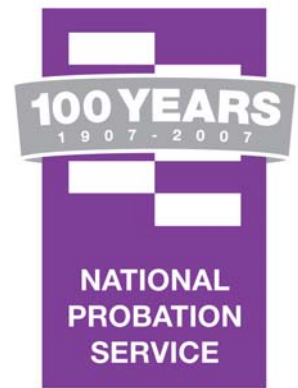


# Probation Circular



## PC04/2007 – PAROLE ASSESSMENT REPORTS

**IMPLEMENTATION DATE:** 2 April 2007

**EXPIRY DATE:** March 2010

**TO:** Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards  
**CC:** Board Treasures, Regional Managers

**AUTHORISED BY:** John Scott, Head of Public Protection and Licensed Release Unit

**ATTACHED:** Annex A – Directions to the Parole Board  
 Annex B – Equality Impact Assessment Form

### RELEVANT PREVIOUS PROBATION CIRCULARS

PC36/2006, PC34/2004, PC13/2003

### CONTACT FOR ENQUIRIES

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## PURPOSE

- To provide interim guidance to Probation Areas on the preparation of Parole Assessment Reports (PARs) until the roll out of Phase III of the Offender Management Model.
- To highlight the issues identified through the monthly monitoring and analysis of PARs using National Standards Monitoring Audit Returns (NSMART) with a view to leading improvements in relation to the Risk of Harm agenda.

## ACTION

Chief Officers should ensure that all staff are made aware of the guidance so that the instructions described in this PC are implemented from 2 April 2007.

## SUMMARY

Given the findings of the HMIP in the cases of Hanson and White, the revision of OASys Manual Chapter 8 Risk of Serious Harm and the outcome of an evaluation of NSMART data, this Circular is intended to re-inforce and expand upon the guidance contained in PC34/2004. Particular focus must be paid to the quality of the PAR, specifically because of the information that the Parole Board needs to inform its decision.

## Introduction

1. Since PC 34/2004 was issued, the management of offenders in the pre and post release stages of their sentence has been radically affected by the implementation of the Criminal Justice Act 2003, the increasing focus on the assessment and management of risk of serious harm, and importantly, the development of the Offender Management Model. By their nature, offenders who are eligible for consideration by the Parole Board for early release will be the offenders subject to the roll out of Phases II and III of the Offender Management Model. This PC must be implemented alongside guidance on the Offender Management Model; in particular, Offender Managers must ensure that they gather information from all relevant staff working with the offender in custody, in order to complete their reports, which must be based on an up to date review of OASys assessments both of the risk of re-offending and the risk of serious harm (using the revised Chapter 8 in the OASys Manual PC 36/2006).
2. Our liaison with the Parole Board and other stakeholders following the HMIP Reports into Serious Further Offences, and our consideration of the NSMART data have highlighted the importance of clear, evidence-based information on risk in reports to the Parole Board, in order for Board members to be able to make appropriate release decisions. Representatives from PPU, the Home Office's Parole and Public Protection Policy Unit and the Parole Board carried out an analysis of monthly data collected by Probation Areas on PARs in order to draw conclusions as to the quality and timeliness of reports. The data was based on returns for the 9 months April to December 2006. Generally, the findings of the analysis were encouraging. Further, our analysis demonstrated that small improvements to the content of specific sections of PARs, outlined below, could be made to raise overall performance.

## Analysis of the Index Offence

3. The Parole Board has considered cases where no detail on the index offence was provided. The analysis of the index offence is important in order to understand the offender's motivation, involvement in the offence and his/her potential for harm. The analysis should outline what the offender did since the events associated with the index offence, and the offender's capacity to commit harmful acts, as these are sometimes assumed and not specified, or lost over time.
4. The offence analysis enables the Parole Board to understand more clearly how the offender may have changed. It is the fundamental building block when assessing the likelihood of re-offending and the risk of serious harm presented by the individual, both at the time of sentence and at the point of consideration for early release. Primary sources of information should be referenced where available, including any relevant information within the CPS package.

## Risk Assessment

5. Risk assessments must be based on a current OASys, and other structured, predictive and clinical tools where these have been triggered and completed by either the Offender Manager or other practitioners: for example RM 2000, SARA. Where these more specialist assessments are given, they must be explained in terms of what the particular tool is intended to measure and what they conclude about this particular offender.
6. Based on the best information available at the time of report writing, the risk assessment needs to be accurate and address all relevant risk factors, clearly highlighting who is at risk

of serious harm, the type of risk of harm presented, the level and imminence of risk of serious harm presented. The Parole Board will look to see the separation of risk of serious harm and the risk of re-offending.

### **Risk of Re-offending**

7. It is important that the report contains an assessment of the risk the offender poses of committing further offences on release. The Secretary of State's Directions to the Parole Board (at Annex A) require that members assess the offender's risk of re-offending **during the period of parole**, and the report writer should take this into account.
  - The OGRS score should be given, together with an explanation of what it measures; the Offender Manager should then go on to explain, on the basis of the OASys assessment of criminogenic factors, the relevance of this score to this individual's risk.
  - The factors emerging from OASys as underlying the offending should be outlined and explained in terms of their general importance and their particular importance for the offender under assessment, rather than merely noted as risk/need factors in a brief assessment.
  - Where, for instance, the lack of any strong positive family relationships is considered to be a factor in increasing the risk of re-offending, an explanation should be given as to why such relationships are considered to be relevant in assessing an offender's risk of returning to a pattern of offending, and why they are important for this particular offender and how they relate to the likelihood of re-offending in this case.
  - The positive factors, as well as those that have supported the offender's offending and anti-social lifestyle should be identified and explained. This will lead more coherently to an overall assessment and a supervision plan designed to manage the risks.

### **The level of Risk of Serious Harm**

8. The risk of serious harm assessment should be based on an up to date OASys and take into account the descriptors in the revised Chapter 8 of the Manual. Offender Managers should be identifying any indicators of serious harm and making judgements on the imminence of a repetition of such behaviour on release. Assessing imminence is again assessing the level of likelihood of re-offending: in a way that would cause serious harm.
  - It is important that the report writer identifies any static and predictive factors and scores and accounts for them in explaining the offender's potential for serious harm.
  - Information of a more clinical nature, that is associated with the propensity to offend, should be gathered and evidenced: the offender's characteristics, both physical and mental, his/her development and background, pattern and type of offending, attitudes to offending, lifestyle and previous victims etc.
  - The analysis of the offence and the behaviour surrounding it, the offender's attitude to the offence and the victim etc are significant in this assessment.
  - The level of risk of serious harm must be clearly evidenced in the explanation of factors that are associated with harm, and the analysis of how these factors are particularly relevant for this offender. The links must be analysed and explained, not merely described.

### **Risk Management Plans**

9. Our analysis showed that the weakest area of PARs was in respect of the risk management plan. The risk management plan must clearly address the specific risks outlined in the risk of serious harm assessment and use the headings which are now contained in OASys,

outlined in the revised Chapter 8. The plan should outline how each risk will be managed in the community and, where relevant, the management actions by other agencies under the MAPPA. It must be sufficiently detailed so that the Parole Board can have confidence that strategies are in place to manage the offender safely in the community.

10. Where the writer is requesting additional licence conditions, the need for them should be specifically addressed. If approved premises are a feature of the plan, the report should be clear about the length of stay proposed, outline the 'move-on' plan, and detail any issues regarding the implementation of the plan. **A risk management plan within a sentence plan must be submitted in the report regardless of whether or not the report writer is recommending parole.**

### **Recommendation**

11. All PARs must contain a clear recommendation to the Parole Board on whether to grant or refuse conditional early release. This recommendation must be firmly grounded in the evidence and analysis contained in the assessments and the risk management plan.

### **Timeliness**

12. Our analysis showed that a significant proportion of PARs were provided within the required timescale i.e. arrival at the prison establishment 17 weeks or more before the parole eligibility date. However, that still means that some reports are late, and we must ensure that the numbers of late parole dossiers submitted to the Parole Board and deferred hearings are kept to a minimum, for circumstances beyond our control. Offender managers must ensure that their reports are submitted on time.

### **Report template**

13. Areas must continue to use the report template at Annex at Appendix 4 of PC34/2004 until the roll out of Phase III of the Offender Management Model in September 2007, taking into account the use of sentence planning within the model.

**DIRECTIONS TO THE PAROLE BOARD UNDER SECTION 32(6) OF THE CRIMINAL JUSTICE ACT 1991**

**RELEASE OF DETERMINATE SENTENCE PRISONERS**

In deciding whether or not to recommend release on licence, the Parole Board shall consider primarily the risk to the public of a further offence being committed at a time when the prisoner would otherwise be in prison and whether any such risk is acceptable. *This must be balanced against the benefit, both to the public and the offender, of early release back into the community under a degree of supervision and which might help rehabilitation and so lessen the risk of re-offending in the future.* The Board shall take into account that safeguarding the public may often outweigh the benefits to the offender of early release.

2. Before recommending release on parole licence, the Parole Board shall consider:

a) whether the safety of the public would be placed unacceptably at risk. In assessing such risk, the Board shall take into account:

- i) the nature and circumstances of the index offence including any information provide relation to its impact on the victim or victim's family;
- ii) the offender's background, including the nature, circumstances and pattern of any previous offending;
- iii) whether the prisoner has shown by his attitude and behaviour in custody in that he is willing to address his offending behaviour by participating in programmes or activities designed to address his risk, and has made positive effort and progress in doing so;
- iv) behaviour during any temporary release or other outside activities;
- v) any risk to other persons, including the victim, their family and friends;
- vi) any medical, psychiatric or psychological considerations relevant to risk (particularly where there is a history of mental instability);
- vii) if available, the indication of predicted risk as determined by a validated actual risk predictor;
- viii) that a risk of violent or sexual offending is more serious than a risk of other types of offending;

b) the content of the resettlement plan;

c) whether the longer period of supervision that parole would provide is likely to reduce the risk of further offences being committed.

d) whether the prisoner is likely to comply with the conditions of his licence and the requirements of supervision, taking into account occasions where he has breached trust in the past;

e) the suitability of home circumstances;

f) the relationship with the supervising probation officer;

g) the attitude of the local community in cases where it may have a detrimental affect upon compliance;

and

h) representations on behalf of the victim in respect of licence conditions.

3. Each individual case shall be considered on its merits, without discrimination on any grounds.

## A. INITIAL SCREENING

### 1. Title of function, policy or practice (including common practice)

*Is this a new policy under development or an existing one?*

This Probation Circular (PC) is a revised policy notice regarding NPS preparation of Parole Assessment Reports.

### 2. Aims, purpose and outcomes of function, policy or practice

*What is the function, policy or practice addressing? What operational work or employment/HR activities are covered? What outcomes are expected?*

The PC is providing practice guidance for offender manager's preparation of parole reports. The expected outcome is an improvement in the quality and timeliness of parole reports.

### 3. Target groups

*Who is the policy aimed at? Which specific groups are likely to be affected by its implementation? This could be staff, service users, partners, contractors.*

This circular is aimed at probation staff. As key stakeholder, the Parole Board, will notice a possible positive impact in view of improved probation practice and better report writing. The Prison Service may also benefit in terms of improved timely submission of reports for their administration of parole reviews.

*For each equality target group, think about possible positive or negative impact, benefits or disadvantages, and if negative impact is this at a high medium or low level. Give reasons for your assessment. This could be existing knowledge or monitoring, national research, through talking to the groups concerned, etc. If there is possible negative impact a full impact assessment is needed. The high, medium or low impact will indicate level of priority to give the full assessment. Please use the table below to do this.*

Equality target group	Positive impact – could benefit	Negative impact - could	Reason for assessment and explanation of
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NPS Race Equality Impact Assessment template

		disadvantage	possible impact
Women	Nil	Nil	The PC contains information and guidance for probation staff of all groups.
Men	Nil	Nil	As above
Asian/Asian British people	Nil	Nil	As above
Black/Black British people	Nil	Nil	As above
Chinese people or other groups	Nil	Nil	As above
People of mixed race	Nil	Nil	As above
White people (including Irish people)	Nil	Nil	As above
Travellers or Gypsies	Nil	Nil	As above
Disabled people	Nil	Nil	As above
Lesbians, gay men and bisexual people	Nil	Nil	As above
Transgender people	Nil	Nil	As above
Older people over 60	Nil	Nil	As above
Young people (17-25) and children	Nil	Nil	As above
Faith groups	Nil	Nil	As above

4. Further research/questions to answer

As a result of the above, indicate what questions might need to be answered in the full impact assessment and what additional research or evidence might be needed to do this.

The preliminary screening has indicated that there are no further questions or areas of research that would necessitate a full impact assessment.

**This policy was screened for impact on equalities on 15 March 2007. No full equality impact assessment is required**

Initial screening done by: John RM Scott

Name/position      John Scott, Head of Public Protection and Licensed  
Release Unit

Date 15/03/07

## B. PLANNING A FULL IMPACT ASSESSMENT

### 1. Title of function, policy or practice (including common practice)

*Is this a new policy under development or an existing one?*

### 2. Aims, purpose and outcomes of function, policy or practice

*What is the function, policy or practice addressing? What operational work or employment/HR activities are covered? What outcomes are expected?*

### 3. Target groups

*Who is the policy aimed at? Which specific groups are likely to be affected by its implementation? Use the initial screening to summarise potential adverse impact on each group as identified above and the reasons given. What knowledge and information do you already have, what further research or evidence should be collected in the full impact assessment?*

Gender

- Race
- Disability
- Sexual orientation/transgender
- Age
- Faith

#### **4. Impact assessment process**

*Which staff will conduct the IA? (eg Board members, senior managers, policy leads, or a team of staff.)*

*Will you include external advice from community groups or individuals? (cross reference to question 5 below)*

*How will the IA be approved and integrated into senior management processes?*

*What is the role of the diversity manager?*

#### **5. Consultation**

*Give details of any planned internal staff and external community consultation and engagement.*

*Who will be consulted, how will it be done, when, what are the aims of the consultation, what will be done with the results?*

*Are a diverse range of staff, service users and stakeholders consulted?*

*How will the impact assessment process be publicised to give as many people as possible an opportunity to take part?*

### C. CONDUCTING THE IMPACT ASSESSMENT

#### **6. Q & A: Effect of function, policy or practice**

*(use the questions as prompts, not as a list which must be answered in every case)*

*What questions were identified in the initial screening above?*

*What other aspects of the way this policy is, or might be, implemented, should be explored?*

*Are there any points within the policy as it stands where the potential exists for negative impact on staff or service users or stakeholders across all groups?*

*Is there any existing evidence to show that adverse impact on any disadvantaged group has occurred previously in this area, if so what?*

*If not what evidence will you need to collect to assess the impact? (This might be monitoring, evidence from staff networks, evidence from service users, surveys, interviews, focus groups, wider consultation, research at national or area level on impact of similar policies or functions, etc.)*

*How can you be sure you have fully understood potential for adverse impact? Have relevant community members been engaged at all stages in identifying questions to ask, areas of concern?*

*What level of community consultation and engagement has taken place during the impact assessment? What were the results?*

*Overall, how does the policy promote equality, eliminate discrimination and promote good relations?*

## **7. Assessment of evidence and action on results**

*What conclusions can be drawn from the consultation and the evidence collection?*

*Support the conclusions by reference to the outcomes of consultation and evidence collection.*

*Is there is a need to change, amend or withdraw the policy or practice?*

*In what ways will the policy promote good relations, promote equality and eliminate discrimination? Does it need amending to reflect this?*

*If so, what action is needed, by when and who is responsible?*

NPS Race Equality Impact Assessment template

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## D. FOLLOW UP TO IMPACT ASSESSMENT

### 8. Monitoring and management

*How will the policy be monitored to measure the impact of it on the target groups?*

*Are monitoring arrangements adequate to measure the impact of the policy in relation to on all groups?*

*Race*

*Gender*

*Disability*

*Sexual orientation/transgender*

*Faith*

*Age*

*What management structures are in place to ensure effective implementation of the equality aspects of this function, policy or practice?*

### 9. Publishing the results

*How will you publish the results of the IA and any subsequent monitoring to measure progress?*

*In what formats, aimed at which audiences? If the information accessible to those who need it?*

*How will feedback be given to those involved in consultation?*

**10. Approval and review**

*Who will give final approval of the impact assessment of the policy or function?*

*How often will it be reviewed in future – by when and by whom?*

Final approval by \_\_\_John Scott\_\_\_\_\_ (name)

Date of completed IA and approval \_15/03/07\_\_\_\_\_

## **RACE EQUALITY IMPACT ASSESSMENT**

### **Ten key points to ensure a good impact assessment**

The ten steps below are practical suggestions about how to approach the impact assessment process in general to ensure that it is thorough and fully evidenced.

These notes supplement the more detailed guidance in the Home Office Impact Assessment template, to which probation areas should refer for more information if required, as well as the CRE guidance on impact assessment.

#### **1. Establish the local baseline in your area – this will help with all impact assessments**

Who are your service users? Who are your staff? Who are your partner organisations and those to whom you contract services? What do you know about these groups in relation to racial and cultural background, age, faith, gender, etc? Do you have enough knowledge and information about these diverse groups to be able to assess the impact of your policies and practices on each of them? What sort of information might you need to show that you can give detailed consideration to the possible impact?

If you don't have it, how can you get it? What do you know about your local community and sources of advice and expertise that you could tap into? How can you find out? What could be available in your area or at national level, to strengthen local community sources and their capacity to help with the impact assessment process?

Are there any race equality issues in your area which should be taken into account? For example have there been any employment tribunal cases alleging racial discrimination, or complaints from service users or community groups? What well known community concerns are there beyond the probation service – for example any known concerns about policing, or poor community relations – these external factors can affect how the Probation Service delivers its services.

#### **2. Clarify who is responsible for conducting impact assessments**

Will all impact assessments be done by one person, for example, the diversity manager? Or will relevant policy and operational managers carry them out

with advice from the diversity manager? How will the assessment be communicated and actioned by senior management? How will the outcome form part of regular performance and management review processes? Are responsibility and deadlines clearly assigned and are there enough resources available for those responsible to do them properly?

Will impact assessment training be provided for all those responsible for impact assessments?

3. Set up a process for internal consultation – and use it before you start

Given the composition of your staff, who needs to be consulted internally about the impact of policy and practice? Is there already a system in place for consultation? If so how effective is it? And if not can something be put in place *before* the impact assessment process begins? Can staff associations and support groups help?

Use the internal consultation process to help identify potential problems, adverse impact or areas which the impact assessment might need to probe. This framework can be used for all policies and functions.

4. Set up a process for external consultation – and use it before you start

What is the best way for you to involve local communities, faith groups etc? What sort of support from you might they need in order to take this on effectively (resources, access, methods of communicating, frequency of consultation and so on)? Are any existing consultation methods working well and do they include the right people? If not, set up a strong and effective system of regular consultation with local communities.

Some organisations have set up an independent advisory group specifically to assist with impact assessment, by reviewing priorities for assessment, conduct of the assessment, conclusions, and bringing a challenging and fresh perspective which can be very helpful.

Once a good process is in place, consult before you begin the impact assessment to help to identify potential problems, adverse impact or areas which you need to explore.

5. **Decide what questions need to be asked about the policy, function or practice.**

Remember that policies can be unwritten – custom and practice – as well as formal written policies.

What and who does the policy or function affect? How much do you already know about the way it works: has there been any ethnic monitoring in the past, any staff or service users surveys, audit reports or other information? Are there any identified concerns?

Use this and the consultation process above to think through any potential adverse impact of each area: what are the danger points where unfair treatment might occur? How much discretion is involved, and how is this discretion supervised and by whom? How is use of discretion recorded? What management oversight and supervision is in place for the policy or function?

What are the gaps in your knowledge of the impact of this policy or practice and how can you fill them?

6. **Collect the evidence**

Evidence can be from a variety of sources: ethnic monitoring where it is in place, of staff and service users, is one source. You can also carry out surveys or interviews and focus groups specifically to gather evidence for the impact assessment, and collect further evidence from the consultation methods set up earlier in the process. There might have been inspectorate reports, or pieces of local research on a topic. Staff associations and networks may have evidence as may partners and service users.

In the impact assessment you need to describe what the various sources of evidence were; how it was obtained, from whom and what were the key issues (concerns or successes) which the evidence suggests. It is not enough to state that no adverse impact has been identified: the assessment must make clear the basis for that statement: the how, who, what and when of arriving at that assessment.

7. **Act on the results**

According to what the impact assessment concludes, ensure action is taken to amend the policy or function or even produce a new policy or procedure, and that responsibility and a timetable for action is clearly assigned and implementation is monitored.

**8. Set up and use an effective ethnic monitoring system.**

If the policy or function concerned has not been subject to ethnic monitoring in the past, and has a potential for adverse impact, you need to ensure ethnic monitoring systems are in place. All new policies and functions will also require an ethnic monitoring process to demonstrate year on year that there is no discrimination and that the policy promotes good race relations.

Make sure your local ethnic monitoring system can provide the answers to your own local questions (not just provide data for NPD statistics!) and reflects what you know about your service users and your staff. Make sure that everyone involved knows why they are monitoring and how to do it.

As well as outcomes in terms of statistics ensure you cover the use of discretion at key decision making points: how is it used, who by, who oversees the outcomes. Can you be sure discretion is always been exercised fairly and can you prove that? Provide training for the staff that will collect and analyse the ethnic monitoring information.

**9. Publish the results**

All race equality impact assessments should be made available to service users and staff, perhaps using the Area web site. Feedback and results should also be given to everyone, internally and externally, who was consulted. Publication promotes openness and accountability and encourages further dialogue and debate. Make sure the published results are in a range of accessible formats to meet the diverse range of access requirements.

**10. Keep asking the questions!**

If the ethnic monitoring and consultation is effective, the review process should become part of the routine performance and management processes

so that the impact of policy and practice can be continuously reviewed.

Think about additional ways to check for impact and gather evidence as time goes by: annual service users and staff surveys, for example. Use local independent external contacts (for example local universities) to conduct small scale research projects to validate the ethnic monitoring results.

Impact assessment is an evolving and continuous process. Policy and practice changes and so do people and knowledge and understanding of race and diversity. Setting up a strong system as suggested above will mean the impact assessment process becomes mainstreamed, and can be used as a basis for impact assessment of other diversity strands such as gender, disability, sexual orientation, faith and belief, and age.