

# **An Inspection of the Probation Board for Northern Ireland Community Service Scheme**

March 2010

**Criminal Justice Inspection  
Northern Ireland**  
*a better justice system for all*



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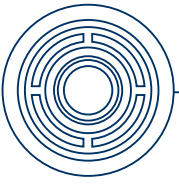
# **An Inspection of the Probation Board for Northern Ireland Community Service Scheme**

March 2010

Presented to the Houses of Parliament by the Secretary  
of State for Northern Ireland under Section 49 (2) of the  
Justice (Northern Ireland) Act 2002.

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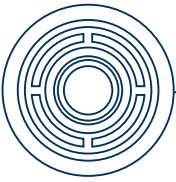






# Contents

List of abbreviations		iv
Chief Inspector's Foreword		v
Executive Summary		vi
Recommendations		viii
<b>Section 1:</b>	<b>Inspection Report</b>	
Chapter 1	Introduction	3
Chapter 2	Oversight and delivery of Community Service Orders	9
Chapter 3	The operational dimension – Standards and Practice	17
Chapter 4	Assessment of outcomes	27
Chapter 5	The way forward	31
<b>Section 2:</b>	<b>Appendices</b>	
Appendix 1	Terms of reference	36
Appendix 2	Bibliography	38



## List of abbreviations

<b>ACE</b>	Assessment, Case Management and Evaluation
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CJS</b>	Criminal Justice System
<b>CO</b>	Combination Order
<b>CP</b>	Community Punishment
<b>CS</b>	Community Service
<b>CSO</b>	Community Service Order
<b>DHSSPS</b>	Department of Health, Social Services and Public Safety
<b>DRM</b>	Designated Risk Manager
<b>ECP</b>	Enhanced Community Punishment
<b>ERCSM</b>	European Rules on Community Sanctions and Measures
<b>IT</b>	Information Technology
<b>KPM</b>	Key Performance Measure
<b>MAPPP</b>	Multi Agency Public Protection Panel
<b>NIO</b>	Northern Ireland Office
<b>NIPS</b>	Northern Ireland Prison Service
<b>NOMS</b>	National Offender Management Service
<b>NPS</b>	National Probation Service
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PIMS</b>	Probation Information Management System
<b>PO</b>	Probation Officer
<b>PSO</b>	Probation Services Officer
<b>PSR</b>	Pre Sentence Report
<b>RM 2000</b>	Risk Matrix 2000 - as assessment method to determine offenders' risk level
<b>RMS</b>	Records Management System
<b>RoI</b>	Republic of Ireland
<b>SMT</b>	Senior Management Team
<b>SS</b>	Sessional Supervisor
<b>SSI</b>	Social Services Inspectorate
<b>SSR</b>	Specific Sentence Report
<b>UPW</b>	Unpaid Work
<b>VCS</b>	Voluntary and Community Sector
<b>YJA</b>	Youth Justice Agency



## Chief Inspector's Foreword

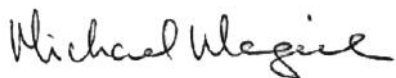
The purpose of a Community Service Order (CSO) is to prevent re-offending by re-integrating the offender into the community through successful completion of positive and demanding unpaid work, keeping to disciplined requirements and reparation to the community by undertaking socially useful work. Community Service Orders provide over 100,000 hours of unpaid work for the community.

There is no doubt that the work undertaken under community service is positive, socially useful and of benefit to the community. It includes grounds maintenance, environmental cleansing, painting and decorating, administration and charity retail work. Participating organisations ranged from local charities and church groups to community development organisations and resource centres. It was a clear objective of the scheme that any work carried out could only be for those groups who did not have the resources to do it themselves, or to pay others to undertake the work.

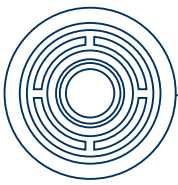
Our conclusion is that the Community Service scheme is well managed against Northern Ireland Standards. There were no evident concerns about public safety or undue risks associated with the scheme.

The Probation Board for Northern Ireland (PBNI) does need to consider the hours worked by participants. There is a need to vary expectations in relation to the number of hours worked, rather than having a 'one-size fits all' approach to the completion of the Orders. PBNI also needs to reduce the delay in the period from the Order being made and an offender starting work. Our recommendations also involve internal processes - staffing arrangements, case recording and internal audit.

The inspection was led by Tom McGonigle. I would like to thank all those who participated in the inspection.



**Dr Michael Maguire**  
Chief Inspector of Criminal Justice in Northern Ireland,  
March 2010



## Executive Summary


Community Service (CS) was first introduced as a statutory court sanction in Northern Ireland in 1982. The purpose of a Community Service Order is to prevent re-offending by re-integrating the offender into the community through the successful completion of positive and demanding unpaid work, keeping to disciplined requirements and reparation to the community by undertaking socially useful work. Combination Orders (COs) were introduced in 2006 to combine community service with probation supervision as appropriate for more serious offenders.

At the time of the inspection there were 786 people on CSOs and 127 on COs in Northern Ireland, representing 24% of the statutory orders supervised by the Probation Board for Northern Ireland at any one time. This inspection confirmed Probation's self-assessment that their strengths lay in delivery mechanisms and supporting structures - matters which were within their control. When schemes were properly resourced and well managed, they could deliver a decent standard of work. Practice appeared consistent between rural and urban areas, and due attention was being paid to diversity.

There was no doubt that the work undertaken under CS was positive, socially useful and of benefit to the community. It included grounds maintenance, environmental cleansing, painting and decorating, administration and charity retail work. Participating organisations ranged from local charities and church groups to community development organisations and resource centres. It was a clear objective of the scheme that any work carried out could only be for those groups who did not have the resources to do it themselves, or to pay others to undertake the work.

The Probation Service does need to consider the hours worked by participants. At present 86% of offenders were offered more than five or more hours per week but only 28% of offenders actually worked for this duration. In addition, only 36% started work within 10 days of their court hearing. Further work was also required in relation to compliance with Orders as the percentage of offenders who complied fully with the requirement of their CSO was 20%. Overall completion rates for the Community Service Scheme were however high at 75% with an additional 21% of offenders subject to enforcement action.

It is the view of the Probation Service that community service work is more demanding if offenders undertake it over a longer period of time in order to learn discipline, get into a routine and integrate better with the community, rather than competing more hours over a shorter period of time when the learning, experience and effect can be quickly forgotten. This seems a reasonable position to take. There is a need, however, to vary expectations in relation to the number of hours worked rather than having a 'one-size fits all' approach, and in this context, to set more realistic targets for hours worked for individual participants (current targets for average hours worked were not being met).



PBNI offered two explanations for these difficulties. The first issue related to staffing levels and the difficulties caused by sickness/absence. The rate of sick absence among Community Service Supervisors appeared high with an average of 14 days sick leave per officer; the average for Probation Officers and Community Service Officers was 11 and 12 days respectively. The PBNI assured Inspectors that it had plans to address staff absences, particularly sickness leave at Community Service Officer and Sessional Supervisor level.

The second issue relates to the complexity of offenders needs. There were many difficulties in the delivery of community-based work arising from the chaotic and unhealthy lifestyles of many offenders. The Probation Board cannot be held accountable for the failures for offenders to attend as ultimate responsibility for attendance lies with the offender.

However, Probation Officers will always have to manage offenders whose attitudes and circumstances do not lend easily to undertaking unpaid work. They need to maximise the number of attendees and minimise the delay in undertaking the work. Confidence in CSOs requires that the work undertaken places meaningful demands on offenders, and challenges offending behaviours. There is a clear need to increase the amount of work undertaken by offenders and to have them fully comply with the requirements of their order. Sentencers had a clear understanding of the community service concept and liked its clear and tangible nature.

PBNI were their own sternest critics in relation to the CS scheme. They measured performance comprehensively and in operational terms could demonstrate improvement in 20 out of 24 standards since 2007. There was scope for improving internal audit processes and case recording, and training should be provided for case managers to accurately reflect how they and offenders comply with the Northern Ireland Standards. A new performance measurement system was being designed which should take care of existing glitches and ensure challenging targets can be properly set and measured, delivering better management information in the future.

Probation managers had formulated an appropriate modernisation plan to increase the effectiveness of the CS scheme, taking account of anticipated workload increases and developments in other jurisdictions. They aimed to create more community placements, increase the visibility of CS, undertake more work on behalf of victims groups and increase opportunities for social inclusion of offenders by improving their literacy and numeracy.

Inspectors conclude that while the CS scheme is well managed against Northern Ireland Standards, there is a clear need to improve the effectiveness of the scheme in terms of its direct impact on offenders. This report contains 15 recommendations all of which the PBNI was already aware and working to address. There were no evident concerns about public safety or undue risks associated with the CS scheme, and our recommendations also involve internal processes - staffing arrangements, case recording and internal audit.






## Recommendations

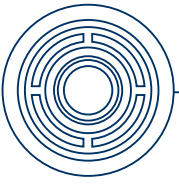
### *Main recommendation*

- **PBNI should develop an Action Plan to improve:**
  1. the number of offenders commencing work within 10 days of their CSO being made;
  2. the average number of hours worked per week by offenders; and
  3. the numbers of offenders complying fully with their CSOs (*paragraph 3.9*).

### *Other recommendations*

- **PBNI's analysis of CS data should capture Orders made by court type and previous offending history. It should also measure the numbers of Orders made on offenders who have previously received CSOs (*paragraph 1.17*).**
- **PBNI should evaluate the merits of the CS management arrangements for Greater Belfast, and thereafter determine in conjunction with relevant personnel, whether to appoint a specialist CS manager for rural areas (*paragraph 2.7*).**
- **PBNI should evaluate the success of its CS workforce profiling and planning by December 2010; and thereafter continuously review its staffing arrangements for the CS scheme, taking staff views into account. There is a clear need to understand the reasons for sickness absence and to take remedial action (*paragraph 2.18*).**
- **PBNI should develop a marketing strategy which increases the visibility of its CS scheme, and engages with a wider range of stakeholders including community planning in local councils and community safety fora (*paragraph 2.22*).**
- **PBNI should seek OHAS 18001 accreditation for its CS scheme (*paragraph 2.26*).**
- **PBNI should encourage females and foreign nationals to apply for CS posts in order to provide a more representative and balanced staff group in future (*paragraph 2.27*).**
- **PBNI should deliver training to help CS staff maintain case records that demonstrate adherence to the Northern Ireland Standards (*paragraph 3.6*).**

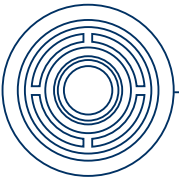
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- **PBNI should ensure the next generation of PIMS delivers sufficient accurate management information to establish challenging, realistic and meaningful targets. It should also more accurately reflect the detailed performance of both offenders and CS personnel. As part of this exercise PBNI should consider the adequacy of the CS Standards' wording; and identify qualitative data to explain underlying trends which the data does not capture (*paragraph 3.20*).**
  - **PBNI should incorporate measurement of CS breach outcomes in its new PIMS design (*paragraph 3.27*).**
  - **PBNI's CS monitoring data should provide an accurate distinction between numbers of offenders on community placements and in squads (*paragraph 3.30*).**
  - **PBNI should develop an Action Plan to ensure *all* appropriate offenders are risk assessed in conformity with the CS Standards (*paragraph 3.33*).**
  - **PBNI should initiate discussion with relevant parties about the place of CS on the sentencing tariff, and then develop management and delivery structures to suit (*paragraph 4.3*).**
  - **PBNI should initiate regular CS offender exit interviews and beneficiary surveys (*paragraph 4.18*).**
  - **PBNI should develop and apply local versions of Probation Circulars 16/2007 and 39/2007- perhaps by incorporation within the new PIMS - to enhance their CS management information (*paragraph 5.7*).**



Section



# Inspection Report



## CHAPTER 1:

# Introduction



1.1 Community Service (CS) was first introduced as a statutory court sanction by the Treatment of Offenders (Northern Ireland) Order 1976 which was implemented in 1979. The 1976 legislation was subsequently replaced by the 1996 Treatment of Offenders Order which mandated the Probation Board for Northern Ireland (PBNI) to ensure that arrangements were made for offenders over the age of 16 to perform unpaid work of not less than 40 hours and not more than 240 hours within a period of 12 months.

1.2 Combination Orders (COs) were introduced in the Criminal Justice (Northern Ireland) Order 1996, implemented in 1998. COs combine community service work with probation supervision, and are viewed as appropriate for the more serious or persistent offenders.

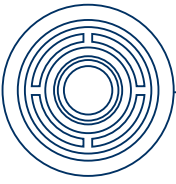
1.3 In addition to the legislative requirements noted at paragraph 1.1 Northern Ireland Standards and Service Requirements stated that the purpose of a CSO is to prevent further offending by re-integrating the offender into the community through:

- successful completion of positive

- and demanding unpaid work;
- keeping to disciplined requirements; and
- reparation to the community by undertaking socially useful work.

These purposes required PBNI to strike a balance between punishment and rehabilitation of the offender, combined with reparation to the community. They were in keeping with the philosophy espoused in the European Rules on Community Sanctions and Measures (ERCSM).

1.4 The ERCSM state that *“...implementation is to be ...undertaken with constant concern for individualisation, that is, the achievement of a correspondence between the offence and the penal response, as well as the personality and the capabilities of the offender...It cannot be too strongly emphasised that community sanctions and measures applied within the framework of the present rules are of value for the offender as well as the community, since the offender is in a position to continue to exercise choice and assume his social responsibilities. And the implementation of penal sanctions within the community itself rather than through a process of isolation from it may well offer in the long term, better protection for society including, of course, the safeguarding of*



*the interests of the victim or victims... Consequently, the imposition and the implementation of community sanctions and measures must be guided by these considerations as well as the essential aim of treating the offender with respect as a responsible human being.”*

- 1.5 CS is widely used in other jurisdictions, frequently in tandem with additional court disposals for example, in Finland and Switzerland it is combined with probation, while in New Zealand CSOs are imposed along with periodic custodial detention. CS is now one of a range of options of a community sentence in England and Wales, where it is referred to as ‘unpaid work.’

### **Overview of Community Service Orders in Northern Ireland**

- 1.6 PBNI’s CS scheme has undergone a number of structural changes since its inception. Initially a centralised structure organised and supervised CSOs throughout Northern Ireland. Centralisation was intended to support uniformity in the development of practice, but in reality, practice tended to vary the further from the centre (Belfast) it was delivered. This structure also created an artificial separation from local probation teams.
- 1.7 The scheme has been subject to a series of on-going reviews since its inception. An internal review in the late 1980s concluded that CS should be more closely aligned and integrated with other probation activity. Consequently CS operations

were decentralised, though administration remained in Belfast headquarters.

- 1.8 Throughout the Troubles the CS scheme was continually supported by voluntary and community sectors in both urban and rural settings. It was popular with courts and was successfully delivered across the sectarian divide at a time when other elements of the criminal justice system were contested by large sections of the population.
- 1.9 The first standards for CS were formulated by PBNI and implemented in 1989, following an internal audit. Interim standards were agreed with the Northern Ireland Office (NIO) and introduced into practice in November 2000. These standards and service requirements (known as the Northern Ireland Standards) were then revised and updated, and introduced into practice in September 2006.
- 1.10 The first independent inspection of CS was undertaken in 1997, when Social Service Inspectorate (SSI) Inspectors challenged the lack of consistent practice and highlighted the need for more standardised service delivery. This led to the drafting and implementation of practice standards and introduction of a monitoring system to improve quality assurance.
- 1.11 Another consequence of the 1997 SSI inspection was a reduction in the number of individual placements provided by voluntary and community sector (VCS)

organisations, and an increase in the number of worksites supervised by PBNI employees who managed groups of offenders. While the reduction in VCS placements was unfortunate, the improved control of CS workers provided greater rigour and accountability in management of the scheme.

- 1.12 A further inspection by the Inspectorate in 2002 focused on enforcement and indicated that significant improvements in attendance and monitoring had been achieved.

### **The attributes of Community Service Orders**

- 1.13 CS offered several acknowledged benefits that made it popular with sentencers, the community and offenders including:
- it was a tangible sanction whose retributive and restorative elements were readily visible and understood;
  - reconviction rates were comparatively low in relation to other disposals – perhaps a reflection of low risk offenders receiving CS in the first place, but nonetheless a positive feature. They were also the lowest in the UK for CSOs;
  - it avoided additional pressure on the prison system, even though this was not a primary purpose;
  - it enabled offenders to stay with their families and in their jobs, and to also gain education and skills;
  - it gave the Probation Board excellent access to the communities it served, including

the opportunity to appoint staff from those communities;

- beneficiaries of unpaid work were satisfied with work undertaken; and
- it was inexpensive.

- 1.14 CS offenders have delivered an annual average 100,000 hours of unpaid work to the community in Northern Ireland. It has been a fundamental principle from the outset that the CS scheme should not deprive anyone of an employment opportunity, so much CS work was undertaken on behalf of charities, who could otherwise not afford to have the work done.

### **Community Service as a component of PBNI's work**

- 1.15 CSOs and COs represented 24% of the PBNI's statutory Orders at December 2008, and the CS scheme was therefore a significant element of Probation's role. A total of 1,011 new CSOs and COs were made between January - December 2008. Of these Orders, 58% were supervised by Belfast-based probation teams and 42% by rural teams.
- 1.16 Of the 913 people being supervised by PBNI on CS and COs on 31 December 2008:
- 786 were on CSOs (an increase of 17% since January 2007), of whom 91% were males;
  - 127 were on COs (an increase of 1% since January 2007), of whom 96% were males; and
  - there were 10 juvenile CSOs and less than 10 juvenile COs.





**Table 1: CS hours sentenced in Northern Ireland 2000 – 2008 (source PBNI)**

Year	Number of hours sentenced
2000-01	105,500
2001-02	100,500
2002-03	100,000
2003-04	141,000
2004-05	118,500
2005-06	108,000
2006-07	123,000
2007-08	128,000
<b>Average</b>	<b>115,600</b>

### The profile of CS offenders

1.17 The rationale for courts imposing CSOs had changed since 1979. Whereas CS was originally introduced as a direct alternative to imprisonment, by 2009 it was being used for a wider range of cases. The PBNI could demonstrate statistically that most of these were low (47%) or medium (42%) risk of reoffending. However, they did not routinely analyse CS offenders' previous

offending histories nor the courts which were making CSOs. This is important information for targeting purposes, and not all staff were sure they were always promoting CS for the correct offenders. **We recommend that PBNI's analysis of CS data should capture Orders made by court type and previous offending history. It should also measure the numbers of Orders made on offenders who have previously received CSOs.**

1.18 The data in Table 2 illustrates the offending profile of offenders who received CS. It shows that most Orders were made in the lower courts, for lesser offences, and that more serious or persistent offenders were receiving COs.

1.19 Nonetheless, the average number of previous convictions from a sample of 49 CS offenders was 33 (range = 0 – 140), and the 2009 CS audit showed that 76% of CS offenders had been convicted of a previous offence.

**Table 2: CSOs and COs made during January 2007 – December 2008 by offence types (source PBNI)**

	CSO		CO	
	No.	%	No.	%
Theft	213	21	25	14
Violence	161	16	31	17
Motoring	124	12	24	13
Criminal Damage	124	12	21	11
Burglary	23	2	9	5
Drugs	52	5	15	8
Other*	326	32	58	32
<b>TOTAL</b>	<b>1023</b>	<b>100</b>	<b>183</b>	<b>100</b>

\*Other offences include deception, fraud, forgery, firearms, robbery, aggravated burglary and sexual offences.

## Types of placement

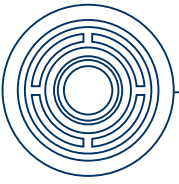
1.20 There were two types of placement available for CS offenders to undertake their hours: community placements and work squads. The former usually entailed working with a local community group or charity, while the latter was undertaken with a PBNI Sessional Supervisor. The PBNI was working hard to increase the number of CS placements available, and the total had risen from 180 to 270 in the last year. Geographical remoteness did not pose major difficulties and CS officers said they were able to organise placements in outlying areas with relative ease, although new placements usually took longer to organise, sometimes leading to some delays in commencing orders.

1.21 Work squads usually entailed physical endeavour such as painting and decorating or gardening projects. Some examples of squad projects were:

- a car wash scheme at a local probation office for people in need e.g. pensioners, lone parents and disabled people;
- refurbishment of the SS *Nomadic*, a former support ship to the RMS *Titanic*;
- environmental work for the Forestry Commission which enabled offenders to learn horticultural skills in a Forest Park; and
- decorating individual homes for pensioners who met eligibility criteria to ensure they did not have adequate means or alternative sources of labour.

1.22 Examples of community placements included:

- sales, administration and reception duties in charity shops and animal sanctuaries;
- Riding for the Disabled; and
- Christmas gift preparation and distribution for needy children.

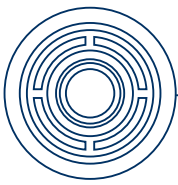


## CHAPTER 2:

# Oversight and delivery of Community Service Orders



- 2.1 The CS scheme featured significantly in all of the PBNI's main publications including annual reports, corporate and business plans. The 2008-11 Corporate Plan committed the Board to implementing a reconfigured community service scheme by 2011.
- 2.2 CS targets had been measured since introduction of the Northern Ireland Standards in 2000, and increased year on year using historical benchmarking. During 2009-10 the PBNI were reviewing the performance measures associated with community sentences in an effort to ensure the right outcomes are achieved, namely rehabilitation of the offender and prevention of further offending. Key CS targets in recent business plans included:
- 90% of offenders subject to an active CSO will work an average of five hours or more per week;
  - 98% of CS orders will be completed within 12 months; and
  - 93% of risk assessments will be reviewed at least every four months.
- Structure and managerial oversight**
- 2.3 PBNI had a clear line management structure for the CS scheme. It was delivered from eight office locations by a group of 37 staff, made up of 14 CS Officers and 23 Sessional Supervisors. CS was overseen by a specialist manager in Belfast and by generic managers in rural locations, while an Assistant Chief Probation Officer held senior management responsibility for the overall scheme.
- 2.4 A significant degree of time and effort was invested in managerial and HQ site visits per annum in oversight of the CS scheme. Inspectors saw monthly validation requirements from PBNI headquarters and local manager's reports on CS performance indicators. Annual internal audits had been introduced in 2006, and there was evidence of a systematic feedback loop to communicate the results of these exercises to staff. Inspectors saw minutes of local CS forum meetings which applied a standard agenda to ensure all pertinent issues were addressed.
- 2.5 The senior management team of PBNI regularly reviewed key performance measures (KPMs) to monitor the effectiveness of the CS scheme. These KPMs were in turn reported regularly to the Probation Board, and board members were also involved in oversight of the scheme in other ways



such as assessing grant applications from CS placement providers and visiting placement sites. In addition to KPMs, managers received a range of information, including quarterly monitoring reports from area managers to assist in monitoring CS effectiveness.

- 2.6 Operational staff were in regular contact, both announced and unannounced, with placements that were supervised by the VCS. Local CS officers also undertook at least one visit per week to squads; and PBNI area managers conducted a minimum of two unannounced site visits per annum. Rigorous levels of oversight meant that some were terminated because they were not showing sufficient levels of accountability in accounting for offenders' time.
- 2.7 Whereas management of CS in Greater Belfast had just recently become the dedicated function for a specialist manager, in rural areas the area manager combined CS with their various other functions. Both models had their respective merits – the local manager benefitted from familiarity with criminal justice organisations and community providers in the area as well as being accessible to staff, while the specialist was not distracted by other responsibilities. **We recommend PBNI should evaluate the merits of the CS management arrangements for Greater Belfast, and thereafter determine in conjunction with relevant personnel, whether to appoint a specialist CS manager for rural areas.**

- 2.8 Three grades of PBNI personnel were most often in contact with CS offenders: Probation Officers, CS Officers and Sessional Supervisors. CS staff told Inspectors there had been major improvements in their terms and conditions and working arrangements over the past few years, clear lines of accountability and supportive line management. Many of the personnel we met were committed and believed strongly in the value of CS. They were generally content with roles, training and support available, and had few criticisms of PBNI's CS scheme. Their main concern was inadequacy of resourcing to cover staff absences which led to a frequent sense of crisis management.
- 2.9 The Sessional Supervisor's job description required them to 'work alongside' squads of offenders. The offenders were often unskilled, lacking in confidence and from unstable backgrounds. Sessional Supervisors needed both practical and interpersonal skills to complete a job successfully and maintain the offenders' motivation. They had an important role modelling opportunity, and several reflected the benefits of their personal experience and local backgrounds.
- 2.10 Sessional Supervisors were often the most significant officials for CS offenders as they spent so much time together. This significance was enhanced because the CS setting was normative, unlike the office, court or prison setting where many Probation Officers met their clients. In addition, the offender could have a role as a 'worker' rather than as an 'offender;'

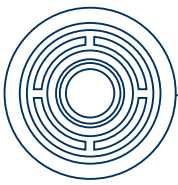


and they could provide assistance rather than be a recipient of help.

- 2.11 The CS Officer's role had become more clearly defined than in the past, particularly since being upgraded to Probation Services Officer (PSO) level in 2008. They now had responsibility for first line management of Sessional Supervisors and all aspects of the CS scheme in their locality, including arranging placements, risk assessing the offender/placement match, completing time sheets and ensuring compliance with all the standards.
- 2.12 The specialist Probation Officers main role was enforcement, reflecting the significance PBNI attached to compliance with statutory court orders. CS Probation Officers told us some 25% of their cases were in breach at any point in time, and they were averaging 12 cases per week in court for breach. They also undertook standby duty to deal with warrants that were executed at Saturday courts or issues arising on weekend placements, and carried out annual health and safety checks for each project.
- 2.13 While there had been progress in recent years in clarifying the roles of CS staff, and collective identity was strong, PBNI's senior managers were still not convinced they had sufficient role clarity for each of these grades of staff. In particular, they questioned whether it required a Probation Officer to undertake enforcement, or whether another trained member of staff could adequately fulfil this function.

## Staff availability

- 2.14 Staffing availability was the main determinant of CS success that lay within the PBNI's control, especially in rural areas. Logistical difficulties mounted quickly when CS Officers and Sessional Supervisors were absent. Annual leave was difficult enough to manage, but it was particularly problematic if CS staff went off on sick leave, which usually happened without notice. Offenders' hours could soon mount up and their motivation reduced if they were instructed not to turn up for work. Inspectors heard how a supervisor's sudden departure on long term sick leave resulted in 20 offenders (four offenders per day x five days per week) urgently needing to be reallocated. The immediate consequences were that the offenders had gaps in completing their orders, and slow progress on work being completed for placement providers.
- 2.15 Sick cover and recruitment delays were not unique to the CS scheme, but were more acutely felt than in other areas of PBNI's operations. The process of recruiting staff had been slow, even to address predictable absences such as retirements. Neither temporary recruits nor acting up arrangements were always successful, and this could cause slippage in adherence to the standards. Some Sessional Supervisors had acted up for lengthy periods of time.
- 2.16 PBNI's senior management recognised the importance of effective personnel arrangements, and cited the centralisation of Greater Belfast CS management in January 2009 as an




example of their responsiveness when concerns were highlighted. This responsiveness was confirmed by personnel at local level who acknowledged extra staff had been provided when sick leave became problematic, or numbers of new orders increased significantly.

- 2.17 It was also identified that levels of sick leave among CS staff were relatively high: there was an average 14 days sick leave per Sessional Supervisor during 2008; and an average 12 days sick leave per CS Officer during 2008. Contingency planning existed for administrative grades but not for probation or CS grades, so the human resources manager and other senior colleagues had embarked on several short and medium term practical steps including:
- advertising in May 2009 for bank staff, including CS grades; and in September 2009 to replace staff who were acting-up and those on temporary contracts;
  - a resource allocation panel and annual recruitment plan had been introduced;
  - training and supporting middle managers to manage attendance and performance more effectively;
  - preparing and implementing a succession planning policy; and
  - improving IT systems to capture trends and plan ahead as PBNI's IT capability was limited for HR purposes.
- 2.18 Our initial review of case load per officer shows that it does not appear to be excessively high. There is a need to understand the reasons for high sickness within the scheme as it is impacting on operational effectiveness. **We recommend**

**PBNI should evaluate the success of its CS workforce profiling and planning by December 2010; and thereafter continuously review its staffing arrangements for the CS scheme, taking staff views into account. There is a clear need to understand the reasons for sickness absence and to take remedial action.**

- 2.19 A lesser human resources issue raised with Inspectors concerned the Sessional Supervisor annual appraisal format which needed to become more relevant to their job, rather than using the generic PBNI template. Again, the PBNI had the matter in hand and were planning to pilot a new style of appraisal during the 2009-10 cycle that was more directly relevant to each grade, including CS staff.
- 2.20 Training for all aspects of the CS role was comprehensive. There was mandatory health and safety training, and a total of 33 courses were available. Training places were allocated by relevance to grade and role. A total of 470 CS health and safety training days were undertaken between July 2006 - February 2009. These were equally divided between PBNI employees and VCS placement providers, reflecting positive commitment to provision of training for external partners.
- 2.21 Integration of CS staff with other probation personnel appeared to be very good, and benefitted from the fact that they all shared the same offices. The introduction of COs had also assisted since these Orders were jointly managed by CS and Probation personnel. This differed from Unpaid



Work (UPW) schemes in England and Wales, which in many cases were found by Inspectors to be poorly integrated into the work of the Probation Service as a whole; they were often perceived by themselves, and others, as quite separate, with the quality of case management suffering as a consequence.

### **Promotion of the CS scheme**

2.22 PBNI senior managers were not content with the promotion of their CS scheme, and were self-critical of failure to celebrate its achievements more wholesomely. This was a delicate matter as offenders' confidentiality, and perhaps sometimes safety could be compromised, even by positive publicity. While they were able to provide plentiful evidence of constructive media coverage, their approach to promoting CS was piecemeal and ad hoc. This matter is especially important in light of the Government's policy in the United Kingdom of increasing the visibility of CS. **We recommend PBNI should develop a marketing strategy which increases the visibility of its CS scheme, and engages with a wider range of stakeholders including community planning in local councils and community safety fora.**

### **Health and safety**

2.23 PBNI was extremely attentive to the health and safety of everyone engaged in Community Service. This was perhaps best reflected in the very low rate of untoward incidents recorded – three in 2007 and seven in 2008, all of

which were minor in nature. There had been no physical assaults on staff over the past two years, though verbal abuse sometimes occurred. This was commendable given the numbers involved and the nature of the client group.

2.24 A major review of health and safety was undertaken in 2008 and a new policy introduced, accompanied by staff training in January 2009. The new policy was based upon comprehensive proactive steps (risk assessments, training, documentation, monitoring, performance reviews) to ensure things did not go wrong in the first place, and it cross-referred to all other relevant PBNI policies.

2.25 Inspectors saw copious documentary evidence of health and safety oversight and a suite of forms to cover all CS settings and situations. This ranged from communication with GPs before offenders on sickness benefit could undertake CS work, through supplying first aid kits and protective clothing, to senior management action when frontline staff failed to complete health and safety monitoring returns.

2.26 PBNI might benefit from seeking accreditation in this important aspect of its CS scheme. The Occupational Health and Safety 18001 (OHAS 18001) standard was introduced in 1999 as a way for organisations to demonstrate their commitment to health and safety management. Inter alia, the standard demonstrates legal and regulatory compliance and an intent to minimise accidents. **We recommend that PBNI should seek OHAS 18001 accreditation for its CS scheme.**






## Diversity

- 2.27 PBNI was alert to issues of diversity, both in the CS workforce and among the offenders it dealt with, and took its equality responsibilities seriously. While it set a good example by employing some ex-offenders in the CS scheme and deploying Sessional Supervisors in their own areas, these were not statutory requirements, and it had not yet managed to recruit female or foreign national staff at Sessional Supervisor level. Although not a legal failing, senior managers were keen to remedy this shortcoming in pursuit of best practice. **We recommend that PBNI should encourage females and foreign nationals to apply for CS posts in order to provide a more representative and balanced staff group in future.**
- 2.28 PBNI explained that fewer juveniles were receiving CSOs since the Youth Justice Agency (YJA) took on a reparative role with juvenile offenders. Day-to-day management of 16 and 17-year-olds relied on pairing potentially unmotivated and disruptive young people with more mature offenders within work groups, and more often they were matched on a one-to-one basis with a Sessional Supervisor.
- 2.29 The numbers of foreign nationals on CSOs was small but increasing. The PBNI had begun to monitor nationality and ethnicity and intended to embed this practice when they revamped their Probation Information Management System (PIMS). Translation and interpreter services were available to ensure foreign CS offenders fully understood their legal

obligations and health and safety requirements.

## Costs

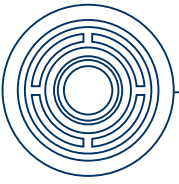
- 2.30 The total cost of PBNI's CS scheme for 2008-09 was £1,394,472. This gave an hourly cost of £14; and – at a rate of 10.89 hours completed on each CSO every month – a monthly figure of £152. This compared with £147 per month for Greater Manchester's UPW scheme; and Northern Ireland's monthly cost per prisoner place of £6,772.
- 2.31 The cost per CSO was calculated by PBNI at £1,517. Senior managers felt there was scope to minimise running costs, perhaps by increasing the number of community placements which were recognised in their own right as the best way to engage CS offenders.
- 2.32 PBNI's Community Development budget (£1.8m in 2008-09) was intended to support voluntary and community organisations that contributed to the Board's aims. This included CS placement providers, though the majority of them did not receive any community development funding. A total of £149,500 (8%) of the 2008-09 budget was expended on CS placement providers. This was not necessarily because of their CS role and some placement providers undertook a wider range of activities with the PBNI.
- 2.33 PBNI needed to avoid being seen to 'purchase placements' or raising expectations of Community Development funding in return for



providing placements. The official position was that community development funding was allocated in recognition of value added to the offender supervision process, rather than payment for services received. This could be a difficult area for PBNI's local managers with a finite budget that was many times oversubscribed. They had to support applicants' applications to the Board, and also represent PBNI in their locality, whether or not funding was provided.

- 2.34 There were competing views of this scenario including:
- *“They (placement providers) benefit from our workers input, so why should we also provide them with money.”* (PBNI Community Development budget panellist); and
  - *“They can operate without our offenders and only take them as a gesture of goodwill towards us. We are not offering them qualified tradesmen...Indeed it can cause them grief and additional overhead expenses, therefore we should do all possible to support their work.”* (PBNI area manager).

2.35 This conundrum was topical at the time of the inspection. There was nothing to suggest it had become unduly problematic, but it is an area where PBNI will need to maintain careful management and communication to both support their local managers and maintain community goodwill.



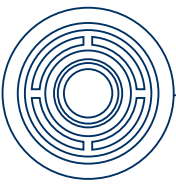
## CHAPTER 3:

# The operational dimension – Standards and Practice



### *PBNI Standards and audits*

- 3.1 PBNI has worked according to standards for CS since 1989, with interim standards in practice from November 2000, and the Northern Ireland Standards introduced from September 2006. These included 17 standards that specifically related to delivery of the CS scheme. Inter alia, the standards required Probation Officers to confirm that a defendant was willing to comply with a CSO and understood the consequences of failure to do so. They also had to establish the suitability of the offender to undertake work, and to confirm that suitable work was available.
- 3.2 The standards contained clear guidance for Probation Officers in relation to their enforcement responsibilities in the event that offenders did not comply with work instructions; and they incorporated a comprehensive monitoring process to ensure managerial oversight and feedback to operational staff. While the Standards were prescriptive, they were also sufficiently flexible for a manager to override a requirement subject to reasonable explanation. It was a positive reflection of the Standards that some placement providers, for example, a local Borough Council had started using aspects of them, such as risk assessment.
- 3.3 Courts normally imposed a CSO following conviction when a Pre-Sentence Report (PSR) indicated suitability. Alternatively, Specific Sentence Reports (SSRs) were introduced to speed up provision of information to assist the court to pass sentence without delay – most commonly in cases where the sentencer was clear that they wanted to impose a CSO. The SSR was attractive in such cases, though it posed extra demands on PBNI staff after the Order was made, as it did not allow time for a full risk assessment, health assessment or to ensure work was available in advance of the court disposal.
- 3.4 As part of its overall monitoring arrangements, the PBNI had instigated an annual CS audit process in 2006. These audits were comprehensive and generated useful data which was presented to staff in a user-friendly format. Audit feedback was provided to staff via regular CS fora and team meetings. This seemed to work well, and integration between CS staff and other probation staff was sufficiently close to ensure the messages were



widely shared within the PBNI. The feedback loop led to tangible action: the first CS audit resulted in a 17 point action plan, of which nine points had been achieved by the time of reporting.

- 3.5 Although the same basic methodology was employed each year, the audit process was still evolving and there were minor technical inconsistencies, (for example, questions asked, positive/negative reporting, usage of percentages as opposed to figures) that made it problematic to interpret some of the data meaningfully. The PBNI was well aware of elements of the PIMS, audit and KPM processes that were not delivering sufficiently accurate or useful data, and had embarked upon a major reform programme to have its new PIMS in place by 2011.
- 3.6 Nonetheless, the CS audits highlighted many useful trends and issues for managerial attention such as different recording practices between Belfast and rural teams. Another regular theme that emerged was inconsistent recording practice by CS personnel, reflected in gaps in written records, confusions in terminology and inclusion of irrelevant material. **We recommend PBNI should deliver training to help CS staff maintain case records that demonstrate adherence to the Northern Ireland Standards.**
- 3.7 Comparison between the 2007 and 2009 audits shows many improvements. A total of 20 of the standards measured demonstrated better scores whereas only four had declined. Perhaps the most notable

achievements were the high scores achieved in relation to assessment and management of risk. Otherwise, the most significant areas of improvement from 2007 audit were:

- CSO signed and dated by offender (69% to 92%);
- Up-to-date ACE completed (73% to 86%);
- RA1 completed where applicable (23% to 64%);
- weekly timesheets signed and dated by offender (48% to 77%); and
- adequate enforcement record entered on PIMS (75% to 98%).

- 3.8 There were however three areas of practice where performance had declined or remained consistently low, and each was of fundamental importance to the CS scheme.

They were:

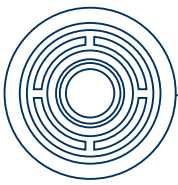
- the number of offenders commencing work within 10 working days declined from 48% in 2007 to 36% in 2009;
- despite the fact that 86% of offenders had been offered more than five hours per week, the number working on average at least five hours per week was still low – 28%;
- the number of offenders who complied fully with the requirements of their CSO was only 20% (21% in 2007); and
- while compliance rates were low, overall completion rates were reasonably high at 75% with an additional 21% of offenders subject to enforcement action.

- 3.9 These areas are discussed in greater detail in subsequent paragraphs. While the 2009 audit shows generally prompt and correct enforcement

Table 3 contains tabulated data from the 2007 (100 cases) and 2009 (50 cases) audits, in which an Inspector participated. Other material is taken from the PIMS database and monthly KPM analyses.

**Table 3: Comparison of 2007 and 2009 audit findings (source PBNI)**

<b>Standard</b>	<b>2007</b>	<b>2009</b>
	<b>%</b>	<b>%</b>
<b>Induction interview held within five days</b>	79	80
<b>CS Order on File</b>	97	100
<b>Order signed and dated</b>	69	92
<b>Risk Assessment</b>	93	94
<b>ACE within last 16 weeks</b>	73	86
<b>Risk Interview completed</b>	42	46
<b>RA1 completed</b>	23	64
<b>Work commenced within 10 days</b>	48	36
<b>Work instruction on file</b>	93	94
<b>Work instructions signed and dated</b>	69	64
<b>Worked more than 5 hours per week</b>	15	28
<b>Timesheets on file</b>	94	96
<b>Timesheets signed and dated</b>	48	77
<b>Complied fully with the order</b>	21	20
<b>Adequate enforcement record</b>	75	98
<b>Breach notified by Recorded Delivery</b>	23	93
<b>File contained breach report</b>	59	93
<b>Copy of notification letter on file</b>	84	86
<b>Recording/Compliance with Standards Section 1</b>	38	26
<b>Recording/Compliance with Standards Section 2</b>	65	96
<b>Recording/Compliance with Standards Section 3</b>	37	54
<b>Recording/Compliance with Standards Section 4</b>	18	39
<b>Recording/Compliance with Standards Section 5</b>	0	9
<b>Recording/Compliance with Standards Section 6</b>	37	81



action by probation staff in respect of offenders who were non-compliant, it also reflects that 22% of the failures to achieve the minimum of five hours worked per week target, and 37% of failures to commence work on time were due to PBNI failings. It might be prudent for PBNI to vary its expectations with respect to the number of hours worked rather than applying a 'one size fits all' approach to completion of CS orders. These matters are sufficiently significant to merit a main, consolidated practice recommendation here. **We recommend that PBNI should develop an Action Plan to improve:**

- 1. the number of offenders commencing work within 10 days of their CSO being made;**
- 2. the average number of hours worked per week by offenders; and**
- 3. the numbers of offenders complying fully with their CSOs.**

3.10 PBNI explained that some areas where performance had declined were possibly due to inappropriate measurements, or counting which only took account of computer-generated data, and ignored underlying qualitative explanations. For example, the 2007 figure of 15% working a minimum of five hours per week was partly attributed to the fact that the audit only covered activity during the month immediately prior to the audit, rather than the entirety of the CS Order; and the computer was not programmed to allow for bank holidays, so an offender only had to miss one bank holiday to skew

apparent performance of their order.

3.11 However, application of a more generous measurement in 2009 still only provided a figure of 28% of CS offenders working a minimum of five hours per week (the overall weekly average worked was 4.4 hours). There were also areas where important data was missing for example, in the current caseload information at 31 December 2008, the risk level of 102 current offenders (13% of the total) was not known.

3.12 Inspectors recognise that internal audit has been an evolving process within PBNI, and it has actually reached a decent level of sophistication. While internal audit is beneficial for external scrutiny such as inspection, the primary purpose is to provide useful management data, and we make a recommendation to address this at paragraph 3.20.

### **Commencing the Order**

3.13 A swift start to a community sentence is a well-established expectation and is seen as one of the key elements in promoting public confidence in such sentences. Inspectors heard that systems were in place for prompt provision of court results to support initial management of the community sentence by PBNI, and that these systems worked satisfactorily.

3.14 PBNI had a target for offenders to commence work within 10 working days of a CSO being made. The decline from 48% to 36% of offenders commencing work within 10 days requires remedial attention, especially



as it had been 61% in the 2006 audit. The PBNI explained that delays were mainly related to offenders' health/incapacity issues and placement capacity to take on new CS workers at short notice. However, the target provided a useful discipline and seems a reasonably challenging one which Inspectors suggest should be retained.

3.15 There were also procedural delays in getting Orders started if an offender was in receipt of Incapacity Benefit. In these situations, the PBNI had to request a GP to assess the offender's state of health and express a view on how many hours per week could be worked. After receiving this opinion, the Probation Officer then had to write to DHSSPS Benefits Branch to ensure there was no conflict with the offender's benefits entitlement. These processes inevitably meant the 10-day target was exceeded, but such explanations were reasonable.

3.16 CS supervisors suggested they had sufficient Saturday placements for employed offenders, and there were no undue difficulties in commencing orders to enable employed offenders to retain their paid positions. There had however, been a significant decrease in evening work since new vetting requirements limited opportunities to place offenders in youth clubs.

3.17 Offenders were well-prepared for their CSO by PBNI. They received formal induction including a health and safety handbook, and agreed a contract of responsibility. They were introduced to placement providers and had regular contact scheduled with probation for the duration of the placement. This contact aimed to

ensure their risk assessment was updated every 16 weeks, in addition to monitoring ongoing progress of the Order.

3.18 The diverse needs of offenders were identified and catered for. Help was provided with child care and disability. Particular care was taken in placing female and juvenile offenders, and interpreting services were available for the growing number of foreign national offenders. CS offenders were entitled to claim travel expenses incurred for journeys to and from their placement, which was done predominantly by public transport. Otherwise, the only other provision made by PBNI was to provide equipment or protective clothing to offenders during their CS placement.

### **Frequency of working**

3.19 PBNI's basic expectation was outlined in their standard: *'The average work rate shall be at least five hours per week.'* A dispassionate view might consider that five hours per week should be the exception rather than the rule. However, PBNI suggested this target had to be balanced against the logistical difficulties arising from many offenders chaotic and unhealthy lifestyles.

3.20 As outlined in paragraph 3.8 the audits showed that 28% of offenders worked an average five hours per week in 2009, compared to 56% in 2006 (and only 15% in 2007). At face value this was an erratic trend, which may indeed be a consequence of applying inappropriate measurements. It may also reflect inadequate wording







of the relevant standard. **We recommend PBNI should ensure the next generation of PIMS delivers sufficient accurate management information to establish challenging, realistic and meaningful targets. It should also more accurately reflect the detailed performance of both offenders and CS personnel. As part of this exercise PBNI should consider the adequacy of the CS Standards' wording; and identify qualitative data to explain underlying trends which the data does not capture.**

3.21 The Criminal Justice Order 2006 required CSOs to be completed within 12 months, and derogation from this timescale required court approval. The PBNI's internal review of 2006-07 performance suggested that 92% of CSOs were completed in

less than 12 months, against a target of 98%.

### Enforcement of CS Orders

3.22 The enforcement practice of criminal justice agencies has major implications for public confidence as well as for the credibility of the entire criminal justice system. Enforcement has been an increasing feature of PBNIs approach during the past decade, though the rates of breach have declined in respect of both CSOs and COs. Probation managers suggest this reflects better targeting in the first instance, as well as more proactive support to get offenders through their orders. The higher rate of breach for COs is unsurprising, given that offenders who received COs were more serious in the first instance.

**Table 4: Community Service breach rates (source PBNI)**

Year	Community Service Orders (CSOs) made	CSO breaches initiated		Combination Orders (COs) made	CO breaches initiated	
		No.	%		No.	%
2000-01	708	301	43%	100	49	49%
2001-02	679	238	35%	95	41	43%
2002-03	728	211	30%	119	0	0%
2003-04	765	153	20%	174	47	27%
2004-05	769	178	23%	159	46	29%
2005-06	652	132	20%	212	36	17%
2006-07	747	217	29%	188	40	21%
2007-08	772	230	30%	208	52	25%
<b>Average</b>	<b>728</b>	<b>208</b>	<b>29%</b>	<b>157</b>	<b>44</b>	<b>28%</b>



3.23 The Northern Ireland Standards were clear about when and how to enforce statutory court orders such as CSOs. The main reason for initiating breaches was an offender's failure to turn up for work. Many CS offenders had chaotic lifestyles that made it difficult for them to comply with even minimal requirements. Others were inhibited in performing their CSO by health or employment situations, or by ongoing court matters for other offences. PBNI applied a measured approach that was firm but fair in these circumstances, as long as the offender communicated with them in a timely fashion, and nobody breached in a cavalier manner.

3.24 There was a clear three stage warning process, which included prompt personal and written contact with the offender, culminating in breach if reasons for non-compliance were deemed unacceptable.

3.25 Serving summonses for CS breaches could be problematic, either because summons servers were uncomfortable in visiting certain areas or nobody was available or willing to receive the summons. In each of these instances, PBNI were working with the Northern Ireland Court Service (NICtS) to overcome such obstacles.

3.26 If a summons could not be served, then the next step was to issue an arrest warrant. This could also be problematic as warrants were held by the PSNI until they could be executed. The PSNI did not actively prioritise probation breach warrants since they did not view it as core business, and PBNI had consequently made application to withdraw a

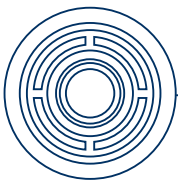
quantity of warrants via the courts. Nonetheless, PBNI had 253 warrants for breach of CSOs or COs outstanding at 31 March 2009, some of which dated back as far as 1982. This position discredited the criminal justice system, did a particular disservice to victims of the offenders who received the original CSOs, and required remedy.

3.27 Once breached offenders reached court, the matter was largely out of PBNI's hands as the outcome was a matter for sentencers. Probation managers felt that courts treated enforcement seriously. Most courts accepted the view of the prosecuting Probation Officer, and many breach cases were adjourned to allow the offender another opportunity to complete the CS Order. There was no data on the outcomes of CS breaches but anecdotal feedback suggested most resulted in suspended sentences. **We recommend PBNI should incorporate measurement of CS breach outcomes in its new PIMS design.**

### *Types of placement*

3.28 As noted earlier there were two types of placement; community placements and work squads. Community placements provided tangible benefits such as greater interpersonal interaction between offenders, beneficiaries and neighbours as well as a normalised environment where the offender could contribute without stigma. Offenders who were allocated to placements tended to be lower risk, more reliable and stable compared to those who were placed





in work squads. These placements were more cost effective as supervision was provided by the placement provider and they did not require PBNI-employed Sessional Supervisors.

3.29 On the other hand probation managers felt it was often safer to commence an offender's CS Order in a squad until they had an opportunity to assess their conduct. This was especially true when an assessment had not been possible before the Order was made. It was also easier to place a new offender in a squad in order to achieve a prompt start to the Order, as the logistics of matching offenders to placement availability could sometimes be protracted.

3.30 At the time of this inspection, a total of 180 locations were available for offenders to undertake CSOs in Northern Ireland. The PBNI's 2009 audit showed that 46% of the sampled original work placements were in squads and 54% were in community placements. This compared with HMI Probation's 2006 finding that community placements in England and Wales provided 30% of CS work locations. PBNI's (unwritten) target was to increase the placements to 70%. They will require a baseline figure to achieve this target, and **we recommend PBNI's CS monitoring data should provide an accurate distinction between numbers of offenders on community placements and in squads.**


3.31 While placements were preferable and a more diverse range of placements was always being sought, it

was recognised there would always be some CS workers for example, juveniles or high profile offenders who required direct individual supervision by a probation employee in order to safely complete their CSOs.

### **Risk assessment and risk management**

3.32 Before starting work it was important that each offender should have their risks assessed. This was undertaken by application of PBNI's Assessment, Case Management and Evaluation (ACE) methodology, ideally when the court report was being written. The PBNI measured the risk of reoffending in all cases, and in some instances the risk of harm to others also needed to be assessed. Higher risk offenders could be successfully managed on CSOs, but this could only be done safely when an accurate and updated assessment was available.

3.33 A risk of harm assessment was triggered in specific defined circumstances as part of the ACE assessment. The 2007 audit raised concerns about poor levels of risk assessment by PBNI, when only 42% of offenders who required a risk interview actually had one completed; and only 23% of appropriate cases had a risk of harm assessment completed. These scores had improved by the 2009 audit to 64% of appropriate cases having a risk of harm assessment completed. The numbers of such cases were very small (only two relevant offenders did not have a risk assessment completed). However the consequences of non-compliance by probation staff could be very high. **We recommend that PBNI**

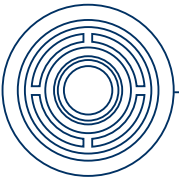


**develop an Action Plan to ensure all appropriate offenders are risk assessed in conformity with the CS Standards.**

3.34 The differential nature of CS offenders and CO offenders was well reflected in their different risk levels as determined by the ACE assessment process. At 31 December 2008 the risk of reoffending ratings – in cases where data was available – were as follows:

**Table 5: Risk levels of CS and CO offenders at 31 December 2008 (source PBNI)**

	<b>Community Service Order</b>	<b>Combination Order</b>
<b>Total cases</b>	1,023	124
<b>Low Risk</b>	51%	17%
<b>Medium Risk</b>	37%	53%
<b>High Risk</b>	12%	30%



## CHAPTER 4:

# Assessment of outcomes

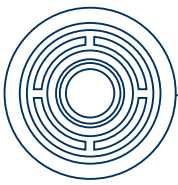
- 4.1 A review of the success or otherwise of the community service scheme requires a rounded assessment based on a variety of perspectives of those involved and a wider comparison of the outcomes for offenders.

### **Sentencer views**

- 4.2 Sentencers had a clear understanding of the CS concept and suggested they liked its clear and tangible nature. They generally had little involvement with CS offenders once their Order was made, and therefore could not comment substantively on the reparative value of the scheme. The important exception to this was when breach proceedings came before them. Probation managers suggested they enjoyed good working relationships with sentencers in relation to CS matters. Probation views were generally sought and accepted in breach cases, and in requests to extend the 12-month statutory time period (generally after an offenders' progress had been interrupted following breach at an earlier stage, then allowed to continue the Order).
- 4.3 Whereas in England and Wales Enhanced Community Punishment

(ECP) was designed for use with more serious offenders, in Northern Ireland – as in most other countries – all offenders were eligible for CS. CS here was originally developed as a direct alternative to imprisonment, and there were mixed views about its place on the sentencing tariff within PBNI. While it is not for PBNI to define CS location on the sentencing tariff, **we recommend PBNI should initiate discussion with relevant parties about the place of CS on the sentencing tariff, and then develop management and delivery structures to suit.**

- 4.4 PBNI undertook regular sentencer satisfaction surveys, covering all aspects of their work. The most recent, undertaken in 2007 showed that:
- 95% were satisfied with PBNI's overall performance;
  - 38% of sentencers frequently requested a Specific Sentence Report (SSR – used when the sentencer was certain they wished to impose a specific sentence, normally community service, and only available in the District (formerly Magistrates) Court); and
  - 76% were satisfied with the extent of breach action.



4.5 There were some useful comments in the sentencer satisfaction survey:

- *“Where a PSR is requested with a specific requirement to consider CS suitability I would like to see less acceptance of self-serving and unconvincing reasons for not consenting to CS.”*
- *SSRs are more likely to be considered “in cases where I have a clear idea in my mind about how I want to deal with the offender – usually when I am considering CS.”*
- *“...there has been a proactive approach to breaches which is most welcome.”*

### **Relationships with placement providers**

4.6 All of the placement providers whom Inspectors met were very positive about the CS scheme. They indicated close and supportive relationships with their local CS Officers and Sessional Supervisors.

Communication was regular and clear, and there was good adherence by the PBNI to boundaries and careful attention to health and safety requirements. They suggested offenders were well-integrated with their workforce without any differentiation being made because of criminal backgrounds.

4.7 The PBNI applied comprehensive criteria to any new project offering to accept CS workers on placement. These covered health and safety, public protection, confidentiality, respect for the offender, accountability and support arrangements and key contact points in the event of difficulties. Each placement site was

subject to an annual review, and was required to enter a formal contractual arrangement with the PBNI which outlined responsibilities of each party to ensure a CS scheme that was both safe and useful.

4.8 Longer established placements explained that Probation had become more stringent. The placements were explicitly required to treat offenders with respect and to provide opportunities for personal development, and there were increasingly rigorous health and safety requirements. Those whom we met said this was in keeping with their own ethos and they valued the opportunity to show offenders in a more positive light. They recognised that tight management by PBNI meant they were better supported. It was equally important for PBNI that placements were stable and consistent in order to support offenders through their Orders.

4.9 Apart from organisations which provided placements, many individual needy households benefitted from the CS scheme. They could have their house decorated and grass cut subject to meeting appropriate criteria, including being in receipt of benefits, disabled and with nobody else available to undertake the work. They only had to supply the materials and PBNI would provide everything else. Inspectors visited one household which was being painted, and heard the owners’ delight with the CS scheme. In these situations PBNI often struggled to meet demand, which was usually prompted by word of mouth publicity. They had

to constantly juggle their supply of available workers against the demands of a popular service.

4.10 Inspectors saw extensive written evidence (letters, e-mails and newspaper articles from across Northern Ireland) of positive feedback by CS beneficiaries including hospital wards, community groups, individuals, cemeteries and a prison visitor centre.

### Victims perspective

4.11 The PBNI Victim Information Scheme included opportunity for victims to be made aware of outline details of their offenders CS role. Very few victims requested such information, but when they did, their views had been taken into account in placement.

4.12 Corporate or indirect victims views were also being considered in the CS scheme for example, an offender who broke a private bus company's window was unable to undertake work that a paid person could do, but was directed to work for a charity nominated by the bus company.

### Reconviction rates

4.13 The success of CS in Northern Ireland as a sentencing option was evidenced by research comparing adult reconviction rates in the two year period following sentence in 2002. Tables 6, 7 and 8 show that CS in Northern Ireland was as effective as other community sentences, and significantly more effective than custody in terms of reconviction rates.

4.14 Lower reoffending rates by CS offenders reflected positively on the accuracy of assessments that were conducted by Probation Officers. Those who were assessed as higher risk and required more intensive intervention were more likely to be recommended for, and to receive probation supervision or a Combination Order, whereas CSOs were recommended for more straightforward offenders.

**Table 6: Adult reconviction rates in the two-year period following sentencing in 2002 (source NIO 2007)**

Sentence	Reconviction rate (%)
Community Service Orders	34.7%
Probation Orders	36.4%
Custody Probation Orders	35.8%
Discharge from custodial sentence	50.6%

**Table 7: Adult reconviction rates in the two-year period following sentencing in 2004 (source NIO 2008)**

Sentence	Reconviction rate (%)
Combination Order	43%
Community Service Order	25%

Table 8 shows that Northern Ireland's reconviction rates compared favourably with other UK jurisdictions:





**Table 8: UK adult reconviction rates (source PBNI)**

<b>Community Service Order</b>
Northern Ireland (2005) = 25%
England & Wales (2004) = 38%
Scotland (2003-04) = 39%
<b>Combination Order</b>
Northern Ireland (2004) = 43%
England & Wales (2004) = 52%

4.15 A recent Public Accounts Committee Report on *'The supervision of orders in England and Wales'* (July 2008) considered the Criminal Justice Act 2003, and the community orders available in England and Wales which offered a range of 12 possible requirements. The report outlined a need for better information about the type and combination of community order requirements that worked best for different types of offender.

4.16 The PAC report raised questions over the utility of reconviction rates as a performance measure for CSOs. It noted *"The most widely used measure of re-offending, the reconviction rate, does not include all offences committed in the two year monitoring period, after sentencing and is not comprehensive enough to be a useful measure of sentence effectiveness. Offences occurring during the two year monitoring period but identified more than six months later are not included in the reconviction rate, which is therefore understated."* There is a clear need for more research on reconviction rates in Northern Ireland to fully test the comparative success of different sentencing options.

### Offenders' perspective

4.17 Finally, as part of the inspection process we considered the views of some offenders on the scheme. All the offenders interviewed during this inspection said they were fairly treated and respected, and they felt their work was worthwhile. They had a reasonable degree of choice in their placement and appreciated no distinction being made between themselves and other workers. The main frustration that Inspectors heard from offenders was when they received short notice instructions not to turn up for work (stand downs); and the related inability to get through the Order more quickly due to the limit of one day per week for each CS offender. They understood the reason for this was to share work opportunities equally. While some offenders could be facilitated to work more than one day per week, this was the exception rather than the rule.

4.18 Offenders suggested that CS helped instil normative disciplines of getting up in the morning and going out with a purpose, and it increased their social inclusion. The last survey of offenders' views on PBNI was undertaken in 2005, and did not include CS offenders. **We recommend PBNI should initiate regular CS offender exit interviews and beneficiary surveys.**

## CHAPTER 5:

# The way forward



5.1 PBNI's forward planning for CS must take account of the following factors. They are:

- steadily increasing numbers of CSOs being made under existing legislation. There was an 8% increase in CSOs made in Northern Ireland during the two year period January 2007 – December 2008;
- further increases expected in 2011 under provisions of the Criminal Justice (Northern Ireland) Order 2008, which will provide for fine defaulters to undertake CS via Supervised Activity Orders as an alternative to committing them to prison; and
- developments in England and Wales where political interest is promoting the visibility of CS.

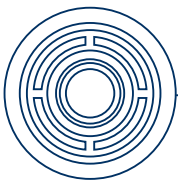
5.2 PBNI was preparing a strategy for the future of its CS scheme to take account of these factors at the time of this inspection. Highlights of their latest draft strategy set out plans to extend the range of placements, particularly the number of restorative placements; increase the publicity around the CS scheme; improve the flexibility of CS staffing; recognise CS offenders' achievements and take their feedback about improving the CS scheme. If implemented, in conjunction with the

recommendations of this inspection, these proposals will go a long way to positively developing the PBNI CS Scheme.

### **Focus on rehabilitation**

5.3 Within the context of anticipated volume increases, PBNI remained committed to a philosophy that CS should retain its rehabilitative element in balance with its punitive and reparative elements. Inspectors would concur with their self-assessment which suggested the balance between these three elements was about right in Northern Ireland.

5.4 The visibility theme was currently topical in England and Wales, and PBNI was paying close attention to developments there. Government had introduced a requirement for CS offenders to wear high visibility vests as a condition of Community Payback in December 2008. The '*Engaging communities in fighting crime*' review found low public confidence that offenders faced adequate consequences for their crimes, and that consequences were not visible enough. This had focussed attention on the extent to which community payback was made visible to local



communities and had led to visibility becoming a ministerial priority.

5.5 In addition to the high visibility vests, another new scheme was launched in England and Wales in March 2009. It will enable the public in 54 targeted areas to vote online for their preferences among five Community Payback projects. The most popular projects would then be carried out by CS offenders throughout 2009 and local communities kept informed of their progress.

5.6 There was no current governmental pressure in Northern Ireland to increase the visibility of CS. PBNI's view was that, while increased visibility was desirable, there was 'no need to humiliate people.' Early indications suggested there were significant variations in visibility among probation areas in England and Wales, though no evidence that offenders' attendance had improved. In addition, visibility had led to physical and verbal attacks on offenders; and placement providers had become fearful of the wider implications for their projects, to the extent that some were now refusing to take offenders on placement.


### **CS in England and Wales**

5.7 There have been some useful inspections and audits of the CS schemes run by probation services in England and Wales, as well as a range of ongoing assessments that routinely compared practice across services. Some of the main findings, which are worthy of consideration in Northern Ireland included:

- performance targets did not focus sufficiently on outcomes;
- in an effort to improve compliance and meet targets case managers would let offenders who arrived late attend placements instead of being sent home. This was more likely where offenders had to travel long distances in rural areas;
- offenders' main complaint was being 'stood down' – most areas credited them with one hours work in this situation. Sometimes a lone supervisor had to deal with the anger generated by decisions about how many offenders could be safely supervised, and who should be sent home;
- probation areas ability to offer work was crucial. Where 'stand downs' had been a problem, offenders could not build up a regular pattern of attendance and there was a negative impact on compliance; and
- the National Probation Service's annual '*Snapshot of Unpaid Work*' and quarterly '*Throughput of offenders on unpaid work*' provided templates for gathering useful management information.

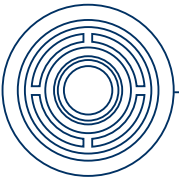
**We recommend PBNI should develop and apply local versions of Probation Circulars 16/2007 and 39/2007 - perhaps by incorporation within the new PIMS - to enhance their CS management information.**

5.8 There were closer legislative and operational similarities between Northern Ireland and England and Wales up until 2001. Since then the CS scheme in England and Wales had evolved through a series of variants from Community Punishment and



Enhanced Community Punishment (2001-2005, and influential on PBNIs delivery of Combination Orders), Unpaid Work (2005-2008) and most recently Community Payback.

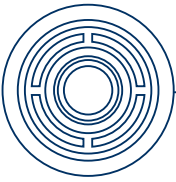
- 5.9 The changes in title supported an ideological stance of being 'tough on crime', though the variants remained identical to CSOs in all but name. However the thinking behind Enhanced Community Punishment (ECP) had much to commend it for a CS scheme that wanted to combine punishment with developing offenders' work discipline and skills, and it resulted in some significant outcomes. Most areas exceeded the national target for Order completions, Sessional Supervisors received training and spent significant amounts of productive time with both offenders and the public. While PBNIs CS scheme has remained more in keeping with the original model, it needs to watch developments in other jurisdictions carefully and consider elements of their practice that may be suitable for Northern Ireland.



Section



# Appendices



# Appendix 1 Terms of reference

## Background

PBNI's Community Service (CS) scheme was last fully inspected in 1997. It was subject to a follow-up inspection in 2002 and was also considered in an inspection of enforcement in 2003. Given the time gap, the proposed devolution of criminal justice responsibility to the locally-elected Assembly, the Criminal Justice (Northern Ireland) Order 2008, the Review of Public Administration, changes in the delivery of CS in Northern Ireland and elsewhere in the UK, PBNI and CJI agreed that a thematic inspection of the scheme is timely.

## Aim and Objectives

The aim of this inspection is to determine the extent to which PBNI has successfully implemented its legislative mandate and Northern Ireland Standards.

The Probation Board (Northern Ireland) Order 1982 mandates PBNI to secure that arrangements are made for persons to perform work under Community Service Orders. The legislative authority for Community Service Orders is further set out under Article 13 of the Criminal Justice (Northern Ireland) Order 1996 where a person of, or over, 16 years of age is convicted of an offence punishable by imprisonment, the court may make a CSO requiring him to perform unpaid work of:

- not less than 40 hours; and
- not more than 240 hours.

The purpose of a Community Service Order is to prevent further offending by re-integrating the offender into the community through:

- successful completion of positive and demanding unpaid work;
- keeping to disciplined requirements; and
- reparation to the community by undertaking socially useful work.

Within this aim, the key inspection objectives to assess the extent to which PBNI has:

1. set and achieved appropriate targets in relation to CS case management, including risk of harm management, through application of the Northern Ireland Standards;
2. allocated sufficient staffing and other resources to achieve the targets;
3. developed partnership links with community groups and other providers as integral elements of the CS scheme; and
4. communicated satisfactorily with sentencers and other key stakeholders.

In light of findings the inspection report will make recommendations for future development of the CS scheme.



## Themes

The inspection will assess the following key themes:

1. management of the CS scheme – resourcing, staff deployment and training, internal monitoring, enforcement, audit, timescales for starting/completing orders;
2. outcomes for the community and for CS offenders;
3. pre-sentence report adjournments, including Specific Sentence Reports and recommendations for CS and Combination Orders (COs), measured against PSR outcomes; trend analysis by court type and location;
4. equality of opportunity e.g. provision for female and juvenile CS offenders, urban/rural differentiation, foreign nationals, safety of placement locations;
5. suitability of, and adherence to, health and safety standards;
6. suitability of work placements – variety of manual work, personal interaction and learning opportunities for offenders;
7. reconviction rates for CS offenders;
8. cost analysis of the CS Scheme on the basis of ‘best value’;
9. comparisons with other jurisdictions; and
10. PBNIs future plans for developing the CS scheme.

## Methodology

The inspection team will undertake:

1. background reading - existing legislation, policies, procedures, standards, service requirements, relevant PBNI and other papers;
2. literature search in relation to CS schemes in other jurisdictions;
3. data analysis covering period January 2007 - December 2008 inclusive: PBNI data re. PSRs, caseloads, trends, internal audit and monitoring reports, costs, NISRA reconviction data;
4. sample CS case records;
5. observe CS placements; and
6. structured interviews/questionnaires/focus groups of practitioners, managers, and offenders with:
  - relevant PBNI staff at all levels;
  - offenders – varied locations, including minority groups;
  - placement providers;
  - sentencers: judges and magistrates.

## Timetable

January 2009: agree Terms of Reference;  
February – March 2009: undertake fieldwork;  
May 15th 2009: draft report to PBNI;  
June 12th 2009: feedback from PBNI;  
October 2009: publication.





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