

# Restriction and Rehabilitation: Getting the Right Mix

*An inspection of the management of  
sexual offenders in the community*

*A Joint Inspection by  
HMI Probation and HMI Constabulary*

June 2010

Thematic Inspection Report

## Restriction and Rehabilitation: Getting the Right Mix

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## Foreword

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Although statistically sexual offenders are reconvicted less frequently than most other offenders, many of their offences cause the public great concern, because of the impact that they are likely to have on the victim. Accordingly, we make no apology for revisiting the question of how well Probation and Police are doing in managing such offenders in the community, less than five years after our previous report on the same subject.

In addition to helping individual offenders, society at large benefits most when these individuals cease offending. This is best achieved through what we are calling here the 'right mix' of restriction and rehabilitation in the work undertaken with sexual offenders by the relevant authorities. Although Probation and Police mainly have different but complementary roles, both have a part to play in controlling and restricting offenders while at the same time offering them help to change their behaviour. This is what we mean by 'getting the right mix'.

In this inspection we found much that was encouraging, with many examples of good practice. However, as always there is room for improvement. Not all sexual offenders are suitable for, or are able to take up, the accredited sex offender treatment programmes, and there needs to be better engagement with those cases.

It is encouraging that we found that the most serious cases are consistently well managed. However, despite all the progress and hard work in the last five years, there are still problems with communication, with sharing of information, and with how some of the less serious cases are managed within the multi-agency public protection arrangements (MAPPA). We have also identified other more detailed areas that require improvement.

Nevertheless, we make these criticisms within the overall context of this work, in which we find that progress has been made since our previous report, and there is good potential for further improvement.

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## SUMMARY

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### The inspection

This inspection, of the management of registered sexual offenders in the community, was agreed by the Criminal Justice Chief Inspectors Group and formed part of the Joint Inspection Business Plan 2008/2009. It was led by HM Inspectorate of Probation, supported by HM Inspectorate of Constabulary. Its purpose was to examine the quality of work with registered sexual offenders in the community by the police and probation services and to update the findings of a previous inspection by HM Inspectorate of Probation and HM Inspectorate of Constabulary in 2005 into the management of these offenders.

### Overall findings

The proportion of sexual offenders who are reconvicted of further offending is known to be low. Nevertheless, their subsequent crimes understandably cause considerable public concern. 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. In other words, whether they were able to maintain the right mix, so necessary for public protection, between *Restriction* and *Rehabilitation* in work with registered sexual offenders.

We were aware, from our Offender Management Inspections of all probation trusts, that work with offenders assessed as an increased *Risk of Harm to others* was generally of a higher standard than that with other offenders. We were therefore not surprised to find many examples of good practice by both police and probation. These related particularly to the restrictive elements of work with sexual offenders and included: consolidating practice relating to the notification requirements for registered sex offenders; use of the sexual offences prevention order; monitoring licence conditions; and the multi-agency public protection arrangements (MAPPAs) with more serious cases.

The inspection, nevertheless, revealed a number of areas where practice by both police and probation could be improved. In our opinion the three main issues, all key to public protection, threatened to undermine the efficacy of work with registered sexual offenders by both the police and probation services. These were:

- ▶ **engagement:** some probation offender managers did not engage well with those sexual offenders who were not required to attend a Sexual Offender Treatment Programme
- ▶ **communication:** formal channels of communication, both within and between police and probation services, needed to be improved
- ▶ **MAPPAs:** specifically the identification and management of level 1 cases, i.e. those subject to 'ordinary agency management'.

## Engagement with offenders

There had been a number of significant strategic and legislative developments in work with sexual offenders since the publication of our previous joint thematic report, *Managing Sex Offenders in the Community: A Joint inspection on Sex Offenders*, in 2005 and the leadership provided at both a national and a local level to both police and probation services was generally good. Nevertheless, guidance to the probation service was overdue on a number of issues, particularly in relation to offenders not required to attend a Sex Offender Treatment Programme.

Almost half of the offenders convicted of a sexual offence were not required to attend a Sex Offender Treatment Programme. Those who were expected to do so often faced lengthy delays in starting the programme and the pre-programme work was incomplete in far too many cases. Many of the probation staff we met during the course of the inspection said that they felt inadequately trained or supported to work with sexual offenders outside the groupwork programme, particularly those in denial. This lack of confidence inevitably impacted on the quality of their engagement with the individual offender and limited its effectiveness.

Not only did many probation staff feel ill-equipped to work with sexual offenders effectively, but also some, quite simply, did not appear to have the time. Whilst we expected to find considerable variations in workloads across police and probation services, we were concerned at the number of cases carried by some probation offender managers. Caseloads averaged between 30 and 50 cases but in one area were said to be as high as 90. Offender managers carrying this number of cases would, in our opinion, be unable to engage effectively with offenders and challenge their behaviour.

## Communication

Communication between police officers and probation staff was generally good at an individual level but various structural issues impeded its effectiveness, to the detriment of public protection. Although the use of the Violent and Sexual Offender Register (ViSOR), a confidential national database of sexual, violent and other potentially dangerous offenders used by the police, prison and probation services, was firmly established throughout the police forces, we found significant variations in the quality of data. More worryingly, the restrictions placed on probation staff's access to ViSOR meant it was not being utilised to its full potential.

Both services tended to use the term 'risk' in both written and verbal communication without indicating whether it referred to risk of reconviction, risk of reoffending or *Risk of Harm to others*; this practice was unhelpful. The potential for confusion was compounded by the possible existence of up to three risk management plans on each offender, one drawn up by the police on ViSOR, one by probation and one as part of the MAPPA. The need for these plans, where they co-existed, to be coordinated and aligned, was paramount. We found that the plans recorded on ViSOR tended to relate solely to police activity and it was difficult to establish whether the police knew if the offender was under

supervision and, if so, the nature of probation's involvement. Too many of the plans prepared by the probation service were of insufficient quality and did not include some of the interventions used with sexual offenders, such as regular home visiting by the police or use of a sexual offences prevention order. The plans drawn up under MAPPA generally focused on restrictive interventions, understating the role of constructive or rehabilitative interventions in working with sexual offenders.

Communication within the police and probation services was also a concern. Information was handled differently both between and within the police forces visited and most did not give enough consideration to the role of non-specialist staff in intelligence gathering for registered sexual offenders. Not all the police forces made effective use of the information available to them. Although all the forces visited routinely made regular home visits to registered sexual offenders, only five of the six undertook a pre-visit risk assessment, including checking ViSOR and current intelligence records. None routinely checked the Police National Computer before home visiting, to see if the offender was wanted for other crimes or had accrued any further convictions.

Although, in probation, work with the victims of sexual offenders was generally in-line with the national standards, communication between the offender manager and the victim liaison officer required improvement. Information from victim liaison officers rarely informed the risk management plan or subsequent reviews.

## **MAPPA**

MAPPA was embedded across all the areas visited, with strategic management boards operating effectively. Although there was a clear framework in place for screening referrals for level 2 and 3 management, no such guidance existed for the level 1 cases and practice consequently varied. In some areas, the lead agency, or even the offender manager assumed responsibility for the decision to manage a case at level 1, whereas in other areas, all relevant sexual and violent offenders were referred to a structured multi-agency screening meeting, who decided their management level. Thus, although we saw some good examples of cases being managed at level 2 or 3 through MAPPA, we had serious concerns, in some areas, about the lack of robust processes for the classification of level 1 cases and the high proportion that were being managed without any form of multi-agency oversight.



## Conclusion

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. Effective engagement, good communication and defensible multi-agency decision making are all fundamental ingredients to this difficult mix, essential for the protection of the public.

In this report, we identify a number of areas where these elements of work with sexual offenders can be improved and we make a range of recommendations to address these and our other findings.

## RECOMMENDATIONS

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

- » make ViSOR more accessible to probation staff, or acknowledge its limitations should this not prove possible.

### ***Directors of Offender Management should ensure that:***

- » access to Sex Offender Treatment Programmes is more equitable across probation trusts.

### ***The Public Protection and Mental Health Group should:***

- » provide further guidance on the management of sexual offenders by the probation service. It should include advice on effective methods of working with the sexual offenders who are not being required to attend a treatment programme
- » ensure that a defensible and accountable process for the classification and management of MAPPA level 1 cases is developed and implemented across all areas.

### ***Probation trusts should ensure that:***

- » Offender Assessment System (OASys) management plans specify the right mix of constructive interventions and restrictive requirements
- » access to accredited programmes is timely and all pre-programme work is completed to a high standard
- » effective work on offending behaviour is carried out with offenders not assessed as suitable for an accredited programme
- » where a sexual offences prevention order is in place, the prohibitions should be specified in the probation risk management plan. Plans and reviews should give adequate consideration to the protection of victims or potential victims
- » staff receive appropriate training, support and oversight to equip them to work with high risk sexual offenders.

### ***Police forces should ensure that:***

- » operational public protection unit supervisors have the capacity to carry out their full range of supervisory functions.

### ***Chairs of MAPPA meetings should ensure that:***

- » MAPPA action management plans contain the right mix of constructive interventions and restrictive requirements.

### ***Chairs of MAPPA meetings, police forces and probation trusts should ensure that:***

- » risk managements plans developed through OASys, ViSOR and MAPPA are fully coordinated and aligned.

# 1. STRUCTURE OF THE INSPECTION AND THE REPORT

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## Summary

This section outlines findings of previous inspections as a background to this inspection. It also provides an overview of the criteria, methodology, and the structure of the report.

- 1.1 This inspection of the management of sexual offenders was agreed by the Criminal Justice Chief Inspectors Group and formed part of the Joint Inspection Business Plan 2008/2009<sup>1</sup>. HM Inspectorate of Probation (HMI Probation) led the inspection, supported by HM Inspectorate of Constabulary (HMIC). The inspection focussed on offenders who had been either sentenced to a community order or released on licence. Its terms of reference were:
- ▶ to examine the quality of work with sexual 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 HMIC in 2005<sup>2</sup> and put the material in a wider context.

## Previous research and inspection findings

- 1.2 The proportion of sexual offenders who are reconvicted of further offending is known to be low<sup>3</sup>. Nevertheless, their subsequent crimes understandably cause considerable public concern and some are likely to be of a serious nature<sup>4</sup>. Further studies<sup>5</sup> show that unofficial sources of data about sexual behaviour can be used in conjunction with reconviction rates to give a more accurate assessment of the Likelihood of Reoffending, thereby emphasising the importance of good communication between all those working with this group of offenders.
- 1.3 The joint inspection of sexual offenders in 2005 observed some promising steps to improve the assessment and management of high Risk of Serious Harm (ROSH) offenders. However, many of the other findings were disappointing:
- ▶ the delivery of offender management in the community was, at times, poorly coordinated and inconsistent
  - ▶ probation and police records did not always include records from MAPPA meetings
  - ▶ OASys was not always completed or reviewed
  - ▶ the purpose, frequency, and legal basis of home visits by the police required clarification
  - ▶ a range of human resource issues needed attention, including, workloads, cover for absence and access to welfare or support facilities for staff.
- 1.4 Overall, the report concluded that the strategic approach to work with sexual offenders by the police and probation services required better coordination.

- 1.5 This new inspection also takes forward findings from the joint inspection by HMI Probation, HM Inspectorate of Prisons and HMIC, *Putting Risk of Harm in Context*, in 2006 on public protection,<sup>6</sup> and HMI Probation's Offender Management Inspections between 2006 and 2009.
- 1.6 The 2006 joint inspection report, *Putting Risk of Harm in Context*, concluded that, despite many encouraging examples of joint working, about one-third of the cases inspected required improvement. The recommendations focused on work:
- ▶▶ to develop a consistent understanding of MAPPA, including common definitions shared by all agencies, better recording of caseloads, streamlined processes, shared targets and co-location of staff where feasible
  - ▶▶ to improve the quality of OASys RoSH assessments and victim awareness work.
- 1.7 Analysis of the data from HMI Probation's Offender Management Inspections between 2006 and 2009 showed that the way sexual offenders was managed was better, in some significant respects, than the way other offenders were managed. For example:
- ▶▶ 89% of RoSH assessments on sexual offenders were judged to be of sufficient quality in comparison to 79% for other offence types
  - ▶▶ the RoSH assessment sufficiently covered victim issues in 70% of cases compared to 54% for other offence types.

## Methodology

- 1.8 The purpose of a thematic inspection is to examine the management of specific issues and make recommendations for improvement. This inspection considered practice and performance from six probation trusts and police forces: West Yorkshire (Bradford); London (Tower Hamlets); Hertfordshire; North Wales; Staffordshire; and Lancashire. These sites were selected to provide a cross-section of areas and forces in England and Wales, with a mix of rural and urban environments.
- 1.9 The criteria for this inspection covered:-
- ▶▶ national and local leadership, including accountability and governance
  - ▶▶ MAPPA and the effectiveness of joint working
  - ▶▶ the quality of assessment, planning and review
  - ▶▶ the quality of interventions available outside of accredited programmes
  - ▶▶ staff training and supervision.
- 1.10 A case assessment tool was developed, piloted, and refined prior to the inspection weeks. Fieldwork was undertaken between February and April 2009, during which time we inspected 74 probation records and 62 of the corresponding police case records. We decided that all identified females and most black or minority ethnic offenders should be included in the inspection to give us the best opportunity to examine diversity issues in the management of these offenders. Similarly, as almost half the offenders convicted for a sexual offence are not required to attend a Sex Offender Treatment Programme (SOTP), we also included a disproportionate number (64%) of these cases in the case sample as we particularly wanted to examine the quality of the work undertaken with them.

- 1.11 Of the probation sample, 75% described themselves as white and 23% from a black or minority ethnic group; three (4%) were female. Although 47% of the police sample was identified as white, information was missing on 43% of the cases. Only one was female
- 1.12 Evidence for the inspection was also obtained from findings from previous inspection reports; examination of case records (both paper and information technology based records); and interviews with a range of probation and police personnel including practitioners, key workers, strategic and middle managers, and probation offender managers.

## 2. STRATEGIC AND LEGISLATIVE DEVELOPMENTS

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### Summary

This section provides an update on developments since the 2005 thematic inspection on the management of sexual offenders.

### Strategic developments

- 2.1 The prison and probation services were brought together by the establishment of the National Offender Management Service (NOMS) in 2004. The national Public Protection Unit, now known as the Public Protection and Mental Health Group (PPMHG), which includes police as well as probation and prison staff, was set up within NOMS at the same time. The NOMS Reducing Reoffending Policy Group (RRPG), formerly the Interventions and Substance Misuse Group, who have policy responsibility for accredited treatment programmes, assumed responsibility for the development of SOTPs in April 2010.
- 2.2 In April 2007, the Government published the *Cross Government Action Plan on Sexual Violence and Abuse*<sup>7</sup>. The paper took forward the agenda set by the 2006 Criminal Justice Review<sup>8</sup>, which emphasised the importance of reducing reoffending in meeting wider crime reduction objectives. Reducing reoffending was then incorporated into the Safer Communities Public Service Agreement and a performance framework, known as the National Indicator Set, developed to support the delivery of priority targets. National Indicator 31 related to the reoffending rates of registered sexual offenders. This indicator supported a multi-agency approach and was particularly relevant to sexual offenders, for whom securing appropriate accommodation and employment, both important factors in reducing the likelihood of further offending, had often proved difficult to achieve.
- 2.3 In October 2007, the National Policing Improvement Agency (NPIA) produced national guidance on managing sexual and violent offenders on behalf of the Association of Chief Police Officers (ACPO)<sup>9</sup>. The guidance defined the standards for the police in public protection and provided clear information about their role and its management. It made a number of strategic recommendations directed at chief officers, including: implementing force policy; developing information management processes; developing and sustaining partnerships; ensuring appropriate staffing; and training needs.
- 2.4 ViSOR was implemented across the police forces in 2005. It was rolled out to the probation service in 2007 and to the prison service in 2008. ViSOR is a national database of all offenders who have sex offender registration conditions imposed upon them following criminal conviction and information on violent and potentially dangerous people. Access by the probation service is restricted to certain individuals/roles, severely limiting its effectiveness as an operational tool\*. It is, however, used by the police as an offender management system, but also enables

\* As this inspection did not include sexual offenders held in custody, we are unable to comment on its use within the prison service.

access to a wide range of information and intelligence, e.g. to identify potential suspects of violent or sexual offences. Detailed risk assessments should be stored on the system and updated regularly, thereby maintaining a history of changes. All individuals identified as MAPPA cases (with the exception of MAPPA Category 2, level 1 cases<sup>†</sup>) should have a record on ViSOR.

### Legislative developments and reviews

Since 2005, the management of sexual offenders has been supported by the following legislation and/or reviews.

- ◆ The **Violent Crime Reduction Act 2006** Section 58 empowered the police to enter and search the homes of registered sex offenders (RSOs) to conduct a risk assessment where they had been unable to obtain entry on at least two previous occasions.
- ◆ The **Safeguarding Vulnerable Groups Act 2006** introduced a new vetting scheme for all those working with children and young people and vulnerable adults from autumn 2008 and created a single list of people barred from working with children.
- ◆ The **Offender Management Act 2007** allowed the piloting of mandatory polygraphy tests in the East and West Midlands for sexual offenders released on licence into these regions with a condition to undergo testing. NOMS subsequently commenced a three-year pilot in January 2009 to establish:
  - the types of disclosure and the frequency
  - whether polygraphy testing was administered correctly
  - whether polygraphy testing had a statistically significant impact on numbers of disclosures made which were useful to the management of the offenders.
- ◆ The **Review of the Protection of Children from Sex Offenders<sup>10</sup>** was undertaken by the Home Office and published in June 2007. It set out the Government's intention to make changes to MAPPA, including the development of national standards; consideration of disclosure of information on offenders in every case; and greater involvement with the community. It also announced the introduction of secondary legislation to require RSOs to:
  - provide the police with a DNA sample
  - notify the police of any foreign travel
  - state whether anyone under 18 was living at their registered address
  - provide email addresses and their passport and bank account details
  - report regularly to a police station if they register as homeless.
- ◆ The **Criminal Justice and Immigration Act 2008** Section 140 required the responsible authority for each area to consider and monitor the use of disclosure in all cases involving child sexual offenders.

<sup>†</sup> It is anticipated that, in time, Category 2, level 1 cases will be entered on to ViSOR. See paragraphs 4.3 – 4.4 for explanation of terms.

- ◆ The **Policing and Crime Act 2009** Section 23 raised the age of a child deemed to be at risk from 16 to 18 and also altered the criteria for determining which offenders could qualify for a foreign travel order to include those who had committed specified offences against children and young people under 18. It also altered the maximum duration of a foreign travel order from six months to five years and required those forbidden to travel outside the UK to surrender their passport at a police station.
- 2.5 The MAPPA guidance, issued in April 2009, emphasised the importance of disclosure in effective risk management, particularly where:
- ▶▶ there was evidence that grooming might take place, for example, through leisure clubs, churches or employment
  - ▶▶ the offender was excluded from a specific location and/or having contact with named persons by a condition in their sexual offences prevention order (SOPO) or licence
  - ▶▶ others could be at risk, for example, in supported accommodation
  - ▶▶ past or potential victims needed protection, in particular where offenders formed new relationships with partners who had children or grandchildren. In some cases, this could include friends or neighbours with children
  - ▶▶ a person could assist in managing the offender by being familiarised with the risk factors.

### Current or developing tools for the assessment of sexual offenders

- 2.6 The use of structured assessment tools informs professional judgements and underpins defensible decision-making.
- 2.7 Within the context of offender management, risk assessment is the process of establishing the:
- ▶▶ **Likelihood of Reoffending** - the likelihood of recurrence of behaviour or events based on the range and type of offending related problems
  - ▶▶ **Risk of Harm to others (RoH)** – a combination of static and dynamic factors relating to the level of harm caused by the individual’s behaviour, who it would affect and its imminence.
- 2.8 The risk of reconviction within a specified period of time is based on previous behaviour and other static factors. For adult sexual and violent offenders, the approved assessment tools are:
- ▶▶ **Risk Matrix 2000 (RM2000)** - the assessment tool currently approved for use by the police forces in relation to sexual and violent offenders. It is also used by the probation and prison services to score the risk of reconviction for sexual or violent offences by adult male offenders. It contains two scales, one focuses on the risk of further violent convictions, and the other on the risk of further sexual convictions. Where appropriate, both scales must be used in order to identify a reliable classification of the risk of reconviction
  - ▶▶ **OASys** - used by the prison and probation services, generally with all current cases, to identify the risk of reconviction and then enable the



practitioner to assess the risk of harm to others and likelihood of reoffending.

- 2.9 Additional structured assessment tools have been developed for adult sexual and violent offenders.
- ◆ **Structured Assessment of Risk and Need (SARN)** - used by the prison and probation services to produce a post-treatment report focusing on risk assessment and management. It provides specific recommendations for future work. *Probation Circular 17/2007*<sup>11</sup> introduced SARN as the replacement to the previous post-programme report format.
  - ◆ **Stable and Acute** – two related tools which support the differential treatment of sexual offenders based on *RoH*. One assesses stable factors and the other, the dynamic factors that are open to change. They also help in identifying alternative interventions. A qualitative evaluation of the use of the tools by police and probation in the pilot areas was underway at the time of the inspection and has since been published.

### Current or developing constructive and restrictive interventions for the treatment of sexual offenders

- 2.10 Each of the probation trusts visited had implemented one of the three available programmes for working with sexual offenders. These programmes aim to challenge attitudes, values, and beliefs and provide an intensive treatment package for sexual offenders.
- 2.11 Furthermore, the RRPG had developed or commissioned additional interventions to meet some of the other, diverse types of needs.
- ◆ The **Internet Sex Offender Treatment Programme (I-SOTP)** targets those convicted of sexual offences committed via the internet. It is available in most probation trusts as a groupwork programme for offenders over 21 or on an individual basis for offenders aged between 17 and 21. It consists of 35 two-hour sessions and is suitable for those assessed as low or medium RoSH and low deviance.
  - ◆ The **Adapted Sex Offender Treatment Programme (A-SOTP)** - for sexual offenders who are not able to benefit from existing programmes because of learning disabilities. This programme was being piloted in the West Midlands at the time of the inspection fieldwork and has since been provisionally accredited.
  - ◆ **Circles of Support and Accountability (COSA)** - where specially selected, trained and supervised volunteers form a group of support and accountability around an offender, usually from the point of release from custody. Circles have been run by probation trusts and voluntary agencies including the Lucy Faithful Foundation. All new COSA for offenders must be accredited through 'Circles UK', a voluntary organisation supported by funding from NOMS.
- 2.12 Meanwhile, *Probation Circular 35/2007*<sup>12</sup> announced the introduction of psychiatric treatment for male sexual offenders, comprising medication to reduce libido, an intervention with both restrictive and rehabilitative elements.

## **Conclusion**

- 2.13 A number of measures had been introduced, either through legislation or practice development, to broaden the range of tools available to both the police forces and probation service in their management of sexual offenders in the community.

### 3. LEADERSHIP AND MANAGEMENT

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#### Summary

This section outlines the steps taken at a national, regional, and local level to manage sexual offenders in England and Wales.

#### Key Findings

- Further guidance to the probation service from PPMHG was needed on a number of issues relating to the management of sexual offenders.
- There was considerable variation in workloads within the probation and police services. In some instances, high probation caseloads were affecting offender managers' ability to deliver meaningful offender behaviour work. In the police, there was little resilience to provide cover for sickness, annual leave or vacancies.

#### National

- 3.1 The PPMHG had provided guidance, advice and support relating to working with offenders who present a high *RoH* and dangerous offenders. The review of serious further offences was issued to probation trusts (then areas) in 2008; *RoH* guidance and training was introduced in 2006 and Key Performance Indicators to monitor the performance of MAPPA in 2008.
- 3.2 The Responsible Authorities National Steering Group, chaired by the Head of the PPMHG provided further valuable leadership and coordination. Revised MAPPA guidance was issued in April 2009 and additional guidance on the management of *RoSH* was planned. The latter was necessary as, as we found, probation practitioners were experiencing difficulties in getting the right mix between restrictive and rehabilitative approaches in the management of sexual offenders.
- 3.3 At the time of the inspection, the PPMHG was drafting a position statement for NOMS on working with sexual offenders. The previous one had been scheduled for review in 2006 and this work was now long overdue. In our view, direction was required on a number of issues, including the purpose of probation home visits, roles when undertaking joint home visits, and the management of offenders who did not attend a SOTP.

#### Regional

- 3.4 The Director of Offender Management's (DOM) office combined the probation Regional Offender Manager's office with that of the Prison Service Area Manager's office. However, at the time of the inspection, the respective accountabilities between the PPMHG and the DOM offices were unclear and concerns were expressed by probation managers of the potential impact on service delivery.
- 3.5 There were varying commitments to regional working by probation trusts. One good practice example was seen in the Regional Sex Offender Unit in the West

Midlands. It provided excellent opportunities to benefit from economies of scale in the delivery of interventions and joint staff training. Other trusts were beginning to develop plans for a more regional approach to service provision.

- 3.6 Chief Constables have individual statutory responsibility for effective delivery of policing in their area, which includes the structural arrangements for the delivery of public protection. These could vary, depending on local circumstances. Regional arrangements existed, such as ViSOR user groups, but attendance at these varied dependent on local agreements across forces.

## Local

- 3.7 Probation trusts implemented the Offender Management Model in slightly different ways to suit geography and resources. Staff working generically managed a range of *RoH* levels, whilst other teams operated as specialists and only managed high *RoH* cases. Some trusts were still developing their approach and others were in the process of reviewing and refining it. Probation staff had experienced many significant organisational changes over recent years. For some, the continuing changes to the Offender Management Model were a cause for uncertainty and frustration.
- 3.8 Each police force should have an ACPO lead responsible for public protection issues who represented the police on the MAPPA Strategic Management Boards (SMB). This was the case in each of the six forces visited, who also had a central, *strategic* public protection unit (PPU). These units reported directly to the ACPO lead, and were responsible for the effective implementation of policy and investigative support.
- 3.9 Each police force visited had a specialist *operational* unit for the management of sexual and violent offenders. They had a variety of titles, for example, Public Protection Unit, Jigsaw Team, Harm Reduction Unit and Sex and Violent Offender Unit. Officers working in these units also had a range of titles. (The terms strategic PPU, operational PPU and public protection officer have been used throughout this report).
- 3.10 Although structures and remits varied, each operational PPU had specific responsibility for the management of RSOs. In five of the six inspection sites, line management of operational PPU staff was the responsibility of the Command Team for the Basic Command Unit in which these staff were located. In the sixth, it was the responsibility of the strategic PPU based at police headquarters.
- 3.11 Previous HMIC forces inspections had identified staffing levels and workload within operational PPUs as the most significant areas of vulnerability for the service. Although each force visited had conducted a review of their structural arrangements, leading to an increase in (predominantly administrative support) staff, considerable variations in workload remained. We found little resilience to provide cover for sickness, annual leave, or vacancies; on occasions, public protection officers were diverted from their core functions to assist other specialist staff.
- 3.12 The size of caseloads, in some probation trusts, affected their ability to deliver good quality services. The average caseload ranged between 30 and 50 cases, but in one was as high as 90. Although many might have been assessed as medium *RoSH*, the dynamic nature of *RoH* and the potential impact of further offences

required intensive face-to-face work and could be time consuming. Whilst we found some examples of good practice, many offender managers were struggling to adopt an investigative approach or deliver effective offending behaviour work.

- 3.13 Some of the local authorities in the probation trusts visited expressed concerns about adopting a target to reduce reoffending by sexual offenders. Few had done so. However, in 2010, each local authority will take ownership of the Supporting People budget, making it important that probation trusts work closely with them to ensure that sexual offenders can access appropriate accommodation.
- 3.14 Probation trusts had implemented processes for reviewing serious further offences and had developed mechanisms for disseminating the lessons learnt. Some staff said the case reviews felt negative and focused on what had gone wrong, neglecting aspects of good practice.
- 3.15 Under the ACPO guidance, police forces should have processes in place to ensure that, if an offender or potentially dangerous person commits a serious offence, a review of the police role in the case would take place. Guidance to police forces was still in development at the time of the inspection but has subsequently been published.

## Conclusion

- 3.16 Although we found leadership within police and probation services in the management of sexual offenders generally effective, the delay by PPMHG in issuing the position statement meant that a number of issues required urgent clarification.
- 3.17 **We therefore recommend that:**
  - ▶ **the PPMHG provides further guidance on the management of sexual offenders by the probation service. It should include advice on effective methods of working with the sexual offenders who are not being required to attend a treatment programme.**

## 4. MAPPA AND INFORMATION EXCHANGE

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### Summary

This section examines the implementation of MAPPA and ViSOR by police and probation.

### Key Findings

- The classification process for MAPPA level 1 cases varied considerably across the areas visited.
- Most level 1 cases were not subject to any form of formal multi-agency oversight through MAPPA.
- The way in which ViSOR had been implemented across the probation service severely limited its effectiveness as a communication tool.
- Police forces placed too much reliance on supervisors to monitor ViSOR data quality and compliance with national standards.
- Police forces did not consider the role of non-specialist personnel sufficiently in intelligence gathering for RSOs.

### MAPPA

- 4.1 MAPPA was introduced in 2001 under the Criminal Justice and Court Services Act 2000. It imposed a statutory duty on the police and probation services, as the responsible authorities, to assess and manage sexual and violent offenders in England and Wales. The Criminal Justice Act 2003 strengthened the provision by:
- » including the prison service as a responsible authority
  - » establishing a list of agencies that had a 'duty to cooperate'
  - » introducing the role of lay advisers to the SMBs.
- 4.2 The number of offenders managed under the arrangements has increased year on year. To some extent, this is inevitable, as numbers will continue to accumulate, as new offenders enter MAPPA and existing offenders continue to be managed, sometimes on a lifelong basis. The year-on-year increase for RSOs and the total number of MAPPA offenders in the community is shown in Table 1.

Table 1: Number of RSOs managed by MAPPA. Source: National Statistics for MAPPA 2008/9

| Category <sup>‡</sup>                          | 2004/<br>2005 | 2005/<br>2006 | 2006/<br>2007 | 2007/<br>2008 | 2008/<br>2009 |
|--|---------------|---------------|---------------|---------------|---------------|
| <b>1. RSOs</b>                                 | 28,994        | 29,983        | 30,416        | 31,392        | 32,336        |
| <b>2. Violent &amp; other sexual offenders</b> | 12,662        | 14,292        | 14,895        | 16,249        | 11,527        |
| <b>3. Other dangerous offenders</b>            | 2,936         | 3,313         | 3,132         | 2,569         | 898           |
| <b>Total</b>                                   | 44,592        | 47,588        | 48,443        | 50,210        | 44,761        |

- 4.3 To be eligible for MAPPA, offenders must be in one of the following categories.
- ◆ **Category 1 – RSOs** - offenders subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 or as a result of a SOPO.
  - ◆ **Category 2 – Violent and Other Sexual Offenders** – sexual and other violent offenders who receive a sentence of imprisonment of 12 months or more. It includes those detained under hospital orders or guardianship orders.
  - ◆ **Category 3 – Other Dangerous Offenders** - those who do not meet the eligibility criteria under Category 1 or 2, but who are considered by the responsible authority to pose a risk of serious harm to the public which requires active multi-agency management.
- 4.4 Once categorised, the offender is allocated to one of three management levels.
- ◆ **Level 1: Ordinary Agency Management** - used in cases where the overall risk posed by the offender can be managed by the agency responsible for their supervision. This does not mean that other agencies will not be involved; only that it is not considered necessary to refer the case to a level 2 or 3 MAPP meeting. Under the guidance, the MAPPA co-ordinator should be notified of all level 1 cases. The guidance also expects that information sharing and multi-agency case management discussions takes place, as necessary.
  - ◆ **Level 2: Active Multi-agency Management** - Cases should be managed at MAPPA level 2 where the offender is assessed as posing a significant RoSH. (This does not mean all cases assessed as high or very high RoH will automatically require level 2 management.) There may be a small number of cases with a lower RoH level where, due to other factors, the case requires this level of management. For example, the case:
    - requires active involvement from other agencies to manage their *RoH*
    - has been previously managed at level 3 and the seriousness of risk has diminished, and a MAPPA risk management plan (RMP) for level 2 has been firmly established.

<sup>‡</sup> Since 2008/2009, the category 2 and 3 data in this table is a snapshot of the number of offenders in those categories on 31 March. Prior to this, the number reflected the number of cases over a whole year. The category 1 data has always been a snapshot for 31 March in the given year.

- ◆ **Level 3: Active Multi-agency Management** – where the management of the offender requires the active involvement at a senior level by the responsible authority and duty to cooperate agencies. This may be when there is a need to commit significant resources at short notice and/or where there are significant media and/or public interest issues.

### **MAPP Management Arrangements – effectiveness of coordination**

- 4.5 The coordination of MAPP activity is critical to ensuring coherent processes that contribute to public protection. MAPP managers and coordinators were in place or being recruited in all the areas visited. They provided a single point of contact for notifications of eligible cases and referrals to level 2 and 3 meetings. They also collated performance information for the SMB.
- 4.6 All of the SMBs in the probation trusts visited had at least one MAPP lay advisor in post. However, two areas were struggling to recruit additional advisors. Most of the lay advisors interviewed felt positive about their role and described their induction and training as adequate. Most were involved in MAPP sub groups, such as diversity or performance management and clearly aimed to do a thorough and conscientious job. However, it was hard to quantify their impact on the MAPP process in practice, in exchange for the outlay in recruitment and training.
- 4.7 Each MAPP SMB is required to collect and collate specified data for the annual report. Although four of the police forces visited collected a range of additional performance data, overall, there was little evidence of meaningful performance monitoring and management beyond monitoring home visits.

### **ViSOR**

- 4.8 ViSOR (see paragraph 2.4) provides the police, probation and prison services with a confidential, shared national database of all sexual, violent and other dangerous offenders. It is the case management tool for the police, but not the probation or prison services.
- 4.9 The ViSOR records examined for this inspection included 47 MAPP level 1 offenders, 13 level 2 offenders, one level 3 offender and one where the level was not recorded. NOMS ViSOR National Implementation Operational guidance states that public protection agencies would only use ViSOR to facilitate information exchange in MAPP level 2 and 3 cases and not level 1

### **Implementation of ViSOR in probation trusts**

- 4.10 There are several key users of ViSOR who include:
  - ▶ **the manager** – the practitioner who manages the 'nominal'. (i.e. named offender)
  - ▶ **the partner** – this role is designed for practitioners, sometimes from another agency, who assist the manager in managing the nominal.
- 4.11 As previously indicated, ViSOR has been successfully implemented within the police forces and its use well established. Whilst it was never intended to replace personal contact, we heard consistently from the probation and police personnel during the inspection that the way in which ViSOR had been implemented across



the probation service had severely constrained its effectiveness as a means of electronic communication. Some of the key practice issues and consequences are detailed below.

- ◆ Although all police public protection officers could access ViSOR directly, within probation trusts only ViSOR administrators and some senior probation officers (operational managers known as SPOs) could do so. Offender managers therefore had to obtain access through an SPO. This process was often time consuming and, at times, impossible if the SPO was busy or absent. Some SPOs did not promote the use of ViSOR within their teams. Others were clearly dissatisfied with the arrangements and cautious about the confidential nature of the system. These factors acted as disincentives to offender managers requesting access.
- ◆ Other basic technical issues made the use of ViSOR within the probation service time consuming. For example, only three of the six trusts visited had taken advantage of the option to cut and paste information between ViSOR and other computer applications. In order to comply with government information technology security protocols, probation internal information technology security accreditors were unwilling to authorise the use of the toggle function enabling the reader to switch between ViSOR and the probation record. In the absence of approved hardware to facilitate access, probation SPOs had to close ViSOR down before opening the case record. One interviewee summarised the situation by saying, *"it is easier to pick up the phone to get the required information, rather than attempt to do so through ViSOR"*.
- ◆ Practice in the creation of partners varied. Although only 14 cases in the ViSOR file sample were managed at levels 2 or 3, probation staff were identified as partners in 29, a higher number than would have been expected under current guidance. However, attempts had been made to exchange information through ViSOR in only six cases even when a partner had been created on the record.
- ◆ A clearer understanding across agencies about the process for recording updates on ViSOR and the maintenance of information was required. For example, one probation trust had updated some of the MAPPAs level 1 records within ViSOR and, in doing so, had changed both the risk and MAPPAs level at which the offender was being managed. In another example, a police supervisor had been asked to approve OASys details entered onto ViSOR by probation. However, this member of staff was not OASys trained and was unaware whether it was completed correctly.

### **National standards for ViSOR**

4.12 The use of ViSOR was firmly established throughout the police forces visited. However, national standards for ViSOR were not developed until 2008, three years after its implementation, by which time significant variations had developed in data inputting and quality. In most of the police forces visited, there was a heavy reliance on first line supervisors within the PPU, to ensure that ViSOR standards were being complied with. However, they rarely had the capacity to monitor data quality or compliance.

4.13 ViSOR national standards state that the manager of the record should be the practitioner who manages the nominal and is responsible for the collation and quality assurance of case records. Whilst three forces complied with this standard, practice varied in the others. In two of the remaining three forces, all nominals were allocated to one individual officer but managed on a team basis. In the third, nominals were allocated equitably to individuals but managed as a team. In these three forces, there was no clear ownership of individual cases or ViSOR records. It is essential that forces are confident that the way in which they allocate and manage offenders and associated ViSOR records is defensible and does not compromise information management.

### Data Quality

4.14 Only three of the police forces visited had attempted to monitor the quality of their data. The approaches used varied considerably, from checking a single nominal record, to carrying out themed audits. The importance of structured monitoring was demonstrated by the following examples found in reading ViSOR records:

- ▶▶ the offender's ethnicity details had not been completed in 27 (43%) of cases
- ▶▶ no registration details were recorded in 6 cases (9%)
- ▶▶ although there is no stated timescale for completion of an RM2000 after registration, if an arbitrary 14 days were allowed, the RM2000 would not have been completed within this time in 30 (48%) of the cases examined
- ▶▶ the RM2000 had not been approved by a supervisor after being entered onto ViSOR, as required, in 15 out of 56 (27%) applicable cases
- ▶▶ in three cases (5%), the offenders had accrued further convictions following their registration with the police but these had not been recorded in the convictions attachment.

### Information exchange within the police

4.15 In all of the police forces visited, where a RSO known to present a high or very high likelihood of reconviction or *RoH* was being released from prison on licence, the operational PPU would complete an intelligence briefing. This was passed to frontline staff and Neighbourhood Policing Teams (NHPTs).

4.16 Similarly, if operational PPU staff required assistance from front line or NHPT staff, they could liaise and task staff direct. However, we found gaps in police information exchange in cases judged to be low or medium risk of reconviction/or harm to others. As shown by previous HMIC inspections, front line personnel (such as community beat managers and NHPTs) were underused in the intelligence-gathering process in specialist areas of business. The nature and scope of their involvement required further consideration.

4.17 A number of different approaches had been adopted to address these issues, such as the creation of a spreadsheet on a shared drive allowing supervisors to access relevant information once briefed; the development of selective briefing packages for targeted offenders and utilising force intelligence systems to create a readily accessible and navigable information 'warehouse' on RSOs. These approaches

were, in most cases, a recent introduction and their effectiveness had not, as yet, been evaluated. Overall, the exchange of information between PPU and police colleagues could and should be enhanced. There is clearly a need to establish better internal communication links that heighten the fact that public protection is the responsibility of all staff within the police forces, and not simply that of specialists.

### Police intelligence

- 4.18 In order for justifiable and defensible decision-making to take place when developing RMPs, PPU staff must be aware of all relevant information and intelligence. The ACPO (2005) Guidance on the National Intelligence Model (NIM) defines intelligence as ‘...information that has been subject to a defined evaluation and risk assessment process in order to assist with police decision making...’
- 4.19 Intelligence is managed within ViSOR using the intelligence attachment. Users may submit information via the activity logs, provided it is marked for the attention of the ViSOR case manager. The case manager is responsible for extracting the relevant parts and registering them as an intelligence item in accordance with the ViSOR National Standards and the *Code of Practice on the Management of Police Information*<sup>13</sup>. Supervisors are responsible for auditing intelligence and, where necessary, ensuring that the actions required are recorded on the system and completed.
- 4.20 Intelligence was handled differently across, and within the police forces visited. Some regarded local intelligence systems as the priority tool for submitting intelligence reports and only recorded the same intelligence on ViSOR if it was something which they personally intended to act upon. Others regarded ViSOR as the primary recording tool for intelligence, in relation to ViSOR nominals, and only recorded the same information on local intelligence systems if they believed it to be something which the force as a whole should be aware of. The varied practice meant intelligence held on one or other system might be incomplete at any given time.
- 4.21 Each police force visited had arranged for markers on their intelligence systems to indicate the existence of an individual as a ‘ViSOR Subject.’ However, the level of information available on local intelligence systems varied according to the discretion and judgement of individual PPU officers.
- 4.22 All the forces visited had arrangements for non PPU staff (with valid reason) to access ViSOR for intelligence or investigation purposes on a 24-hour basis, either through their PNC Bureau, force incident manager or some other local arrangement. However, in three of the forces visited, there was a lack of knowledge of how to access ViSOR out of normal working hours.
- 4.23 It is equally important that public protection officers are alerted to new intelligence and information obtained by other personnel. However, some said they were not always made aware of new intelligence regarding an offender they were managing. All operational police officers and staff need to be familiar with the arrangements for accessing ViSOR. They also need to be aware of the procedures for notifying the operational PPU of information and intelligence relating to ViSOR nominals. ViSOR is important as an intelligence system, as well as an offender and

information management system, but we found its use as such to be under exploited.

## Conclusion

4.24 MAPPAs were embedded in both police and probation services. SMBs were in place and some good examples of cases being managed at level 2 and 3 were found. However, improvements were required in a number of areas, in particular, in the way in which level 1 cases were often classified and then managed through MAPPAs and the restricted level of access to ViSOR afforded to probation staff.

4.25 Although the NOMS guidance on the ViSOR implementation model for probation trusts states that public protection agencies should use ViSOR to facilitate information exchange in MAPPAs level 2 and 3 cases, we found its use was limited, a main hindrance being the lack of direct access by probation offender managers. A number of different approaches to the management of intelligence involving RSOs within the police had developed and it was acknowledged that liaison between police PPOs and other police personnel needed to be better coordinated.

4.26 **We therefore recommended that:**

- ▶ **NOMS should make ViSOR more accessible to probation staff, or acknowledge its limitations should this not prove possible**
- ▶ **the PPMHG should ensure that a defensible and accountable process for the classification and management of MAPPAs level 1 cases is developed and implemented across all areas.**

## 5. Assessment and Planning

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### Summary

Assessments and plans are key aspects of effective practice. This section explores the practice issues in relation to assessment and planning for the *RoH* and the Likelihood of Reoffending.

### Key Findings

- Widespread use of the term 'risk' was unhelpful since it was unclear whether it was referring to the risk of reconviction, reoffending, *RoH* or any other type of risk.
- The use of SARN within probation trusts was significantly underdeveloped at the time of the inspection.
- There were significant inconsistencies in the use of RM2000 by probation; some police and probation personnel were using it without appropriate training.
- Compliance with the ViSOR national standards and ACPO guidance, in relation to the recording of risk levels and assessors' rationale and justification for decisions needed to be improved.
- Many probation sentence plans required significant improvement. They were often completed late without actively engaging the offender, and lacked outcome focused objectives.
- Probation RMPs did not always address the full range of actions available to manage the case and achieve the right mix between restrictive and constructive interventions. Most commonly, probation RMPs omitted the police's role in home visiting RSOs or enforcing prohibitions within a SOPO.
- RMPs compiled on the same offender through ViSOR, MAPPA or probation were not always fully coordinated or aligned, giving rise to the potential for uncoordinated action.

5.1 Effective and accurate assessment underpins effective offender management, appropriate targeting of interventions and the efficient use of resources. When undertaking an assessment, practitioners need to distinguish between at least three types of risk:

- » **Risk of Reconviction**
- » **Likelihood (or risk) of Reoffending**
- » ***RoH***.

5.2 Whilst the use of structured assessment tools was embedded into police and probation practice, different risks were being assessed by the different tools. An

offender could be low risk of reconviction (due to being a first time offender) but high RoSH (given the seriousness of the crime and the impact on victims). Assessment tools should not be used in isolation and the outcome should be informed by professional judgement.

- 5.3 The widespread use of the term 'risk' in a generic sense was unhelpful and at times confusing.

### **Scoring the risk of reconviction**

- 5.4 In almost half of the probation cases, a completed RM2000 assessment was not on the file. Incorporating RM2000 into eOASys should prompt the offender manager to carry out the assessment and improve the completion rate in the future.
- 5.5 A small yet significant proportion (7 out of 45) of the probation staff interviewed with responsibility for completing RM2000 had not been trained in its use. Nor had all police personnel in three of the police forces visited, including, in two, the supervisors who authorised its completion.
- 5.6 When asked, 81% of probation staff said they had not had their RM2000 assessments reviewed by an appropriately qualified colleague, despite this being recommended as good practice.
- 5.7 The failure to use both the scale for further violent reoffending where appropriate, as well as the one for sexual offending, limited the effectiveness of RM2000. Some staff reported that they were not trained in the use of the violent scale. In addition, in two of the forces visited there was some misunderstanding on the part of operational PPU staff about the use of the different RM2000 scales.
- 5.8 Operational PPU staff were often unaware of the OASys assessments carried out by probation unless the offender was subject to a level 2 or 3 MAPPA meeting. Only one of the 62 ViSOR records examined contained the OASys details.
- 5.9 The combination of the risk assessment tools, information sharing and professional judgement meant that, ultimately, an offender could be managed at a different risk level than that arrived at through the use of one assessment tool. Where this occurred with a RSO, the police should record the rationale on ViSOR. Of the 62 ViSOR records examined, five offenders were being managed at a different risk level from that identified by RM2000, but the rationale was recorded in only one case.

### **Assessment of the Likelihood of Reoffending**

- 5.10 The OASys assessment of offending related need was sufficient in most cases. However, some of the cases lacked evidence about positive and protective factors.
- 5.11 The potential of SARN was not being realised. It was not completed in over half of the relevant probation cases in the sample. Not enough staff had been trained in its use. Since our inspection visits, the PPMHG have successfully organised training on a regional basis to increase accessibility.

### Assessment of *RoH*

- 5.12 As with the HMI Probation's Offender Management Inspection findings, the *RoSH* classification was correct in the vast majority of cases. The *RoH* assessments were completed on time at the start of order or licence in most of the cases, an improvement on the findings of the 2005 thematic inspection.
- 5.13 However, as in our Offender Management Inspections, the *RoH* analyses lacked sufficient detail and information about previous behaviour. For example, one-third of the analyses did not include information on offender behaviour supplied by the prison and many failed to refer to the RM2000 assessment as an indicator of the risk of reconviction.

### Initial sentence planning

- 5.14 Both the timeliness and quality of probation initial sentence plans was unsatisfactory. Too many were completed late, without, in the vast majority of cases, an acceptable reason for the delay. Although most initial sentence plans included objectives linked to *RoH* in relation to thinking and behaviour, attitudes, alcohol, drugs and accommodation, other important factors, such as relationships and lifestyle were often missed. Over half of the plans lacked objectives around positive and protective factors.
- 5.15 Treatment targets identified in recent post-programme reports were not always included as objectives in the sentence plan. Objectives were not always specific and timescales were set to suit the review process rather than the individual offender. Insufficient attention was given to offender engagement and diversity. Offender managers said the timescales for the completion of initial sentence plans meant that the offender was rarely actively involved in the planning process.

### Risk management planning

- 5.16 Police, probation and the Responsible Authorities under MAPPA are each required to complete a RMP. The police use ViSOR; probation complete a plan within OASys; and the Responsible Authorities and Duty to Cooperate agencies, in discussion at MAPPA meetings, produce a plan using the national document set. This can mean that three separate RMPs may legitimately exist for a single offender. In these circumstances, it is important that the plans were coordinated or fully aligned.
- 5.17 Effective offender management requires a mix of interventions aimed at controlling the offender, for example, a curfew and those aimed at changing behaviour, for example, an offending behaviour programme. We found that MAPPA RMPs tended to emphasise the use of restrictive interventions at the expense of constructive interventions in the management of *RoH*. We believe more consideration should be given to the implementation of constructive interventions, by the relevant agencies, to ensure that all risk management activity is effectively coordinated.
- 5.18 Probation RMPs were completed on time in three-quarters of cases in the inspection. Differences in timeliness were evident, with some trusts performing better than others. However, many probation RMPs were of insufficient quality and we identified a number of areas for improvements:

- ▶ most RMPs lacked sufficient detail and did not include all of the available risk management actions, such as police home visiting, checking computer equipment and use of disclosure
- ▶ the role of the offender in managing their own behaviour was not addressed in the vast majority of RMPs (69 out of 71)
- ▶ SOPO prohibitions were not always included and details of victim liaison arrangements and victim safety steps were often missing
- ▶ the contribution to managing *RoH* made by approved premises was not always detailed enough
- ▶ RMPs for MAPPA level 1 cases were particularly weak with little evidence of multi-agency planning in cases where we judged it to be necessary
- ▶ RMPs were not always updated following agreement of the MAPPA RMP
- ▶ management oversight of the quality of RMPs was not effective in many of the cases. Some managers reported countersigning RMPs to achieve the national standard on timeliness rather than quality
- ▶ the purpose and frequency of the home visits needed restating. There was evidence of good joint working between police and probation, including coordinated joint home visiting. However, many RMPs failed to provide adequate details of this work.

5.19 The vast majority (87% or 48 out of 55 cases where the timescale could be confirmed) of police RMPs had been entered onto ViSOR within five days of being formulated. However, a number of areas for improvement were identified:

- ▶ despite the fact that the ViSOR file sample related to offenders who were being managed by the police and supervised by probation, the RMPs recorded on ViSOR tended to relate solely to police activity. Therefore, it was difficult to establish if the police were aware that the offender was under supervision and the nature of probation's involvement
- ▶ whilst it might be expected that the main focus of police action would be on home visits, RMPs lacked detail and did not always have clear timescales set for completion of actions
- ▶ RMPs were generally recorded within the RMP attachment of ViSOR. However, in just over one-quarter (28%), the full detail was recorded in the activity log, which is not searchable, making it difficult for supervisors to establish whether actions had been completed
- ▶ where a MAPPA RMP also existed, the actions were rarely transposed onto the ViSOR RMP attachment (although a record was held within the MAPPA minutes).

## Conclusion

5.20 Our inspection suggested that the right mix of restriction and rehabilitation was not being achieved. RMPs tended to focus on restrictive interventions, understating the role of constructive or rehabilitative interventions in managing *RoH* and, where separate RMPs existed for a single offender, were not always coordinated or aligned.



**5.21 We therefore recommend that:**

- ▶ **probation trusts should ensure that OASys management plans specify the right mix of constructive interventions and restrictive requirements**
- ▶ **the Chairs of MAPPA meetings should ensure that MAPPA action management plans contain the right mix of constructive intervention and restrictive requirements**
- ▶ **the Chairs of MAPPA meetings, police forces and probation trusts should ensure that RMPs developed through OASys, ViSOR and MAPPA are fully coordinated and aligned.**

## 6. Constructive interventions

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### Summary

The delivery of accredited SOTPs and the quality of offending behaviour work delivered to those not required to attend a programme are explored in this section.

### Key findings

- Long delays in starting groupwork affected the delivery of SOTPs in the community in some areas.
- Pre-programme work was incomplete in too many cases.
- Differences in exclusion criteria and thresholds between areas resulted in inequitable access to SOTPs nationally.
- Offender managers needed more support and guidance if they were to deliver effective offence focused work outside of SOTPs; staff were not always aware of specialist provision, even where available.
- Despite some good practice examples, inadequate attention was given to offender diversity issues.
- Frequency of reporting reflected the minimum national standard and did not take account of *RoH*.

### Delivering SOTPs

- 6.1 Although some probation trusts had reduced the waiting times for SOTPs, unacceptably long waits persisted in others. Of 27 offenders with a requirement to attend a SOTP, ten had been waiting between six and twelve months and three had been waiting over a year. Organisational issues, such as demand exceeding supply of places, were the most common reasons for the delay. A couple of probation trusts were managing waiting times through proactive planning and scheduling. One had adopted a regional approach to provision. We were told, during the course of the inspection, of a number of offenders who finished their licence or order without completing the programme. In some areas, scarce resources were diverted to the I-SOTP whilst offenders with a higher level of *RoH* were waiting an unacceptably long time for a core programme.
- 6.2 Pre-programme work was incomplete in almost half the relevant cases. Offender managers reported that uncertainty about the start date of the core group made it difficult to time the delivery of any pre-programme work. Some completed work with the offender who then waited several months before getting a place on the group. Others delayed starting the work until a place on the group was guaranteed and then had little time to prepare the offender for the programme. One example is detailed below.

### **Practice example:**

The offender manager started the pre-programme work shortly after sentence. She completed a 'passive offence account' where the offender detailed his version of events before, during and after the offence without being challenged about his attitudes, thinking and behaviour. This is an important step within the treatment process but should be followed shortly afterwards by attendance on the group where distorted thoughts and beliefs about the offence are challenged.

Some months passed before this offender got a place on a group. As a result, his account of the offence remained unchallenged for a long time and his distorted thinking may, potentially, have become more deeply entrenched.

- 6.3 The national guidelines for participation in a SOTP required further refinement and clarification at a national level to avoid differential treatment of offenders. This work is to be undertaken by the RRP in 2010. We found:
- ▶ different thresholds of denial being used to include or exclude offenders, resulting in some offenders being allocated a place in one area whilst others of a similar level of denial living in another area being refused
  - ▶ a number of offenders excluded because of learning difficulties. Although the A-SOTP had been provisionally accredited for some time, few trusts had expressed interest in implementing it
  - ▶ different minimum age restrictions across the programmes. One of the SOTPs was not available to offenders under 21. In trusts delivering one of the other two programmes, men under 21 years old could attend if they had an acceptable level of cognitive maturity. NOMS will shortly be undertaking a review of community based SOTPs and this issue will need to be rectified.
- 6.4 The frequency of reporting for some men waiting to attend a SOTP was not always based on their *RoH* but reduced to the minimum required by the national standard. As a result, some men were reporting on a monthly basis and getting limited oversight of their behaviour by their offender manager, unless they were subject to other restrictive requirements.
- 6.5 The Better Lives Programme had been incorporated into SOTPs, to replace the previous Relapse Prevention module for those offenders who had completed the core programme. The theory promotes relapse prevention work to rehabilitate offenders into the community as well as removing thinking errors and managing risky situations.

### **Delivering offending behaviour work to those not required to attend a SOTP**

- 6.6 Offenders not attending a SOTP often present complex characteristics, including a varying level of *RoH*, and can be difficult to manage. Reasons for excluding the offender from SOTPs included:
- ▶ diversity issues, such as gender, language and learning difficulties
  - ▶ management issues, such as level of denial, disruptive behaviours in groups and an ability to manipulate and intimidate others.

- 6.7 These offenders present challenges to the offender manager and often require intensive and in-depth offending behaviour work in order to change their attitudes, values and beliefs. A core SOTP could provide over 200 hours work over a 12-24 month period. We were interested in finding out how much offending behaviour work an offender received if they were excluded from or ineligible for a SOTP.
- 6.8 We found the level and quality of offending behaviour work delivered outside of an accredited programme of significant concern. Insufficient attention was given to tackling dynamic risk factors in the vast majority of cases. Some offender managers put this down to high workloads and a subsequent lack of time. A small number believed they were not required, under the Offender Management Model, to deliver face-to-face, intensive and structured offence-focused work with offenders.
- 6.9 We found a number of important elements missing in individual work with sexual offenders. These included teaching the link between thoughts, feelings and actions. Adequate attention was given to providing positive reinforcement and improving appropriate support networks in only half of the cases.
- 6.10 It was apparent that offender managers needed more support, guidance and materials to work with offenders excluded from SOTPs. Some reported uncertainty about how best to do the work. The resource implications of working with such difficult and demanding cases needed exploration.

***Practice example:***

The West Midlands Regional Sex Offender Unit had developed a one-to-one resource pack to help probation offender managers undertake structured offence-focused work with those offenders not on an accredited programme. It was particularly useful for offenders who were not suitable for SOTPs, for example, women and those with learning difficulties.

London Probation had designed a workbook for offender managers to use in their offence focused sessions. It was a well-designed pack that provided clear and easy to follow session outlines and worksheets.

**Diversity and the delivery of interventions**

- 6.11 Adequate attention was given to diversity issues, such as, mental health, literacy/numeracy and substance misuse in only half of the probation cases. However, we found various examples of good practice. Some are detailed below.

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**Practice example:**

West Yorkshire Probation Trust had developed guidance on issues relating to religion and culture through a local project known as UMMID. The project staff were able to help offender managers address an offender's objection to participating in a group setting or engaging with supervision sessions.

In one case, the worker from the project co-worked supervision sessions with the offender manager. The offender was refusing to start the SOTP or engage with the offender manager due to his perception that she lacked knowledge about his culture. The project worker was able to challenge the offender's avoidance tactics and address his misinterpretation of the tenants of Islam. The offender had since begun the SOTP and the offender manager had co-worked future sessions when similar issues had arisen.

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**Practice example:**

London Probation had developed guidance for managing responsivity within offending behaviour programmes. This built on guidance for staff on working with religion/belief. It provided programme tutors and offender managers with guidance on how to take into account the religious beliefs and commitments and, importantly, how to respond when these are presented as barriers to inclusion in offending behaviour work.

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**Practice example:**

Lancashire Probation Trust had developed and agreed a 'single point of contact' and a memo of understanding with all the major faith groups. This supported information exchange and the provision of guidance and support to offender managers.

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- 6.12 Only three cases in the probation case sample were female. Not surprisingly, due to its specialised nature, few staff had received any training on work with this group of offenders. A project had, however, been set up by the RPPG and the Women and Young People's Group to provide guidance to offender managers on female sexual offenders.
- 6.13 The Together Women project was operating in one of the probation trusts visited. A consortium arrangement headed by Foundation Housing, provided a holistic approach to delivering services to women offenders with the aim of diverting them out of the Criminal Justice System, away from custody, or helping reintegrate into the community following a custodial sentence.

### **Practice example:**

The Lucy Faithfull Foundation worked intensively with women placed in a hostel in West Yorkshire. The project dealt with women offenders from a gender responsive perspective that included recognising the particular significance of life events. Areas of work generally included personal histories, emotional regulation and mood management, attitudes to sex and sexuality, in addition to work aimed at their offending behaviour. This drew on the Good Lives model by including work on protective factors and improving individual strengths.

- 6.14 Most probation trusts did not have programmes or tools for working with offenders who had a high level of denial. Offender managers struggled to work effectively with these cases, particularly those who had been released from custody without undertaking any form of treatment or motivational work and who, in some cases, had maintained their innocence over long periods.
- 6.15 One probation trust had developed a partnership for working with sexual offenders who had experienced sexual abuse. This work helped to prepare them for the treatment programme.

### **Conclusion**

Despite efforts by probation trusts to reduce the waiting time to start a SOTP some offenders experienced an unacceptably long wait. There were some good examples of creative and committed approach to the delivery of pre-programme work. However, in too many cases the offender manager's uncertainty about the start of the group made it difficult for them to time the delivery of this work. Differing exclusion thresholds resulted in inequalities of access.

In the vast majority of cases we were disappointed with both the intensity and quality of the offending behaviour work delivered to those not attending a SOTP. A few offender managers had delivered good quality offending behaviour work, however this was not widespread enough. Offender managers reported a lack of materials to use and some felt a lack of confidence in working with this type of offending behaviour.

- 6.16 **We therefore recommend that:**
- ▶ **DOMS should ensure that access to Sex Offender Treatment Programmes is more equitable across probation trusts**
  - ▶ **probation trusts should ensure that:**
    - **access to accredited programmes is timely and all pre-programme work is completed to a high standard**
    - **effective work on offending behaviour is carried out with offenders not assessed as suitable for an accredited programme.**

## 7. Restrictive Interventions

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### Summary

Restrictive interventions are important tools when working with offenders who are high *RoH* and those who require more careful monitoring and surveillance. A range of tools are available to police and probation. The practice and policy issues for both the police and probation services are detailed in this section.

### Key findings

- Probation staff were not always aware of the existence of SOPOs.
- Home visiting as a risk management tool was under utilised by probation trusts.
- Although the police's pre-visit health and safety risk assessments were generally being carried out, not enough consideration was given to related issues such as carrying protective equipment and double crewed home visits.
- PNC checks did not routinely form part of police pre-visit risk assessment; and recording of information and intelligence from home visits was inconsistent.
- Victim safety was not adequately covered in probation RMPs and reviews.

7.1 The most commonly used restrictive interventions used in this sample of cases were:

- ▶▶ prohibited contact (47%)
- ▶▶ home visiting by police (100%) or by probation (46%)
- ▶▶ accommodation/residence requirements (30%)
- ▶▶ prohibited activity (30%)
- ▶▶ exclusion (26%)
- ▶▶ disclosure to third parties (24%).

All of the above needed to be underpinned by good information sharing between the different staff and services involved in the case.

7.2 Restrictive requirements were given a high priority in managing *RoH*. There was a good correlation between the percentage of cases with formal restrictive requirements and the content of the probation RMP.

7.3 Encouragingly, we also found a good correlation between the probation plans and the delivery of restrictive requirements. For example, prohibited contact requirements were in place in 47% of cases, included, in a similar proportion, in the RMPs and subsequently delivered.

- 7.4 Disclosure to third parties was considered in most MAPPA level 2 and 3 meetings as a standing agenda item. Consideration of disclosure in MAPPA level 1 cases was more variable. The use of disclosure was rarely included in probation RMPs.
- 7.5 The use of approved premises was appropriate and necessary in all the relevant cases.
- 7.6 Whilst medical treatment for male sexual offenders was available nationally, staff in one of the trusts visited were unaware of its availability and the referral processes. It was included in the risk management plan in only four cases in the sample. A referral should have been considered in a further two cases.

### Victim safety

- 7.7 Although this inspection did not focus specifically on the work of probation victim liaison units, we inspected 36 cases in which statutory victim contact was required.
- 7.8 A new *Victim Liaison Guidance Manual* for the probation service was introduced in June 2008. It included helpful guidance and information on working with victims of mentally disordered offenders, foreign national offenders and young offenders.
- 7.9 Contact with the victim by the victim liaison units was in line with national standards in three-quarters of the cases. However, the level of communication between the offender manager and victim worker was insufficient in half of the cases inspected.
- 7.10 Less than half of the RMPs clearly addressed issues of victim safety and very few reviews included information from the victim liaison officer.
- 7.11 Overall, the work provided victims with adequate protection in three-quarters of relevant cases.

### Home visiting

- 7.12 The national standard for the probation service requires home visits to be undertaken every four months in cases of high/very high *RoH* offenders.
- 7.13 The inspection showed that, despite its important role in monitoring lifestyle and assessing risk, probation did not do enough home visiting – indeed home visits were not routinely undertaken in every high or very high *RoH* case. One probation trust planned to train its staff in the role and purpose of home visiting. (See chapter 9 of this report).
- 7.14 The ACPO guidance to police forces does not stipulate how often home visits should take place; however, the MAPPA guidance at the time of the inspection suggested that:
- ▶ offenders who were high and very high risk of reconviction should be visited monthly
  - ▶ medium risk cases every three months
  - ▶ low risk cases at least annually but preferably every six months.
- 7.15 All police forces involved in the inspection had set minimum standards for frequency, but none exactly matched the MAPPA guidance. In some instances, the minimum standards were more frequent, and in others less so.



- 7.16 Home visits for the police serve a number of purposes, including:
- ▶▶ checking compliance with legislation and court orders
  - ▶▶ confirming that the offender resides or frequents the address or place notified
  - ▶▶ fulfilling the duty of care to the public to manage the risk posed by the offender
  - ▶▶ monitoring the risk
  - ▶▶ gathering information for risk identification or review, assessment and management.
- 7.17 Although all police personnel were aware of the purpose of home visits, none of those interviewed had received any specific training in how visits should be conducted. Shadowing arrangements for new staff were, however, in place in all of the sites visited. This aimed to share best practice. Since the inspection, training in home visiting has been developed by the NPIA as part of the Public Protection Leadership Development training courses.
- 7.18 A pre-visit risk assessment, including checks of ViSOR and current intelligence records, should be carried out in every case for the purposes of officer and staff safety. These were undertaken routinely in five of the six police forces visited. In the sixth, the volume of visits was said to be too great to allow routine risk assessment. Even where risk assessments were conducted, the information was not always entered onto ViSOR. In addition, none of the police forces visited routinely checked the PNC to establish whether the offender was wanted or had accrued any additional convictions. Even though it would be expected that, provided the relevant updates were being made, such information would be entered onto force intelligence systems, these systems would not take account of offenders who had committed offences outside the force area.
- 7.19 Other issues related to police home visits and staff safety included:
- ▶▶ routine notification of staff attendance at home visits was not passed to force control room staff (except where specific concerns or risks were identified)
  - ▶▶ variations in the carrying of officer safety equipment, and in the type of equipment provided within individual forces
  - ▶▶ variations in the carrying of police airwave radio terminals and, in some cases, over-reliance on mobile telephones
  - ▶▶ insufficient access to police transport, resulting in the use of personal vehicles
  - ▶▶ in four of the police forces visited, home visits were routinely carried out by lone officers.
- 7.20 Following a police home visit, ViSOR should be updated with all necessary information (which should include any officer safety issues that were encountered). Depending on the circumstances, a separate intelligence submission might be required. Examination of ViSOR records showed a number of variations in the way that forces were recording information:
- ▶▶ in 16 (26%) cases, the information was recorded solely in the visits attachment of the ViSOR record

- ▶ in 16 (26%) cases, the information was recorded in both the visits attachment and an entry was also made in the activity log
- ▶ in 11 (18%) cases, the information was recorded in the visits attachment, visits section of the RMP and within the activity log
- ▶ in 6 (10%) cases, the information was recorded only in the activity log
- ▶ in the remaining cases, either no visits had been carried out or there was yet a further combination of recording mechanisms.

7.21 Differences in recording practice had developed partly because ViSOR had been implemented prior to the development of any national standards. Although standards for ViSOR were published in 2008, they were interpreted in different ways, causing problems when cases were transferred between forces where recording practices differed.

7.22 Similarly, different mechanisms had been adopted to identify when an offender was scheduled for the next home visit. Forthcoming visits can be 'flagged' using the ViSOR diary attachment. However, due to some early technical difficulties, its use varied and was not widespread in all of the six forces visited. Even where the diary was being used, forces tended to rely on spreadsheets and desk diaries as a back up. These practices had implications for supervision and monitoring of frequency of home visits.

7.23 As expected, police home visits were unannounced wherever possible. However, this approach can be resource intensive as it may take several attempts before a successful visit is made. Whilst the unsuccessful attempts were recorded on ViSOR, public protection officers felt that, often, performance management information did not fully reflect staff effort in relation to this part of their work.

7.24 Police home visits were completed on time in 90% (56) of cases. In two of the remaining six cases, the scheduled home visit was late, but not unacceptably so. In the remaining four cases, there were unacceptable delays in completing the initial home visit following registration.

## SOPOs

7.25 Where an offender is behaving in a way that suggests they might commit a sexual offence, an application for a SOPO should be considered. A court can make a SOPO when it deals with a person in respect of specific sexual offences. The police can also make an application for a SOPO if the relevant conditions are met. A SOPO prohibits an offender from doing anything stipulated in the order, e.g. owning a home computer. The period of the order must be specified and last for a minimum of five years. It is a criminal offence to breach a SOPO or an interim SOPO.

7.26 The following data provided by the PPMHG shows that the number of SOPOs granted has risen consistently since 2003/2004:

Table 2: Number of SOPOs. Source:PPMHG

|                         | 2003/<br>2004 | 2004/<br>2005 | 2005/<br>2006 | 2006/<br>2007 | 2007/<br>2008 |
|-------------------------|---------------|---------------|---------------|---------------|---------------|
| <b>SOO/SOPO granted</b> | <b>122</b>    | <b>503</b>    | <b>937</b>    | <b>1114</b>   | <b>1440</b>   |

- 7.27 The potential contribution of SOPOs to the management of *RoH* was underutilised by the probation service. Some probation offender managers had been involved in managing an offender subject to a SOPO, but few felt that they had received adequate training. In all but a small number of these cases, the SOPO was not properly integrated into the management of the case. Few of the cases had a copy of the SOPO on file.
- 7.28 There were variations in the enforcement of SOPOs. In one force, operational PPU staff had been trained in surveillance techniques so that some enforcement action could be undertaken from within the unit. Although this meant that the police could respond proactively to any intelligence suggesting the conditions of a SOPO were being breached, this approach had to be balanced against operational PPU staff core responsibilities.
- 7.29 In another police force, it was unclear how many RSOs were subject to a SOPO. The PPU consequently instigated an audit of all RSOs to establish a central database where SOPO details would be recorded. As a direct result, the force was in the process of introducing a system whereby all reviews involving level 1 offenders subject to a SOPO would be carried out jointly by a detective inspector and the police case manager. This approach maximised the potential to take action to enforce outstanding SOPOs.
- 7.30 In the six police forces visited, depending on the level of resources required for enforcement operations, tasking processes (which prioritise deployment of resources) were in place and used. However, it was not possible to test the extent of use or effectiveness in relation to SOPO enforcement during the inspection.

## Conclusion

Restrictive interventions such as prohibited contact were used well. However, there were variations in the enforcement of SOPOs and SOPOs were not integrated into the probation risk management plan. All such measures needed to be supported by effective communication, both within and between probation trusts and police forces.

### 7.31 We therefore recommend that:

- ▶ **probation trusts should ensure that where a SOPO is in place, the prohibitions should be specified in the probation RMP. Plans and reviews should give adequate consideration to the protection of victims or potential victims.**

## 8. Community Reintegration

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### Summary

Community reintegration is important in reducing the Likelihood of Reoffending and ensuring the offender has positive prospects for the future. We explored three key aspects of community reintegration; relapse prevention, education, training and employment (ETE) services and accommodation, including move on from approved premises.

### Key findings

- Despite some improvement, probation trusts sometimes struggled to gain sufficient involvement with the Supporting People Programme or influence the Local Area Agreement.
- An impressive range of floating support schemes was not supported by adequate move on accommodation from approved premises.
- Few ETE services commissioned by probation trusts paid adequate attention to the needs of sexual offenders.

8.1 As in the 2005 thematic inspection report, *Managing Sex Offenders in the Community – A Joint Inspection on Sex Offenders*, we found a range of views about the right mix between protecting the public and community reintegration. For example, accommodation would receive sufficient attention as the links with protecting the public were clear, while other areas, such as finances, were not always addressed even if they were linked to an individual's offending. In other cases, the attention given to delivering restrictive interventions outweighed that given to helping the offender make necessary and important changes to their lifestyle and future prospects.

8.2 We examined three elements of community reintegration: relapse prevention, ETE and 'move on'.

### Relapse prevention

8.3 Maintenance groups were in place in some of the probation trusts. They provided offenders with a valuable opportunity to reconsider the work they had undertaken during the SOTP. The groups also enabled continuing monitoring of the offender's behaviour.

8.4 Some probation trusts had begun to invest in the provision of COSA. The then North Wales Probation Area<sup>§</sup> was at the forefront of these developments and had appointed a coordinator who had worked over the prior 12 months to establish a project in-line with the requirements of Circles UK. We spoke to some of the volunteers in the project who described how they met with the offenders to

<sup>§</sup> Now part of the Wales Probation Trust

provide general support in socialisation and reintegration. Their work took various forms, from simply being someone to meet with to giving advice about specific issues such as employment or finances.

### **Practice example**

In one case, the offender wanted to improve his cooking skills. This was important to his future independent living and personal health. The COSA volunteers joined him at the evening class and attended with him until he was confident enough to participate alone.

- 8.5 Meetings with an offender would take place in a 'circle' of three volunteers with the offender in the 'middle', or on an individual basis. The coordinator matched the offender to volunteers. All volunteers completed a five-day training course looking at the values and attitudes required for working with sexual offenders, boundaries of the role and support mechanisms. The project in North Wales was working with 22 men, half were not required to attend a SOTP and the others had finished the programme.

### **Practice example**

One offender had a long history of sexual offending alongside learning difficulties and mental health problems. He had been in institutional care most of his life and had never lived independently. Lancashire Probation Trust adopted a COSA approach to support him on release from custody.

The support aimed to:

- ▶▶ offer basic practical assistance and emotional support to achieve new goals in his life
- ▶▶ monitor risky thinking and behaviour
- ▶▶ provide honesty and trust from members of the circle.

At the time of the inspection, he had lived on his own for three years. He still needed assistance with many activities but had a good support network. He had developed important skills and was able to control his alcohol use. He had a better understanding of risks and relapse prevention with a focus on the 'better lives' model that gave him a sense of hope for the future.

### **'Move On' accommodation**

- 8.6 Our previous thematic report on approved premises<sup>14</sup> commented on the need for probation trusts to be fully involved in the Supporting People Programme and seek to influence the provision of accommodation to offenders. It recommended that:
- ▶▶ the probation service should work within Supporting People commissioning bodies to establish appropriate supported housing resources to effect the planned move on from hostels of offenders who pose a high *RoH*.

- 8.7 This inspection found that the lack of 'move on' accommodation from approved premises continued to be a major problem. Only 16 out of 25 cases in the sample had appropriate move on accommodation. This caused frustration for staff and resulted in offenders staying in approved premises longer than was necessary. Accommodating offenders under the age of 25 continued to be another problem as the available options were limited by the rules around housing benefit.
- 8.8 In 81% of cases examined in this inspection, sufficient work had been undertaken to address accommodation when linked to offending. The degree of involvement by probation trusts with the Supporting People Programme varied. Half of the trusts were still finding it difficult to get all the local authorities signed up to their plans.
- 8.9 Probation trusts needed to identify links between the priorities in the Local Area Agreement and the Supporting People arrangements to ensure resource allocation to offenders. In April 2010, the Supporting People budget will transfer to the Local Authority Area Based Grant and only focus on the delivery of services prioritised within the Local Area Agreement.
- 8.10 In Wales, local authorities had a duty to assess all offenders for accommodation needs and the housing department in North Wales was said to have a good understanding of the issues for offenders.

#### ***Practice example***

North Wales Probation Area was training private property owners about MAPPA to increase the range of private rented provision. In addition, joint working with NACRO and the Roof project had proved successful in providing sexual offenders in local authority housing with the necessary tenancy support. Good communication between Denbighshire Housing, NACRO and the probation service ensured effective information exchange to manage *RoH*.

- 8.11 Floating support projects, supporting MAPPA and the management of high *RoH* offenders were available in most trusts. The projects provided offenders with support to obtain and maintain independent housing and had the benefit of being responsive to the individual needs of the offender. Other trusts had developed rent deposit schemes to support moves into private rented accommodation. There was good joint working with the police who checked the appropriateness of the accommodation.
- 8.12 One hostel provided enhanced supervision for critical public protection cases, as shown by the following example.

### **Practice example**

One offender had served a very long sentence for rape and other sexual offences. He was allocated to MAPPA level 3 and placed in a hostel with enhanced supervision. The hostel staff collected him from prison and escorted him to the hostel. He was escorted everywhere during the first few weeks of his stay. When MAPPA approved unescorted time out of the hostel, he had a pre-planned route and approved activities. This ensured he could not get too close to schools or park areas.

He started the relapse prevention module of the SOTP. A member of staff took him to the group for the first three sessions to get him familiar with the travel. Staff gave him a mobile phone so they could call him whilst he was travelling to the group. One day he caught the wrong train, he called the hostel who continued talking to him until a member of staff could get there. Staff escorted him to the group on two more occasions, until he was able to make the journey alone.

He also received a range of constructive treatment during his stay in the hostel to ensure that rehabilitative work was supporting the restrictive elements.. This included psychological assessments and counselling, education and employment advice and work on relationships.

- 8.13 One probation trust had public protection liaison officers in post to advise on and support the move into independent accommodation. They reported good communication between themselves, probation staff and the police. Joint home visiting and a good level of floating support was evident.

### **Practice example**

Heantun Housing Association, working with probation staff in Staffordshire provided intensive floating support relating to housing, ETE, health and leisure. The offender, the offender manager and the support worker developed an individual support plan. It was reviewed regularly with the offender to ensure continued relevance. Information exchange processes between the public protection liaison officers, the police and the offender manager were formalised and detailed.

## **ETE**

- 8.14 All trusts had either in-house or commissioned projects delivering ETE services. However, few projects paid attention to the specific needs of sexual offenders. Sufficient work was undertaken to address ETE in 56% of relevant cases. In 13 cases, ETE was related to *RoH* but was not set as a sentence plan objective in six of those.
- 8.15 The numbers of sexual offenders referred to ETE provision needed careful monitoring. It was equally appropriate, for example, for an offender manager to prevent an offender from taking up certain forms of employment as it was to encourage them to apply for work. A provider in one area noted that since the introduction of the ETE requirement as a specified activity, they had not received any referrals for offenders with sexual convictions.

- 8.16 One of the approved premises had adopted the Thinking Skills in the Workplace Programme developed through IMPACT, a project working to overcome barriers to employment for ex-offenders. This programme encouraged offenders, including sexual offenders, to develop thinking skills that would help them when in employment. It included problem solving, dealing with authority and conflict resolution.

### **Practice example**

IMPACT had operated in the North-West region for some years prior to the end of European Social Fund funding. Interventions developed included: Thinking in the Workplace course; Motivational Interviewing; and the Portfolio of Achievement. The project specifically targeted sexual offenders by developing opportunities for safe initiatives in self-employment through Changing Directions.

Changing Directions was based on research that suggested the most effective way of reducing reoffending amongst sexual offenders was the combination of stable employment and sexual offender treatment. The project worked within a strong multi-agency framework to promote the self-employment opportunities for those convicted of sexual offences. It also worked within approved premises to deliver self-employment training, developing business ideas, business planning and support networks aimed at enabling the offender to succeed in self-employment. It was closely supported by a small COSA project approach.

### **Conclusion**

- 8.17 Community reintegration was given adequate attention by most probation trusts and some good practice examples were found, including the use of COSA and schemes to support offenders in independent accommodation.
- 8.18 The importance of this work in preventing reoffending needed to be better recognised. The lack of further accommodation following residence in an approved premises remained a problem and some trusts were struggling to get the needs of offenders adequately reflected in Local Area Agreements. Insufficient attention to the needs of sexual offenders in the provision of ETE services was reported in a couple of probation trusts.



## 9. Reviews and Outcomes

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### Summary

Assessments and plans must be reviewed on time or following a change in circumstances or risk factors. Evidencing change within these assessments is an important part of effective practice. This section highlights the strengths and areas for improvement in reviewing and evidencing outcomes.

### Key Findings

- Management of *RoH* was sufficient in only three-quarters of the probation cases and required substantial improvement.
- The anomaly between the stated review periods within the MAPPA guidance and common police practice, particularly for low risk cases managed at MAPPA level, needed to be reconciled.
- Probation RoSH analyses and risk management plans were not always reviewed following a significant change. The failure to link the MAPPA action plan with the OASys review was a common problem.
- Probation reviews of OASys, *RoH* and sentence plans were completed on time but were often of insufficient quality. Too many reviews were simply duplicates of previous assessments and plans, without adequate updating.

### Police reviews

9.1 At the time of the inspection, no specific guidance had been issued to the police in relation to frequency of risk assessment reviews. Under ACPO guidance, risk assessments should be reviewed regularly and whenever there is a change in the circumstances of the offender. Failures to complete timely reviews could result in an offender being managed at the wrong level of risk. Issues were identified in almost one-quarter (22.5%) of the 62 ViSOR records examined:

- ▶ no review of the prison risk assessment following release from prison
- ▶ late assessment of risk following registration as an RSO (up to 15 months)
- ▶ no review of the RM2000 following a considerable lapse of time (up to 3 years).

9.2 Under the ACPO guidance, cases managed as MAPPA level 2 or 3 should be formally reviewed at regular intervals. Immediate reviews should also be undertaken when significant events occur in an offender's behaviour, or information was received indicating a change in risk factors. The MAPPA guidance states that the responsible authority must have arrangements in place to ensure that the following timescales for reviews of RMPs are applied by the police:

- ▶ level 3 cases are reviewed every four to six weeks

- ▶▶ level 2 cases are reviewed every eight to twelve weeks
  - ▶▶ level 1 cases should be reviewed every four months.
- 9.3 The differences in the two sets of guidance were causing difficulties for police personnel, particularly in MAPPA level 1 cases. In the six police forces visited, RMPs in level 2 and 3 cases were reviewed at the time of each MAPPA meeting. Due to the frequency of these meetings, this meant reviews for these cases generally met the timescales under the MAPPA guidance. However, in level 1 cases, it was common practice for the RMP to be reviewed following each home visit, the timing of which was based on the assessed risk level. As a result, the four-month timescale was not met unless the offender was being managed as high or very high risk.
- 9.4 Police officers were unclear as to what a 'review' should involve, who should complete it and what information should be included. A variety of practices had developed, ranging from completion of a new RMP, to an entry on the activity log or nothing recorded, leaving it unclear whether a review had taken place or not.
- 9.5 For the police, RMPs should be overseen and countersigned by a supervisor. However, many supervisors said they did not have the capacity to be proactive in prompting reviews. An exception was found in West Yorkshire where, following a home visit and submission of an updated activity log by the public protection officer, the supervisor created a further activity log indicating that they had reviewed the case.

### Probation reviews

- 9.6 OASys reviews were generally completed on time and we saw evidence of work to promote positive and protective factors in two-thirds of the cases examined. However, *RoH* was managed appropriately in only three-quarters of the cases. This required substantial improvement.
- 9.7 Two-thirds of OASys *RoSH* analyses and RMPs had not been reviewed following a significant change. We could not see a clear link between the review and the MAPPA action plan in three-quarters of cases.
- 9.8 The probation *RoH* analysis and RMP were reviewed within four months in three-quarters of cases. A concerning number of reviews by probation staff were pulled through from earlier documents and were not updated to reflect any changes. Timescales and workloads were the most common explanations given for this.
- 9.9 The probation OMI data showed the reviews of probation sentence plans for sexual offenders were more likely to be completed on time than for other offenders (83% and 75% respectively). The quality of the reviews was nevertheless very disappointing. Many lacked attention to detail or were duplicates of the previous plan. The opportunity to evidence progress, motivate the offender, and demonstrate change was thus lost. Some offender managers saw the review process as an administrative task done to meet the timescales but without positive meaning and purpose.
- 9.10 The offender's level of victim awareness did not appear to have increased in over three-quarters of cases inspected and nearly all the cases lacked evidence of a change in the offender's attitudes. This is not surprising given the lack of structured work delivered outside of SOTPs referred to a previous section.

## Conclusion

- 9.11 Probation reviews of the RoSH, RMPs and sentence plans were timely but of insufficient quality in too many cases. Previous assessments and plans were duplicated without updating. Reviews following a significant change was not happening often enough. The process was seen by some staff as an administrative task, done to meet national standards without adequate attention to the evidencing of change. It was a missed opportunity to evidence progress and motivate the offender.
- 9.12 There is an anomaly between the stated review periods within MAPPA guidance and common police practice (i.e. whereby reviews are conducted at the time a home visit is completed.). This needs to be reconciled so that practitioners are clear on review periods in individual cases.

## 10. Staff selection, training, support and supervision

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### Summary

Training and supporting staff to deliver effective offender management is critical. This section explores the issues that helped or hindered this.

### Key Findings

- A number of probation staff felt inadequately trained to work with sexual offenders and said they lacked confidence in delivering face-to-face offending behaviour work.
- Welfare services were available to probation staff through their trust but none provided specific support to those managing sexual offenders. Some trusts had recently terminated this provision to SOTP staff.
- Police welfare support did not always meet need and sometimes lacked credibility with practitioners.
- There were concerns about the capacity of police supervisors to meet expectations in relation to the full range of supervisory responsibilities as these had grown considerably since the introduction of MAPPA.

### Staff selection

10.1 Only two of the police forces visited had screening processes in place for staff applying for specialist posts within the operational PPU. This involved the completion of a questionnaire sent to the occupational health unit rather than an assessment of the individual's skills and motivation and their capacity to deal with complex offender management and related issues.

10.2 Whilst all probation offender managers should be expected to manage sexual offending cases, in some areas, insufficient attention was paid to the confidence and skills levels of individual practitioners when allocating such work.

### Training

10.3 Over half the probation offender managers (61%) interviewed said they did not have enough knowledge about working with different types of sexual offenders. Almost half (42%) did not feel adequately trained to work with this type of offender. Two-thirds felt insufficiently trained to work with offenders in denial. The more recently qualified offender managers felt the trainee probation officer scheme had not equipped them to manage sexual offenders. We interviewed 12 offender managers with experience of managing a female sexual offender; eight of whom had not received any specific training.

- 10.4 Some of the probation trusts had developed a forum where SOTP staff supported offender managers in their work with sexual offenders. In two trusts the forum met quarterly, the agenda included a specific input, followed by information exchange on new developments, ending with time for case discussions. However, some offender managers said they found it difficult to attend due to heavy workloads.

**Practice example**

The West Midlands Regional Sex Offender Unit provided valuable day-to-day support and advice in the management of sexual offenders. They also delivered regional training events giving guidance on working with offenders in denial and delivering one to one offence focused work within supervision sessions.

- 10.5 Only two of the probation trusts delivered specific training beyond that provided for pre-programme work. One had developed an additional two-day training event and reports from offender managers showed a higher level of confidence in managing sexual offenders.
- 10.6 Probation staff had not received formal training in home visiting. One probation trust was taking this forward, as shown by the following example:

**Practice example:**

Lancashire Probation Trust had developed a training package with the police about the importance of using home visits to gather information about risk of harm. It focused on how to conduct a home visit, staff safety issues, spotting risk indicators (about drug use, domestic violence, Safeguarding children) and advice on information exchange.

- 10.7 At the time of the inspection, there was no single, nationally agreed training course for police PPU staff, (although this has now been developed by NPJA). As a result, the type and scope of training available in the six trusts visited varied according to individual force policy. Variations were also found across Basic Command units in individual forces, depending on the extent to which training budgets had been devolved.
- 10.8 The majority of police PPU staff interviewed confirmed they had been trained in the use of ViSOR and RM2000. However, in three police forces, a small number of individuals had not been trained in one or other application. This was a matter of concern, these were essential technical skills which were required for staff to fulfil their public protection responsibilities. A number of staff also commented that refresher training in the use of ViSOR would be beneficial as it had evolved since its introduction in 2005.

**Support**

- 10.9 Both police and probation staff were aware of the services available to them through the staff welfare service or occupational health unit. These services were generic and not intended to provide specialist support for staff managing sexual

offenders. Probation offender managers gave many examples of the personal cost of managing such cases and felt, other than peer support, the organisation provided little help. In some probation trusts, impact counselling was no longer routinely available to SOTP staff.

- 10.10 Three of the police forces visited had introduced six monthly mandatory meetings with professionals in the force's Occupational Health Unit. This allowed staff an opportunity to discuss welfare issues and seek further support if needed. In two police forces, support schemes had been put in place requiring completion of a mandatory questionnaire on an annual basis. However, not all of the measures were felt by staff to be appropriate or to meet need and, in some cases, concerns were expressed about confidentiality and credibility of the services provided.

### Supervision

- 10.11 Evidence from the examination of the ViSOR records indicated that police supervision of records was generally limited to essential tasks such as approving the RM2000 and RMPs. Supervisory staff said that they had little capacity to offer in-depth supervision. In two forces, supervisors had additional responsibility for child abuse investigations and/or domestic abuse. In others, PPU supervisors were diverted from their supervisory role to carry out front line activities such as home visits, indicating a lack of resilience in the unit. In five of the forces visited, the detective inspectors carried a wide range of responsibilities for other specialist teams, and also performed 'on call' criminal investigation department duties, placing even greater pressure on the role of the first line supervisor.
- 10.12 In West Yorkshire Police, regular reviews were held after each home visit, which the supervisor endorsed on ViSOR. Whilst supervisory reviews may well have been taking place elsewhere, the level of supervisory involvement was not always evident from the ViSOR records.
- 10.13 Monthly supervision was provided to most probation offender managers. Some felt it focused on accountability at the expense of clinical support and professional guidance. Effective supervision should, in our view, cover all three aspects.

### Conclusion

- 10.14 More could be done to prepare and support probation staff in working with sexual offenders. Almost half of the probation offender managers interviewed felt ill equipped to do so. Staff welfare and support was available in both services, but did not always address the specific issues of the work.
- 10.15 **We therefore recommend that:**
- ▶ **probation trusts should ensure that staff receive appropriate training, support and oversight to equip them to work with high risk sexual offenders**
  - ▶ **police forces ensure that operational PPU supervisors have the capacity to carry out their full range of supervisory functions.**

## Glossary of abbreviations

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|   |   |
|---|---|
| ACPO  | Association of Chief Police Officers  |
| A-SOTP  | Adapted Sex Offender Treatment Programme: for offenders with learning difficulties.   |
| COSA  | Circles of Support and Accountability: a COSA consists of a group of selected, trained, and supervised volunteers who meet regularly with the offender to support and hold him/her to account in his efforts to reintegrate into the community  |
| DOM   | Director of Offender Management: National Offender Management Service regional commissioner of services for the rehabilitation and resettlement of offenders from each probation trust and prison in their region   |
| Duty to cooperate   | Agencies identified under section 325(3) of the Criminal Justice Act 2003 as having a 'duty to cooperate' with the Responsible Authorities, namely the police forces and prison and probation services in the assessment and management of all MAPPA offenders  |
| Dynamic factors   | As distinct from <i>static factors</i> . <i>Dynamic factors</i> are the factors in someone's circumstances and behaviour that can change over time  |
| ETE   | Employment, Training and Education: work to improve an individual's learning, and thereby to increase their employment prospects  |
| Foreign travel orders                                     | Foreign travel orders: civil orders, introduced by the Sexual Offenders Act 2003. They enable the courts, on application of the a chief officer of police, to prohibit those convicted of a sexual offence against children from travelling overseas where there is evidence that the offender's behaviour makes such an order necessary to protect children from sexual harm.  |
| HMIC  | HM Inspectorate of Constabulary   |
| HMI Probation   | HM Inspectorate of Probation  |
| Interventions; constructive and restrictive interventions | <p>Work with an offender which is designed to change their offending behaviour and to support public protection.</p> <p>A <i>constructive intervention</i> is where the primary purpose is to reduce <i>Likelihood of Reoffending</i>. In the language of offender management this is work to achieve the 'help' and 'change' purposes, as distinct from the 'control' purpose. A <i>restrictive intervention</i> is where the primary purpose is to keep to a minimum the offender's <i>Risk of Harm to others</i>. In the language of offender management this is work to achieve the 'control' purpose as distinct from the 'help' and 'change' purposes.</p> <p>Example: with a sexual offender, a <i>constructive intervention</i> might be to put them through an accredited sexual offender programme; a <i>restrictive intervention</i> (to minimise their <i>Risk of Harm to others</i>) might be to monitor regularly and meticulously their accommodation, employment and the places they frequent, whilst imposing and enforcing clear restrictions as appropriate to each case.</p> <p>NB Both types of intervention are important</p> |
| I-SOTP  | Internet Sexual Offender Treatment Programme: aimed at those convicted of offences committed via the internet. It tends to include offenders who are low-level deviancy   |

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| <i>Likelihood of Reoffending</i>      | See constructive interventions   |
| MAPPA                                 | Multi-agency public protection arrangements: where probation, police, prison and other agencies work together in a given geographical area to manage certain types of offenders. The National Guidance for MAPPA was contained in Probation Circular 54/2004   |
| NHPT                                  | Neighbourhood Policing Team  |
| NOMS                                  | National Offender Management Service: the single agency responsible for both prisons and probation trusts.   |
| NPIA                                  | National Policing Improvement Agency: a non-departmental public body which became operational in 2007. It supports the police by providing expertise in areas as information technology, information sharing and recruitment   |
| OASys/eOASys                          | Offender Assessment System: the nationally designed and prescribed framework for the probation and prison services to assess offenders, implemented in stages since April 2003. It makes use of both 'static' and 'dynamic' factors  |
| <i>Offender management</i>            | A core principle of offender management is that a single offender manager takes responsibility for managing an offender throughout their whole sentence, whether in custody or the community. Offenders are managed differently depending on their <i>RoH</i> and what <i>constructive</i> and <i>restrictive interventions</i> are required. Individual intervention programmes are designed and supported by the wider 'offender management team or network', which can be made up of the offender manager, offender supervisor, key workers and case administrators   |
| Offender Manager                      | An <i>Offender Manager</i> is appointed to the case as soon as an offender first comes into scope and retains that role until the offender completes their sentence. The offender manager is located in the offender's home or resettlement locality. They are responsible for formulating an assessment and a sentence plan; this is done using the OASys format. The plan defines who is to do what and when in order to make the offender less likely to reoffend, and otherwise to fulfil the objectives of the sentence. The offender manager oversees the implementation of the sentence plan, and keeps it under continuous review, revising and updating it periodically |
| OGRS                                  | Offender Group Reconviction Scale: a predictor of probability of reoffending based only on 'static factors' such as age, gender and criminal history   |
| <i>Offender Management Inspection</i> | The inspection programme led by HM Inspectorate of Probation examining the delivery of offender management by probation trusts and other relevant partner organisations  |
| OMM                                   | Offender Management Model: introduced in 2006 the Offender Management Model defines the NOMS-wide case management approach to be used by all providers of correctional services to enhance the management of offenders and target resources to the offender risk and needs   |
| PNC                                   | Police National Computer: a computer system, maintained by the National Policing Improvement Agency as from April 2007, giving police access to information about known individuals  |
| <i>Polygraphy</i>                     | Provides a means of measuring physiological responses associated with deception ('lie detector'). Piloted in a small number of probation trusts in 2008  |
| PPMHG                                 | Public Protection and Mental Health Group  |



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| <i>Strategic PPU/<br/>operational<br/>PPU</i> | public protection unit: local strategic and operation units in police forces which manage certain types of offenders  |
| <i>Responsible<br/>Authorities</i>            | The police prison and probation services have a statutory responsibility to ensure that MAPPA is established in their area and for the assessment and management of risk of all identified MAPPA offenders.   |
| <i>RM2000</i>                                 | Risk Matrix 2000: used to assess the risk of reconviction for sexual and violent offences over a 2-year period  |
| <i>RMP</i>                                    | Risk management plan: sets out how the <i>Risk of Harm to others</i> will be managed  |
| <i>Risk of Harm to<br/>others</i>             | <p>As distinct from Likelihood of Reoffending: if an offender has a medium or higher <i>RoH</i> it means that there is some probability that they may behave in a manner that causes physical or psychological harm (or real fear of it) to others. The offender's <i>RoH</i> can be kept to a minimum by means of <i>restrictive interventions</i></p> <p>'<i>RoH</i> work' is the term generally used by HMI Probation to describe work to protect the public. In the language of offender management, this is the work done to achieve the 'control' purpose, with the offender manager/supervisor using primarily restrictive interventions that keep to a minimum the offender's opportunity to behave in a way that is a <i>Risk of Harm to others</i>.</p> <p>HMI Probation uses the abbreviation '<i>RoH</i>' to mean specifically <i>Risk of Harm to others</i>. We use it instead of Risk of Serious Harm in order to ensure that <i>RoH</i> issues being assessed and addressed by probation trusts are not restricted to the definition given in OASys. The intention in doing this is to help to clarify the distinction between the probability of an event occurring and the impact/severity of the event. The Risk of Serious Harm definition only incorporates 'serious' impact, whereas using '<i>RoH</i>' enables the necessary attention to be given to those offenders for whom lower impact/ severity harmful behaviour is probable</p> |
| <i>RoSH</i>                                   | This is the label used for classifying levels of risk in OASys, where offenders are classified as either 'low', 'medium', 'high' or 'very high' Risk of Serious Harm, where serious harm is defined as "an event which is life-threatening and/ or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible." (Chapter 8 of the Offender Assessment System Manual, July 2006). In this report this term is used solely to refer to this process of OASys classification   |
| <i>RSO</i>                                    | Registered sex offender: under the Sex Offenders Act 1997, as amended by the Sexual Offences Act 2003, all convicted sexual offenders must register with the police within three days of their conviction or release from prison. Failure to do so can result in imprisonment. They must inform the police if they change their name or address and disclose if they are spending seven days or more away from home.  |
| <i>SARN</i>                                   | Structured Assessment of Risk and Need: it is used in prison and probation to assess the future needs of sexual offenders to further reduce <i>Risk of Harm to others</i> and change offending related needs  |
| <i>SMB</i>                                    | Strategic Management Board: oversees the operation of Multi-Agency Public Protection Arrangements. It includes a range of agencies who are either responsible authorities or have a duty to cooperate   |

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| <i>SOPO</i>  | Sexual offences prevention order: introduced by the Sexual Offences Act 2003 and replaced sexual offender orders and restraining orders. It is a civil measure available to the court when it convicts a person of an offence listed in schedule 3 or schedule 5 to the Sexual Offences Act 2003, or on the application of the police in respect of a person who has previously been dealt with for such an offence. The order places restrictions on the subject and triggers the notification requirements  |
| <i>SOTP</i>  | Sex Offender Treatment Programme: one is available in every probation trust. They provide an intensive meaningful focus on thoughts, attitudes and beliefs related to offending behaviour   |
| <i>VISOR</i> | Violent and Sexual Offender Register: has been used by the police as an offender management system since 2005, but also enables access to a wide range of information and intelligence, e.g. to identify potential suspects of violent or sexual offences. Access to it was subsequently rolled out to the probation service in 2007 and the prison service in 2008. In principle it provides the three services with a confidential, shared, national database to assist in the identification, risk assessment and management of sexual and violent offenders |

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