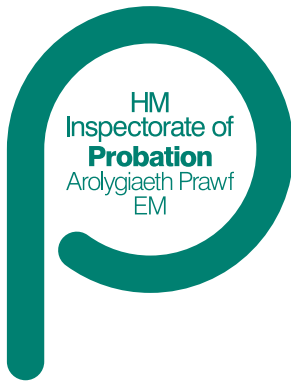


# HM Inspectorate of Probation Annual Report 2009-10

Independent inspection of  
adult & youth offending work



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# SUMMARY

#### **DURING 2009-10 HMI PROBATION:**

- started, in April 2009, the new Inspection of Youth Offending (IYO) Programme, including the Core Case Inspection of youth offending work which is covering key aspects of the work of all 157 Youth Offending Teams over a three year period. Scheduled inspections were completed on time
- started, in September 2009, the new adult Offender Management Inspection programme – OMI 2 – under which we will visit all NOMS Probation Trusts over a three year period. Scheduled inspections were completed on time
- on joint thematic inspections, published joint reports led by HMI Probation on Prolific and other Priority Offenders, Offenders with Mental Disorders and (jointly with HMI Prisons) Indeterminate Sentences for Public Protection. On youth offending we coordinated the overall programme of thematics under the IYO programme, and had substantial involvement in each of the four thematics carried out in 2009-10
- published in November 2009 the result of the special case inspections in London undertaken following concerns arising from the Sonnex case. We also continued to provide advice to both NOMS and the Youth Justice Board (YJB) on the development of Public Protection and Safeguarding work.

The large majority – over 90% – of HMI Probation’s work in 2009-10 has been within the jointly owned Criminal Justice Joint Inspection Programme.

In his Foreword, Andrew Bridges the Chief Inspector of Probation notes the role of HMI Probation in assessing how often the Public Protection aspect of Probation and Youth Offending practice is carried out to a sufficiently high level of quality. In this context, he considers the costs and benefits of imprisonment as a means of providing public protection. A high ‘price’ is paid for the benefit provided.

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By Andrew Bridges CBE,  
HM Chief Inspector of Probation

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# FOREWORD

**BY ANDREW BRIDGES CBE  
HM CHIEF INSPECTOR OF PROBATION**

## WHAT PRICE PUBLIC PROTECTION? – NO TRITE SOLUTIONS

As ever I am very proud indeed to present this Annual Report of the work of HM Inspectorate of Probation. We independently inspect adult & youth offending work in order to help improve effective practice.

### **‘Quality’:**

We focus not so much on each organisation’s targets (although targets can sometimes be important) but much more on how often practitioners do the right things with the right individuals in the right way at the right time – this is what we mean by effective practice. Practitioners mainly welcome our focus on what they rightly perceive as being ‘Quality’.

### **Inspection is hardly a ‘burden’:**

We examine representative samples of cases each time we inspect, which means that rather than require respondent bodies to produce data and documents especially for us we are simply asking them to ‘show us their work’ and discuss it with us. I have therefore viewed with some impatience the claims from some quarters that it is somehow excessively “burdensome” for public authorities to receive an inspection visit for one week once every three years, where we examine the work actually done with a sample of cases. There is a ‘cost’ of course to the respondent body, particularly for the practitioners whom we ask to discuss their work with us or even assist with some of the case assessments, but in my view most taxpayers would not consider our triennial visits unreasonably “burdensome”.

### **A focus on Public Protection and Safeguarding the vulnerable:**

The latter point is especially true given that we have over the past five years focused increasingly on the *Public Protection* and *Safeguarding* aspects of adult & youth offending practice. Catastrophic events such as a serious crime, or the death of a child, cause enormous public concern when the question arises about whether it could have been prevented, and in our various reports we have tried to be candid about what is or is not achievable in preventing such catastrophes. It was in our 2005 report on the Peter Williams case that we first pointed out that ‘risk’ to the public could not be eliminated, but the public were right to expect the authorities to do their jobs properly. We have repeated that point in subsequent reviews of individual cases (Hanson & White, Rice, etc) and in various inspection reports. We have strongly criticised some individual practice on occasions, but what we’ve criticised is a failure to ‘do all that they reasonably could’ rather than a failure to achieve the impossible.

### **Evidence of improving practice:**

I make these introductory remarks in order to lead into some general comments arising from our work over the past 12 months. Focusing in this Foreword on *Public Protection* rather than *Safeguarding* (though both are equally important to the public), I can emphasise that our two core inspection programmes now include a measure of how often the *Public Protection* aspect of practice was carried out to a sufficiently high level of quality in the samples of cases which we have examined in each of our inspections across the country. It’s a ‘high bar’ that we set, though not an impossible one, and the encouraging news is that overall both Probation and Youth Offending practice are showing evidence of improving over time. It goes without saying that there is always scope for further improvement, especially in those individual local areas where the score has been weak, but it is worth noting in this Annual Report that the general overall trend nationally is in the right direction.

### **Serious Further Offence reviews:**

Peter Williams was one of two robbers who murdered the Nottingham jeweller Marion Bates in 2003. We found a failure by the electronic monitoring company to notify the Nottingham Youth Offending Team that contact had been lost. Damien Hanson and Elliot White murdered the London banker John Monckton in 2004, and we found a “collective failure” by the relevant staff to manage those cases properly. Anthony Rice murdered Naomi Bryant in Hampshire in 2005; in our judgement certain mistakes led to a “cumulative failure” in the way that the case had been handled over the sentence as a whole.



### ***The price of Public Protection:***

However, this does lead me to offer some further reflections on the wider subject of the public's expectations of this work, and the price we are all collectively prepared to pay for it. 'Price' is an especially topical aspect at a time when all public expenditure is under particularly close scrutiny, but the 'price' cannot be measured solely in financial terms.

It is well known that the prison population has grown from less than 50,000 to over 80,000 in the past twenty years, and there are heated ideological debates to be had in some quarters about whether that growth has been good or bad (or even 'not enough!'). My focus here though is not on the ideology but instead to consider the costs and benefits, insofar as they can perhaps be 'measured'. Some aspects – for example, the *retributive* purpose of prison – cannot readily be measured by any rational means. Surveys by Ipsos Mori (for example) appear to show that many of the electorate who were polled and interviewed say (in effect) "*I know that prison doesn't necessarily do any good, but I still want more criminals locked up for longer anyway*". It can plausibly be argued that in a democratic society it is a legitimate position for voters to take the view that for them it is good value for money to want convicted offenders locked up at an annual cost of at least £40,000 per head, perhaps for solely *retributive* purposes.

Other purposes – the *rehabilitative* and *preventive* purposes – are more open to measurement in principle, even though they are fearsomely difficult to measure in practice. Indeed, in terms of *rehabilitation*, the past few years have been a largely unsung success story for NOMS. Although some of the specific figures quoted have been open to challenge by some including ourselves (for methodological reasons), it nevertheless remains true that in 'big picture' terms a small but significant improvement has been achieved during the past few years. In contrast to the long term picture during the post war years, in which nothing really made much difference to reconviction rates, the trend over the past decade has been a small but identifiable decrease in reoffending.

This is a hugely complicated subject, because it is so difficult to ensure that you are comparing 'like with like' and thus successfully isolating the effect of the 'intervention'. (Many individual 'projects' report eye-catching improvements in reoffending rates, but these rarely stand up to close scrutiny.) However, the technique of measuring 'actual reoffending' versus 'predicted reoffending' is a credible technique, and I welcome the fact that it is one of the current methods used by the Ministry of Justice to measure progress over time nationally, though I have some reservations about its value as a local performance measure. Alongside other evidence it leads me to the view that over the country as a whole a small but identifiable decrease in *reoffending* is being achieved at both adult and youth level. (NB This is a separate point from the reduction in general crime rates, which has also taken place over the past few years.)

Of course there continues to be a large number of victims of crime each year, and since unsurprisingly many offenders are repeat offenders these victims may not be consoled by the assertion that but for effective work by Probation Trusts and Youth Offending Teams things could have been worse – but it's still true. The small improvement is a significant one in an historical context, though it is also one that Probation and YOTs will want to build on by making further improvements. My aim is that inspection will continue to help make a contribution to that by identifying where improvements need to be made.

The *preventive* purpose is even harder to measure (Here I am using the term *preventive* to refer solely and narrowly to the 'incapacitation effect' – the undiluted fact that if a person is in custody they cannot commit an offence in the community): For each person in custody, how many crimes, and of what nature, would they have committed if they had been at liberty instead of in custody? In my view, it does the liberal argument no credit to suggest that the huge rise in the prison population has made no contribution at all to the reduction in the general crime rate in recent years – the fact that it is hard to measure doesn't mean it doesn't exist at all. But at a time when public expenditure is under especially close scrutiny it would be wise to consider the price paid for this rather drastic form of crime prevention, both financially and otherwise.

I therefore offer some calculations and projections arising from two recent developments in the way imprisonment is used in England & Wales, one at the 'low seriousness' end of work with sentenced offenders, and one at the 'high seriousness' end. It is not my role as Chief Inspector to advocate one policy approach in preference to another, but it is very much part of my role to offer well-evidenced 'fair comment' to analyse how things are working in practice currently, and to draw attention to the possible policy options for the future. Crime is a very emotional business, and most discussions of the subject generate more heat than light. We have previously advocated 'more light and less heat, please', and my aim here is to shed some light on this emotionally charged topic. All such calculations and projections have to consist of broad approximations and conjecture, though mine do at least consist of informed approximations and conjecture – and I've shown the 'working out' in separate boxes in the margins next to this Foreword.

### **End of Custody Licence 2007-10:**

In certain quarters there was great outcry about the early release scheme (now ended), whereby approximately 80,000 relatively 'low seriousness' prisoners were released up to eighteen days early each from their sentences from June 2007 to March 2010. The very low rate of reoffending of such a large number of individuals still led to a 'high-looking' total number of around 1,500 further offences.

Looking at the matter from solely a *preventive* perspective, it would be hard to deny that those 1,500 offences would have been prevented if those 80,000 prisoners had stayed in custody during those eighteen days. But the follow-on questions also need to be asked: What would it have cost to have kept them locked up? How many offences would these individuals have committed – and/or did they in fact commit – in the first eighteen days after their original scheduled release date? How many more would they have committed if released a further eighteen days early? It's hard to see that the rate of reoffending is likely to vary much either way, whether one is released a couple of weeks before, or a couple of weeks after, one's originally scheduled release date. (Equally, one wouldn't argue either that the rate for one fortnightly period should be used to project a rate of offending for a whole year.)

In each of the two full calendar years in which the 'End of Custody Licence' scheme operated, there were about 30,000 prisoners released approximately a fortnight early each. Over each year, around 500 of them committed around 600 offences in total, and were recalled (a further 500 were recalled for breaching the terms of their licence, but not for further offending). The approximate cost of keeping 30k people in custody for around a fortnight is £48m, which gives a notional calculation of **£80,000 to prevent each offence for just over a fortnight**.

Of course this was a 'select' group of relatively 'low-seriousness' prisoners, assessed as suitable for release up to eighteen days early, and therefore a low rate and seriousness of reoffending is to be expected. Furthermore, the identified cost of keeping that group locked up now, since the early release scheme has now ended, is not readily realisable ('cashable') in practice as a variable cost anyway – though it does become very much a real variable cost as soon as we create more prison places at about £170,000 each (start-up costs).

### **Basis for calculations re End of Custody Licence cases:**

The Ministry of Justice published regular Statistical Bulletins on End of Custody Licences and recalls. I have referred to the two complete calendar years of 2008 and 2009 in order to project an annual rate in round numbers. These Bulletins show that in 2008 31,318 prisoners were released, and that 497 individuals committed 658 further alleged offences, and in 2009 29,371 were released, with 454 individuals committing 584 further alleged offences. This provides a relatively solid basis for projecting that releasing 30,000 selected prisoners just over a fortnight early each year leads to around 500 of them committing about 600 offences in total each year.

Spurious exactness should always be avoided when dealing with statistics such as these. It is reasonable to divide the currently cited figure of c£40k per annum by 25 to produce a figure of £1,600 for each prisoner for the fortnight, and multiply that by 30,000 prisoners to produce a figure of £48m as the cost of imprisoning them all for that period. Divide that by 600 offences and we have £80k for each offence. Having said that, I readily acknowledge that early release does not produce an immediate direct saving of £48m because it is not a direct variable cost. It only becomes a 'real' saving once it becomes time to build new prison places, at a commonly cited start-up cost of £170k per place, and then £40k per annum each after that.

### **'IPP' sentences:**

At the other end of the 'seriousness scale' are the prisoners currently serving indefinite sentences. Life sentences are well established and, although mistakes are sometimes made, as we have commented ourselves in the past, the system functions well in most respects. It is not possible to eliminate risk to the public altogether, but overall the rate of reoffending by former 'lifers' is low. But as we found in one of our joint inspections this year there are continuing serious problems of a different nature with the other main indefinite sentence, IPP (Imprisonment for Public Protection).

In October 2008, the first joint report on IPP by the Prisons and Probation Inspectorates reported in critical language on the influx of prisoners serving these new indefinite sentences, and in March 2010 our second joint report went on to describe the emerging position as "unsustainable". We reported that in December 2009 only 75 IPP prisoners had been released and stayed out (in total since 2005), while there were around 70 newly sentenced IPP prisoners every month entering prison. Of the 5,788 IPP prisoners in custody, 2,393 had passed their 'tariff date', i.e. the period announced by the judge as the due punishment for their offence. In effect, these 2½ thousand prisoners are now being locked up as a form of preventive detention, as was the intended policy of course. So it is worth considering both the costs and the benefits of this policy.

I've calculated the net cost of keeping this group of prisoners locked up, rather than being carefully managed in the community, as being in the region of £80m per year. While you can never be sure of any precise answer to the 'What If?' question, my cautious (pessimistic) projection is that if at liberty this group as a whole might commit as many as 40 serious crimes a year altogether (though it could well be as few as 12). This works out at around **£2m or more per year to use imprisonment's incapacitation effect to prevent each individual further serious crime.**

### **Basis for calculations re IPP cases:**

The current average cost of imprisonment is now cited by NOMS as being at least c£40k per annum per head. It could be argued that IPP cases are kept in the higher security and therefore more expensive prisons, but I've kept with the £40k average figure. There isn't a 'cited annual cost per case' for managing cases under the Multi-Agency Public Protection Arrangements (MAPPA), but I've worked on c£8k per annum for a 'Level 2 or Level 3' case. Hence the 'net cost per head per year' of keeping someone in prison rather than in the community on this level of restrictions is c£32k. For 2,400 cases that gives a net cost in the region of c£80m pa.

The October 2009 MAPPA report shows that 10,898 cases being managed 'at Level 2 or Level 3' (i.e. a high level of restrictions) committed a total of 48 serious crimes in the previous year – about one in 220. It would seem prudent to deduce that there would be a higher proportion of crimes per case by IPP cases if released, but it would be a major surprise if the figure were more than one in 60. (This is because we've not found higher rates of serious crimes than one in 60 even among large samples of High/Very High Risk of Harm cases who were not under MAPPA.) Therefore, although it is never possible to give an exact answer to the 'What If?' question, it is reasonable to quote 'a range of between one in 60 and one in 200', and it is cautious (pessimistic) to quote at this stage 'one in 60' as the basis for the probable occurrence of further serious crimes if 'post-tariff' IPP cases were out and being managed by MAPPA in the community. For 2,400 cases that is 40 per year (as a high projection) – it could well be as low as 12 per year.

### **A 'non-financial' price:**

The costs are not only financial ones. It is also important to remember how many people who are not going to commit further offences are being locked up 'unnecessarily' in order for us to be sure that we are locking up the ones who will.

In the case of the End of Custody licence the ending of this scheme now means that we are keeping locked up 30,000 prisoners each year for a fortnight or so longer than we had been until recently. In terms solely of preventing crime we are being effective in preventing about 500 of them from committing around 600 offences during that fortnight, while for the other 29,500 or so the new fortnight in custody is not strictly 'necessary'. We're therefore in effect locking up 59 'low seriousness' people who don't need to be locked up, in order to lock up each one who is going to offend again in that very short period.

When we turn back to the subject of the relatively smaller group of prisoners who have committed serious crimes and are now serving indefinite sentences, we are dealing with 'high seriousness' people who commit types of offences that are statistically rarer, and we are looking at a whole year instead of just over a fortnight. My cautious projection suggesting that the group of 2½ thousand IPP prisoners who have passed their 'tariff date' might commit as many as 40 serious crimes a year means that the proportion of such reoffenders is again in the region of one in 60, though this time over the course of a whole year. This means that we are therefore in effect probably locking up at least 59 'high-seriousness' offenders who don't need to be locked up, in order to lock up each one who is going to commit a further serious crime some time during a whole year.

The same question can then be considered the other way round: Is the public prepared to accept the 'cost' of having more prisoners managed in the community, in terms of a proportionately small amount of reoffending, in order to achieve the 'benefit' of substantial financial savings, and knowing that people are not being expensively locked up for longer than they need to be?

Trite solutions to this question should be avoided, and grown-up choices need to be made instead. Although the authorities can predict *probabilities by groups*, it is impossible to predict *certainties by individuals*. 'Risks' to the public cannot be eliminated, and individual incidents should not necessarily be seen as evidence of the system failing. In this light, policy options need to be considered in a mature way.

Meanwhile the public does need to stay informed about whether the relevant authorities are 'doing all they reasonably can' to keep *Risk of Harm to others* to a minimum. As I enter my final year as Chief Inspector I trust that independent inspection by HM Inspectorate of Probation will continue to provide the best means of measuring how often they are achieving this.

**Andrew Bridges CBE**  
**HM Chief Inspector of Probation**  
July 2010

### **Predicting and managing harmful behaviour:**

Most of the public advocate the idea of keeping locked up the people who are a danger to others, and allowing the release of those who are not going to offend again. There is only one snag: although the authorities can predict *probabilities by groups*, it is impossible to predict *certainties by individuals*. In this sense it is similar to car insurance: companies are very effective in predicting correctly that some types of people (young, male) are a 'high risk', while others (older, female) are much less of a 'risk' – but there are still plenty of 'high risk' individuals who don't crash their cars, and plenty of 'low risk' individuals who do. Similarly, when managing offenders in the community, the authorities can correctly do everything within their power to minimise each individual's *Risk of Harm to others*, but a small number of them will inevitably commit a further serious crime even when everyone involved has done their job properly. The dreadful impact of each individual catastrophe, despite their relative rarity, makes it very difficult indeed to determine what level of risk to the public should be deemed as 'acceptable'.

# 1

## THE HMI PROBATION YEAR

## Overview

### 1.1

During the year 2009-10 we carried through all our planned inspection work successfully to schedule, in the process starting two new longer-term regular inspection programmes of youth and adult offending work:

- under the new Inspection of Youth Offending Programme (IYO), the Core Case Inspection of youth offending work – under which the work of all 157 Youth Offending Teams (YOTs) will be inspected over a three-year period – started in April 2009. A total of 53 inspections were completed, to schedule.
- the new adult Offender Management Inspection Programme – OMI 2 – under which we will visit all NOMS Probation Trusts over a three-year period – started in September 2009. A total of eight inspections were completed, to schedule.

### 1.2

We made a substantial contribution to joint thematic inspection work with other Criminal Justice and other Inspectorates. We published joint thematic reports led by HMI Probation on Prolific and other Priority Offenders, Offenders with Mental Disorders and (jointly with HMI Prisons) Indeterminate Sentences for Public Protection. On youth offending we coordinated the overall programme of thematics and had substantial involvement in each of the four thematics carried out in 2009-10.

### 1.3

We continued to give a prominent focus in our inspection programmes to the closely related issues of Public Protection and Safeguarding work (see paragraphs 1.13, 1.14 and Chapter 6). Among other things we published in November 2009 the result of the special case inspections in London undertaken following concerns arising from the Sonnex case.

### 1.4

The following table summarises the number of inspections carried out (i.e. the fieldwork completed) and the number of inspection reports published in 2009-10. (There is inevitably some time lag between the date of fieldwork and the date of publication.)

	Inspections <sup>(1)</sup> carried out	Inspection reports <sup>(1)</sup> published
Inspections by HMI Probation as a single Inspectorate	3	2
Joint inspections between HMI Probation and other Inspectorates	68	56
<sup>(1)</sup> including reinspections where relevant		

Details of reports published are shown in Appendix D.

### 1.5

The following chapters set out in more detail our inspection work on each of the programmes referred to above. This chapter describes some main developments on our inspection work in general and the context in which we operate, including our joint work with other Inspectorates. It also refers to our role in providing advice and liaising with interested organisations. It then gives a brief account of some developments in the way we organise ourselves in order to carry out our business.

## Core basis of inspection

### 1.6

The core of our inspection work continues to be the assessment of the quality and effectiveness of adult and youth offending work in a representative sample of particular cases of individuals who have offended. We judge how often work was done sufficiently well with each individual in this representative sample of cases. We have incorporated this approach into, among other things, the new area inspection programmes which started in 2009-10 (see paragraphs 1.13 and 14).

### 1.7

We also consider that inspection should be proportionate and focused on key aspects of work where direct inspection makes assessments that cannot readily be made by other means.

## **Joint Inspection of the Criminal Justice System**

### **1.8**

Following the decision in October 2006 to develop an annual Joint Inspection Plan, HMI Probation has played a leading part in work between the Criminal Justice Inspectorates on the plans for the Joint Inspection Programme for each year, including those for the Joint Inspection Programme for 2010-11 which were being finalised at the time this report was being prepared. Overall over 90% of our inspection work in 2009-10 has been within the jointly-owned Joint Inspection Programme. We have also continued to take the lead in work across the Inspectorates to share internal support and infrastructure services where feasible.

### **1.9**

In relation to the joint CJS inspection arrangements, we continue to work with the Advisory Board of independent members who advise Criminal Justice Chief Inspectors on joint inspection issues. During 2009-10, the Board comprised Professor Rod Morgan, Professor Steven Shute and Dr Silvia Casale.

## **Government paper on *Putting the Front Line First***

### **1.10**

We noted the publication by the Government in December 2009 of the paper *Putting the Front Line First: smarter government*, including the intention to review the work and coverage of inspectorates across the public sector. We discussed accordingly the work of HMI Probation with those taking forward this review. One of the intentions indicated in the Government's paper is that inspection and other assessment frameworks should only include what is really needed to guarantee quality. We strongly agree, and believe that HMI Probation's approach to inspection as outlined above – a focus on inspection of work which cannot readily be measured by means other than inspection – is fully in line with this.

## **Comprehensive Area Assessment**

### **1.11**

HMI Probation has been a full partner in the Comprehensive Area Assessment (CAA) of local areas led by the Audit Commission (subsequently abolished in May 2010). The CAA was designed to provide residents in every area of England an independent, expert assessment of the delivery of local public services in their area. The CAA was launched fully in December 2009, and we were pleased to participate in the launch event.

### **1.12**

During 2009-10, as full partners in the CAA, we contributed to each assessment of local areas our key inspection findings, especially those from the Core Case Inspections (CCIs) of youth offending work. We also relayed relevant performance information from the Youth Justice Board (YJB) and NOMS, together with our commentary.

## **New inspection programmes**

### **1.13**

During the year we started our new inspection programmes of youth offending (in April 2009) and offender management (in September 2009). We took care to test out in advance the methodology for both. The design and focus of these new inspections reflected our view, noted above, that inspection should be proportionate and focused on key aspects of work where direct inspection makes assessments which cannot readily be made by other means. Reflecting this, the new programmes both include, among other things, a focus on the key issues of *Risk of Harm to others* and Safeguarding.

### **1.14**

In line with the focus of our inspection work on the quality of work found in a representative sample of cases, the new inspection programmes include 'headline' scores representing, for key aspects of work, the proportion of the work in the sample which we rated to have been done sufficiently well. For both OMI 2 and CCI, headline scores are produced both for work to minimise *Risk of Harm to others* and work to reduce the Likelihood of Reoffending. For OMI 2 a headline score for Compliance and Enforcement is also produced, and for CCI a headline score for Safeguarding work.

## **Communication of our inspection results**

### **1.15**

We aim to ensure that our inspection findings are clear and readily accessible. We do this partly through regular maintenance of our website and continuing improvements to its structure, making a number of further improvements during 2009-10. We also keep under review the need for clarity in the format of our reports to ensure that they are as concise and clearly presented as possible. We have worked to this principle in the design and production of the reports from our new inspection programmes starting in 2009-10.



## **Press and Media support**

### **1.16**

In communicating our inspection findings we need to work effectively with the press and media. Until the end of 2009 press support to HMI Probation was provided by the Ministry of Justice (MoJ) Press Office. In January 2010 the three independent Inspectorates in the MoJ (HMI Probation, HMI Prisons and HMI Court Administration) appointed a Press and Media Relations Manager to work specifically for the three Inspectorates as a shared resource, and press support to HMI Probation is now provided by that person.

## **Evaluation of inspections by organisations whose work we inspect**

### **1.17**

HMI Probation is concerned to keep to a minimum the amount of extra work for the organisations whose work we inspect, arising as a result of the inspection process. In this connection, for each CCI and OMI 2 inspection, the YOT Manager or Probation Chief Officer/Executive involved is invited after the inspection to complete a short questionnaire for their organisation, with their evaluation of the inspection process.

### **1.18**

Of the total of 32 returns for CCI and OMI 2 (together) available at the stage this report was prepared:

- 91% of the organisations were fully or mainly clear what they needed to do to plan for the inspection
- 88% were, overall, fully or mainly satisfied with the pre-inspection planning arrangements with HMI Probation
- 94% were fully or mainly satisfied with the conduct of the inspection team
- 97% were fully or mainly satisfied that any requests made by inspection staff during the inspection were reasonable
- 91% were, overall, fully or mainly satisfied with the management of the inspection.

## **Departmental arrangements**

### **1.19**

HMI Probation continues to be hosted by the Ministry of Justice and, for organisational purposes, to be located in the Criminal Justice Group (renamed Justice Policy Group, from 1 April 2010) in the MoJ.

### **1.20**

During 2009-10 a framework document setting out the relationship between HMI Probation and the MoJ was produced, and work continued on protocols relating to the delivery of specific services provided by the MoJ. Work also continued on the move, from the Home Office to the MoJ, of the provision of specific internal infrastructure services to HMI Probation. While on some of these arrangements have run smoothly, on others there have been some difficulties, at least initially.

## **Advising and Liaising**

### **1.21**

While our main purpose is independent inspection, we also have a significant role in providing advice. HMI Probation's managers have continued to offer advice to Ministers on the effectiveness of adult and youth offending work, particularly on the findings of the Core Case Inspection of youth offending. We have similarly continued during 2009-10 to liaise with, and to provide advice to, other bodies with an involvement in Public Protection and Safeguarding work, particularly NOMS, the YJB and Ofsted. In this connection we also liaise with the National Safeguarding Delivery Unit, and attend the post-Laming Implementation Board.

### **1.22**

As in the two previous years, we agreed with NOMS that in 2009-10 some of our key results from offender management inspections would be incorporated into the Integrated Probation Performance Framework (IPPF) – the main performance mechanism for probation areas used by NOMS during that year– in order to produce a comprehensive picture of performance across probation areas. We also contributed to discussions with NOMS of its plans for changes to the content of the Probation Performance Framework for future years.



**1.23**

In previous years, HMI Probation convened the national Probation Inspection and Audit Forum, comprising the Audit Commission, the National Audit Office, and other bodies undertaking audit or inspection work involving probation areas, aimed at sharing information and undertaking joint planning in order to avoid duplication of work, and to help minimise the impact of inspection and audit activity on probation boards. From 2009-10 the Forum has merged with a similar group which had been considering prisons work, to form the NOMS Audit and Inspection Group, chaired by the NOMS Audit and Assurance Unit. HMI Probation has contributed to the work of this new group, which covers both prison and probation issues.

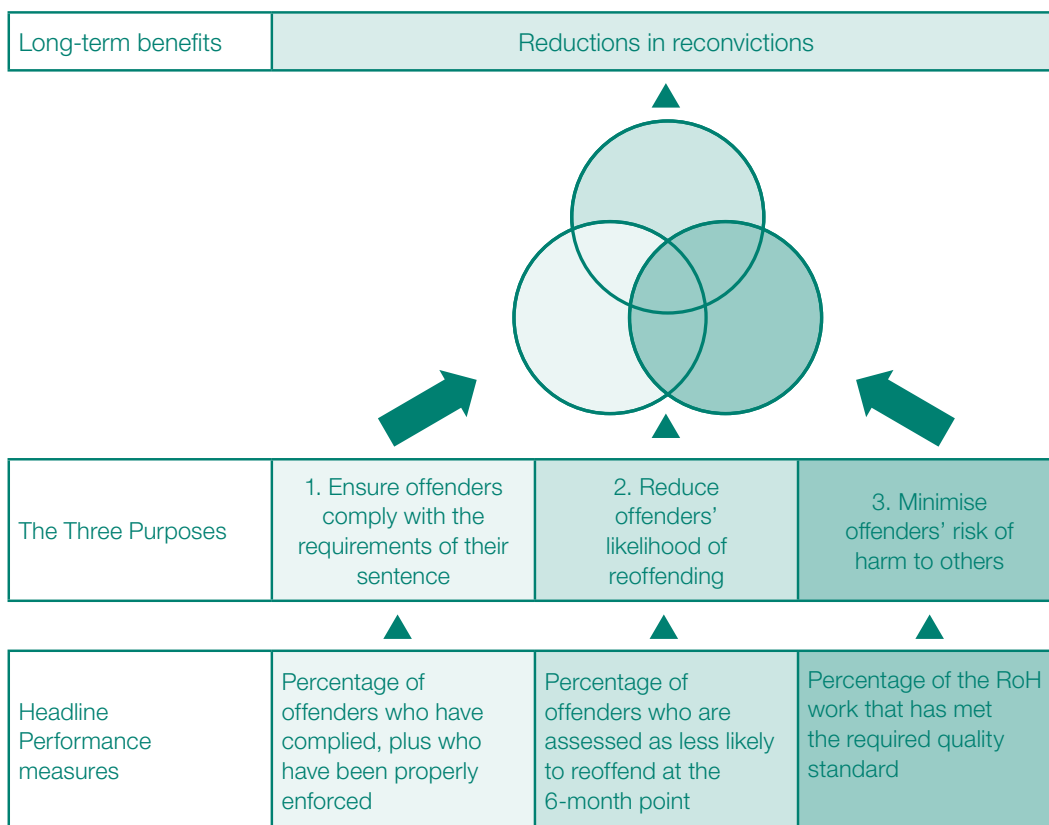
**1.24**

During 2009-10, we continued our involvement in international activity to promote effective probation work. As in previous years, several members of HMI Probation undertook pieces of work in other countries to assist in the development of their probation services. Alan MacDonald made two visits to Turkey to assist in the development of harm reduction strategies for substance misusing offenders and pre-release work. Sally Lester made four visits to Bulgaria to assist with the introduction of pre-sentence reports and to develop a framework to audit the quality of assessments. Sandra Fieldhouse undertook three projects in Bulgaria relating to drugs and alcohol, and employability, programmes. Liz Calderbank, along with a colleague from HMI Prisons, made a visit to Jamaica to advise on the development of inspection of the criminal justice system. We also maintained our links with, and continued support for, the European Probation Conference (the CEP).

**1.25**

During 2009-10 Andrew Bridges has provided advice, as a member of an 'Expert Panel', to the New Zealand Department of Corrections on the development of its probation work. This has involved four visits to New Zealand and several video conferences. Among other things he has provided general advice on performance management of probation work. This is summarised in the chart below, which shows the relation between the three underlying purposes of probation, the long-term benefits of probation work (reductions in reconvictions) and the headline performance measures for probation work which are best used to assess performance in the short-term. We believe that this advice, along with some of the other developments which the New Zealand service is taking forward, can also inform developments in England and Wales.

**PERFORMANCE MEASUREMENT OVERVIEW**



## **Inspection outside England & Wales**

### **1.26**

In 2009-10 we carried out inspections of the work of both the youth justice team, and the probation service, in the Isle of Man. The report on the youth justice team was published in October 2009, and the report on the probation service was published in May 2010.

## **History of HMI Probation**

### **1.27**

As HMI Probation enters its 75th year, we have produced a short history of the Inspectorate, available on our website. The history indicates the way HMI Probation has evolved and adapted to changing times and demands since its foundation in 1936.

## **Statement of Purpose and Code of Practice**

### **1.28**

Turning to some aspects of the way we organise ourselves, we consider it important to have a clear and publicly available Statement of Purpose and Code of Practice. These are at Appendix A, and are also available on our website.

## **Complaints Procedure**

### **1.29**

We remain firmly committed to ensuring that our inspection processes are carried out with integrity in a professional, fair and polite way, in line with our Code of Practice. However, our Complaints Procedure (also available on the website) recognises that there may still be occasions where an organisation or individual involved in an inspection wishes to register a complaint. In 2009-10, one formal complaint was received, in respect of an IYO Core Case inspection. The Chief Inspector responded in person to the complaint, indicating that it was not founded. The complaint was then taken to Ministers, who rejected it.

## **Quality Assurance Strategy**

### **1.30**

As an independent Inspectorate, we need to offer assurance that the work we do is carried out to the highest standard, that the work we inspect is scrutinised fairly and that we reach our judgements and findings through consistent and transparent processes. Our comprehensive Quality Assurance Strategy provides the structure for us to scrutinise our arrangements and processes, aiming to ensure that we provide consistent judgements and reliability both across and, where appropriate, between our inspection programmes.

### **1.31**

The strategy includes ten elements, covering each of the main aspects of our work:

- diversity
- selection of case samples
- questionnaires to service users
- training of probation area and Core Case Inspection assessors
- assessment of cases
- group interviews and meetings
- data analysis
- report writing
- report editing
- report production.

These are applied across each of our main inspection programmes.

### **1.32**

During 2009-10, we updated the Strategy to cover the period 2009-12, accompanied by a Quality Assurance Action Plan, and a Quality Management Action Plan, each for 2009-10.

### **1.33**

During the year, we made considerable progress in achieving the tasks we set out to do, but we are not complacent. There is always room for improvement and whilst some tasks are now embedded in our processes, others require greater fine tuning and development. We will continue with this work to ensure the highest quality of our inspection processes.

## **Staffing**

### **1.34**

We had a considerable number of staffing changes during the year, with 15 staff joining and 11 leaving. This relatively high turnover, and the overall increase in staff numbers, mainly reflected the recruitment of seconded Practice Assessor staff to take part in the new IYO and OMI 2 inspection programmes starting in 2009-10. The number of seconded Practice Assessor staff had fallen during the previous year following the ending of the earlier YOT Inspection programme.

### **1.35**

We continue to maintain and develop our panel of Associate Inspectors. These people, recruited to the same rigorous standards as our salaried inspection staff, work for HMI Probation on a sessional, fee-paid basis alongside our salaried staff.

### **1.36**

HMI Probation is already diverse both in skills and background, and we are committed to maintaining and extending this. This has been helped by probation areas, YOTs and other organisations seconding their staff to us, and we are very grateful for their continuing willingness to do so.

### **1.37**

Our staff group at 31 March 2010 – including also the panel of fee-paid Associate Inspectors – is shown in Appendix C.

## **Rose Burgess's retirement**

### **1.38**

One of the staff leaving during the year was Rose Burgess, on her retirement as HM Inspector. Throughout her career, Rose made a major contribution to both adult and youth offending work as a practitioner, manager and inspector. Prior to joining HMI Probation in 2002 she held posts in West Yorkshire Probation, Berkshire Probation, Slough Youth Offending Team, and as Director of Community Justice with the Youth Justice Board. She also served as the Chair of the Association of Black Probation Officers. In her seven years with HMI Probation she made a very important contribution to our work. We wish her all the very best for a long and happy retirement.

## **Diversity**

### **1.39**

We aim to integrate the best principles of diversity into our inspection practice, as well as into the management of our own staff. We developed a Single Equalities Scheme 2007-10, which sets as an overarching objective: *Working to remove improper discrimination in the Criminal Justice System*. We produce and implement a separate annual plan to support this Scheme. These and other key documents are on our website.

### **1.40**

We see it as very important to examine diversity issues in our main inspection programmes. We have built into each of our main programmes key criteria to identify whether or not individuals who offend are being treated proportionately at each step in the processes we inspect, with no difference by their diversity characteristics. In this connection we analyse and publish inspection findings by diversity characteristics, so that any disproportionality in the quality of work with different groups of offenders (by race, gender, age-group, etc) can be identified. In March 2010 we published accordingly aggregate findings from the OMI programme by diversity characteristics (see chapter 2). In 2010-11 we will similarly be publishing aggregate findings by diversity characteristics for the initial phases of the new inspection programmes of adult and youth offending work started in 2009-10.

### **1.41**

We also aim to integrate the best principles of diversity within HMI Probation, in terms of how we organise ourselves and treat others, and to monitor how we do this. In this connection we routinely monitor the diversity characteristics of HMI Probation staff. This information shows that, at end-2009, of the HMI Probation staff group in total\*:

- 46% were female
- 10% were from a minority ethnic group

- 8% considered that they had a disability within the meaning of the Disability Discrimination Act 2005
- 12% were lesbian, gay or bisexual
- 25% were aged under 35, and 75% were aged 45 or over.

\* These proportions exclude respondents who preferred not to answer in respect of a particular characteristic.

#### **1.42**

We continue to work to our Welsh Language Scheme, which has been approved by the Welsh Language Board. In this connection we maintain a Welsh language page on our website on Welsh language matters, and we have ensured that our Associate Inspector panel includes three Welsh speakers.

#### **1.43**

We also carry out diversity impact assessments for the main processes in our regular inspection programmes.

### **Criminal Records Bureau checks**

#### **1.44**

Our staff involved in inspections of youth offending work may well have direct contact with children and young people, or at least with records containing personal details on them. For this reason, it is important that all our staff involved – support service staff as well as inspection staff – have an enhanced Criminal Records Bureau (CRB) check. We also consider that the check should relate to contact with vulnerable adults as well as with children and young people. We make arrangements for this accordingly, adhering to the CRB Code of Practice in the way we do this. Our approach is in line with the expectation that we have when inspecting the work of a YOT. For the future we will be making the appropriate arrangements to reflect the introduction of checks organised by the Independent Safeguarding Authority.

### **Planning Inspection Work and Use of Resources**

#### **1.45**

We produced our Plan for 2009-10 at the start of the year, setting out both our underlying approach and our specific plans for inspections. (We made this available on our website.) The Plan noted that our inspection work yields general benefits of:

- assurance. An inspection regime establishes whether or not a public service is being delivered effectively. The existence of the system of inspection therefore provides *Assurance* to Ministers and the public (even though the findings on any individual occasion may not necessarily be experienced as ‘reassuring’ at all!) *Assurance* is the benefit that arises for the public from knowing that a particular regime of independent inspection exists
- improvement. Inspection work provides the benefit of improvement as and when public services respond to inspection reports.

#### **1.46**

In order to monitor clearly how our resources are used to achieve our plans we create a ‘budget’ of deployable ‘inspection hours’ and monitor the use of these hours during the year. The Plan for 2009-10 set out specific plans for each of our main types of inspection, including the number of ‘inspection hours’ to be allocated to each type. As also in the two previous years over 90% of our inspection work in 2009-10 was within the jointly-owned Joint Inspection Programme.

#### **1.47**

In reviewing the position at the end of the year, we are pleased to report that we have carried out successfully our planned work for 2009-10, including contributing fully to the CJS Inspectorates’ Joint Inspection Programme.

# 2

## **INSPECTING ADULT OFFENDING WORK: OFFENDER MANAGEMENT INSPECTION PROGRAMME**

## Overview

### 2.1

The three-year Offender Management Inspection (OMI) programme ended in June 2009 with the publication of the last of the 42 area inspection reports. The successor programme, OMI 2, started in September 2009, and proceeded to schedule. In addition, we have developed our inspection of offender management in prisons.

## OMI Findings

### 2.2

In March 2010 we published a report of the aggregate findings from 4,929 case assessments undertaken in the OMI programme from 2006 to 2009. Some key findings from that previous programme included:

- the average *Risk of Harm to others (RoH)* score – the proportion of *RoH* work done sufficiently well – was 69%. The score for individual probation areas ranged from 56% to 85%
- in 78% of all cases sampled (and 83% of high *RoH* cases) every reasonable action was taken to minimise *Risk of Harm to others*
- management involvement in *RoH* assessments involving child safeguarding issues was satisfactory in only 57% of cases
- for over two-thirds of key aspects of offender management, the work done with offenders on that aspect was rated as done sufficiently well in 60% or more of all the cases sampled. However, for only about a third of these key aspects was the work rated as done sufficiently well in 75% or more of the cases
- in 90% of cases, effective action was taken to ensure the offender's compliance with the sentence, and in 86% of cases action on breach was instigated where required within national standards timescales
- in 64% of cases, constructive interventions challenged the offender to accept responsibility for their offending behaviour and its consequences
- in about half of cases there was a positive demonstrable change in the offender's attitude and/or behaviour at the time of the inspection.

When analysed by diversity characteristics, for the majority of key aspects of work there were no significant differences. However, where there were differences, work was done sufficiently well:

- with women offenders somewhat more often than with men
- with older offenders somewhat more often than with younger offenders
- on a few aspects of work, with white offenders a little more often than with black and minority ethnic offenders, although this gap was considerably smaller than observed in earlier inspection findings.

## Delivery of OMI 2

### 2.3

The first region to be inspected under the OMI 2 programme was the East of England, where we carried out inspections in Norfolk, Bedfordshire, Suffolk, Essex, Hertfordshire and Cambridgeshire. In February we moved on to the South-East region where, by the end of March 2010, we had carried out inspections in Surrey and Sussex. The OMI 2 programme will last three years, and will take account of the merger of certain areas when they acquired Trust status in April 2010.

## 2.4

As with the previous inspection programme, the emphasis of our methodology has remained on the detailed assessment of cases. In each area we will inspect between 100 and over 200 cases, depending on the size of the area. Cases are inspected by reading files and interviewing offender managers to inform our findings under three key headings: assessment and sentence planning; implementation of interventions; achieving and sustaining planned outcomes. In the fourth section of our reports, emphasis is on the extent to which the leadership and strategic management makes effective offender management more likely. Our findings in this section are based on documentary evidence submitted by the area in advance of the inspection, and on interviews with managers, key workers, offender managers, administration staff, and staff and partners from other key agencies. We also obtain the views of offenders, victims and sentencers through questionnaires and interviews.

## 2.5

We have continued to award a separate headline score for the quality of the assessment and management of *Risk of Harm to others*, based on a calculation of how often aspects of this work are judged to be done sufficiently well in the inspection sample. In a similar way we also award headline scores for the quality of work to address the Likelihood of Reoffending and for work relating to Compliance and Enforcement.

## 2.6

In the first region we trained over 30 Area Assessors – probation staff who work with us for the duration of the inspection in their area. The training programme for them was revised and updated for the start of the new inspection programme, and we introduced additional support and quality assurance arrangements. Feedback from the Area Assessors suggested that they found the experience of working on the inspection rewarding, informative and motivational. We have continued to encourage areas to use their skills in post-inspection improvement activity.

## Working with other Inspectorates

### 2.7

Ofsted has continued to play a significant part in the offender management inspections. It has been directly involved in each area inspection, through the observation of Employment, Training and Education (ETE) practice and interviews with offenders, staff and managers. We have incorporated its findings on offender learning and skills into our reports. Representatives of HMI Constabulary have also joined our inspection teams, contributing to the assessment of Public Protection and Safeguarding arrangements. Our close involvement with HMI Prisons has continued to grow; this is described in more detail below.

## OMI 2 findings

### 2.8

Some common themes from our inspections in the East of England region included:

- good pre-sentence work, with Fast Delivery Reports generally well received by courts
- assessments and plans were usually completed on time, but the quality of the analysis of the *Risk of Harm to others* was too often insufficient
- Risk Management Plans too often failed to include details of the specific steps to be taken to actively manage the *Risk of Harm to others*
- it was disappointing to find that management oversight was, in too many cases, insufficiently rigorous. Managers reported a tension between meeting timeliness targets for offender assessments and requiring the assessments to be re-done to improve the quality
- overall the delivery of the sentence plan appeared to have improved, with some well coordinated work involving other agencies
- many offender managers showed great commitment to their work with offenders, were skilled in motivating them, and worked hard to address diversity issues and barriers to compliance and engagement
- there was evidence of positive changes in the lives of some offenders, with a number gaining employment or educational qualifications
- in too many cases, more work needed to be done to manage the *Risk of Harm to others*, or to protect potential victims.

## **Prison OMI**

### **2.9**

During the first six months of the OMI 2 programme, we joined HMI Prisons on 12 of its announced inspections to assess the work being done under Phases II and III of the NOMS Offender Management Model as well as with those prisoners who do not come under the scope of the model. Our methodology included reading a number of cases, as well as holding meetings with relevant staff and managers.

### **2.10**

As few of the full inspection reports have yet been published, it is too early to comment on general findings. Our findings about the quality of offender management will contribute to the inspection report prepared by HMI Prisons. In addition, where we inspect a number of cases from one probation area, we will send our findings separately to the area and the Director of Offender Management for the NOMS region. We will also publish regular composite reports on our findings from Prison OMI.

## **How OMI 2 was received by those whose work was inspected**

### **2.11**

During the previous Offender Management Inspection programme we collected feedback from staff and managers within each area, and from partnership agencies. This feedback informed our development of the OMI 2 programme and was used in supervision with individual inspection staff.

### **2.12**

In the OMI 2 programme we have continued to invite feedback from offender managers interviewed in the inspection. The feedback from those inspections for which information was available at the time this report was published was as follows and is positive:

- 314 questionnaires were completed by offender managers involved with the inspections
- 96% of respondents felt that discussions with HMI Probation assessors were undertaken in a professional, impartial and courteous manner
- 97% of respondents felt that the assessor gave them feedback on good practice
- 98% reported that they had been given ideas on how to improve their practice

We have also attempted to capture some evidence about the impact of inspection on practice. We asked offender managers what they would do differently following the inspection. Their comments include:

*"Be more proactive with the prison"*

*"Use smaller, more achievable objectives to enhance motivation"*

*"Liaise more with the police Domestic Violence unit"*

*"Use a 'what if' approach in my risk assessment"*

*"Better contingency planning (in risk management plans)"*

*"Do home visits where there may be child protection issues"*

*"Record exit strategies".*

We asked offender managers whether there were any factors that would get in the way of them changing their practice, or continuing with best practice. Overall, 44% reported such obstacles. Unsurprisingly, many commented on high workloads, staff shortages and time constraints. A number also noted a focus on achieving targets, lack of support and limited access to relevant training; the emphasis on these factors varied between areas.

## **The Year Ahead**

### **2.13**

During 2010-11 we plan to carry out 15 inspections under OMI 2.



# 3

## **INSPECTING ADULT OFFENDING WORK: JOINT THEMATIC INSPECTIONS**

## **Overview**

### **3.1**

We continued to work closely with our colleagues in the other Criminal Justice Inspectorates to finalise inspections started during 2008-09. We published three joint thematic reports in 2009-10: *Prolific and other Priority Offenders – A joint inspection of the PPO programme*; *A joint inspection on work prior to sentence with Offenders with Mental Disorders*; and *Indeterminate Sentences for Public Protection*. Our inspection on sex offenders is also close to completion and is planned to be published in summer 2010. These inspections cover a wide range of criminal justice activity and contain recommendations directed at all involved agencies. All formed part of the Criminal Justice Joint Inspection Business Plan 2009-10.

### **Prolific and other Priority Offenders – A joint inspection of the PPO programme**

#### **3.2**

All the Criminal Justice Inspectorates took part in this inspection which focused on the *Catch and Convict* and *Rehabilitate and Resettle* strands of the Prolific and other Priority Offender strategy. Its purpose was 'to consider the individual criminal justice agencies' contributions to the programme against the National Premium Service and assess their effectiveness'.

#### **3.3**

We deliberately selected schemes with different organisational structures to give us a wide range of practice to inspect. The schemes included in the inspection were: Camden, Cumbria, Norwich, Plymouth, Sandwell and Swansea. Between them, they covered both urban and rural areas and those with ethnically diverse populations.

#### **3.4**

During the course of the fieldwork, we inspected 190 probation and Youth Offending Team (YOT) files, 95 police files, 82 Crown Prosecution Service files and 61 prison files from 15 prisons. We also interviewed scheme coordinators, offenders – both in the community and in prison, and organisations identified by the schemes as being significant stakeholders. The latter included police, probation, YOT, CPS, court and local authority representatives at an operational and strategic level, managers from partnership organisations and representatives of the Local Criminal Justice Board.

#### **3.5**

The overall tone of the report was a positive one. We were pleased to find that the PPO programme had made a good job of implementing the recommendations from our 2004 report on the earlier Persistent Offender scheme about the identification and management of offenders. Inevitably, we found some aspects of the service required improvement: the National Premium Service needed reviewing at the court stage in the light of other developments since 2004, and the service for PPOs serving prison sentences of 12 months or less needed strengthening in practice. Nevertheless, we felt that the PPO programme as a whole was a useful provision that should continue to attract support.

### 3.6

The report was published in July 2009 and included the following recommendations to improve performance:

***The Home Office and the Office for Criminal Justice Reform should ensure that:***

- the National Premium Service is reviewed in light of the findings of this inspection and the implementation of both the *Delivering Simple, Speedy, Summary Justice* Initiative and the Offender Management Model. Any requirements of the reviewed service should be consistent with agency policies, add value and be measurable.

***The Home Office should ensure that:***

- the demand for performance information from schemes is reduced, focusing on the desired outcome of a reduction in reoffending
- performance monitoring arrangements support effective practice and cease to operate as a disincentive to the appropriate de-registration of Prolific and other Priority Offender cases
- JTrack should be subject to a full independent cost-benefit analysis, its use reconsidered, and if it is to be continued, reviewed to ensure that it meets both the operational requirements of Prolific and other Priority Offender schemes and supports effective practice as well as informing strategic developments.

***The Ministry of Justice and the Home Office should ensure that:***

- the effective exchange of information between all criminal justice agencies is improved so that Prolific and other Priority Offenders are identifiable on arrival in prison custody and their needs effectively assessed, prioritised and addressed.

***The National Offender Management Service should:***

- increase the knowledge and awareness of its staff about the requirements of the Prolific and other Priority Offender programme by:
  - updating the Prison Service Order 4615 and guidance on Prolific and other Priority Offenders to ensure they are consistent with the Offender Manager Model and other developments in the management of offenders
  - issuing the revised orders and guidance to probation teams and prison staff, supported by training
- clarify the roles of prisons and Prolific and other Priority Offender schemes in relation to those offenders serving less than 12 months imprisonment
- ensure that within 24 hours of arrival in prison custody a protective factor assessment of needs is carried out and a sentence plan is subsequently developed in a structured timely manner focusing on how these needs can be met
- ensure that Prolific and other Priority Offenders' access to the interventions identified in the sentence plan is given priority and facilitated
- identify performance indicators for Prolific and other Priority Offender schemes that relate to the quality of interventions rather than the speed of assessment.

***Crime and Disorder Reduction Partnerships should:***

- review the structures of their Prolific and other Priority Offender scheme, exploring any opportunities to work collaboratively with neighbouring schemes
- ensure that schemes systematically assess and review Prolific and other Priority Offenders at the point of selection onto the scheme and no less than annually thereafter, and that cases demonstrating prolonged and sustained improvement are de-selected as appropriate
- undertake an audit of the services needed locally to increase the likelihood of offenders successfully engaging with the Prolific and other Priority Offender scheme and put in place a plan to increase provision.

***Probation Areas should:***

- support the work of the Prolific and other Priority Offender schemes by ensuring that they work together to provide effective interventions, intense contact levels and speedy enforcement for Prolific and other Priority Offenders.

***Youth Offending Teams/Services should:***

- address repeat offending by children and young people by implementing the requirements of the *Management Framework: Deter Young Offender Scheme*, focusing in particular on the effectiveness of interventions, intensity of contact and enforcement.

***HM Courts Service should:***

- collaborate with the Home Office in the recommended review of the National Premium Service and provide appropriate guidance for court staff.

***The Crown Prosecution Service should:***

- collaborate with the Home Office in the recommended review of the National Premium Service and provide appropriate guidance for prosecutors.

***Chief Constables should:***

- encourage the continued investment of police resources in Prolific and other Priority Offender schemes
- ensure that Neighbourhood Policing Teams understand the importance of supporting the work of Prolific and other Priority Offender teams and communicate effectively with them.

## **A joint inspection on work prior to sentence with Offenders with Mental Disorders**

### **3.7**

The whole subject of offenders with mental disorders is a huge one, and this inspection focused solely on the work undertaken with offenders with mental disorders during the period from arrest/detention to sentence. Its purpose was to assess the quality and effectiveness of information exchanges between criminal justice agencies in dealing with mentally disordered offenders during this time in:

- ensuring appropriate treatment and support both within and outside the criminal justice system
- facilitating their diversion from prosecution or custody where appropriate.

### **3.8**

The inspection was led by HMI Probation supported by HMI Constabulary, HMI Court Administration and HM Crown Prosecution Service Inspectorate. Fieldwork was undertaken in Aberystwyth & Carmarthen, Bolton, Camberwell, Hereford, Nuneaton & Leamington Spa and Swindon. During the course of the inspection, we considered the case files of 130 individuals where concerns had already been expressed about their mental health.

### **3.9**

The inspection emphasised the importance of sustained access to treatment in helping offenders to stop offending. The report was published after Lord Bradley's independent review of offenders with mental disorders, and its findings support many of the review's recommendations, currently being taken forward by the National Delivery Plan for the Health and Criminal Justice Programme Board. We found, however, that there was little appetite amongst both criminal justice and health professionals for increasing the number of offenders diverted from prosecution. Most felt that the majority of offenders should be expected to take responsibility for their actions, and that treatment should be alongside rather than instead of court action. However, there did appear to be scope for diverting some cases earlier in the process, before they got to the court stage. Most of the areas we visited would also benefit from a better quality and more timely psychiatric report service at the court stage.

### **3.10**

The inspection was published in December 2009 and contained the following recommendations:

***The Department of Health, Department for Children, Schools and Families, the Ministry of Justice, the Youth Justice Board and the Home Office should:***

- adopt a common definition that defines the scope of offenders with mental disorders (the 'Bradley definition').

***The Office for Criminal Justice Reform, in collaboration with the Home Office, Ministry of Justice and Department of Health should:***

- ensure effective cross-cutting work with offenders with mental disorders by the development and implementation of guidance to local criminal justice organisations through the National Criminal Justice Board on the rigorous and systematic collection of data to promote joint working.

***Police forces, in collaboration with local health and social care agencies, should:***

- develop joint protocols on the location and operation of places of safety, to include agreement on the 'exceptional circumstances' under which a police station is to be used.

***Criminal justice organisations, in liaison with local social care organisations, should:***

- engage with their local Primary Care Trusts to ensure that assessment and treatment facilities for offenders with mental disorders are available promptly and of good quality.

***The Ministry of Justice and the Department of Health should:***

- review the arrangements for the commissioning and monitoring of psychiatric reports in order to ensure that delays in sentencing are minimised and that the reports are of good quality.

## **Indeterminate Sentences for Public Protection**

### **3.11**

This inspection was the second of two joint thematic inspections to focus on offenders serving indeterminate sentences for public protection. The first, led by HMI Prisons and published in October 2008, commented on the wide range of prisoners caught up by this new sentence and how their rising numbers were flooding the prison system; by December 2009 they constituted one in fifteen of the total prison population.

### **3.12**

This inspection, which we led supported by HMI Prisons, focused on probation's role in managing these offenders. Our original aim in conducting the inspection had been to assess the work undertaken with them after their release but too few had been discharged at the time of the inspection to enable us to draw any firm conclusions about its effectiveness. The terms of reference for the inspection were subsequently redefined as:

- to examine the impact of the new indeterminate sentences for public protection on offenders and their management
- to assess the effectiveness of preparation for their safe release and management in the community and the contribution of Probation Areas/Trusts in ensuring that the public was better protected as a result of these sentences.

### **3.13**

Fieldwork for the inspection was carried out in the following Probation Areas and Trusts: Avon & Somerset, Leicestershire & Rutland, Merseyside, South Wales, Suffolk and Sussex. During the course of the inspection, we examined 176 cases, comprising 168 men and eight women. Nearly a third were serving sentences for offences of violence, including attempted murder, and almost one-quarter (23%) had been convicted of robbery.

### **3.14**

We found that managing such cases through their indeterminate sentence was a far more demanding task than working with those serving fixed-term sentences and our report contains some detailed findings, supported by recommendations, to improve the quality of this work at every stage of the process.

### **3.15**

In our view, however, the more important issue was, and continued to be, one of overall capacity. Although the range and scope of the IPP sentence was restricted, in amending legislation in 2008, a high number of prisoners remained in the system and continued to enter it. Neither the probation service nor the prison system currently had the capacity to handle such numbers effectively and the present position was, we considered, therefore unsustainable.

### 3.16

The report was published in March 2010. Its main recommendation was directed at the highest strategic level:

#### ***Main recommendation:***

- Given that the present position is unsustainable, a major policy review should be conducted at Ministerial level, analysing the costs and benefits of these sentences.

We also considered that, pending implementation of our main recommendation, a number of operational issues would benefit from immediate attention in the meantime. We therefore recommended that:

#### ***The National Offender Management Service should:***

- produce an appropriate information leaflet for circulation to all victims where an IPP sentence is imposed
- provide further guidance on pre-sentence report writing and the preparation of parole reports in IPP cases, supported by training.

#### ***The National Offender Management Service and local Probation Trusts should:***

- create opportunities for probation and prison staff to learn more about each other's organisational culture and practice so that they can each engage more effectively with each other.

#### ***Probation Trusts should:***

- ensure that offender managers supervising IPP cases have sufficient knowledge and support to implement their role as required
- implement effective quality assurance arrangements to ensure that pre-sentence reports and parole reports in IPP cases meet the required standard
- improve the timeliness and quality of sentence plans in IPP cases
- include victim contact staff in briefings and training about IPP sentences to strengthen the relationship between the victim contact work and the management of each case, so that victims receive an improved service
- improve the arrangements for managing the transfer of young people subject to DPP from the YOT to the probation service. This should take into account the needs and experiences of children and young people and include at least a proper three-way handover meeting.

## **Restriction and Rehabilitation: Getting the Right Mix – An inspection of the management of sexual offenders in the community**

### **3.17**

This inspection focused on offenders with a current conviction for a sexual offence who were subject to probation supervision through a community order, licence or parole. Its purpose was:

- to examine the quality of work with sex offenders by the police and probation services
- to update the findings of *Managing sex offenders in the community: A Joint Inspection on Sex Offenders* by HMI Probation and HMI Constabulary in 2005, and put the material in a wider context.

### **3.18**

As in 2005, the inspection was led by HMI Probation with support from HMI Constabulary. Fieldwork for the inspection took place in Hertfordshire, Lancashire, London, North Wales, Staffordshire and West Yorkshire, during the course of which we examined 74 probation records and 62 of the corresponding police records. We also drew on the findings of our Offender Management Inspections.

### **3.19**

In our view, successful work with sexual offenders requires the right mix of restrictive interventions to control the offender and help prevent reoffending, and constructive interventions, to change their behaviour and contribute to their safe rehabilitation into the community. In taking this inspection forward, we wanted to see how far the police and probation services were able to fulfil their different roles in controlling and restricting the offender, whilst at the same time offering them help to change their behaviour. Effective engagement, good communication and defensible multi-agency decision-making are all essential ingredients to this difficult mix.

### **3.20**

Our report on this inspection will be published in the summer of 2010 and contains a number of recommendations to address these important issues.

## **The Year Ahead**

### **3.21**

In addition to leading these joint thematic inspections, we have also contributed to other, ongoing, inspection activity and we will continue to work with our colleague Criminal Justice Inspectorates during the forthcoming year.

### **3.22**

We completed a scoping study on women offenders in 2009-10 which we are now using to inform a joint inspection to assess the extent to which credible non-custodial options are being put forward and taken up in respect of women offenders. We will be supported in this inspection by HMI Prisons and HM Crown Prosecution Service Inspectorate and we anticipate that it will report in 2011.

### **3.23**

We are currently taking part in an inspection on information flows between criminal justice agencies, led by HMI Court Administration, which is due to be completed in the autumn of 2010.

### **3.24**

We are also to lead a major joint inspection looking at the efficacy of the Multi-Agency Public Protection Arrangements (MAPPA), involving HMI Prisons and HMI Constabulary. This inspection will report in the autumn of 2011.

### **3.25**

Details of these inspections and of the Criminal Justice Joint Inspection Programme are given in the Joint Inspection Plan 2010-11.



# 4

## **INSPECTING YOUTH OFFENDING WORK: CORE CASE INSPECTIONS**

## Overview

### 4.1

The Core Case Inspection (CCI) programme began in April 2009 and in the year until 31 March 2010 we conducted 46 CCI inspections in three English regions – the North-West, North-East and South-West – and a further seven in Wales. Overall across the three English regions we assessed a total of 2,397 cases, of which 27% were inspected by CCI assessors (see paragraph 4.11).

#### Characteristics of this total sample:

- 16% were girls and young women
- 84% were boys and young men
- 7% of the children and young people were of black and minority ethnic origin
- 19% of the sample had a reported disability
- 16% of the cases were Looked After Children.

### 4.2

The CCI programme, part of our wider Inspection of Youth Offending (IYO) work, will inspect key aspects of the work of all 157 Youth Offending Teams (YOTs) over a three-year period. The programme concentrates on where inspection most ‘adds value’ and, compared with its predecessor programme, we have accordingly refocused IYO principally on Public Protection (*Risk of Harm to others*) and Likelihood of Reoffending) and Safeguarding. Our focus is less on the arrangements for doing the work, and more on what happens with individual cases. Our judgements also fed into the wider Comprehensive Area Assessment framework where our findings helped inform judgements about community safety (see also paragraphs 1.11 and 1.12).

### 4.3

For each CCI, we produce headline scores for how well Public Protection and Safeguarding work has been carried out.

#### Headline Scores for the CCIs in the first three English Regions

### 4.4

The following table shows the headline scores across all the CCIs in the first three English regions in aggregate, and also the lowest and highest for individual CCIs.

	All in aggregate	Lowest	Highest
<b>Safeguarding Score:</b> <i>the percentage of Safeguarding work that HMI Probation judged to have met a sufficiently high level of quality</i>	65%	38%	82%
<b>Public Protection – Risk of Harm Score:</b> <i>the percentage of Risk of Harm work that HMI Probation judged to have met a sufficiently high level of quality</i>	61%	36%	85%
<b>Public Protection – Likelihood of Reoffending Score:</b> <i>the percentage of Likelihood of Reoffending work that HMI Probation judged to have met a sufficiently high level of quality</i>	68%	50%	86%

These findings – and particularly those for the Risk of Harm score – indicate that improvement is needed by some YOTs.

#### Detailed findings

### 4.5

As well as producing headline scores for Safeguarding and Public Protection work we also produce scores for the quality of assessment and planning, interventions and outcomes. The scores across the CCIs in the first three English regions in aggregate are:

## **Assessment and Planning**

Risk of Harm to others – assessment and planning – 65%

Likelihood of reoffending – assessment and planning – 64%

Safeguarding – assessment and planning – 62%

**Assessment and planning overall – 63%**

## **Interventions**

Protecting the Public by minimising Risk of Harm to others – 63%

Reducing the Likelihood of Reoffending – 74%

Safeguarding the child or young person – 73%

**Interventions overall – 71%**

## **Outcomes**

Achievement of outcomes – 55%

Sustaining outcomes – 76%

**Outcomes overall – 62%**

These findings from the first three English regions show that scores for interventions are stronger than for assessment and planning or outcomes. Although YOT staff provided a range of services to children and young people, they did not pay sufficient attention often enough to assessing, planning and reviewing what was needed. In particular, they needed to make better use of information from other agencies, and to make better plans. Insufficient focus is also evident in the achievement of outcomes, which again points to the need for careful review of cases. There is a particular need for this for children and young people making the transition from custody back to the community.

## **Main recommendations from CCI reports**

### **4.6**

As the results above suggest, the two main areas requiring attention have proved to be the quality of assessments, and ensuring work is regularly reviewed and evaluated to check that planned interventions have been carried out and are effective in achieving desired outcomes. Taking the first of these areas we have sometimes seen assessments that have failed to fully take account of an individual's *Risk of Harm to others*. In some cases, key information has not been properly considered, or the assessment describes behaviours without including an analysis of all harm-related behaviour. Some of the risk of harm management and vulnerability management plans we have inspected did not adequately link to initial assessment documents.

There has also been some evidence that plans of work have not been reviewed regularly and that some assessments (using the Asset assessment system in operation in YOTs) have not been rescored at the end of an order – resulting in some cases in lower scores for the outcomes section.

## **Diversity**

### **4.7**

The Inspectorate regularly undertakes detailed statistical analyses of our case assessment findings to identify any statistically significant differences in the quality of work between different groups of children and young people by diversity characteristics. We are encouraged that we have not seen any statistically significant differences in the findings for the first three regions in terms of the diversity factors of race and ethnicity, gender or reported disability status. We plan to publish in 2010-11 aggregate findings by diversity characteristics for the first phases of CCI.

## **Service User Perspectives**

### **4.8**

- 548 questionnaires were completed by children and young people involved with YOTs
- 88% of children and young people felt that they were less likely to reoffend as a result of their work with the YOT
- 70% of children and young people felt that their life had got better because of their work with the YOT
- 72% of the children and young people stated that they were satisfied with the service provided by the YOT.

## **Victims' Perspectives**

### **4.9**

It is always more difficult to capture victim perspectives, and in particular to obtain a sufficient return to make reliable judgements. Nevertheless from the 46 CCI inspections in 2009-10:

- 246 questionnaires were completed by those who had been victims of offending and were involved with YOTs
- 90% of respondents recorded that they were satisfied with the service they had received from the YOT
- 90% reported that they had been given an opportunity by the YOT to talk about their concerns about the offence and/or the child or young person who committed the offence.

## **YOT Case Manager feedback on the inspection**

### **4.10**

- 1,082 questionnaires were completed by YOT case managers involved with our inspections
- 96% of respondents felt that discussions with HMI Probation assessors were undertaken in a professional, impartial and courteous manner
- 95% of respondents felt that the assessor gave them feedback on good practice
- 97% reported that they had been advised on how to improve their practice.

Case managers have commented that they found the inspection interviews helpful for reflecting on and improving their future practice, particularly in linking their assessments and interventions more closely. They have also welcomed the chance to discuss Safeguarding and Risk of Harm issues.

## **Role of CCI Assessors**

### **4.11**

CCI assessors are drawn from the staff of the YOTs in the region in which CCIs are being undertaken. They work with HMI Probation staff in the inspection of cases in the CCIs in that region but not in the CCI for their own YOT. We could not have inspected such a large sample of cases but for the assistance of the CCI assessors, but we like to think that this development has benefited the YOTs as well. High quality training has been provided by HMI Probation inspectors helping CCI assessors understand how to inspect cases and has given YOTs a valuable resource in developing their own internal quality assurance arrangements. CCI assessors have learnt how to apply our inspection criteria and know the standards expected for work to be judged to be of a sufficient standard. Recently the Youth Justice Board published an article about the CCI assessor role, and feedback from participants and inspected areas has been very positive about this development.

## **Working with other Inspectorates and the Youth Justice Board**

### **4.12**

Throughout 2009-10 we have worked closely with the Youth Justice Board and have briefed its Management Board on both components of the Inspection of Youth Offending (IYO) Programme – Core Case Inspections (CCIs) and thematic inspections.

### **4.13**

With the CCIs we have sought a proportionate contribution from partner Inspectorates to comment on the health and education dimensions of youth offending work in each English region and Wales. We have established an understanding with the Care Quality Commission (for England), the Healthcare Inspectorate Wales, the Care and Social Services Inspectorate Wales, and Estyn (education and training in Wales) for such a contribution; we aim to achieve a comparable understanding with Ofsted shortly.

## **The Year Ahead**

### **4.14**

As the 2010-11 year begins, early findings for inspections in Wales appear encouraging, particularly given the mixed performance of some Welsh YOTs under our previous YOT inspection programme. At the time of preparation of this report we have also announced the next English region in which CCIs will take place – Yorkshire and Humberside, with inspections beginning in July 2010. In total we plan to carry out 52 CCIs during 2010-11.

## **Reinspections**

### **4.15**

Reinspections will be carried out of work in five YOTs from this first round of CCI inspections, usually one year after the publication of their report.

# 5

## **INSPECTING YOUTH OFFENDING WORK: IYO THEMATIC INSPECTIONS**

## **Overview**

### **5.1**

A new venture from a purely youth offending point of view, the IYO thematic inspection programme is coordinated by HMI Probation, with other Inspectorates either leading or contributing to individual inspections. We are exploring in the thematic inspections areas of practice that we consider require a detailed examination and likely improvement. For each year of the three year IYO programme, we are undertaking three to four thematic inspections. Although the methodology is adapted to suit the topic, all will involve a detailed look at practice (and usually cases), as well as exploring the strategic leadership and partnership activities which support that practice delivery. For most of these, we are visiting half a dozen areas across England and Wales. We look for emerging themes, which can form a useful benchmark for services to measure themselves against, and also cite good practice and recommendations.

### **5.2**

During 2009-10, joint thematic inspections were in progress on Gangs, prevention services, alcohol misuse and offending, and court work and reports.

## **Thematic inspections in 2009-10**

### **5.3**

During 2009-10, with HMI Constabulary, we supported HMI Prisons' inspection of Gangs, a report that will be published in early summer 2010. This looked at how serious youth violence was managed and addressed by Young Offender Institutions, Youth Offending Teams (YOTs) and police services, and how these services worked together as young people went into institutions, whilst they were incarcerated and on release.

### **5.4**

HMI Constabulary led the thematic into prevention services for children aged 8 to 13. This explored how state intervention, often based on research, aimed to enhance the 'protective factors' and reduce the 'risk factors' present in a child's life which make antisocial and offending behaviour less or more likely. The inspection concluded that there was impressive partnership work in operation and that a common strategic ethos about youth crime was present. We saw many examples of prevention work that were having a positive impact on children's lives, but little coordinated evaluation of interventions which could be proven to achieve long-term success. Better recording and sophistication in measuring progress is required at both the local and national levels. The report will be published in early summer and was undertaken with the Care Quality Commission (CQC), Healthcare Inspectorate Wales (HIW) and HMI Probation.

### **5.5**

Also to be published in early summer 2010, another thematic explored the issue of alcohol misuse and offending and was led by the CQC with HIW, HMI Probation and HM Inspectorate for Education and Training in Wales (Estyn). Alcohol consumption has become a major concern and has prompted the UK Government to offer both strategic leadership and guidance to assist agencies working in this field. The message from this particular report is that alcohol-related needs have to be well identified through good systems of assessment in order to lead to the appropriate interventions, either within YOTs or through strong links with mainstream services. The report reiterates the significance of this issue in relation to a particularly vulnerable group, and re-emphasises the known association of alcohol misuse with other issues including health problems and under-achievement in school, in addition to offending behaviour. It found that children and young people, as well as their parents/carers, should also be fully engaged, and good use must be made of outcome measures to demonstrate effectiveness.

### **5.6**

The court work and reports thematic finished fieldwork in April 2010 and will be published in autumn 2010. This joint inspection between HMI Court Administration, HM Crown Prosecution Service Inspectorate, HMI Constabulary and led by HMI Probation examined the leadership, post charge, work in courts and reports elements of the Youth Court, through written evidence, observation, interviews and assessment of the quality of reports. Timed as far as possible to coincide with the development of the new Youth Rehabilitation Order and the YJB's 'Scaled Approach' initiative, the inspection explored the standard of court work delivered by YOT staff and the effectiveness of the contribution made by the YOT partnership and partner agencies.

## **The Year Ahead**

### **5.7**

For 2010-11, we are planning to undertake inspections on interventions, Local Safeguarding Children Boards in Wales (led by the Care and Social Service Inspectorate Wales), and the transition between youth and adult criminal justice services. We are also exploring other options which have not yet been finalised.

# 6

## PUBLIC PROTECTION AND SAFEGUARDING

## **Overview**

### **6.1**

The inspection of Public Protection and Safeguarding work continues to have a particular focus in our core inspection programmes (offender management and youth offending). By looking at the quality and timeliness of all the individual tasks which go to make up good Public Protection work, we assess whether staff are doing all that they reasonably can to keep to a minimum each individual's *Risk of Harm* to the public.

## **Headline scores in core case inspection programmes**

### **6.2**

Reflecting our focus on Public Protection and Safeguarding work, both the Offender Management Inspection 2 (OMI 2) and CCI core programmes include (as noted elsewhere in this report) 'headline' scores representing the proportion of *Risk of Harm* work in the sample which we rated to have been done sufficiently well. The CCI also similarly includes a headline score for Safeguarding work.

### **6.3**

We have developed a position paper on Public Protection and Safeguarding work which is available on our website: <http://www.justice.gov.uk/inspectors/hmi-probation/docs/publicprotectionsafeguarding-rps.pdf>

## **Risk of Harm Inquiries**

### **6.4**

In March 2009 we started work on a series of special case inspections in various locations in London, at the request of the Justice Secretary because of concerns arising from the NOMS review of the case of Dano Sonnex. We published an interim report with the results of the first of the special case inspections, in June 2009, recording disappointing findings. Entitled *A Stalled Journey*, the full report on the four inspections was published in November 2009. The report noted that previous apparent improvements in practice had not been sustained. Since then, we have assisted London Probation to develop training for managers in auditing case files. A variation of our Area Assessor training was delivered to a group of London trainers, who have subsequently trained 75 managers and plan to train a further 115 during the next four months. The aim of this approach is to ensure that all those auditing cases on a regular basis are working to a benchmark standard set by HMI Probation.

### **6.5**

We will be conducting further special case inspections in London in July 2010, when we plan to inspect a total of 280 cases across eight Local Delivery Units.

## **Work with NOMS and the Youth Justice Board (YJB)**

### **6.6**

In our work with NOMS, there has been a continuing focus on developing a shared understanding about what makes for good *Risk of Harm* practice. We have continued to take part in the Quality Assurance panel for Serious Further Offence reviews. Additionally, we have delivered training to members of this panel, who are representatives from NOMS and senior managers drawn from probation areas. Following this training, we were able to respond to a request from the South-West region to deliver similar training to senior managers who conduct Serious Further Offence reviews.

### **6.7**

Our offer to assist NOMS with the development of a self-assessment regime for Public Protection work now needs to be taken forward, informed by our experience of working with London Probation.

### **6.8**

We have similarly continued to liaise with the YJB on both Public Protection and Safeguarding issues.

## **The Year Ahead**

### **6.9**

As indicated, we will be conducting further special case inspections in London in July 2010 in addition to the focus we give to Public Protection and Safeguarding work in our core inspection programmes. And our offer to assist NOMS with the development of a self-assessment regime for Public Protection work now needs to be taken forward.



# 7

## LOOKING AHEAD

## **Our General Approach**

### **7.1**

Our underlying general approach for 2010-11 will continue, as in previous recent years, to be the assessment of the quality and effectiveness of adult and youth offending work in a representative sample of particular cases. We will continue to judge how often particular aspects of work were done sufficiently well with each individual in a representative sample of cases.

### **7.2**

We will continue to adopt this approach across all our inspections, both those solely-owned and those jointly-owned with other Inspectorates.

### **7.3**

We consider that this approach supports the principles in the vision of public services *Excellence and Fairness* published in 2008, while recognising that these principles need specific application in the context of the Criminal Justice System (CJS).

### **7.4**

We also continue to support the ten Principles for Inspection (2003), though we continue to apply them with particular care in the specific CJS context. These are set out in Appendix B along with the statement as to how in specific terms we meet them.

### **7.5**

More generally, we intend that our work should lead to and result in:

**assurance to Ministers and the public** that a regime of independent inspection is in place to establish whether or not adult and youth offending work is being delivered effectively

**improvement in the quality and effectiveness of the work we inspect.** By measuring accurately, openly and fairly against transparent inspection criteria and engaging constructively with the people whose work we are inspecting we aim to serve as a catalyst for improvement

**focused inspection that is effective and lean and focuses** on a role that no-one else can provide – i.e. has 'unique added value'. We aim to do enough, but only 'just enough' inspection in order to achieve the two benefits above. Our role can be expanded if Ministers wish, for example if we are asked to take on regulatory duties with the new Probation Trusts. However, neither such possible new roles, nor any cuts in public expenditure, should reduce our core inspection activity below the current minimum critical mass if those benefits are to be sustained.

## **Work programme for 2010-11**

### **7.6**

More specifically our inspection work programme for 2010-11 has the following main elements (described in more detail in earlier chapters):

#### ***Inspecting adult offending work***

- 15 inspections under the Offender Management Inspection (OMI 2) programme. We will also work jointly with HMI Prisons to inspect the quality of offender management work inside each of the prison establishments where HMI Prisons undertake a full announced inspection in 2010-11.
- Leading joint inspections of cases managed by Multi-Agency Public Protection Arrangements (MAPPA), and of women offenders. We will also support the work of other CJS Inspectorates in the Joint Inspection Plan for 2010-11.

#### ***Inspecting Youth Offending (IYO) work***

- 52 IYO Core Case Inspections, plus five reinspections.
- Completion, with other Inspectorates, of the current joint thematic inspections coordinated by HMI Probation on national youth offending issues – and taking forward new joint inspections of intervention programmes in youth offending work and of other topics.

#### ***Public Protection (minimising Risk of Harm to others) and Safeguarding (minimising Risk of Harm to self from others)***

- Undertaking any specific reviews or inquiries requested by Ministers or others.
- Among other things, conducting further case inspections in London in July 2010, further to the inspections in 2009 arising from concerns in the Sonnex case.
- Continuing to help to develop systematic regimes of properly benchmarked self-assessment, coupled with independent inspection for both adult and youth offending work.

## Allocation of Resources in the future

### 7.7

We have created a 'budget' of 35,000 deployable 'inspection hours' for 2010-11 and have allocated them as follows:

<b>Contribution to jointly-owned Joint Inspection Programme</b>	
Adult offending – OMI 2	13,500
Adult offending – joint thematic	4,000
Youth offending – IYO: CCI & joint thematic	15,500
<b>Solely-owned inspection work</b>	
Risk of Harm work (including work with NOMS and YJB, and Serious Further Offence reviews)	2,000
<b>Total</b>	<b>35,000</b>

Accordingly, work on IYO will take 44% of our deployable hours, and the OMI 2 programme a further 39%.

### 7.8

Overall, 94% of HMI Probation's inspection work in 2010-11 will fall in the jointly-owned Joint Inspection Programme.

## HMI Probation costs

### 7.9

Our projected cost per inspection hour per person for 2010-11 will be £117.

## Summary

### 7.10

By the end of March 2011, we will have completed our schedule of inspections, including our contribution to the Joint Inspection Programme, on time, to budget and to a good standard. In carrying out this work, we will have both provided assurance to Ministers and the public and contributed to the longer-term improvement in the quality and effectiveness of work with offenders and young people.

# APPENDIX A

**HM INSPECTORATE OF PROBATION: STATEMENT OF  
PURPOSE AND CODE OF PRACTICE**

## Statement of Purpose

HMI Probation is an independent Inspectorate, funded by the Ministry of Justice and reporting directly to the Secretary of State. Our purpose is to:

- report to the Secretary of State on the effectiveness of work with individual offenders, children and young people aimed at reducing reoffending and protecting the public, whoever undertakes this work under the auspices of the National Offender Management Service or the Youth Justice Board
- report on the effectiveness of the arrangements for this work, working with other Inspectorates as necessary
- contribute to improved performance by the organisations whose work we inspect
- contribute to sound policy and effective service delivery, especially in public protection, by providing advice and disseminating good practice, based on inspection findings, to Ministers, officials, managers and practitioners
- promote actively race equality and wider diversity issues, especially in the organisations whose work we inspect
- contribute to the overall effectiveness of the Criminal Justice System, particularly through joint work with other Inspectorates.

## Code of Practice

HMI Probation aims to achieve its purpose and to meet the Government's principles for inspection in the public sector by:

- working in an honest, professional, fair and polite way
- reporting and publishing inspection findings and recommendations for improvement in good time and to a good standard
- promoting race equality and wider attention to diversity in all aspects of our work, including within our own employment practices and organisational processes
- for the organisations whose work we are inspecting, keeping to a minimum the amount of extra work arising as a result of the inspection process.

While carrying out our work we are mindful of Ministerial priorities and the Strategic Plan for the Criminal Justice System. We work closely with other Criminal Justice Inspectorates through the Criminal Justice Chief Inspectors' Group, and also with Inspectorates involved with work with young people.

# APPENDIX B

**GOVERNMENT'S POLICY ON INSPECTION IN THE  
PUBLIC SERVICE (2003)**

We took note of the Government's ten principles of inspection, published in *Inspecting for Improvement* in July 2003. These place certain broad expectations on inspection providers and on the departments sponsoring them. As indicated we have also built them into our Code of Practice. We give account of our approach to implementing these ten principles as below:

1. **The purpose of improvement.** *There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.*

We aim to achieve this, not only by measuring fairly against open criteria, but also by our commitment to behaviour that 'maximises the likelihood' that respondents will come with us on the path to continually improving their performance.

2. **A focus on outcomes,** *which means considering service delivery to the end users of the services rather than concentrating on internal management arrangements.*

Our mainstream inspection methodology focuses on what has been delivered to the offender or young person (primarily in terms of Quality of Assessment and planning, Interventions and initial Outcomes).

3. **A user perspective.** *Inspection should be delivered with a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.*

A significant element within our methodology is to interview and listen to the perspective of the offender or young person, and of victims and parents. The user perspective is an important element in CJS inspection, but it does not necessarily provide on its own the basis for an inspection finding (e.g. an offender might particularly dislike something done to him or her by a Probation or YOT practitioner, but it might have been precisely the right thing for that officer to have done).

4. **Proportionate to risk.** *Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.*

We have never supported the idea of offering 'inspection holidays' as a way of implementing this principle, but we strongly support the idea of varying intensity of inspection according to identified need. We maintain rolling inspection programmes that focus in particular on public protection and safeguarding work because these are areas of public service which are of "greatest risk" and concern to Ministers and the public, and because we uniquely 'add value' by doing so, since only independent inspection can measure effectiveness in these two areas.



5. *Inspectors should encourage rigorous **self-assessment** by managers. Inspectors should challenge the outcomes of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.*

The criteria and guidance published on our website enable any practitioner or manager to assess his or her own practice at any time. Furthermore, in a long-planned development, we aim to work with NOMS to promote within the Agency a regime combining self-assessment with independent inspection and benchmarking.

6. *Inspectors should use **impartial evidence**. Evidence, whether quantitative or qualitative, should be validated and credible.*

Evidence has to consist of more than hearsay, and our Guidance provides a framework for making judgements to enable similar evidence to be interpreted consistently, even by different inspection staff in different locations.

7. *Inspectors should disclose the **criteria** they use to form judgements.*

Our inspection criteria are published on our website.

8. *Inspectors should be **open** about their processes, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.*

Our behaviour is such that we are able to explain at the time the reasoning for the scores we have awarded, and respond to questions to that effect. Thus we have responded to questions, concerns and to the formal complaints that have been put to us in the last year. We also take the initiative, through our Quality Assurance strategy, in actively reviewing aspects of our methodology, so that we can be as confident as possible that our judgements are both fair and accurate.

9. Inspection should have regard to **value for money**, their own included:

- Inspection looks to see that there are arrangements in place to deliver the service efficiently and effectively.
- Inspection itself should be able to demonstrate it delivers benefits commensurate with its cost, including the cost to those inspected.
- Inspectorates should ensure that they have the capacity to work together on cross-cutting issues, in the interests of greater cost effectiveness and reducing the burden on those inspected.

We assess whether the interventions with each offender are proportionate both to cost and to the offender's individual need. We recognise that our methodology is (necessarily) labour intensive, and in March 2005 we published a case study that analysed both the benefits and the costs of an illustrative inspection, including the costs to the inspected body. We continue to measure costs using the methods described there. We not only undertake joint inspections with other CJ Inspectorates, but we also co-ordinate our other work to avoid, for example, rapidly successive visits by ourselves and another scrutiny body whenever possible. For these purposes we co-operate closely with Ofsted and the Audit Commission because of our youth offending inspection work, and also with other Audit bodies when planning our visits to Probation Areas.

10. Inspectors should **continually learn** from experience, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

We seek feedback on our individual interviews with the staff of inspected bodies, which we use to review and renew both our corporate and individual skills and methods, and we also take feedback at regional events. By these and other means we monitor our own impact on our inspected bodies, and keep our own practice under regular review, both as part of our normal programme, but also in joint work with other Inspectorates.

# APPENDIX C

HMI PROBATION STAFF AS AT 31 MARCH 2010

**HM CHIEF INSPECTOR**

Andrew Bridges CBE

**HM ASSISTANT CHIEF INSPECTORS**

Liz Calderbank  
Julie Fox  
Sally Lester <sup>(1)</sup>  
Alan MacDonald  
Peter Ramell

<sup>(1)</sup> on temporary basis, covering  
a secondment

**HM INSPECTORS**

Jane Attwood  
Helen Boocock  
Mark Booher  
Helen Davies  
Sandra Fieldhouse  
Yvonne McGuckian  
Ian Menary  
Joy Neary  
Richard Pearce  
Helen Rinaldi  
Tony Rolley  
Nigel Scarff  
Joseph Simpson  
Andy Smith  
Les Smith  
Ray Wegrzyn  
Steve Woodgate

**PRACTICE ASSESSORS**

Isabel Davidson  
Cristina Dewey  
Hannah Doughty  
Stephen Hubbard  
Kerry Robertson  
Yvonne Schlager  
Christine Simpson

**SUPPORT SERVICES**

**Programme Manager**  
Andy Bonny

**Services Delivery Manager**  
Sharron Dixon

**Information Team**  
Kevin Ball (Manager)  
Oliver Kenton  
Alex Walker  
Pete Clegg  
Sadika Khanom

**Inspection Support Team**  
Robert Turner (Manager)  
Zoe Bailey  
Catherine Calton  
Andrew Doyle  
Andrew Trickett

**Corporate Services**  
Pippa Bennett (Manager)  
Paul Cockburn  
Ann Hurren  
Jane Regan

**Finance Team**  
Charles Luis (Manager)  
Sharon Gray  
Nick Channell

**Publications Team**  
Alex Pentecost (Manager)  
Christopher Reeves

**Associate Proofreaders (fee paid)**  
Kirk Davies  
Rachel Dwyer  
Jean Hartington

**Associate Inspectors (fee paid)**  
Sheila Booth  
Malcolm Bryant  
Melva Burton  
Paddy Doyle  
Sue Fox  
Martyn Griffiths  
Keith Humphreys  
Martin Jolly  
John Llewellyn-Thomas  
Iolo Madoc-Jones  
Vivienne O'Neale  
Eileen O'Sullivan  
Ian Simpkins  
Dorothy Smith  
Rory Worthington

# APPENDIX D

REPORTS OF INSPECTIONS OF PROBATION AND  
YOUTH OFFENDING WORK PUBLISHED IN 2009-10

Note: all HMI Probation reports are available on our website [www.justice.gov.uk/inspectorates/hmi-probation](http://www.justice.gov.uk/inspectorates/hmi-probation)

Offender Management Inspection reports:	Date Published
<b>South Yorkshire</b>	<b>April 2009</b>
<b>Teesside</b>	<b>April 2009</b>
<b>Northumbria</b>	<b>May 2009</b>
<b>County Durham</b>	<b>June 2009</b>
<b>Offender Management Inspection 2006-09: aggregate findings</b>	<b>March 2010</b>

Offender Management Inspection 2 (OMI 2) reports:	Date Published
<b>Norfolk</b>	<b>December 2009</b>
<b>Bedfordshire</b>	<b>January 2010</b>
<b>Suffolk</b>	<b>February 2010</b>
<b>Essex</b>	<b>March 2010</b>
<b>Hertfordshire</b>	<b>March 2010</b>

Prison Offender Management Inspection reports:	Date Published
<b>Yorkshire and Humberside</b>	<b>May 2009</b>
<b>North East</b>	<b>July 2009</b>

Joint Thematic Inspection reports:	Date Published
<b>Prolific and other Priority Offenders: A Joint Inspection of the PPO programme</b>	<b>July 2009</b>
<b>Messages from the third Joint Chief Inspectors' Review on arrangements to safeguard children – for Youth Offending Teams (YOTs) and Probation Areas in England December 2009</b>	<b>December 2009</b>
<b>Mentally disordered offenders: A Joint Inspection on work prior to sentence with offenders with mental disorders</b>	<b>December 2009</b>
<b>Indeterminate Sentences for Public Protection: A Joint Inspection by HMI Probation and HMI Prisons</b>	<b>March 2010</b>

<b>Youth Offending Team Inspection reports:</b>	<b>Date Published</b>
<b>Vale of Glamorgan reinspection</b>	<b>April 2009</b>
<b>Pembrokeshire reinspection</b>	<b>April 2009</b>
<b>Wokingham reinspection</b>	<b>August 2009</b>
<b>Joint Inspection Findings of Youth Offending Teams in Wales 2003-2008</b>	<b>September 2009</b>

<b>Inspection of Youth Offending: Core Case Inspection (CCI) reports</b>	<b>Date Published</b>
<b>Sefton</b>	<b>July 2009</b>
<b>Salford</b>	<b>July 2009</b>
<b>Cumbria</b>	<b>July 2009</b>
<b>St Helens</b>	<b>July 2009</b>
<b>Lancashire</b>	<b>August 2009</b>
<b>Rochdale</b>	<b>August 2009</b>
<b>Halton &amp; Warrington</b>	<b>August 2009</b>
<b>Stockport</b>	<b>August 2009</b>
<b>Wirral</b>	<b>August 2009</b>
<b>Manchester</b>	<b>September 2009</b>
<b>Bury</b>	<b>September 2009</b>
<b>Trafford</b>	<b>September 2009</b>
<b>Knowsley</b>	<b>September 2009</b>
<b>Liverpool</b>	<b>September 2009</b>
<b>Bolton</b>	<b>September 2009</b>
<b>Blackpool</b>	<b>September 2009</b>
<b>Wigan</b>	<b>September 2009</b>
<b>Oldham</b>	<b>October 2009</b>
<b>Tameside</b>	<b>October 2009</b>
<b>Blackburn with Darwen</b>	<b>October 2009</b>
<b>Cheshire</b>	<b>October 2009</b>
<b>Northumberland</b>	<b>November 2009</b>
<b>North Tyneside</b>	<b>November 2009</b>
<b>Gateshead</b>	<b>December 2009</b>
<b>Newcastle-upon-Tyne</b>	<b>December 2009</b>
<b>South Tyneside</b>	<b>December 2009</b>

<b>Sunderland</b>	<b>January 2010</b>
<b>Stockton-on-Tees</b>	<b>January 2010</b>
<b>Darlington</b>	<b>January 2010</b>
<b>Hartlepool</b>	<b>January 2010</b>
<b>County Durham</b>	<b>January 2010</b>
<b>South Tees</b>	<b>January 2010</b>
<b>Devon</b>	<b>February 2010</b>
<b>Bournemouth and Poole</b>	<b>February 2010</b>
<b>Gloucestershire</b>	<b>February 2010</b>
<b>Cornwall &amp; the Isles of Scilly</b>	<b>February 2010</b>
<b>North Somerset</b>	<b>March 2010</b>
<b>Plymouth</b>	<b>March 2010</b>
<b>Dorset</b>	<b>March 2010</b>

<b><i>Risk of Harm Inquiries:</i></b>	<b>Date Published</b>
<b>Risk of Harm Inspection Report: London 2009 – INTERIM report on a case sample inspected in Greenwich &amp; Lewisham</b>	<b>June 2009</b>
<b>Risk of Harm Inspection Report: A Stalled Journey. An inquiry into the management of offenders' Risk of Harm to others by London Probation</b>	<b>November 2009</b>

<b>Inspections Outside England &amp; Wales</b>	<b>Date Published</b>
<b>Inspection of Isle of Man Youth Justice Team</b>	<b>October 2009</b>



# APPENDIX E

HMI PROBATION BUDGET FOR 2009-10

	<b>Total budget for Year (£)</b>
Staff salaries	2,802,525
Fee paid staff	175,000
Travel and subsistence	600,000
Manchester office accommodation	134,000
Training	54,000
Promotion and development	45,000
Printing, stationery and postage	50,000
IT and telecommunications	91,500
Refreshments and hospitality	9,500
<b>Total expenditure</b>	<b>3,961,525</b>
Income	105,000
<b>Net expenditure budget</b>	<b>3,856,525</b>

**Anyone who wishes to comment on an inspection, a report or any other matters affecting the Inspectorate, should write to:**

**HM Chief Inspector of Probation**  
2nd Floor, Ashley House  
2 Monck Street, London SW1P 2BQ

**Copies of all inspection reports are available on the HMI Probation website at**  
<http://www.justice.gov.uk/inspectorates/hmi-probation/>

A Welsh language version of this Annual Report is also available from this website.

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**Dylai unrhyw un sydd am wneud sylwadau am arolygiad, adroddiad neu unrhyw fater arall sy'n effeithio ar yr Arolygiaeth, ysgrifennu at:**

**HM Chief Inspector of Probation**  
2nd Floor, Ashley House  
2 Monck Street, London SW1P 2BQ

**Mae copiâu o bob adroddiad arolygu ar gael ar wefan Arolygiaeth Prawf EM yn**  
<http://www.justice.gov.uk/inspectorates/hmi-probation/>

Mae fersiwn Gymraeg o'r Adroddiad Blynyddol hwn argael o'r wefan hon hefyd.  
h Hawlfraint y Goron

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