed workforce planning strategies from April 2001
- a minority of areas had not implemented any or very few positive action measures. In such areas the perceived difficulty of the task seemed to cause the area to almost give up before it had tried
- there was substantial evidence, however, that the majority of areas had already met their targets for the recruitment of minority ethnic staff
- positive action measures had been implemented in most areas to address imbalances. Some had been very innovative and demonstrated a determination to commit resources to improve recruitment arrangements.

#### **PARTIALLY MET**

12. *Probation committees and chief probation officers should ensure the inclusion of appropriate mandatory training for all staff to promote race equality in annual training and staff development plans from 2001 giving priority to:*
- (a) *probation committee members;*
  - (b) *white managers supervising minority ethnic staff;*
  - (c) *minority ethnic managers;*
  - (d) *race equality training, including raising cultural awareness, and considering implications for specific aspects of service delivery or organisational practice;*
  - (e) *work with racist and racially motivated offenders.*

5.59 The original inspection revealed that all ten services visited had developed an annual training and staff development plan and a number of plans referred to the provision of race equality training. However, the majority of services had not taken in to account a number of issues. They had not committed themselves to additional training to promote race equality as recommended by the Macpherson report. Consideration had not been given to the training of senior or middle managers with specific reference to race equality and their role in relation to supervision, appraisal and discipline, grievance and complaints procedures. Measures had not been introduced to address the developmental needs of minority ethnic staff through the staff training plan. Minority ethnic managers described varying levels of support in their managerial role. Little attention had been given to the needs of white managers in the supervision of staff from minority ethnic groups.

5.60 In the joint progress report published on June 2001 the REIG identified that appropriate mandatory training to promote race equality should be included in staff development



plans taken forward by probation areas. Also the findings from *Recruiting, Retaining and Progressing the Careers of Minority Ethnic Staff in the Probation Service*, which was published in July 2001, would inform probation areas' policies, plans and targets.

### Current findings

- 5.61 This recommendation focused on the need for local action, but the NPD had initiated or supported a large number of training initiatives on diversity but mainly in respect of work with offenders rather than HR issues. The NPD's HR strategy *Achieving Through People* included an objective by December 2005 'to develop leadership competencies for all managers up to and including CO and Board Members that ensure they are able to provide leadership, manage and deliver the NPS Diversity Strategy at a strategic level'. A separate training objective stated by September 2003 'to audit and evaluate diversity training across the NPS'.
- 5.62 Areas were asked whether mandatory training for all staff to promote race equality had been included in annual training and staff development plans from April 2001, in particular on those topics cited in the recommendation. Most of the training focused on diversity as opposed to race equality training. Some areas had spent a large proportion of their training budget on diversity training often committed over a five-year period. There were good practice examples of staff involvement in the planning, development and ownership of diversity training. It was not always clear from the information provided whether attendance at diversity training programmes was mandatory, although a number of areas indicated that all staff were expected to attend. Most Probation Board members had received diversity training, sometimes with senior managers.
- 5.63 Many areas had provided training for white managers supervising minority ethnic staff. Several also mentioned nominating minority ethnic middle managers for an NPD programme on leadership. Cultural awareness training was least likely to have taken place. Training for staff working with RMOs has already been described in this report under recommendation 8. There were budgetary and time constraints felt by some areas which reduced their capacity to provide all the training they would have liked locally.
- 5.64 The second inspection of DipPS programmes undertaken jointly by HMIP and the Community Justice National Training Organisation between January and March 2003 revealed that TPOs completing NVQ units had to demonstrate understanding of the values supporting equality and diversity. There were several examples in that inspection report of good practice and evidence of appropriate academic and practitioner inputs on diversity issues. However, newly qualified officers struggled to identify examples of how diversity issues were integrated into their everyday practice. This finding showed that diversity training needed to be undertaken through practical as well as theoretical approaches, for example including a greater use of relevant work-based case studies for different staff.
- 5.65 Some examples of good practice were:
- in May 2002 the NPD had delivered training to 18 minority ethnic Board members who had been selected against a specification to act as diversity advisors. These individuals then served as a resource available to all Boards and within the NPD to provide advice to recruitment and selection panels

- Northumbria had a selection of training material and library resources on equality and diversity which were accessible to all employees. Each member of staff had one objective which ensured they attended at least one training event linked to equality and diversity. A wide range of training was available, including a series of workshops incorporated in diversity days. Feedback from participants and scores for individual training programmes were recorded, as well as the total number of delegates that had attended the course. The training plan for 2003/2004 incorporated the training requirements from *Heart of the Dance*. Overall, this was a good example of how race equality and diversity could be integrated into training plans
- in Essex, staff were fully involved in the implementation and planning of diversity training by way of questionnaires, training needs analysis and focus groups which informed its specific content. Over half the staff group had received the training to date. Action plans created by participants on the programme were fed back to the senior management team. Individual senior managers commented and responded to the suggested actions
- in Leicestershire & Rutland, as part of their one-day training on diversity, Probation Board members visited a mosque, a temple and Gurdwara. They also had sessions on strengths, myths and stereotypes in relation to offending in minority ethnic communities and on staffing and service delivery in the Leicestershire & Rutland Probation Area.

5.66 Overall we found that **recommendation 12** had been partially met because:

- almost all areas had ensured that most of their staff, including Board members, had attended or were about to attend diversity training, which included race equality
- the picture was less clear about training provided for white managers supervising minority ethnic staff or minority ethnic managers. Although such training was taking place, it was not consistent across the NPS
- there was also a mixed picture for training to raise cultural awareness, although we acknowledge that it may well have been a component in general diversity training
- training for work with racist and racially motivated offenders was gradually taking place across the NPS.

**WELL MET**

13. *Probation committees and chief probation officers should identify and implement positive action measures to increase the level of minority ethnic representation at middle and senior manager grades in order to achieve by 2002 the initial targets set by the Home Secretary.*

5.67 The original inspection revealed that 45% of those completing the staff questionnaire had been encouraged to apply for promotion and offered help by the service in progressing their career. However, minority ethnic staff were under-represented in management grades and reported a sense of exclusion from informal networks that they believed white

staff had access to. Staff also stated that the quality of feedback offered after an unsuccessful job application varied considerably.

- 5.68 This recommendation was not addressed specifically in the joint progress report circulated in June 2001. However, it was noted that the target of 6.5% set for the minority ethnic proportion of middle managers by 2009 had already been exceeded by December 2000 with 7.9% from minority ethnic groups. The report described progress against the 22 recommendations in *Race Equality: Developing Ethnic Minority Representation in the Probation Service*. Recommendation 18 had involved commissioning a further study entitled *Recruiting, Retaining and Progressing the Careers of Minority Ethnic Staff in the Probation Service* which contained a number of proposals for staff development and career progression such as the use of regional development centres for all staff. It was acknowledged, however, that such centres were unlikely to address all the needs of minority ethnic staff and mentoring and learning set initiatives were also proposed as a way forward.

### Current findings

- 5.69 *The Heart of the Dance* set a priority objective 'Achieving a representative NPS'. It was acknowledged that there was significant under-representation of staff from an Asian background and more generally of minority ethnic staff at senior management levels. Specifically the strategy sought to achieve 7% of senior management posts for minority ethnic staff by 2009 (5% by December 2005). The action identified to achieve this objective included 'Accelerate', a positive action programme due to start in 2003 to facilitate the development of minority ethnic staff into management roles. By March 2004 trends of patterns of recruitment to senior management posts within NPS were to be identified and targets reviewed in 2005. The Business Plan for the NPS Diversity Unit for 2003/2004 identified 'Accelerate' as a particular priority, with a target to develop and implement a project plan by March 2004. Another initiative involved running three pilot leadership fora for minority ethnic staff, reviewing their progress and producing a report for the Diversity Board by March 2004.
- 5.70 *Achieving Through People* also set an objective by December 2007 to 'Achieve a balanced workforce in respect of ethnicity, gender, disability, sexual orientation that encompasses a process of succession planning'.
- 5.71 The proportion of managers in the NPS from a minority ethnic background had increased since the original inspection. In December 2000 7.9% of middle managers were minority ethnic and this had risen to 9.2% by the end of March 2003. Over the same period the proportion of senior managers that were minority ethnic had risen from just 1.5% up to 4.5%. In both instances, performance was above the targets set by the Home Secretary.
- 5.72 Areas were asked how they had identified positive action measures to increase the level of minority ethnic representation, particularly at middle and senior management grades in order to achieve the initial targets set by the Home Secretary by 2002. We also asked for the outcomes of any positive action. Various examples were reported to us, including external mentoring, coaching in recruitment and selection and action learning. Several areas had exceeded the target for minority ethnic middle managers, but there were still few minority ethnic senior managers. Very little trend data were supplied to us by areas.

- 5.73 Responses from minority ethnic staff to our perspective questionnaire indicated that 50% had been encouraged to apply for promotion compared to 45% in the original inspection. The type of help areas gave minority ethnic staff was largely support and guidance (40%) and training (53%), with mentoring and job shadowing 12% and 13% respectively. Minority ethnic staff were asked to specify other help they had received from their area. Comments included:

**Staff views**

- "Enlisted mentor via own initiative."
- "NVQ Certificate in Community Justice."
- "Service allows me to attend TPO briefing event."
- "Dumping worst/heaviest cases on me as I know you will really enjoy this one."
- "I was able to complete the Higher Certificate in Community Justice."
- "Linking with my opposite numbers areas."

- 5.74 A number of areas specifically mentioned mentoring as a method of assisting minority ethnic staff to progress their careers. It was therefore surprising to see that only 12% of minority ethnic staff indicating that they had received such support. Of more significant concern was the fact that 94 (25%) minority ethnic staff reported that they had not received any help from their area on career progression.

- 5.75 Of those staff who had applied unsuccessfully for other posts, only 106 (58%) received feedback. As in the original inspection, the quality of this was said to be inconsistent but was helpful for just over half of respondents. Feedback was often described as too general or patronising. Some staff felt that their current and past experiences were not validated. In a few instances staff were given feedback late or not all. However, in other cases the feedback was considered precise and helpful. Comments included:

**Staff views**

- "Two previous attempts to be a senior practitioner. I was given good feedback and encouraged to try again."
- "The feedback highlighted areas in which I was weak so that these could be addressed and worked on."
- "Was told that I had not been in the job long enough [12 years]. Try again in a few years. Despite that told I was valued as a PO! Second jobs applied for they said I could not apply despite no indication in advert - Took out a grievance as a result!"
- "The feedback did not relate to my skills or performance at interview but to the successful applicants."

- 5.76 Some examples of good practice were:

- The Director General had committed herself to a personal action plan to provide an opportunity for six minority ethnic managers to shadow her during 2003/2004.
- Lancashire had used additional funding from the NPD under the Race Relations (Amendment) Act 2000 to set up a project which would provide mentoring for minority ethnic staff who wished to enhance their career prospects. If the expertise was not within the area there were resources to look outside
- Nottinghamshire had targeted specific development training for minority ethnic staff, including 'Are you up for the challenge?', a two day event aimed at helping them to identify skills for senior posts. They also sponsored minority ethnic staff to undertake a Masters Degree course in Management at Birmingham University, provided external consultants to act as mentors and

supported staff in attending ABPO or NAAPS conferences and the 'Leadership Development Conference for Black Managers'

- the black staff group in Gloucestershire had been provided with a specific training budget by the area to meet the identified needs of minority ethnic staff.

5.77 Overall we found that **recommendation 13** had been well met because:

- the proportion of managers from minority ethnic backgrounds had increased considerably and many areas had put positive action measures in place
- there was a risk of complacency, however. There were few senior managers from a minority ethnic background and further progress depended on maintaining a proactive and innovative approach.

#### **NOT MET BUT EVIDENCE OF PROGRESS**

19. *Chief probation officers should ensure that the needs of minority ethnic staff are taken into consideration in determining the work base and that appropriate support systems, including supervision, are operating effectively.*

5.78 In the original inspection 24% of minority ethnic staff responding to our survey reported that they felt isolated within the workplace. When attention had been drawn to this, only one-quarter felt that management had fully addressed the issue. The location of minority ethnic staff had received varying levels of attention by services, but the inconsistent and unhelpful application of supervision procedures was a significant exacerbating feature of the problem. As discussed earlier in this report, 29% of minority ethnic staff rated the quality of supervision received as poor and more than 20% stating that they had never been appraised during their period of employment.

5.79 The availability and function of support groups for minority ethnic staff also varied significantly between services, as did the effectiveness of arrangements to facilitate attendance by staff in different locations.

5.80 In June 2001 the joint progress report indicated that guidance would be produced based on the report *Recruiting, Retaining and Progressing the Careers of Minority Ethnic Staff in the Probation Service*. Overall the progress report made little reference to the issue of staff isolation, merely citing one scheme to provide minority ethnic staff with access to mentoring. The issue of supervision and appraisal was to be '*taken forward by the National Probation Service*'. Any national developments with supervision and appraisal arrangements have been considered under recommendation 4 above.

#### **Current findings**

5.81 *Achieving Through People* included a general objective relevant to commission research '*to allow us to understand the HR needs of staff from minority groups including ethnic origin, gender, religion, disability and sexual orientation*' by September 2004. In addition to this research, the NPD was providing practical support to ABPO, NAAPS and LAGIP. This included specific financial support to those individual areas who hosted executive posts including the Chair, Treasurer and Regional Coordinators. Funding for

administrative support was also provided, as well as the central costs of each annual general meeting. The support for regional coordinators was particularly significant as a strategy designed to address the issue of isolation through the promotion of locally based networks.

5.82 Through our survey areas were asked how they ensured that the needs of minority ethnic staff were taken in to consideration in determining their work base and whether appropriate support systems, including supervision and appraisal, were operating effectively. The responses did not present a consistent picture:

- many areas stated that all new applicants were asked about work location
- one area felt it unlikely minority ethnic staff would feel isolated in any of their offices as there were minority ethnic staff in every office
- 18 areas referred to their support for staff support groups and/or for staff to attend meetings of ABPO or NAAPS as being the principal tactic to counter isolation. In many of these 18 areas COs or senior managers had been proactive in ensuring that they had an appropriate level of contact with such groups so that any concerns could be addressed
- nine areas also stated that they would discuss location options with new staff on appointment, although sometimes these would be limited in view of the exigencies of the service
- other strategies to mitigate against isolation included the content of induction programmes, the general operation of supervision procedures and the provision of independent mentoring support. It was also apparent that a number of areas had formalised systems whereby staff could request transfers and that issues of isolation and support were considered as relevant factors.

5.83 Whilst some areas had taken action to address isolation, 26% of the respondents (99) to our perspective survey of minority ethnic staff stated that they felt isolated in the workplace compared to 24% in the original inspection. Of these, some 55 (57%) had raised the issue with their line manager but only 11 (20%) described the outcome as satisfactory. These proportions were in fact very similar to the findings of the original inspection. Comments from staff included:

Staff views
• "I think I have had to adapt to my situation and the reality of generally being the only ethnic minority member of staff since leaving the old service five years ago. I don't think the organisation has time to consider individual needs."
• "Increased contact with ethnic minority managers in specific tasks. Involvement in diversity committee."
• "Provision of an external mentor who is independent of the service. Area provides payment of monthly supervision sessions with this mentor."
• "Moved out from area where there is racial tension. Twice they have placed me in such locations."

5.84 In addition, 63 (81% of staff responding on this issue) were not consulted in relation to whether they preferred to work with colleagues from minority ethnic groups or in a community with minority ethnic groups. Also, there was an issue of placing minority ethnic staff in office locations that covered areas of racial tension or poor community relationships. Clearly areas needed to give more thought and attention to the placement of minority ethnic staff.

5.85 The follow-up inspection found that 48% of minority ethnic staff attended local, regional or national support meetings, compared to 64% of African/African-Caribbean and 46% of Asian staff in the original survey. Table 11 gives figures from the original inspection and the follow-up inspection showing how areas facilitated attendance at internal support meetings.

Table 11: Support offered to minority ethnic staff. Source: Perspective questionnaire from original and follow-up inspections

	Attendance at local meetings supported by the area	By payment of expenses	By workload allowance	By time off in lieu	By provision in working hours
Original inspection	59%	28%	6%	11%	Not recorded
Follow-up	68%	29%	5%	7%	41%

### Commentary

- 225 (68%) of minority ethnic staff who completed the questionnaire attended local support groups, 58 (18%) did not and 47 (14%) indicated that local support groups were not available.
- There had been a modest increase in the proportion of minority ethnic staff indicating that they had received support to attend these important meetings.

5.86 Our survey of minority ethnic staff indicated that whilst most areas provided some assistance for attendance at support groups, arrangements were very variable, ranging from no perceived support at all through to having attendance formally itemised on a job description. Only 43% of respondents said that their areas explicitly stated in writing that they could attend local/regional/national meetings with details of how such attendance would be facilitated. Staff also stated that often they only heard about the date of the next meeting through informal communication networks of friends and colleagues. Our own experience of organising the staff survey showed that some probation areas did not know how many minority ethnic staff they had in post and where they were located, making formal communication difficult. There was a danger that meetings announced primarily by word of mouth were not seen to have the highest level of official support. Defining what constituted local support and how it should be organised and delivered needed to be addressed. The issue was of greater concern for isolated minority ethnic staff as they, by necessity, had to travel to other areas to meet their colleagues. Despite the evidence of inconsistencies, 75% of minority ethnic staff felt that their work colleagues supported their attendance at meetings compared to 52% in the original inspection.

5.87 Some examples of good practice were:

- in Essex – where the senior manager with responsibility for diversity would send a letter of welcome to all new staff, outline the range of support systems available and make clear that attendance at minority ethnic staff support meetings, including ABPO and NAAPS, would be facilitated. The equal opportunities implementation group reviewed all incident reports, which included racist incidents, and the action that had been taken. There was a similar arrangement in Gloucestershire
- in Hertfordshire the diversity review group terms of reference document defined the role of team and minority group representatives, who acted as a conduit

between the diversity review group and local teams. They ensured that diversity was part of the work of the team and referred issues with the diversity review group. They also provided support to individual members of staff who raised personal concerns about the implementation of diversity policies. The role of managers was also defined. This was an example of how diversity issues were given attention on a regular basis at all levels of the organisation

- Derbyshire had taken the community context into account when placing minority ethnic staff. One office covered an area where active racist groups operated. Derbyshire supported those minority ethnic staff who chose to work at this office by ensuring that at least two minority ethnic staff would be based there. Minority ethnic members of staff were offered a minority ethnic mentor if they wished. Also the induction process was thorough and the availability of support was addressed during the first week. Induction evaluation forms completed by the new worker at week one, four and eight
- Leicestershire & Rutland in their diversity policy for staffing and service delivery acknowledged that '*decisions about the location of staff will be made with due consideration to reducing potential isolation*'. Also the area had carried out an EEM Thematic Self-Assessment on Diversity in May 2002 including the application of the Diversity Checklist. The exercise provided the area with a wealth of information to act on and was a good base to develop diversity strategy and policy
- Nottinghamshire had recently amended its staff deployment policy, giving a high priority to minority ethnic staff who expressed concerns regarding any proposed redeployment
- Norfolk – where revised induction procedures meant that staff were made aware of available support systems and networks and indeed the local diversity development officer had researched the county to establish a comprehensive database of support organisations
- Thames Valley – where the Board Chair and CO met annually with the black staff group and had followed the group's advice not to routinely offer mentoring and 'buddying' provision to new minority ethnic appointees since this might appear to presume that they would be in difficulty and need extra support. Such provision was however available by request
- Avon and Somerset – where minority ethnic probation staff, who were in fact based on police premises, were then linked into police support networks as well as probation. There was also evidence of the CO actively supporting minority ethnic staff attending support meetings by ensuring that line managers made it a priority and checking with the black and Asian workers group whether there were any issues of attendance. Also the CO checked with the group what types of support in its view were needed.



5.88 Overall we found that **recommendation 19** had not been met but there was evidence of progress because:

- many areas did provide support for minority ethnic staff to attend support meetings or had developed supplementary support mechanisms, such as mentoring
- arrangements were variable and were often not endorsed by formalised service communication arrangements
- the results of our survey indicated clearly that, in spite of often well-intentioned efforts and systems, there had been no net reduction in the problem as perceived by minority ethnic staff.

## Afterword

Readers may now be tempted to return to the summary at the start of this report and in particular to consider the recommended action points, both for the NPD and local areas.

I would like additionally to suggest, however, that readers closely scrutinise the abundant good practice examples we have cited in the body of this report. For here are to be found a number of productive strategies that could more widely be replicated.

Finally, and of paramount importance, we would like to stress the importance of the service listening to the views of victims, offenders and staff, allowing them to signal the way forward. Only by that route can services be developed that are truly responsive and effective.

**ROD MORGAN**

HM Chief Inspector of Probation