

The quality of public protection work (probation services)

HM Inspectorate of Probation

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HMI Probation is committed to reviewing, developing and promoting the evidence-base for high-quality probation and youth offending services. Our *Research & Analysis Bulletins* are aimed at all those with an interest in the quality of these services, presenting key findings to assist with informed debate and help drive improvement where it is required. The findings are used within HMI Probation to develop our inspection programmes, guidance and position statements.

This bulletin was prepared by Kevin Ball (Senior Research Officer) and Dr Robin Moore (Head of Research), HMI Probation.

We would like to thank all those who participated in any way in our inspections. Without their help and cooperation, the collation of inspection data would not have been possible.

Please note that throughout the report the names in the practice examples have been changed to protect the individual's identity.

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The HMI Probation Research Team can be contacted via HMIProbationResearch@hmiprobation.gov.uk

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Executive summary

Context

This bulletin focuses upon the quality of public protection work by probation services. Public protection work depends upon accurate assessment of the risk of harm presented by service users and the skilful management of and engagement with those who pose risks to individuals or the community in general. Public protection work also requires strong partnerships between probation services, the police, children's services and health (especially mental health) services.

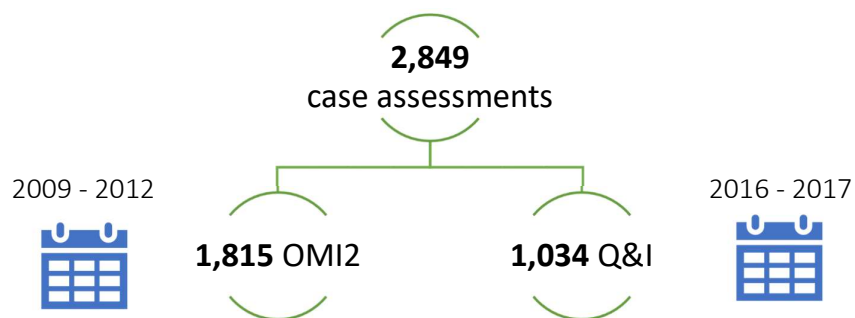
The Four Pillars of Risk Management



**Image used with the kind permission of Professor Hazel Kemshall, De Montford University*

Approach

The findings presented in this bulletin are based upon case assessment data from two of our previous inspection programmes: *Offender Management Inspection 2* (n=1,815 cases) and *Quality and Impact* (n=1,034 cases). In each case, our inspectors considered key questions relating to public protection work, recording rationales for their judgements alongside notable instances of good or poor practice.



Key findings and implications

- The quality of public protection work was found to have deteriorated since OMI2. This decline was most marked in cases now allocated to Community Rehabilitation Companies (CRCs). Many serious further offences are committed by those who are judged to present a low or medium risk of serious harm, and CRCs thus need to give greater attention to public protection work, encompassing assessment, planning, reviewing and management oversight.
- It is of particular concern that the assessment of risk of harm to both known adults and to children and young people had deteriorated in cases now allocated to CRCs. All these providers need to ensure that any issues relating to domestic abuse and child safeguarding/protection are fully identified and analysed.
- There was the greatest scope for improvement across the National Probation Service (NPS) and CRC cases in terms of reviewing progress and in responding appropriately to changing circumstances. Risks, needs, protective factors and circumstances can change over time, and any new behaviours that might be linked to risk of harm must be identified, analysed, and taken into account when reviewing planned activities and the required constructive and restrictive interventions.

1. Introduction

In 2015, the Coalition Government restructured probation services through its *Transforming Rehabilitation* programme. 35 public sector probation trusts were replaced by:

- 21 private sector CRCs, managing most of those service users assessed as low to medium risk of serious harm (RoSH); and
- 7 public sector NPS regional divisions, managing high or very high RoSH cases and/or those subject to multi-agency public protection arrangements (MAPPA), and foreign nationals.

The NPS initially assesses the RoSH presented by a service user at the sentencing stage and undertakes the allocation to a CRC or to the NPS. The assigned responsible officer will undertake further assessment and this should be with the service user's active contribution. In the CRC, this further assessment may prompt new disclosures or reveal more information; if this leads to the individual being assessed as high risk, this should result in an escalation and return of the case to the NPS. We outline the evidence around assessment in Bulletin 2018/01.

High-quality public protection work can minimise – but not eliminate – the potential for risk of harm to society. Accordingly, a significant element of HMI Probation work is to assure that practice in this area is of high quality and is firmly grounded in the best available evidence and learning.

Risk of harm has two dimensions: the *likelihood* that a harmful offence will occur and the *impact* of that offence upon the victim(s). The risk of harm assessment should inform the risk management plan for the service user, outlining interventions that can change risky behaviour; restrictive conditions that limit the opportunity to offend and access victims; and the monitoring and control procedures to 'watch and warn' the service user, victims and other agencies.

Potentially dangerous offenders, i.e. those who have committed serious violence or sexual offences, are managed through MAPPA.¹ Local MAPPA panels are established in all England and Wales police force areas by the responsible authorities of the police and Her Majesty's Prison and Probation Services. There is a duty to cooperate with MAPPA for local authority, health and housing services.

There are three categories of MAPPA offender – (1) registered sexual offenders, (2) violent offenders sentenced or detained for 12 months or more and (3) other dangerous offenders. There are also three levels of MAPPA management, based upon the level of multi-agency co-operation required. The vast majority (95%) of MAPPA offenders are managed at level 1 through a single agency (the NPS). Levels 2 and 3 require inter-agency offender management, with level 3 involving senior management oversight – this is for the "critical few" who pose the greatest danger to society.

¹ MAPPA management generally follows the "Four Pillars" approach of (i) supervision, (ii) monitoring and control, (iii) interventions and treatment, and (iv) victim safety planning. A range of restrictive and rehabilitative options should be available to MAPPA partners to manage the risks posed by eligible offenders. The 4 Pillars of Risk Management approach was developed by Professor Hazel Kemshall of De Montfort University.

Inspection standards

Our current inspections of probation services are underpinned by standards which are grounded in evidence, learning and experience. In developing the standards, we worked constructively with providers and others to build a common view of high-quality probation services and what should be expected.

Within the standards framework, there are case supervision standards which focus upon public protection – keeping people safe (set out below):²

- 2.1.3 Does **assessment** focus sufficiently on keeping other people safe?
- Does assessment clearly identify and analyse any risk of harm to others, including identifying who is at risk and the nature of that risk?
 - Does assessment analyse any specific concerns and risks related to actual and potential victims?
 - Does assessment draw sufficiently on available sources of information, including past behaviour and convictions, and involve other agencies where appropriate?
- 2.2.3 Does **planning** focus sufficiently on keeping other people safe?
- Does planning sufficiently address risk of harm factors and prioritise those which are most critical?
 - Does planning set out the necessary constructive and/or restrictive interventions to manage the risk of harm?
 - Does planning make appropriate links to the work of other agencies involved with the service user and any multi-agency plans?
 - Does planning set out necessary and effective contingency arrangements to manage those risks that have been identified?
- 2.3.3 Does the **implementation and delivery** of services effectively support the safety of other people?
- Is the level and nature of contact offered sufficient to manage and minimise the risk of harm?
 - Is sufficient attention given to protecting actual and potential victims?
 - Is the involvement of other agencies in managing and minimising the risk of harm sufficiently well coordinated?
 - Are key individuals in the service user's life engaged where appropriate to support the effective management of risk of harm?
 - Are home visits undertaken where necessary to support the effective management of risk of harm?
- 2.4.3 Does **reviewing** focus sufficiently on keeping other people safe?
- Does reviewing identify and address changes in factors related to risk of harm, with the necessary adjustments being made to the ongoing plan of work?
 - Is reviewing informed by the necessary input from other agencies involved in managing the service user's risk of harm?
 - Is the service user (and, where appropriate, key individuals in the service user's life) meaningfully involved in reviewing their risk of harm?
 - Are written reviews completed as appropriate as a formal record of the management of the service user's risk of harm?

² The full standards framework can be found here: <https://www.justiceinspectors.gov.uk/hmiprobation/about-our-work/our-standards-and-ratings/>.

2. Findings

The findings presented in this bulletin are based upon the case assessment data from two of our previous inspection programmes:

- Offender Management Inspection 2 (OMI2)
- Quality and Impact inspections (Q&I)

Our OMI2 inspections were the last series of inspections of the 35 public sector probation trusts, conducted between 2009 and 2012. Our Q&I inspections were completed between March 2016 and December 2017, taking place across 14 different police force areas, covering all NPS divisions and all CRC owners. Further details about these programmes are provided in Annex A.

The OMI2 dataset was matched to 12 Q&I areas, resulting in the sample sizes set out in Table 1.³

Table 1: OMI2 and Q&I cases by area

Area	Inspection programme		Total
	OMI2	Q&I	
Cumbria	88	47	135
Derbyshire	126	60	186
Durham	154	47	201
Gloucestershire	90	48	138
Greater Manchester	177	115	292
Kent	155	81	236
London	380	324	704
North Yorkshire	90	47	137
Northamptonshire	88	61	149
South Yorkshire	152	82	234
Staffordshire	190	61	251
West Mercia	125	61	186
Total	1,815	1,034	2,849

Seven Q&I and OMI2 questions relating to key judgements about public protection work were matched; the focus and meaning of these questions was the same despite any minor changes in wording.⁴ The Q&I question wording is set out below and used in this bulletin. As shown, across the final six questions, inspectors considered the assessment of **all** risk of harm posed by the service user, not only risk of **serious** harm, since even those individuals

³ The two Q&I areas that were not matched were (i) Gwent and (ii) Suffolk, as the corresponding OMI2 inspections covered the larger geographical areas of (i) all Wales and (ii) Norfolk and Suffolk respectively. For the one police force area that was re-inspected (London) during Q&I, the most recent data is used, ensuring that we are presenting the most up-to-date picture. We removed custody cases from the OMI2 dataset, leaving only community cases (community orders, suspended sentence orders and licences), to align with the Q&I inspection dataset.

⁴ Questions relating to planning and the delivery of interventions were not matched due to differences in wording.

assessed as **low risk** do not necessarily pose **no risk**. The Inspectorate's position is that work to manage and reduce risk of harm should take account of all potential risks, whatever their level or degree of seriousness. Any risk of harm is, by definition, something that should be responded to and not ignored. We thus look to see that this has been recognised and responded to appropriately.

Assessment

1. Was the RoSH level correctly identified throughout the period of supervision?
2. Was there sufficient assessment of the risk of harm that this service user posed to the *public* in general?
3. Was there sufficient assessment of the risk of harm that this service user posed to *known adults*?
4. Was there sufficient assessment of the risk of harm that this service user posed to *children and young people*?

Reviewing

5. Did the responsible officer review progress sufficiently against the outcome priorities designed to manage risk of harm?
6. Did the responsible officer respond appropriately to changing circumstances in relation to risk of harm, making suitable adjustments where required?

Overall delivery

7. Has all reasonable action been taken by the responsible officer to keep to a minimum the service user's risk of harm to others?

For each of the seven questions, inspector judgements are presented below for the sample as a whole and then broken down by the inspection programme (OMI2 or Q&I) and by the service user's demographics (age, gender and ethnicity), type of supervision (community sentence or post-custody), RoSH level and whether eligible for MAPPA. Logistic regression models have been used to assess which sub-group differences were significant when accounting for the relationships between the variables.⁵

The introduction of CRCs alongside the NPS took place between our OMI2 and Q&I inspection programmes. To help compare the quality of public protection work in those cases now allocated to CRCs and the NPS, a proxy responsible agency variable was created for the earlier OMI2 cases; MAPPA and high/very high RoSH cases were categorised as NPS and the other cases as CRC.⁶ The logistic regression models were run separately for these two samples, checking whether any difference between OMI2 and Q&I applied to both.

⁵ See Annex A for further information about the analysis. In addition to the variables noted in the text above, the following variables were entered into the model: the geographical area, the offence category, whether the service user was a domestic abuse perpetrator and whether it was an Integrated Offender Management (IOM) case and/or child protection case.

⁶ We are confident that this categorisation faithfully replicates the current *Transforming Rehabilitation* split as applying the proxy rules to the Q&I dataset results in a 94% accuracy rate (i.e. only 64 of 1,034 cases are categorised differently using the proxy rules to the real-world allocation.)

Sample sizes were as follows:

- OMI2 NPS (proxy): 486 cases
- Q&I NPS: 383 cases
- OMI2 CRC (proxy): 1,329 cases
- Q&I CRC: 651 cases

2.1 Assessment

Q1. Was the RoSH level correctly identified throughout the period of supervision?

It is vital that the responsible officer correctly identifies the level of RoSH throughout supervision to ensure the appropriate level of resource is applied to the case and ensure that changes in risk are identified and responded to in a timely manner. As shown by Table 2, inspectors judged the RoSH level to have been correctly identified in about 9 in 10 cases (89%) across the whole sample (OMI2 and Q&I). There was no significant difference between the OMI2 and Q&I cases when accounting for the relationships between all the variables. There was a statistically significant difference for RoSH level, with those cases deemed to be low RoSH least likely to be judged to have been correct.

Table 2: Inspector judgements regarding the correct identification of RoSH level

		Was the RoSH level correctly identified throughout the period of supervision?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,796	88.6%	1,767	89.4%	1,029	87.3%
Gender	Male	2,411	88.5%	1,538	89.3%	873	87.2%
	Female	382	89.0%	226	89.8%	156	87.8%
Age group	18-20	181	83.4%	118	84.7%	63	81.0%
	21-24	413	87.7%	270	87.4%	143	88.1%
	25-29	526	89.2%	299	89.3%	227	89.0%
	30-39	699	89.0%	402	91.0%	297	86.2%
	40-49	425	91.1%	247	93.1%	178	88.2%
	50+	236	88.1%	118	89.0%	118	87.3%
Ethnic group	White	2,155	88.7%	1,385	89.5%	770	87.1%
	Black, Asian & Minority Ethnic	623	88.1%	382	88.7%	241	87.1%
Supervision type	Community sentence	1,609	87.6%	1,061	88.3%	548	86.3%
	Post-custody	1,187	89.9%	706	90.9%	481	88.4%
RoSH level	Low	841	85.6%	616	86.4%	225	83.6%
	Medium	1,407	89.5%	799	90.2%	608	88.5%
	High/Very high	523	91.6%	351	92.6%	172	89.5%
MAPPA eligible	Yes	640	91.3%	379	91.0%	261	91.6%
	No	2,146	87.8%	1,381	88.9%	765	85.8%

Identification of risk level: Poor practice examples

David, aged 22, had committed an offence of possession of cannabis. He had no previous convictions and had received a 12-month Suspended Sentence Order. David had complex needs and an autistic spectrum disorder; he said the illegal drugs were used to self-medicate. Both his risk of serious harm and likelihood of reoffending were deemed to be low, but an OASys (Offender Assessment System) risk and needs assessment was not completed until eight months into the order. Without a thorough assessment in place, it was impossible to defend the initial risk decisions.

Larry, aged 27, had seven previous convictions. He had received a 12-month Suspended Sentence Order for grievance bodily harm to a stranger. The initial assessment was completed before receiving information from the police about previous domestic abuse incidents and did not therefore take account of all potential risks. The assessment should have been reviewed following the return of the police domestic abuse checks, which showed several reports of verbal and physical altercations at his address. There should also have been a review following the birth of his and his partner's child and subsequent referral to children's social care services.

Q2. Was there sufficient assessment of the risk of harm that this service user posed to the public in general?

Our inspectors examined whether there was sufficient assessment of the risk of harm the service user posed to the public. This included consideration of the following:

- whether the responsible officer was seeking information from all relevant sources and agencies;
- whether all offence-related factors had been considered along with any protective factors;
- whether the service user was involved in the assessment; and
- whether any barriers to engagement had been examined.

As shown by Table 3, the assessment was judged to be sufficient in four out of every five cases (80%) across the whole sample. The difference between the OMI2 and Q&I cases was not significant, but there was a statistically significant difference for RoSH level; the assessment in those cases deemed to be low RoSH was least likely to be judged as sufficient.

Table 3: Inspector judgements regarding the assessment of risk of harm to the public

		Was there sufficient assessment of the risk of harm that this service user posed to the public in general?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,450	80.3%	1,422	82.1%	1,028	77.9%
Gender	Male	2,139	80.3%	1,267	82.1%	872	77.8%
	Female	309	80.3%	153	81.7%	156	78.8%
Age group	18-20	167	76.6%	104	81.7%	63	68.3%
	21-24	371	79.5%	228	82.5%	143	74.8%
	25-29	466	78.1%	239	80.3%	227	75.8%
	30-39	610	81.8%	314	83.4%	296	80.1%
	40-49	383	81.5%	204	83.3%	179	79.3%
	50+	211	83.9%	94	85.1%	117	82.9%
Ethnic group	White	1,908	82.1%	1,139	83.8%	769	79.7%
	Black, Asian & Minority Ethnic	524	74.4%	283	75.3%	241	73.4%
Supervision type	Community sentence	1,354	79.2%	807	80.0%	547	78.1%
	Post-custody	1,096	81.7%	615	84.7%	481	77.8%
RoSH level	Low	506	72.5%	282	71.3%	224	74.1%
	Medium	1,379	81.5%	770	85.2%	609	76.8%
	High/Very high	519	88.2%	348	88.8%	171	87.1%
MAPPA eligible	Yes	638	86.7%	378	84.4%	260	90.0%
	No	1,803	78.1%	1,038	81.2%	765	74.0%

Assessment of risk of harm to the public: Poor practice example

Peter, aged 52, had 19 previous convictions and had been serving a custodial sentence for a serious violent offence. During his time in custody he was assessed as medium risk of serious harm, but this was incorrect as his previous offending and the nature of his current offence placed him at a high risk of serious harm. It was only immediately prior to his release that this was realised and plans were put in place for a probation hostel place. As a result, he was released as no-fixed-abode and stayed temporarily in a hotel in town, before moving to the probation hostel. This was poor practice, not just in managing his risk, but also due to the potential effect on his mental health and preparation for release while in custody.

Q3. Was there sufficient assessment of the risk of harm that this service user posed to known adults?

Table 4 sets out the proportions of cases in which inspectors deemed that there had been sufficient assessment of the risk of harm the service user posed to adults known to them or known by agencies to be potentially at risk, encompassing any domestic violence and abuse concerns. There was a statistically significant difference between the OMI2 and Q&I cases, with the proportion of the work considered sufficient decreasing by 11 percentage points. The assessment was also more likely judged as sufficient in more serious cases (MAPPA and medium or high/very high RoSH cases).

When looking separately at the CRC and NPS sub-samples, there was a significant deterioration in the sufficiency of assessment in those cases now allocated to CRCs; a fall of 14 percentage points compared to a fall of 6 percentage points for those cases now allocated to the NPS.

Table 4: Inspector judgements regarding the assessment of risk of harm to known adults

		Was there sufficient assessment of the risk of harm that this service user posed to known adults?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,453	81.5%	1,424	86.0%	1,029	75.3%
Gender	Male	2,142	81.6%	1,269	86.0%	873	75.1%
	Female	309	81.2%	153	86.3%	156	76.3%
Age group	18-20	167	77.8%	104	84.6%	63	66.7%
	21-24	371	80.9%	228	86.8%	143	71.3%
	25-29	467	79.0%	239	85.8%	228	71.9%
	30-39	612	81.7%	316	86.4%	296	76.7%
	40-49	383	81.2%	204	84.8%	179	77.1%
	50+	211	86.3%	94	88.3%	117	84.6%
Ethnic group	White	1,911	83.2%	1,141	87.7%	770	76.5%
	Black, Asian & Minority Ethnic	524	76.1%	283	79.2%	241	72.6%
Supervision type	Community sentence	1,356	79.9%	808	83.9%	548	73.9%
	Post-custody	1,097	83.6%	616	88.8%	481	76.9%
RoSH level	Low	507	77.9%	282	80.1%	225	75.1%
	Medium	1,382	81.5%	773	88.4%	609	72.7%
	High/Very high	518	88.4%	347	90.5%	171	84.2%
MAPPA eligible	Yes	639	89.7%	379	90.0%	260	89.2%
	No	1805	78.7%	1039	84.5%	766	70.8%

Assessment of risk of harm to known adults: Good practice example

Luke, aged 29, had 12 previous convictions. His current offence of burglary was committed three years prior to sentence, by which point he had become abstinent from drugs. On his release from custody the focus was on helping him gain legitimate employment (he had previously been selling illegal drugs) and changing his lifestyle. While on licence the responsible officer, through good multi-agency communication, learned of concerns about contact with his daughter and possible domestic abuse of his partner. The responsible officer completed a detailed risk assessment including all previous and current information related to risk. The resultant risk management plan was robust with excellent contingency planning which clearly highlighted that the responsible officer understood the key risks, the warning signs of escalation, and the actions that needed to be taken if these risks were realised.

Assessment of risk of harm to known adults: Poor practice example

Clive, aged 28, had one previous conviction. He was sentenced to a 24-month Community Order for harassing his ex-partner and had a Suspended Sentence Order imposed one month after conviction. The assessment was clear on who the risk was towards and there was evidence that the risks to others had also been considered and assessed. However, there were no checks carried out with the Police Domestic Violence Unit to confirm that the victim had not reported any further incidents. Such checks are vital to assure compliance with the order and protect the potential victim.

Q4. Was there sufficient assessment of the risk of harm that this service user posed to children and young people?

Our inspectors examined whether there was sufficient assessment of the risk of harm the service user posed to children and young people, encompassing any child safeguarding or child protection concerns. Table 5 sets out the proportions of cases in which the inspectors deemed that there had been sufficient assessment. There was a significant difference between the OMI2 and Q&I cases, with the proportion of the work considered sufficient decreasing by seven percentage points. The assessment was also more likely judged to be judged sufficient in the more serious cases (MAPPAs and medium or high/very high RoSH cases).

When looking separately at the CRC and NPS sub-samples, there was a significant deterioration in the sufficiency of assessment in those cases now allocated to CRCs; a fall of nine percentage points compared to a fall of four percentage points in those cases now allocated to the NPS.

Table 5: Inspector judgements regarding the assessment of risk of harm to children and young people

		Was there sufficient assessment of the risk of harm that this service user posed to children and young people?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,448	79.3%	1,422	82.1%	1,026	75.5%
Gender	Male	2,137	79.2%	1,267	81.8%	870	75.4%
	Female	309	80.3%	153	84.3%	156	76.3%
Age group	18-20	167	73.7%	104	75.0%	63	71.4%
	21-24	372	76.6%	229	80.3%	143	70.6%
	25-29	464	77.6%	238	81.9%	226	73.0%
	30-39	610	81.1%	314	84.7%	296	77.4%
	40-49	382	79.1%	204	81.9%	178	75.8%
	50+	211	83.9%	94	84.0%	117	83.8%
Ethnic group	White	1,907	80.8%	1,140	83.2%	767	77.2%
	Black, Asian & Minority Ethnic	523	74.8%	282	77.7%	241	71.4%
Supervision type	Community sentence	1,353	77.8%	807	79.9%	546	74.7%
	Post-custody	1,095	81.2%	615	84.9%	480	76.5%
RoSH level	Low	502	70.7%	279	66.7%	223	75.8%
	Medium	1,382	79.5%	773	85.3%	609	72.1%
	High/Very high	518	90.5%	348	92.0%	170	87.6%
MAPPA eligible	Yes	639	88.6%	379	89.2%	260	87.7%
	No	1,800	76.2%	1,037	79.5%	763	71.7%

Assessment of risk of harm to children and young people: Good practice example

Carl, aged 20, had spent eight months in custody, followed by a four-month licence period and eight months post-sentence supervision, for sexual activity with a female child under 16. He had no previous convictions, and lived at home with his mother and young sister. There was social services involvement for his sister's wellbeing as his licence conditions prohibited contact with children. Carl was assessed as medium risk of harm to children, and low risk of reoffending. The responsible officer completed an active risk management system (ARMS) assessment with a police officer, and there was continuous oversight of the case. The responsible officer had a good understanding of Carl and helped him overcome barriers to accessing employment, training and education (ETE) opportunities, assisting him to find an apprenticeship. Carl had settled and become more emotionally stable, and appeared to be progressing well. He was in a relationship with an age-appropriate girlfriend (19) and he had complied well throughout his licence and post-sentence supervision.

2.2 Reviewing

Q5. Did the responsible officer review progress sufficiently against the outcome priorities designed to manage risk of harm?

Inspectors examined whether the responsible officer had ensured that assessments and plans were reviewed and updated following any significant changes in the circumstances of the service user and the case. As shown by Table 6, the proportion of cases in which reviewing was deemed sufficient fell by 10 percentage points from OMI2 to Q&I. This change was statistically significant. There was a further significant difference for MAPPA status, with reviewing less likely to be deemed sufficient in the non-MAPPA cases.

When looking separately at the CRC and NPS sub-samples, there was a significant deterioration in the reviewing of progress in those cases now allocated to CRCs; a fall of 14 percentage points compared to a fall of 5 percentage points in those cases now allocated to the NPS.

Table 6: Inspector judgements regarding the reviewing of progress

		Did the responsible officer review progress sufficiently against the outcome priorities designed to manage risk of harm?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,226	59.9%	1,466	63.2%	760	53.6%
Gender	Male	1,955	59.9%	1,302	62.9%	653	53.9%
	Female	268	60.1%	161	65.8%	107	51.4%
Age group	18-20	141	58.2%	98	62.2%	43	48.8%
	21-24	335	56.4%	226	59.3%	109	50.5%
	25-29	407	56.3%	236	61.4%	171	49.1%
	30-39	550	59.3%	330	63.9%	220	52.3%
	40-49	337	60.2%	207	61.8%	130	57.7%
	50+	181	66.9%	95	67.4%	86	66.3%
Ethnic group	White	1,720	60.8%	1,159	64.9%	561	52.2%
	Black, Asian & Minority Ethnic	491	57.2%	307	57.0%	184	57.6%
Supervision type	Community sentence	1,216	57.4%	821	61.1%	395	49.6%
	Post-custody	1,010	63.0%	645	65.9%	365	57.8%
RoSH level	Low	471	57.7%	382	60.7%	89	44.9%
	Medium	1,224	57.9%	715	62.9%	509	50.9%
	High/Very high	482	69.9%	336	71.1%	146	67.1%
MAPPA eligible	Yes	593	69.1%	369	69.6%	224	68.3%
	No	1,624	56.6%	1,091	61.1%	533	47.3%

Reviewing of progress: Good practice examples

Gary, aged 34, was on licence after serving a lengthy custodial sentence for breaking into a house and holding a victim hostage. Following his initial release, Gary committed a similar offence but on this occasion, no one was present in the house. He was recalled and served an additional eight months in custody. The risk management plan for his release was thorough with clear actions for identified workers. Risk levels were appropriately reviewed in a timely manner as and when circumstances changed. There was good cooperation with the Victim Liaison Officer coupled with effective victim work. This ensured that risk of harm work received the correct level of attention. Gary had attended every appointment and there had been no further recorded offences.

Adam, aged 55, was a domestic abuse perpetrator. He had had no previous convictions and had received an 18 month Suspended Sentence Order. His engagement with probation was generally good, but he breached his restraining order when he sent a text to his victim for which he received a conditional discharge. Following the breach, the responsible officer undertook a comprehensive review of the case, setting out what had been done and what was needed in future. The responsible officer first orally, then in writing, reinforced with Adam what he was not allowed to do.

Q6. Did the responsible officer respond appropriately to changing circumstances in relation to risk of harm, making suitable adjustments where required?

Inspectors judged whether the responsible officer had regularly reviewed the case to identify whether any changes in circumstances impacted upon risk of harm and whether there was then a review of planning and an appropriate response to any such changes. As shown by Table 7, the proportion of cases in which the response was deemed sufficient had deteriorated by nine percentage points from OMI2 to Q&I. This change was statistically significant. The response was also more likely judged to be judged sufficient in the more serious cases (MAPPA and medium or high/very high RoSH cases).

When looking separately at the CRC and NPS sub-samples, there was a significant deterioration in the sufficiency of the response in both sets of cases. Performance on cases now allocated to the NPS had deteriorated from 74% to 61% of cases, and it had fallen from a low starting point for those cases now allocated to CRCs from 53% to 45%.

Table 7: Inspector judgements regarding responses to changes in risk of harm

		Did the responsible officer respond appropriately to changing circumstances in relation to risk of harm, making suitable adjustments where required?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		1,436	57.2%	827	61.1%	609	51.9%
Gender	Male	1,257	58.0%	741	61.9%	516	52.3%
	Female	178	51.1%	85	52.9%	93	49.5%
Age group	18-20	100	52.0%	67	55.2%	33	45.5%
	21-24	208	50.5%	121	56.2%	87	42.5%
	25-29	272	57.4%	132	65.2%	140	50.0%
	30-39	366	56.3%	187	63.1%	179	49.2%
	40-49	222	58.1%	118	55.1%	104	61.5%
	50+	113	67.3%	48	70.8%	65	64.6%
Ethnic group	White	1,123	57.7%	672	62.9%	451	49.9%
	Black, Asian & Minority Ethnic	301	55.5%	155	52.9%	146	58.2%
Supervision type	Community sentence	776	52.3%	469	53.7%	307	50.2%
	Post-custody	660	62.9%	358	70.7%	302	53.6%
RoSH level	Low	219	46.1%	158	48.1%	61	41.0%
	Medium	820	54.1%	408	58.1%	412	50.2%
	High/Very high	367	72.5%	243	77.0%	124	63.7%
MAPPA eligible	Yes	416	72.8%	241	78.4%	175	65.1%
	No	1015	50.7%	583	54.0%	432	46.3%

Responding to change: Good practice examples

Michelle, aged 35, had no previous convictions. She was sentenced to a 12-month Community Order for assaulting a police officer and criminal damage. The responsible officer identified that Michelle needed much support to address her emotional wellbeing and the legacy of abuse which were the causes of her offending behaviour. Liaison with children's services revealed that Michelle was to be given access to her son; the responsible officer reviewed the risk of harm assessment in the light of this information and amended her sentence plan to include child safeguarding risks and liaison. The responsible officer's intensive support secured new housing for Michelle and a peer mentor. Michelle remained offence free and was making good progress in addressing her problems.

Tony, aged 29, was sentenced to an 18-month Suspended Sentence Order for the possession of an offensive weapon. Initially, he had been allocated to a probation service officer (PSO). When Tony's circumstances changed – he became homeless and unemployed and his relationship ended – his case was appropriately reallocated to a probation officer. The new responsible officer made immediate contact with Tony, carried out a review and put in measures to manage the potential harm he presented to the victim of his offending.

2.3 Overall delivery

Q7. Has all reasonable action been taken by the responsible officer to keep to a minimum the service user's risk of harm to others?

Inspectors considered whether all the actions taken by the responsible officer were appropriate to the risk of harm posed by the individual, relevant to the needs of the case, and sufficient to complete the interventions in the plan. As shown by Table 8, sufficient actions were judged to have been taken in about seven out of every ten cases (69%). The difference between the OMI2 and Q&I cases was not statistically significant, but inspectors were more likely to judge action to be sufficient in the more serious cases; MAPPA and high/very high RoSH cases, as well as cases in which the individual was flagged as a domestic violence perpetrator (75%, compared to 59% in non-perpetrator cases) or in which there were child protection concerns (73%, compared to 63% in cases without such concerns).

Table 8: Inspector judgements regarding the taking of all reasonable action

		Has all reasonable action been taken by the responsible officer to keep to a minimum the service user's risk of harm to others?					
		All cases		OMI2 cases		Q&I cases	
		n	% yes	n	% yes	n	% yes
All cases		2,754	68.9%	1,801	71.7%	953	63.7%
Gender	Male	2,378	68.0%	1,563	70.4%	815	63.3%
	Female	373	75.1%	235	80.4%	138	65.9%
Age group	18-20	175	66.9%	119	69.7%	56	60.7%
	21-24	408	67.4%	274	70.8%	134	60.4%
	25-29	515	67.2%	305	74.8%	210	56.2%
	30-39	689	70.0%	408	73.0%	281	65.5%
	40-49	421	68.4%	258	69.0%	163	67.5%
	50+	223	74.9%	117	76.1%	106	73.6%
Ethnic group	White	2,131	69.4%	1,408	72.7%	723	62.9%
	Black, Asian & Minority Ethnic	608	67.4%	393	68.2%	215	66.0%
Supervision type	Community sentence	1,606	67.7%	1,093	70.5%	513	61.8%
	Post-custody	1,148	70.6%	708	73.4%	440	65.9%
RoSH level	Low	770	78.2%	611	80.0%	159	71.1%
	Medium	1,394	62.1%	796	65.2%	598	57.9%
	High/Very high	518	76.3%	346	76.3%	172	76.2%
MAPPA eligible	Yes	639	76.8%	379	75.2%	260	79.2%
	No	2,106	66.6%	1,416	70.8%	690	58.0%

Taking all reasonable action: Good practice examples

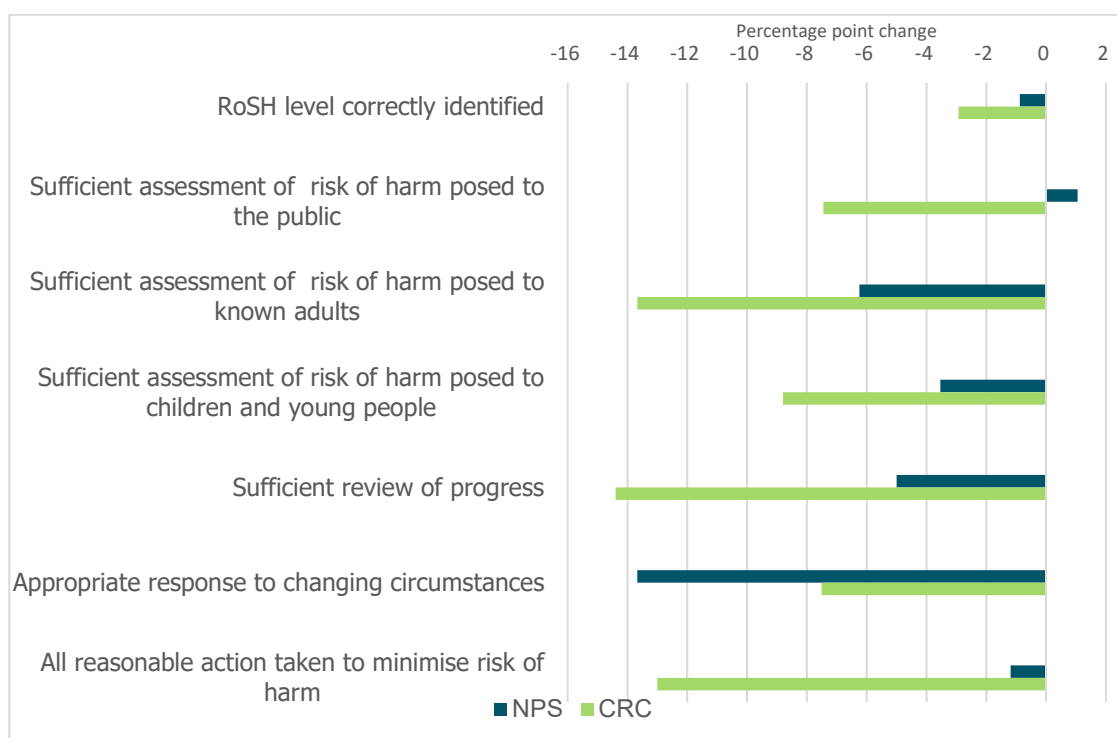
Roger, aged 69, had 16 previous convictions and had received a 14-month custodial sentence for breach of a Sexual Offences Prevention Order (SOPO). Coming up to release, the responsible officer ensured that comprehensive licence conditions were put in place which aligned with SOPO requirements. These included non-association with a known sex offender; prohibited contact and prohibited residency; not to access any computer and not to delete any usage history; not to reside with children; to address sexual offending behaviour and to inform his responsible officer of any developing relationships. These licence conditions were put in place to manage the specific risks of Roger's sexual offending and to support joint work with the police to manage the high risk of harm to children.

Bernie, aged 47, had 11 previous convictions. She was sentenced to an 11-month Community Order for breach of a restraining order imposed following harassment of a neighbour. Bernie was a dependent drinker and often attended appointments under the influence of alcohol. She lacked motivation to change. The responsible officer in this case provided a high level of support, and took a flexible approach to supervising Bernie through home visits, contacting her in the local community and through telephone calls, and in deeming when absences were acceptable. This tailored approach resulted in positive outcomes for Bernie, who was complying with the order, abstaining from alcohol and engaging with alcohol misuse services.

3. Conclusion

A worrying picture of deterioration over time emerges from this analysis of seven aspects of public protection work by probation services. There was a more marked deterioration in the cases now allocated to CRCs, as summarised in Figure 1 below. The deterioration in cases now allocated to CRCs was found to be statistically significant across four of the seven questions, compared to a significant deterioration in cases now allocated to the NPS for one of the questions.

Figure 1: Change in quality of public protection work from OMI2 to Q&I; CRC vs NPS



This difference is consistent with our Q&I inspection series which reported, with few exceptions, the marked tendency for the work done by the NPS to be of better quality than that of CRCs. Our Annual Report 2017 also noted, from an analysis of aggregate Q&I data, that NPS cases were generally better assessed and managed than CRC cases.

The public protection work of CRCs is vitally important. Low and medium RoSH cases require appropriate attention to the identification and management of the risks of harm they pose to vulnerable adults and children and to society, not least because these risks can change over time. Many serious further offences are in fact committed by service users assessed as low or medium RoSH; in the period between 1 April 2016 and 31 March 2017, 233 serious further offence reviews were carried out by CRCs, compared to 284 by the NPS.⁷ It is

⁷ Figures provided in a response to a Parliamentary Question (<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-07-04/2737/>)

particularly concerning that the assessment of risk of harm to both known adults and to children and young people had deteriorated in cases now allocated to CRCs. All these providers need to ensure that any issues relating to domestic abuse and child safeguarding/protection are fully identified and analysed, obtaining the necessary input from the police and children's services. Specific recommendations for CRCs in relation to domestic abuse work are set out in our September 2018 thematic inspection report.

But this is not to say that improvements are not required by the NPS. There was room for improvement in the reviewing of progress (Q&I cases: NPS 63%, CRCs 47%) and in responding appropriately to changing circumstances (Q&I cases: NPS, 61%, CRCs 45%). Risks, needs, protective factors and circumstances can change over time, and any new behaviours that might be linked to risk of harm to others must be identified, analysed, and taken into account when reviewing planned activities and the required constructive and restrictive interventions.

Moving forward, our new inspection standards make it very clear to probation providers what is expected in terms of public protection, with key questions within the assessment, planning, implementation and reviewing standards. To achieve an outstanding rating for any of these standards, a provider will need a sufficient focus upon keeping other people safe in a large majority (80%+) of its inspected cases. Operating together, our standards and ratings will demonstrate to providers where they need to focus, helping to drive improvement where it is required.

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Annex A: Methodology

OMI2 inspections

Between 2009 and 2012, HMI Probation conducted Offender Management Inspections (OMI2), looking at the quality and effectiveness of offender management across all 35 probation trusts in England and Wales. At the heart of the OMI2 inspections were assessments of cases for offenders who had been under the supervision of the trust for around nine to twelve months. The assessments involved file reviews and interviews, leading to inspector judgements on:

- the assessment of needs and risk;
- the planning and delivery of interventions; and
- the initial outcomes of supervision.

The sample in each former trust area was structured to ensure that the proportions of (i) female and (ii) Black and Minority Ethnic cases reflected the trust's caseload. Arrangements were also made to ensure that the sample contained a sufficient number of high/very high RoSH cases, in order to obtain a clear picture of work in such cases. Orders where the only requirement was an attendance centre, or an electronically monitored exclusion or curfew requirement, were excluded. Terminated cases were included, but there had to be a minimum of six weeks delivery.

Q&I inspections

Our Quality & Impact (Q&I) inspections were completed between March 2016 and December 2017. As set out in Table A1 below, these inspections took place across 14 different police force areas, covering all NPS divisions and all CRC owners. We did not inspect within the following seven CRCs: Dorset, Devon & Cornwall; Essex; Hampshire & the Isle of Wight; Merseyside; Northumbria; Thames Valley; and West Yorkshire. As the inspected areas were selected on a risk basis, they may not be representative of all the areas across England and Wales.

Table A1: HMI Probation 'Quality and Impact' inspections, March 2016 –December 2017

NPS Division	CRC owner	Contract package area	PCC Area inspected	Date of inspection report
North East	Sodexo	Northumbria	X	
		South Yorkshire	South Yorkshire	June 2017
	ARCC	Durham Tees Valley	Durham	August 2016
	Purple Futures	Humberside, Lincolnshire and North Yorkshire	North Yorkshire	August 2016
West Yorkshire		X		
North West	Sodexo Justice Services/Nacro	Cumbria & Lancashire	Cumbria	October 2017
	Purple Futures	Cheshire and Greater Manchester	Greater Manchester	February 2017
		Merseyside	X	

NPS Division	CRC owner	Contract package area	PCC Area inspected	Date of inspection report
Midlands	The Reducing Reoffending Partnership	Staffordshire and West Midlands	Staffordshire	January 2017
		Derbyshire, Leicestershire, Nottinghamshire and Rutland	Derbyshire	September 2016
	EOS Works Ltd	Warwickshire and West Mercia	West Mercia	November 2017
Wales	Working Links	Wales	Gwent	April 2017
South West & South Central	Working Links	Bristol, Gloucestershire, Somerset and Wiltshire	Gloucestershire	August 2017
		Dorset, Devon and Cornwall	X	
	Purple Futures	Hampshire and Isle of Wight	X	
	MTCNovo	Thames Valley	X	
South East & Eastern	Sodexo Justice Services/Nacro	Bedfordshire, Cambridgeshire, Hertfordshire & Northamptonshire	Northamptonshire	April 2017
		Norfolk and Suffolk	Suffolk	June 2017
		Essex	X	
	Seetec	Kent, Surrey and Sussex	Kent	October 2016
London	MTCNovo	London	London	Dec 2016; Jan 2018; Mar 2018

In each Q&I inspection, we reviewed Community Order, Suspended Sentence Order and licence cases in which the service user had been sentenced or released from prison about nine months previously. This time point was selected so that the cases were sufficiently current, but had been running long enough to provide sufficient evidence of outcomes. Terminated or recalled cases were included, but there had to be a minimum of four weeks delivery to ensure that there was enough work to be inspected.

The sample size within each inspection was linked to the number of eligible cases, with the largest samples in the main metropolitan areas (see Table 1). While the samples may not have been fully representative of all eligible cases, we ensured, as far as possible, that there was alignment in relation to (i) gender, (ii) ethnicity, (iii) sentence type and (iv) office location – with minimum numbers set for (i) and (ii). Cases were also selected from the full range of RoSH and likelihood of reoffending levels, and from as many responsible officers as possible. Similarly, to OMI2, the samples excluded orders where the only requirement was unpaid work, an attendance centre, an exclusion or curfew; or a combination of these requirements.

Case assessment

All OMI2 and Q&I sampled cases were allocated to individual inspectors. To support the reliability and validity of their judgements, all cases were reviewed using a standard case assessment form, underpinned by quality indicators and judgement guidance.⁸

A key source of evidence was the information recorded in the relevant case management system. Once reviewed, lines of inquiry would be pursued in an interview with the relevant responsible officer. Inspection staff were encouraged to take an investigative approach where necessary, accessing further evidence sources to support their judgements.

Analysis

In this bulletin, logistic regression has been used to analyse the case assessment data, examining which sub-group differences were significant when accounting for the relationships between the variables. The independent variables were entered using a forward stepwise approach, incorporating the most significant variables in turn (statistical significance $<.05$) and then removing them at a later stage if necessary (significance >0.1). This approach was considered appropriate as the analysis was exploratory in nature and there was no clear evidence as to the relative importance of the various independent variables.

⁸ The reliability and validity of judgements was further supported through training and quality assurance activities.