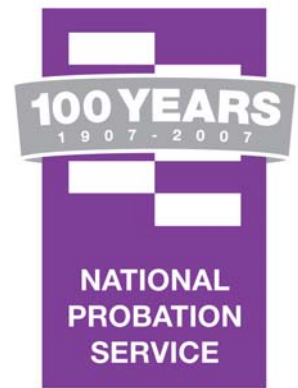


# Probation Circular



## PC37/2007 – REVISED PROCEDURES FOR MONITORING DEATHS UNDER SUPERVISION

**IMPLEMENTATION DATE:** 14 December 2007

**EXPIRY DATE:** 14 December 2012

**TO:** Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

**CC:** Board Treasurers, IDMS

**AUTHORISED BY:** John Scott, Head of Probation OM Provider Team

**ATTACHED:** Annex A: Annual Report of Deaths of Offenders Under Supervision

Annex B: Equality Impact Assessment

### RELEVANT PREVIOUS PROBATION CIRCULARS

PC41/2006, PC60/2005, PC02/2004, PC18/2004, PC54/2003

### CONTACT FOR ENQUIRIES

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## PURPOSE

This PC revises the procedures to be followed where it is discovered that an offender under the supervision of the National Probation Service has died.

## ACTION

Chief Officers are asked to:

- Bring the contents of this Circular to the attention of all relevant staff; and
- Ensure the attached monitoring form is completed and returned to NOMS by 20 April each year.

## SUMMARY

Returns from 2006-07 have been analysed by NOMS. NOMS has revised and simplified the returns needed for 2007-08. This circular advises probation areas of the new arrangements.

Areas should refer to PC60/2005 for original guidance and for Annexes B and C.

## Background

1. Probation Circular 60/2005 asked areas to submit returns in order to contribute to future strategies for improving accountability in the area of deaths under supervision. Eighteen months' worth of information has now been received which provides a quantitative overview of the national picture and has highlighted some good practice points. However, it has become apparent that the information provided on the national return alone (Annex A of PC60/05) is insufficient to be of real benefit in highlighting potential areas for policy and practice improvement. The tool did not, for instance, highlight the circumstances of particular points of vulnerability such as release from prison of drug users - known to be problematic in terms of overdose. (Refer to PC 23/2007 Reducing the risk of drug-related deaths.) Additionally, probation areas specifically asked that a new category of alcohol related deaths be included.
2. Whilst it is important to collect information and retain an overall view of the 10 categories of deaths under supervision, information from the first eighteen months indicated that it would be more useful to focus analysis and learning on the key few. Categories should include:
  - suicide
  - drug overdose
  - unlawful killing
  - alcohol related deaths (a new category).
3. It was not felt necessary to continue to ask areas to identify different types of licence or order. Instructions for completing the return are contained in Annex D of the original PC60/2005. It is acknowledged that in the cases of drug and alcohol related deaths a certain amount of clinical judgement may be needed to attribute substance misuse as cause of death.

## Conclusion

4. In order to be able to analyse returns more accurately, NOMS has redesigned Annex A of PC 60/2005. The revised Annex A is attached. We are also asking areas to submit Annexes B and C, which are already completed by areas, for the four key categories outlined above (suicide, drug overdose, unlawful killing and alcohol related deaths). The returns should be completed by April 20<sup>th</sup> each calendar year.

**Annex A**

## **OFFENDER ASSESSMENT AND MANAGEMENT UNIT**

### **MONITORING OF DEATHS UNDER SUPERVISION: Report from the implementation of PC60/2005**

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#### **Introduction**

1. PC60/2005 was issued on 11 August 2005. Its stated purpose was:

“to establish new procedures to be followed where it is discovered that an offender under the supervision of the NPS has died. The purpose of the new procedures will be to enhance the care and welfare of both offenders and NPS staff and to collect data that can inform future strategies to improve accountability”

It further asked that Probation Areas ensure systems were established for

- reviewing relevant circumstances surrounding the death of an offender under supervision by the NPS;
  - helping relevant staff, of whatever grade, deal with the potential impact of an offender’s death;
  - making an annual report on deaths of offenders under supervision, together with any relevant learning, to NOMS.
2. Whilst there have been procedures for monitoring deaths in custody or Approved Premises (dealt with by the Prisons and Probation Ombudsman), this was the first provision for monitoring deaths in the community on licence or community supervision.

#### **Summary of Findings**

3. For the year 1 April 2006 to 31 March 2007:
  - 39 of the 42 probation areas returned figures on deaths under supervision (Gloucestershire, Suffolk and West Mercia did not submit returns);

- there were 679 reported deaths of offenders under probation management in the community for the period 1 April 2006 to 31 March 2007;
- Of these, 569 deaths (83.8%) were male and 110 (16.2%) were female;
- 15 deaths (2.2%) were in Approved Premises;
- The majority of deaths were of offenders serving community orders.

4. The following tables show the breakdown of deaths by ethnicity, age and cause.

Ethnicity (where recorded)	%
White	93.4
Asian	2.3
Black	2.3
Mixed Race	0.9
Chinese	0.0

Age	%
18-24	14.3
25-35	32.0
36-49	32.8
50-65	17.0
65+	3.8

Cause of Death	%
Natural Causes	34.5
Awaiting outcome	19.7
Drug Overdose	17.1
Suicide	14.4
Misadventure/Accident	8.0
Unlawful Killing	4.7
Open	1.0
Other	0.6
Industrial Diseases	0.0

Ethnicity was not recorded in 38% of cases.

### Comments made by areas

5. Comments received from areas:

- Implementing PC60/2005 had led to an increase in the reporting of Deaths under supervision;
- Better relationship with Coroner's Court/health/police;

- Raised awareness of offender vulnerability, particularly at key points such as release from prison of drug users, leading to improved focus on support mechanisms;
- Clinical Supervision by psychologist, routinely available to workers with high risk of serious harm, expanded to include officers managing these cases; and
- Engaged with Suicide Prevention County group and agreed procedures for drug and alcohol investigations co-ordinated through police and County Council.

### **Where deaths occurred in Approved Premises**

6. These cases will have been investigated by the Prisons and Probation Ombudsman and any recommendations had been implemented e.g. ACCT training (Assessment, Care in Custody and Teamwork) due to be implemented for all Approved Premises staff, First Aid boxes provided on all corridors, handover forms re-designed, next of kin details routinely updated.

### **Recommendations**

7. Eighteen months' worth of information has now been received which provides a quantitative overview of the national picture and has highlighted some good practice points. However, it has become apparent that the information provided on the national return alone (Annex A of PC60/05) is insufficient to be of real benefit in highlighting potential areas for policy and practice improvement. The tool did not, for instance, highlight the circumstances of particular points of vulnerability such as release from prison of drug users - known to be problematic in terms of overdose. (Refer to PC 23/2007 Reducing the risk of drug-related deaths.) Additionally, probation areas specifically asked that a new category of alcohol related deaths be included.
8. Whilst it is important to retain an overall view of deaths under supervision it would be more useful to focus analysis and learning on the key few. Categories should include:
  - Suicide
  - drug overdose
  - unlawful killing
  - alcohol related deaths

## **Conclusion**

9. In order to be able to analyse returns more accurately, we are proposing to redesign Annex A of PC 60/2005, which is used to report deaths under supervision. The revised Annex is attached. This form will be simpler and quicker for areas to complete as it no longer included categories of supervision – simply whether the offender was on licence or on a community order. We will also be asking areas to submit Annexes B and C, already completed by areas in the four key categories outlined above (suicide, drug overdose, unlawful killing and alcohol related deaths) to NOMS.

**Megan Jones**  
**Offender Management Team**  
**Offender Assessment and Management Unit**  
**National Offender Management Service**

**Appendix: revised return for deaths under supervision**

**(PC60/2005 Annex A (revised))**

Category		Male	Female
Cause of Death	Natural causes		
	Suicide		
	Drug Overdose		
	Alcohol issues		
	Unlawful killing		
	Misadventure/accident		
	Other Inc narrative verdict		
	Open		
	Industrial diseases		
	Awaiting verdict		
Sentence	Community order		
	Licence		
Age	18-24		
	25-35		
	36-49		
	50-65		
	65+		
Ethnicity	Total White		
	-British		
	-Irish		
	-Other		
	Total Mixed		
	-W&B Caribbean		
	-W&B African		
	-W&B Asian		
	Total Asian		
	-Indian		
	-Pakistani		
	-Bangladeshi		
	-Other		
	Total Black		
	-Caribbean		
	-African		
	-Other		
	Total Chinese		
	-Chinese		
	-Other		
Number in Approved Premises			

Have you made any changes to policy/procedures as a result of death or deaths under supervision (training/development/staff care)?

Can you highlight any good practice that has arisen from monitoring?

**For any deaths in the categories of suicide, drug overdose, unlawful killing or alcohol related, please send Annexes B and C of PC 60/2005 with this return.**



## **Equality Impact Assessment**

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

<b>EQUALITY IMPACT ASSESSMENT</b>
Group
<b>NOMS</b> Directorate
<b>OAMU</b> Unit

**PRELIMINARY SCREENING**

<b>Date of Screening</b>	<b>05/10/2007</b>
<b>Name of Policy Writer</b>	<b>Megan Jones</b>
<b>Director General</b>	

<b>Name of Policy</b>	<input type="checkbox"/>	This is a <b>new</b> policy
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input checked="" type="checkbox"/>	This is an <b>existing</b> policy

<b>Policy Aims, Objectives &amp; Projected Outcomes</b>
<b>Collation of returns from all Probation areas for deaths under supervision-monitoring of type of death, age, gender and ethnicity.</b>

Will the policy have an impact on national or local people/staff?	<b>NO</b>
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	<b>NO</b>
Are there any aspects of the policy that could contribute to equality or inequality?	<b>NO</b>
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	<b>NO</b>
If this is an amendment of an existing policy, was the original policy impact assessed?	<b>NO</b>

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO** to any particular questions, please provide explanatory evidence.

**This policy asks areas to contribute the number of cases under their supervision who have died during that financial year. Although they are asked to record gender, ethnicity, age and cause of death the figures are not capable of further interrogation i.e. it is not possible to identify what cause of death a particular age group is more prone to.**

If you have answered **NO** to all of these questions then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

**“This policy was screened for impact on equalities on 05/10/07. The following evidence of the numerical returns from areas has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “**

## FULL IMPACT ASSESSMENT

### STATISTICS & RESEARCH

**What relevant quantitative & qualitative data do you have in relation to this policy?**

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

<b>Equality Target Areas</b>	<b>How does the data identify potential or known positive impacts?</b>  <b>How does the data identify any potential or known adverse impacts?</b>
<b>Race</b> (consider e.g. nationalities, Gypsies, Travellers, languages)	
<b>Disability</b> (consider social access and physical access)	
<b>Gender</b>	
<b>Gender Identity</b>	
<b>Religion and Belief</b>	
<b>Sexual Orientation</b>	
<b>Age</b>	

<p><b>What research have you considered commissioning to fill any data gaps?</b></p> <p>For example, you may need to ensure quantitative &amp; qualitative data groups include stakeholders with respect to this policy. N.B Include any recommendations in your action plan</p>

<p><b>Who are the stakeholders, community groups, staff or customers for this policy area?</b></p>

<p><b>What are the overall trends and patterns in this qualitative &amp; quantitative data?</b></p> <p>Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.</p>

<p><b>Please list the specific equality issues that may need to be addressed through consultation (and further research)?</b></p>
<ul style="list-style-type: none"><li>•</li></ul>          

## **GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT**

**INTERNAL STAKEHOLDER ENGAGEMENT:** Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

<b>Does this policy affect the experiences of staff? How? What are their concerns?</b>	
<b>Staff</b>	
<b>Staff Networks &amp; Associations</b>	
<b>Trade Unions</b>	

**How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?**

For example your policy may affect access to housing, education, health, employment services.

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**What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?**

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**Feedback the results of this internal consultation and use it as a basis for work on external consultation**

**EXTERNAL CONSULTATION & INVOLVEMENT**

<b>How did your engagement exercise highlight positive and negative impacts on different communities?</b>	
<b>Voluntary Organisations</b>	
<b>Race</b>	
<b>Faith</b>	
<b>Disability Rights</b>	
<b>Gender</b>	
<b>Gender Identity</b>	
<b>Sexual Orientation</b>	
<b>Age</b>	

**Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders**

## ASSESSMENT & ANALYSIS

**Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.**

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**What were the main findings of the engagement exercise and what weight should they carry?**

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**Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?**

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**How does the policy promote equality of opportunity?**

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**How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?**

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**How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?**

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**Are there any concerns from data gathering, consultation and analysis that have not been taken on board?**

Please justify and explain the reason for your decision.

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## ENSURING ACCESS TO INFORMATION

**How can you ensure that information used for this EIA is readily available in the future?**

(N.B. You will need to include this in your action plan)

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**How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?**

(N.B. You will need to include this in your action plan)

- 

**How will you monitor this policy to ensure that the policy delivers the equality commitments required?**

(N.B. You will need to include this in your action plan)

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**Now submit your EIA and related evidence to the Equality & Diversity Unit for quality assurance and clearance.**

## ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection					
Publication Arrangements					
Monitoring & Review Arrangements					
List other recommendations that are required					

**Please ensure that the action plan is agreed by your Director/ Minister**

## **THE EQUALITY IMPACT ASSESSMENT REPORT**

The EIA report is a concise summary of the results of your EIA work. You should ensure that you cover the topics described below.

### **Background:**

- Context of policy/programme
- Link to strategic aims and objectives
- Scope of the EIA work (e.g. if linked to previous EIA or work delivered by another Government Department)

### **Methodology:**

- Approach to data collection and analysis
- Results of consideration of existing evidence

### **Consultation & Involvement:**

- Stakeholder/community involvement in developing proposals
- List of organisations engaged (optional)

### **Assessment & analysis**

- Key Findings from the data collection and community engagement
  - Positive impacts: existing or potential
  - Adverse impacts: existing or potential

### **Recommendations**

- Describe how you will respond to the key findings by:
  - strengthening the potential for positive impact,
  - removing areas that may exacerbate or engender adverse impact
  - including measures to mitigate any adverse impact that may occur
  - including measures that ensure ongoing compliance with statutory obligations
  - monitoring arrangements
  - ensuring continued public access to information about the policy/programme.
  - action plan (optional)

### **Date of EIA Report**

### **Date of Publication of Results**

**Ensure that the EIA Report is published on the NOMS/ MoJ website before your policy/programme is implemented.**