

# Putting Risk of Harm in Context

A Joint Inspection on Public Protection

## Inspection Findings 3/06



This bulletin describes the key findings from a joint thematic inspection, led by HM Inspectorate of Probation: *Putting Risk of Harm in Context: an inspection promoting public protection*

### SUMMARY

This report was published at a time of heightened public concern and rising expectations about public protection generally. Independent reviews of a small number of recent cases have clearly underscored the importance of effective offender management. While it will never be possible to eliminate risk when an offender is being managed in the community, it is right to expect the work to be done to a consistently high standard.

The recognition that no single agency has the capacity to deliver effective public protection on its own led to the development of Multi-Agency Public Protection Arrangements (MAPPA) and the designation of the police, prison and probation services as Responsible Authorities. Tackling the complexities of Risk of Harm effectively requires not only coordinated policy, but also coordinated practice.

The joint inspection on which this report is based was led by HMI Probation and took place in 2005 at a time of major change. The aim was to take a snapshot of the progress being made towards more coordinated working by police, prisons and probation staff.

The report seeks to clarify what could be reasonably expected from the three services and their partners in the MAPPA. It then assesses how far this was being achieved in practice at the time of the inspection.

In general, the findings reveal many encouraging examples of effective work, but there was a clear need for improvement in about one-third of the case work examined last year. The challenge for everyone involved is to do the job well enough often enough, and it is hoped that this report will make a useful contribution to further progress towards that end.

## The aim and scope of the inspection

The aim of the inspection was to assess the effectiveness of inter-agency arrangements for the protection of the public. This was done by examining work undertaken by criminal justice agencies to prevent reoffending by offenders subject to MAPPA. The areas covered included an examination of the quality of public protection policies and procedures; the effectiveness of MAPPA; the exchange of information/intelligence at significant points in a sentence; restrictive interventions; evaluating the use of assessment tools; and inspecting the quality and linkage of assessment, intervention and outcomes.

## The structure of the inspection and report

Eight probation and police areas were selected, ensuring they had not recently been inspected and including a mix of urban and rural areas. The case sample lists from each of the eight probation areas determined the selection of the nine prisons inspected.

The sample of cases consisted of all prison licence cases aged 21 and over, sentenced to 12 months or more, who were assessed as high or very high Risk of Harm or were MAPPA Level 2 or 3 cases.

A total of 184 probation case files, 40 prison files, and 80 police files were examined and 40 offenders were interviewed, either face to face in prison or by phone.

At the time of the inspection the implementation of the Violent and Sex Offender Register (ViSOR) was ongoing and ViSOR records were examined where relevant. Senior managers from all three services were also interviewed as well as representatives of Probation Boards, MAPPA Strategic Management Boards (SMBs), frontline staff, and staff in approved premises.

At national level those interviewed included representatives of the Responsible Authority National Steering Group (RANSG); the senior management team of the National Offender Management Service; Public Protection and Licence Release Unit (PPLRU); the area manager from HM Prison Service with responsibility for public protection, and the head of the lifer review and recall section of the Home Office, about how the life sentence system was linked to MAPPA.

Inevitably, an inspection covering the work of three major public services and their partner organisations produced a great deal of detailed material. The findings and recommendations in the report are presented on three levels. The first is the overarching list of strategic

recommendations arising from the report as a whole; the second, the priorities for improvement suggested by the findings for each criterion; and the third, the detailed areas for improvement.

### **Assessing Offenders and Sentence Planning**

To ascertain the overall quality of assessment and planning in 2005 the inspection focused on the preparation for a sentence or a release from custody; assessment of Risk of Harm; assessment of likelihood of reoffending; assessment of offender engagement, and sentence planning as a whole.

There was a clear need for both prison and probation staff to give more attention to preparing offenders for release, and this task should start at the very beginning of their prison sentence. For probation staff in particular, it requires a sustained focus on the management of a case immediately after the preparation of the pre-sentence report. A good quality Offender Assessment System (OASys) Risk of Harm assessment is a key ingredient in effective offender management at all stages of the criminal justice process.

At the time of the inspection, there was still some confusion between Risk of Harm and likelihood of reoffending, and how different

assessment tools could best be used to complement each other. There was insufficient attention to Risk of Harm issues generally, and a lack of effective information sharing between prisons, probation, other partner organisations and the offenders themselves. Good training and partnership working were generally seen as important keys to improved performance.

Although there was good awareness of the importance of effective offender engagement, practice was very patchy. There was limited recording of it and little evidence of prisons tackling obstacles to engagement. Taken overall, the quality of offender engagement was judged to be satisfactory in just over half of all the cases.

Some progress had been made by 2005 to develop a more coordinated approach to sentence planning, but there was often a significant gap between what was recognised as good practice and what was actually delivered. There was little evidence that probation staff were influencing the planning process in prison, and where accredited programmes were identified as part of a prison plan, they were often not delivered or not completed.

### **Intervening Effectively**

At the time of the inspection a number of areas were in the process of implementing the

offender management model and inevitably what was revealed was very much a picture of work in progress. The inspection looked at work in prisons and then examined MAPPA in some detail, focusing in particular on the way in which the various services shared information and worked together to achieve public protection.

The advent of MAPPA represented a huge step forward from past practice, but there were many areas of inconsistency. A general theme was the need for more proactive offender management, involving better communication between all the services, and regular reviews of cases.

There were a number of examples of good practice that are described in detail in the report, but for the purpose of this summary the following priorities for improvement were identified.

**PRISONS:**

In prisons generally OASys should have a higher profile, and there should be better systems for sharing Risk of Harm information amongst prison staff.

**MAPPA:**

There should be more consistent understanding and use of MAPPA, and clearer recording of MAPPA caseloads by Responsible Authorities. The local MAPPA meetings and processes could be streamlined in many

instances, and there should be specific training for MAPPA Chairs and minute-takers.

**APPROVED PREMISES and ACCOMMODATION:**

Approved premises should be seen as a national as well as local resource, with good advanced preparation prior to an offender's arrival. There was a need for greater clarity concerning the work between offender managers (OMs) and approved premises staff in managing offenders and greater cooperation in relation to MAPPA decisions. So far as accommodation generally was concerned, there was a need for improved provision of move-on accommodation and effective probation involvement in local Supporting People arrangements.

**USING AND SHARING INTELLIGENCE AND INFORMATION:**

Prison staff should be more proactive in sharing offender information relevant to Risk of Harm and OMs should involve prison staff more in the appropriate monitoring of prisoner activity. There should be swifter notification of licence conditions to police and more consistent routine reviewing of Risk of Harm and more rapid responses to changes in its nature or level.

**THE VICTIM PERSPECTIVE:**

There was encouraging evidence that victim contact, victim safety and victim awareness were much more regularly addressed than they

used to be. The inspection found some good examples of concern for victims and information from them being used effectively in managing offenders. There were, however, too many cases where the victim dimension had not received attention, and this seemed particularly prevalent while offenders were serving prison sentences.

#### **MANAGING OFFENDERS:**

The inspection revealed a generally excellent performance by probation staff in requiring and achieving good levels of compliance from offenders on licence. Where breach action was taken, this was almost always appropriate and there was a good level of supervision and support from probation managers. The picture during a prison sentence and at the time of release was less encouraging. Case records were often not maintained consistently, and the need to improve communication between services was apparent. This was especially true in 2005 in cases where deportation was an issue and where the immigration service needed to be more proactive and communicative to ensure proper public protection.

#### **DELIVERING APPROPRIATE INTERVENTIONS:**

The quality of interventions to meet the requirements of the sentence in both prisons and probation supervision needed improvement. There were many examples of good practice, but in general there was a lack of well planned and delivered interventions that addressed Risk

of Harm issues in particular. There was considerable scope for more offenders to benefit from accredited programmes at all stages. Whilst there had been identifiable progress in relation to diversity issues, especially in probation practice post-release, there were still areas that needed attention.

#### **Measuring Results**

Knowing whether a case has been successfully managed should not be based on anecdote or impressions. The advent of clear national standards and performance targets has provided the police, prison and probation services with a number of objective measures against which outcomes may be assessed. The extent to which managers use these systematically still varies, but there was little doubt that a greater shared commitment to effective offender management was emerging strongly when compared with past practice.

Planned interventions were generally effective in containing offending behaviour. There were also many good examples of joint working, especially between probation and police. These included domestic abuse and child protection cases. Where OASys was used it tended to indicate some progress by offenders, but increased victim awareness was poor and planned objectives were only achieved in under half the cases examined. Once again, there was evidence

to suggest that OASys was not used as regularly and effectively as it should have been.

The extent to which work with offenders was sustained varied significantly. During the prison sentence there was little evidence of this issue being addressed, but the position improved considerably when the offender was on licence. The number of supervisors in any one case was a matter that required further work in order to maximise the impact of good offender management.

An important ingredient in the development of practice is the use of available data to review past experience and learn from it. The inspection looked at the extent to which managers and MAPPAs were making use of such information on a regular basis. There were many excellent examples of SMBs using data very effectively to monitor, review and develop their local MAPPAs. The good practice identified now needs to be shared across England and Wales so that areas can learn from the experience of others and achieve greater consistency in service delivery.

The most effective and efficient use of resources are important issues for the police, probation and prison services. It was noted, however, that many senior managers saw the extent to which resources were being used efficiently to protect the public as a difficult question.

There was good general evidence to show that probation and police resources were being used in ways that were consistent with offenders' assessed Risk of Harm and likelihood of reoffending, but there was less evidence of this in the prison sample. At senior management and Probation Board level, the absence of cost information relating to various interventions was noted, and the specific national funding for MAPPAs was an issue.

### Leadership and Strategic Management

What has been occurring in recent years has, in effect, been a major change in culture. This in turn has led to some fundamental changes in the way that services are led and structured and the advent of MAPPAs. The report provides a brief description of some of the key elements in the structure from 2004, including the role of the 42 Responsible Authorities in England and Wales, the RANSG and the PPLRU.

The inspection found that the national leadership provided in relation to public protection has generally been appreciated at regional and local levels and has led to some excellent developments in effective partnership working. Every area inspected had arrangements in place for information sharing, and the role of SMBs in relation to local MAPPAs was developing.

While considerable progress had been made, however, the theme of inconsistent and patchy arrangements identified in earlier parts of the report continued in relation to leadership and strategic management. The inspection found very little senior management involvement in prisons generally, and in police areas the impression was that Basic Command Unit (BCU) Commanders were divorced from the issue of public protection unless individual cases were brought to their attention. Probation generally had more involvement at senior and Board levels, but here the case for more consistency between areas and less duplication of effort was strong.

The many changes experienced by the police, probation and prison services in recent years have had significant implications for the effective management of the major resource of these services. In order to get a sense of the progress made in relation to public protection and human resource management, the inspection looked at staff deployment, supervision, workload, training and the use of partnerships.

It found that much progress had been made towards effective joint working, and discovered some excellent examples of the co-location of police, probation and staff from other agencies. These arrangements seemed to be working well, but they were the exception rather than the rule. Although some good public protection

training had taken place, the need for much more training was obvious. The very wide variations in workload were also a concern. The importance of good workload management in this area of work was very apparent if the public is to be properly protected and staff supported as they do a difficult job.

## Recommendations

*The following ten key recommendations summarise the improvements needed and apply to all three services.*

*The prison, probation and police services should ensure that:*

1. good public protection principles take high priority for the police, prisons and probation services and are reflected in clear standards and targets for each agency; recent progress is recognised and built upon by sharing good practice nationally
2. there is a more consistent understanding and use of MAPPA, including common definitions shared by all agencies, better recording of caseloads, streamlined processes, shared targets and co-location of staff where feasible
3. high quality OASys Risk of Harm assessments are completed and used in every case as a key ingredient in effective offender management at all stages of the criminal justice process, and are given a higher profile in prisons
4. thorough sentence planning begins early in sentences and includes outcome-focused objectives, Risk of Harm management issues, and involves prison and probation staff as well as the offender
5. there is effective work during custody to prepare offenders for release, maximising continuity of offender management, demonstrating a commitment to diversity and sustainability and including improved links with approved premises and other accommodation, as well as better arrangements for deportation
6. victim awareness work is given a higher priority, particularly in the prison setting, with greater use of victim impact statements, better recording in custody and the community and greater police involvement in monitoring licence conditions concerning victims
7. information sharing and good recording form the bedrock of effective offender management at all stages of a sentence, including regular reviews of Risk of Harm, improved management of MAPPA and better communication with approved premises staff. Progress is made in the development and use of a common case record format
8. arrangements are made to share good MAPPA practice across England and Wales as a contribution to greater consistency, and regular local multi-agency audits of MAPPA in practice should be carried out in all areas
9. resources are well managed, facilitating adequate staff training on Risk of Harm; information is available on the costs of various interventions, giving greater prominence to value for money; there is a review of the funding arrangements for MAPPA, including the contribution from HM Prison Service
10. the strategic commitment of senior staff in prisons and the police to good public protection practice is encouraged and reinforced, and prison governors should ensure that Risk of Harm assessments are properly managed and that their senior managers are appropriately involved in these.

The full report of the inspection was published as *Putting Risk of Harm in Context: an inspection promoting public protection* in September 2006 and is available on HMI Probation's website (see below).

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