

# **A follow-up review of the Probation Board for Northern Ireland's Community Service Scheme**

May 2013





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## List of abbreviations

|               |  |
|---------------|--|
| <b>ACE</b>    | Assessment, Case Management and Evaluation risk assessment |
| <b>CJI</b>    | Criminal Justice Inspection Northern Ireland               |
| <b>CO(s)</b>  | Combination Order(s)                                       |
| <b>CSO(s)</b> | Community Service Order(s)                                 |
| <b>DoJ</b>    | Department of Justice                                      |
| <b>OHAS</b>   | Occupational Health and Safety Management System           |
| <b>PBNI</b>   | Probation Board for Northern Ireland                       |
| <b>PIMS</b>   | Probation Information Management System                    |
| <b>RA1</b>    | Risk of Harm Assessment                                    |
| <b>SAO(s)</b> | Supervised Activity Order(s)                               |



## Chief Inspector's Foreword

This is a follow-up review to our 2010 inspection of the Probation Board for Northern Ireland's (PBNI's) Community Service Scheme. At that time we found the work undertaken was positive, socially useful and of benefit to the community. Our conclusion was that the Community Service Scheme was well managed against the Northern Ireland Standards. We made a total of 15 recommendations to improve overall delivery of the Scheme.

This review found that there has been significant growth in the use of both Community Service Orders (CSOs) and Combination Orders (COs), and that the 2011-12 community service hours worked had increased to almost 250,000, providing a value of over £1,500,000 when calculated against the National Minimum Wage rate of £6.19 per hour.

While the actual community service workload had increased significantly, it remained constant at around 20% of the overall PBNI statutory caseload, because other Supervised Orders had increased commensurately. The Community Service Scheme was therefore a significant element of the PBNI's role.

These volume increases are to be welcomed as a tangible result of the investment by the Probation Board in delivering suitable alternatives to custody. The value of offenders undertaking unpaid work as reparation for their offending should not be under-estimated, and the Community Service Scheme has potential to deflect many more people from custody when they do not pay fines.

Eight of the original CJI recommendations have been achieved, six were partially achieved and one is now outwith the control of the Probation Board to deliver. Most significantly, they improved the Community Service Scheme's effectiveness in terms of its direct impact on offenders, increasing the numbers who worked for more than five hours per week, started work within 10 days of their court hearing and complied fully with the requirements of their CSO. This has been a very good response to our original inspection, once again reinforcing our view that the Probation Board take their work seriously and strive for excellence. More importantly they continue to improve the co-operation of offenders and in doing so, make us all safer.

This follow-up review was conducted by Tom McGonigle. My sincere thanks to all who contributed.



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**Brendan McGuigan**

Chief Inspector of Criminal Justice in Northern Ireland  
May 2013

**Section**



# **Follow-up review**



## CHAPTER 1:

# Introduction and context

Community service was first introduced as a statutory court sanction in Northern Ireland in 1982. The purpose of a CSO is to prevent reoffending by reintegrating 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. COs were introduced in 2006 to combine community service with probation supervision as an appropriate disposal for more serious offenders.

Criminal Justice Inspection Northern Ireland's (CJI's) last inspection of the PBNi Community Service Scheme was published in March 2010. At that stage Inspectors concluded the work undertaken was positive, socially useful and of benefit to the community. Sentencers had a clear understanding of the community service concept and liked its tangible nature. Overall completion rates were high and enforcement action was taken where necessary.

There was however a need to improve the effectiveness of the Scheme in terms of its direct impact on offenders: the numbers who worked for more than five hours per week, started work within 10 days of their court hearing or complied fully with the requirements of their CSO were all low. This was a problem since confidence in CSOs requires that the work undertaken should place meaningful demands on offenders and challenge offending behaviours.

There were two explanations for these difficulties: staff absences, which were higher among community service staff than most other PBNi grades; and the complexity of offenders' needs - people sentenced to

community service are not a compliant and willing workforce, and they often lead chaotic and unhealthy lifestyles.

The 2010 report made 15 recommendations for improvement. The PBNi accepted all of the recommendations and outlined steps towards their implementation in two documents – an Action Plan, and a Modernisation Plan to increase the effectiveness of community service. These plans took account of anticipated workload increases as well as developments in other jurisdictions.

This follow-up review noted some important contextual developments that had taken place since the 2010 inspection. These include:

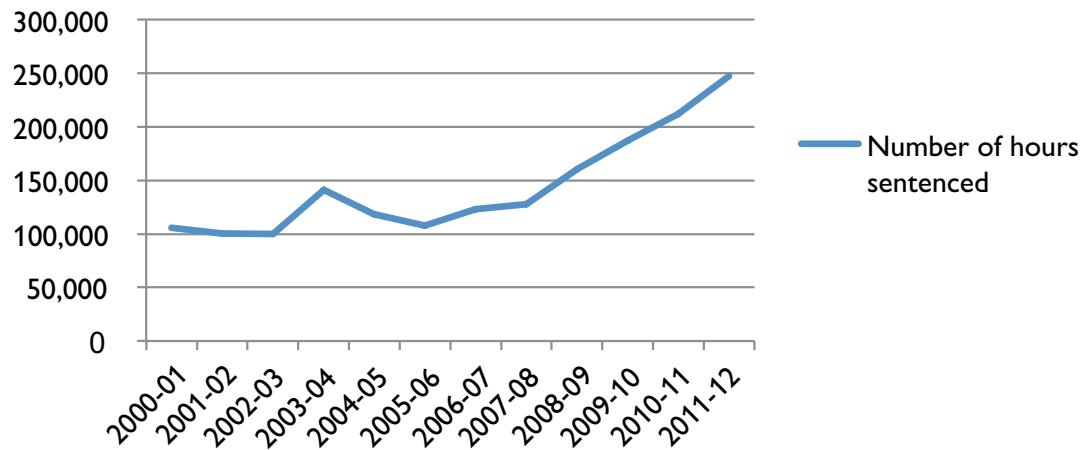
- The caseload had increased sharply between 2010-12 - by 31% in respect of COs, and 25% in respect of CSOs. These increases reflected a 119% increase in Belfast and a 42% increase in rural teams. Table 1 and Figure 1 illustrate the increases in Orders made and hours sentenced.

**Table 1: Community Service Orders and Combination Orders 2008-12**

| Orders made             | 2008-09      | 2009-10      | 2010-11      | 2011-12      |
|-------------------------|--------------|--------------|--------------|--------------|
| Community Service Order | 987          | 1,180        | 1,309        | 1,552        |
| Combination Order       | 205          | 216          | 311          | 317          |
| <b>TOTAL</b>            | <b>1,192</b> | <b>1,396</b> | <b>1,620</b> | <b>1,869</b> |



**Figure 1: Total community service hours sentenced 2000-12**



The 2011-12 community service hours worked (247,665) provide a value of £1,533,046 if calculated at the National Minimum Wage rate of £6.19 per hour.

- Two Supervised Activity Order (SAO) pilot projects had commenced in Newry and Lisburn. SAOs were an extension of the Community Service Scheme, designed to require offenders to undertake community service work instead of being imprisoned for fine default. This was an important development that had the potential to significantly increase the amount of community service work being undertaken in Northern Ireland. The Newry SAO pilot commenced in February 2012 and 93 Orders were made by the end of the pilot in February 2013. The Lisburn pilot commenced in October 2012 with 13 SAOs made by February 2013.
- Some practical initiatives had been introduced and were contributing to better management of the Community Service Scheme. Of particular benefit were:
  - a daily report from the Police Service of Northern Ireland to the Probation Board of incidents in which current supervisees were involved; and
  - an arrangement between the Probation Board and the Social Security Agency which reduced the need for GPs to endorse benefits

claimants' fitness to work when they were required to undertake a CSO. The Probation Board anticipates a further reduction in the need for GPs to endorse fitness to work when Incapacity Benefit has been completely phased out by March 2015.

While the actual community service workload had increased significantly, it remained constant at around 20% of the overall PBNI statutory caseload because other Supervised Orders had increased commensurately. The Community Service Scheme was therefore a significant element of the PBNI's role. Other features in February 2013 included:

- 58% of CSOs were supervised by Belfast probation teams and 42% by rural teams;
- 96% of offenders on community service were males;
- there were 20 juveniles on CSOs and COs;
- 270 community placements were available for offenders undertaking community service in Northern Ireland; and
- around £200,000 was being paid annually from the PBNI Community Grants Scheme to community service placement providers.



## CHAPTER 2:

# Progress against recommendations



This chapter assesses progress in respect of each recommendation of CJI's 2010 community service report.<sup>1</sup> The PBNI accepted all 15 recommendations. Its Audit and Risk Management Group, as well as the Audit Committee of the Board was assessing progress against these and other inspection recommendations on a quarterly basis, and in addition routine quality assurance meant that some 300-400 community service cases were being monitored each year by Area Managers.

### Main recommendation

#### Recommendation 1

**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.**

#### Status: Achieved

The PBNI published an Action Plan in May 2010 to deliver the community service recommendations. The Plan included timescales and tangible steps to address each recommendation, particularly the three issues highlighted in this main recommendation.

Furthermore a Community Service Strategy was launched in September 2010. Its purpose was to make the operation of community service as efficient as possible and to gain public confidence in the Scheme. The Strategy aimed to create more community placements, increase the visibility of community service, undertake more work on behalf of victims groups and increase opportunities for social inclusion of offenders by improving their literacy and numeracy.

The most recent data comes from an internal audit of CSOs that was undertaken by the PBNI in June 2011. While this was almost two years old at the time of this follow-up review, it is substantive (based on a sample of 100 cases) and shows statistically significant improvements in the three main issues that were highlighted in the 2010 inspection. These issues were:

- The number of offenders commencing work within 10 days of the CSO being made had risen from 36% to 54%.
- The average number of hours worked per week by offenders had risen from 4.4 to 6.8. Forty-five percent of offenders were working five hours or more per week in 2011 compared to 28% in 2009. It was significant that 99% of community service offenders were instructed to work more than five hours per week, because this was within the PBNI's control, whereas they could not actually compel offenders to work. Failures to work more than five hours per week were almost exclusively related to issues that were beyond the PBNI's control, mainly offenders' sickness, unexplained absences and being sent into custody.
- The percentage of community service offenders who complied fully with the requirements of their Order - from start to finish - had risen from 20% to 25%. In this respect it is significant that, while most offenders did not comply fully, over 90% still completed their Orders within the target of 12 months.

<sup>1</sup> An inspection of the Probation Board for Northern Ireland Community Service Scheme, March 2010, CJI.



So there had been obvious progress in each aspect of the main recommendation. Community service team meeting minutes stated that [during 2011-12] ‘...We have worked hard to ensure Orders are progressed as efficiently as possible, including increased hours worked per week... and this has been reflected in a relative decrease in active orders, despite the increase in allocations.’

The improvements had been achieved by the PBNI taking proactive steps. For example the number of offenders instructed to report for community service work squads was increased. A sample of three rural teams data showed the number of people instructed to attend work squads averaged 4.6, and actual attendees averaged 3.6. This approach had increased the numbers working on every squad and thereby enabled offenders to progress through their Orders more quickly.

The PBNI suggested that progress in implementing the Community Service Strategy was also assisted by additional staff being made available during 2010-11. However they were lost the following year when the budget for temporary posts expired.

The 2011 Community Service Audit also revealed that some scores had deteriorated since the previous (2009) Audit including:

- a small decrease in induction interviews being arranged within five days;
- a decrease - from 92% to 77% - in properly signed and dated CSOs; and
- enforcement performance had declined in comparison to 2009. This was at a statistically significant level in respect of appropriate recording of failures to comply (65% v 98%), and there were minor non-compliances in respect of timeliness of follow-up action and summonses being lodged in time.

While these variations merited attention, they involved administrative failings rather than serious practice deficits that might threaten public safety. The PBNI recognised the importance of attending to each of these matters in order to maintain integrity of the Community Service Scheme. The 2011 Audit findings were therefore fed back to all relevant staff, with the key message that ‘performance varies considerably across

teams...’ An Improvement Plan that contained three recommendations was prepared to address the deficits. The main recommendation was to improve recording practice. It will be important for the PBNI to maintain regular audits of their community service practice in order to maintain progress.

## Other recommendations

### Recommendation 2

**PBNI’s analysis of community service 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.**


**Status: Partially achieved**

The PBNI knew the offences for which CSOs and COs were being made. However this recommendation aimed to generate additional information that could be useful for targeting and marketing purposes, particularly as not all staff were promoting community service for appropriate offenders.

The PBNI had amended its data capture to incorporate basic information about sentencing courts. Of 1,552 new CSOs made during April 2011 - March 2012:

- 88% were made at Magistrates’ Courts and 8% at Crown Courts;
- 74% of new COs came from Magistrates’ Courts and 18% from Crown Courts; and
- the average number of hours sentenced per CSO was 142; and 88 hours per CO.

However the Probation Information Management System (PIMS) had limited functionality and was not capable of analysing previous conviction rates of community service offenders or the number who had previously received CSOs. The PBNI was working in partnership with the Youth Justice Agency and the Department of Justice (DoJ) to update its electronic case management system, and design of the new system incorporated the detailed aspects of this



recommendation. The process of producing an agreed list of options and confirming affordability of the new system had taken longer than anticipated. While the PBNI had planned for it to be available by Autumn 2014, this date was no longer realistic as the procurement phase of the project had yet to commence. The latest planning estimate was for implementation to commence in Autumn 2015. In the meantime manual systems and staff goodwill were required to capture some important community service data. Continued reliance on the PIMS for caseload information was very time consuming and frustrating for everyone involved, but a cost/benefit analysis indicated some of the material sought was simply not worth pursuing manually.

### Recommendation 3

**PBNI should evaluate the merits of the community service management arrangements for Greater Belfast, and thereafter determine in conjunction with relevant personnel, whether to appoint a specialist community service manager for rural areas.**

#### Status: Achieved

The PBNI recognised that its specialist community service structure in Belfast had led to improvements, but also acknowledged that rural community service delivery models had their own merits: essentially the specialist Manager in Belfast was not distracted by other responsibilities, while Rural Managers benefitted from familiarity with local criminal justice organisations and community providers, and were more accessible to staff.

The PBNI undertook two separate reviews - *A review of community service structure and management arrangements in the Greater Belfast area - March 2011* and *A Review of community service structure and management arrangements in Rural PBNI teams - July 2011*. All community service staff and managers were involved in the review process which comprised a thorough analysis of key performance data, feedback from staff and stakeholders about the structural differences and an options appraisal for rural areas.

The reviews identified that achievement of some community service performance indicators in rural areas had fallen behind those in Belfast. However they assessed that it would not be viable to dedicate a Manager to the rural community service function because of the wide geographical areas involved. They therefore concluded that rural teams should retain their generic structure for the present, subject to further review. Inspectors accept this conclusion and the underpinning reasons.

### Recommendation 4

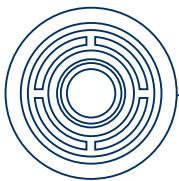
**PBNI should evaluate the success of its community service workforce profiling and planning by December 2010; and thereafter continuously review its staffing arrangements for the Community Service Scheme, taking staff views into account. There is a clear need to understand the reasons for sickness absence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

#### Status: Partially achieved

In 2010 the community service workforce consisted of 37 staff, made up of 14 Community Service Officers and 23 Sessional Supervisors. An Assistant Director held senior management responsibility for the overall Scheme which was delivered from eight office locations. Levels of sick leave among community service staff were higher than those of other PBNI personnel: in 2008 the average sick leave for Community Service Supervisors was 14 days and the average per Community Service Officer was 12 days.

In February 2013 the community service workforce still comprised 37 personnel – 17 Community Service Officers and 20 Community Service Supervisors. The Scheme was being delivered from the same locations and the same management arrangements were in place. The average sick leave had not reduced: it was 13.9 days per community service employee during 2011-12: long-term sick leave accounted for an average 9.6 days and short-term absence for an average 4.3 days.

The reasons for staff absence were well understood: mental/behavioural issues accounted for almost 60%



of the total absence in 2011-12. Although remedial action had been taken, it was difficult to achieve successful outcomes.

The main remedial step that the PBNI took was to establish a Resource Allocation Panel in 2011. The Panel was set up to address staff shortages, including sick leave, in all areas of the organisation. It met regularly to consider applications on behalf of teams where there were shortages, and decisions were taken on the basis of caseload size and other data. Extra staff became available on temporary contracts during 2010-11. Although some of these posts were lost due to budget cuts in 2011-12, the overall community service workforce increased between 2010-12. Further, management arrangements were strengthened in Belfast Community Service with the addition of a 0.5 whole time equivalent manager.

The PBNI had also introduced a new style of appraisal in April 2011 that assessed staff competence to fulfil specific role profiles. This recommendation was factored into design of the new appraisal format, which was more relevant to all PBNI personnel, including community service staff.

### **Recommendation 5**

**PBNI should develop a marketing strategy which increases the visibility of its Community Service Scheme, and engages with a wider range of stakeholders including community planning in local councils and community safety fora.**

**Status: Achieved**

The September 2010 Community Safety Strategy included a marketing plan which aimed to raise the profile of community service. There was also a *Communications Strategy for Community Service* which aimed to increase visibility of the Scheme. A variety of approaches were planned including placing articles in the media, hosting a ministerial visit to the Community Service Scheme, providing briefings for elected officials and providing opportunities for the public to nominate projects that could benefit from community service involvement.

Inspectors saw considerable evidence of the Communications Strategy being delivered. There were numerous press clippings in local and regional print media which commended work completed by community service offenders. The PBNI's website had a dedicated community service page. It received an increased number of hits when the Community Service Strategy was launched, and it offered members of the public an opportunity to nominate local projects that might benefit from community service assistance. A November 2010 survey of MLAs showed the proportion rating PBNI as effective had risen by 15% in two years.

### **Recommendation 6**

**PBNI should seek OHAS 18001 accreditation for its Community Service Scheme.**

**Status: No longer relevant**

When CJI last inspected in 2010, the PBNI recorded a very low rate of untoward incidents involving the Community Service Scheme. There had been three incidents in 2007 and seven in 2008. All were minor in nature and this was considered due to the considerable proactive effort that was invested in health and safety.

In 2010 the PBNI's Health and Safety Policy was based upon comprehensive proactive steps (risk assessments, training, documentation, monitoring and performance reviews) to ensure things did not go wrong in the first place. Inspectors saw copious documentary evidence of health and safety oversight and a suite of forms to cover all community service settings and situations. This ranged from communication with GPs before offenders who received sickness benefit could undertake community service work, through supplying first aid kits and protective clothing, to senior management action when frontline staff failed to complete health and safety monitoring returns.

The Occupational Health and Safety Management System (OHAS) was considered by the PBNI shortly after the 2010 inspection. However they decided not to apply for accreditation because the lengthy process would be unlikely to justify the effort involved,



especially when they were already thorough in dealing with health and safety matters.

The same health and safety arrangements therefore applied in 2013, but the number of untoward incidents had increased with 24 accidents/incidents and 12 incidents of violence/aggression:

- March - December 2010 - eight accidents/incidents and one incident of violence/aggression;
- 2011 - seven accidents/incidents and five incidents of violence/aggression; and
- 2012 - nine accidents/incidents and six incidents of violence/aggression.

This represents a virtual tripling of incidents between comparable two year periods: 2007-08 (10 incidents) and 2011-12 (27 incidents), which has to be contextualised within a significantly larger community service caseload. PBNi Managers also suggested the increase was due to greater staff awareness and more detailed recording, rather than an increase in the number of actual incidents. They provided evidence which showed that most of the incidents of aggression involved verbal abuse of staff, and there had been no apparent increase in serious untoward incidents. On this basis Inspectors accept OHAS accreditation would not add significantly to the existing health and safety approach.

### Recommendation 7

**PBNi should encourage females and foreign nationals to apply for community service posts in order to provide a more representative and balanced staff group in future.**

**Status: Partially achieved**

The overall PBNi workforce comprised approximately 75% females in February 2013. The PBNi included welcome statements in job advertisements for under-represented groups, and often deployed Community Service Supervisors in their own districts. Both of these practices were in line with best employment practice. It was not a statutory requirement that they should appoint female or foreign national staff to Community Service

Supervisor positions, but Senior Managers viewed the imbalances as a shortcoming which they were keen to remedy in pursuit of best employment practice.

The last permanent recruitment for Probation Service Officer and Community Service Supervisor posts was completed in March 2010. Five Community Service Supervisors were appointed and nine Probation Service Officers (of whom two were Community Service Officers). Since then there had been 14 appointments on fixed term contracts, all due to expire by March 2014, while other shorter term posts to cover sick leave were covered by bank staff. Sixteen females, but no foreign national employees, had been recruited in these exercises.

### Recommendation 8

**PBNi should deliver training to help community service staff maintain case records that demonstrate adherence to the Northern Ireland Standards.**

**Status: Achieved**

Inconsistent recording practice by community service personnel - reflected in gaps in written records, confusion in terminology and inclusion of irrelevant material - emerged as an area for improvement in the 2010 inspection. Internal community service audits also highlighted different recording practices between Belfast teams and rural teams as an issue for managerial attention.

The agenda for a one-day community service training event in May 2010 addressed the issue of case recording by community service personnel as a specific agenda item. The PBNi's Best Practice Framework also provided guidance on good recording. The Framework was a substantive document which incorporated a detailed set of standards to guide Probation Officers in every aspect of their work. It fundamentally reviewed and updated the Northern Ireland Standards which had preceded it, took effect on an interim basis from October 2011, and was fully implemented in April 2012.



Senior Managers recognised that case recording is a perennial issue, but commented that their subsequent dip sampling of files reflected improved recording, and said this was confirmed in the routine monitoring undertaken by Area Managers.

### Recommendation 9

**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 community service personnel. As part of this exercise PBNI should consider the adequacy of the Community Service Standards' wording and identify qualitative data to explain underlying trends which the data does not capture.**

#### Status: Achieved

As outlined earlier in this review, the next generation of PIMS was still in planning at the time of writing. However the PBNI had already designed its unique requirements - which included the themes of this recommendation - into the new PIMS specification.

Other aspects of this recommendation were addressed in the Best Practice Framework. The Framework clarified expectations of community service staff in relation to matters such as suitability assessments, case planning and review. A staff reference group was convened to consider specific implications for community service when the Best Practice Framework was being designed. The group had taken account of staff feedback and delivered tangible improvements such as replacing unnecessary risk assessment reviews with a screening process, and allowing carers 15 days to commence their CSO, rather than the standard 10 days.

Biannual Community Service Fora provided a routine opportunity for staff to express their views and for Managers to provide feedback on community service performance. The May 2010 Forum minutes demonstrated an early and thorough response to the community service inspection by Senior Managers, systematically addressing its recommendations and

involving staff in planning the way forward. In addition a new statistical return system had been introduced in rural areas to maintain focus on key areas of community service performance that required attention.

Subsequent Community Service Fora maintained momentum by reviewing implementation of the Community Service Strategy. The standard half-day agenda comprised presentations by each team, detailed statistical feedback and comparisons, as well as findings from offender exit surveys and beneficiary surveys.

### Recommendation 10

**PBNI should incorporate measurement of community service breach outcomes in its new PIMS design.**

#### Status: Achieved

The PBNI had incorporated measurement of community service breach outcomes as an element of the new PIMS design. However full implementation of this recommendation can only be achieved when the new PIMS is operational.

At the last inspection anecdotal feedback from the PBNI suggested most community service breaches resulted in suspended sentences, although there was no data to substantiate this impression. The rate of breaches being initiated is an important indicator of how seriously the PBNI treats enforcement. Although breach outcomes are determined by sentencers and therefore beyond the PBNI's control, trend information would be useful to demonstrate how seriously the courts view breaches, and therefore of value for offenders, PBNI staff and other interested parties.

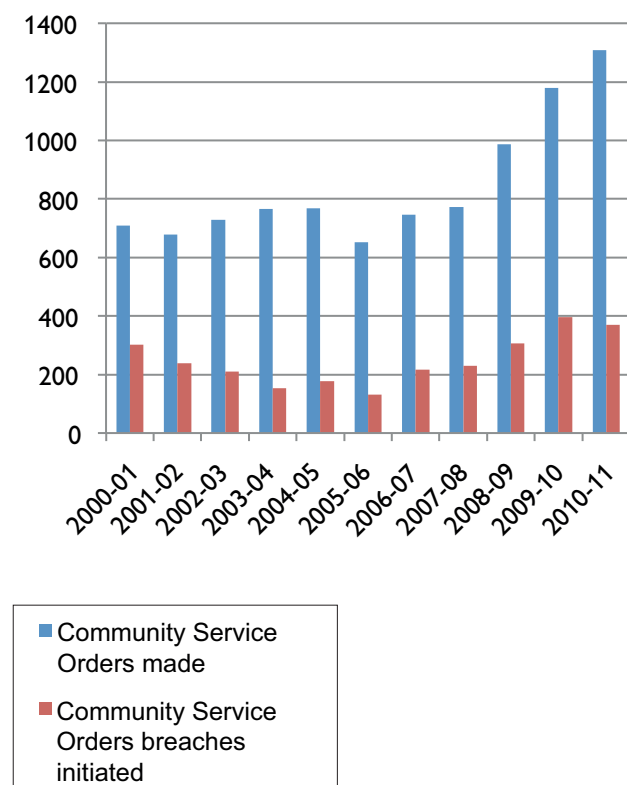
The PBNI's Best Practice Framework spelled out unequivocal criteria to identify when breaches should be initiated, and data shows that CSOs and COs were being actively enforced in accordance with the guidance: CSO breaches were being initiated at an average rate of 31% per annum over the three-year period 2008-11. The figure for COs was 37% per annum. The 2011 Audit showed that when offenders



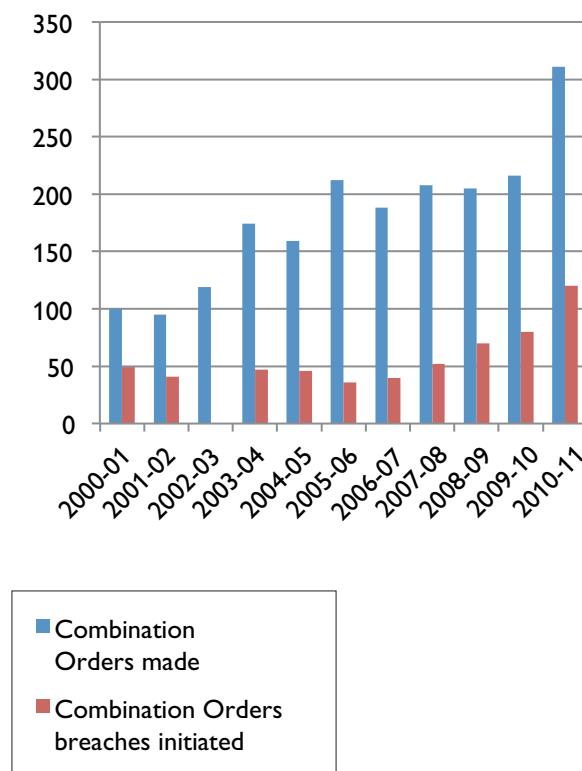
failed to comply fully with their CSO or CO, appropriate enforcement action was taken in 89% of cases, compared to 87% in 2009.

The majority of breaches did not ultimately result in revocation of CSOs. Initiation of a breach was usually sufficient to motivate an offender to complete their CSO, and if this was not successful, then a court appearance and subsequent adjournment usually had the desired effect.

**Figure 2: Community Service breach rates 2000-11**

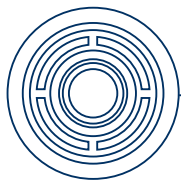


**Figure 3: Combination Order breach rates 2000-11**



Other potentially useful information - such as the differentiation between breaches for non-compliance and revocation of CSOs following further offending - was not known. However PBNi Managers knew that some 50% of community service breaches were initiated within the first 16 weeks of an Order, and that around 25% of COs ended in breach. Of 52,000 individuals in England and Wales in 2009-10 who were being supervised on CSOs 14% were breached for failure to comply and 12% were convicted of a further offence.<sup>2</sup>

<sup>2</sup> Hansard, 7 December 2010.



## Recommendation 11

**PBNI's community service monitoring data should provide an accurate distinction between numbers of offenders on community placements and in squads.**

### Status: Achieved

Although this information had to be gathered manually as the PIMS was too unwieldy, monitoring data to illustrate the PBNI's placement/squad split was available. At the time of the 2010 inspection there were 180 locations where offenders could undertake community service work in Northern Ireland. The PBNI's 2009 Community Service Audit showed that 54% of initial work allocations were in community placements and 46% were in squads. By the time of the 2011 Audit, community placements in Northern Ireland comprised 55% of available community service opportunities. This compared favourably with the position in England and Wales where 35% of community service allocations were in community placements.<sup>3</sup>

Community placements were preferred because they usually offered better opportunities for offenders to interact with beneficiaries, and also because they reduced the likelihood of stand-downs. Stand-downs occurred when an offender was instructed in advance not to report for work, or when offenders were sent home after reporting for work due to operational difficulties on probation's part, for example, supervisor unavailability, lack of transport or insufficient work to be undertaken. Although it was not considered to be high, the actual Northern Ireland stand-down rate was not known. The proportion of days lost due to stand-downs in England and Wales was 0.7% in 2011-12.<sup>4</sup>

Community placements were also cost effective: a survey by the National Association of Probation Officers quoted Ministry of Justice figures which showed '*... the cost of supervising an offender on an unpaid work project is £8.83 per hour on a weekday, rising to £10.91 on a weekend. Individual projects are much cheaper at £4.82 per hour.*'<sup>5</sup>

The PBNI had made a concerted effort to increase the number of community service placements and was therefore competing with other organisations for places. This made it increasingly difficult to secure and retain community placements when other organisations were also trying to place service users. In this respect it was helpful that the PBNI had a Community Grants budget to which placement providers could apply for support in their crime prevention work.

## Recommendation 12

**PBNI should develop an Action Plan to ensure *all* appropriate offenders are risk assessed in conformity with the Community Service Standards.**

### Status: Partially achieved

The June 2011 Audit showed that Assessment, Case Management and Evaluation risk assessments (known as ACE) were completed in 96% of community service cases, though not all within prescribed time limits. A Risk of Harm Assessment (known as RA1) should be triggered if certain criteria were met during the ACE risk assessment. The 2011 Audit found a RA1 completion rate of 59% in qualifying community service cases, which represented a 5% drop from the previous audit. The drop was not deemed statistically significant in the 51 cases where RA1s were required. However it was concerning that, when the same measure was applied in a general practice audit of other Orders and Licences which the PBNI supervised, the score was 94%. The disparity was apparently due to the fact that the audits were not entirely comparable.

There had been important changes in the PBNI's risk assessment process for community service. The Best Practice Framework clarified that - unlike Probation Orders - community service offenders were not case managed: they either completed their CSO or were subject to enforcement action. The ACE and RA1s in CSOs were only now reviewed in higher level application cases, which were a minority of CSOs; and

<sup>3</sup> Ibid.

<sup>4</sup> <http://www.justice.gov.uk/downloads/statistics/prison-probation/prison-probation-performance-stats/noms-annual-report-2011-12-addendum.pdf>.

<sup>5</sup> *Supervision of offenders on unpaid work*, National Association of Probation Officers, March 2011.

a screening tool had replaced ACE and RA1s for most CSOs. After an initial full ACE risk assessment, all community service offenders were screened at 16-week intervals. The safeguard was that a full ACE would still be completed on community service offenders if any concerns emerged from the screening; and anyone who met the threshold for Risk of Serious Harm consideration would be assessed as usual. Table 2 details the levels of application applied to the PBNI's CSO and CO caseloads in December 2012.

**Table 2: Community Service caseload Levels of Application on 31 December 2012**

| Level of Application | Combination Order | Community Service Order |
|----------------------|-------------------|-------------------------|
| <b>Orders</b>        | <b>348</b>        | <b>870</b>              |
| <b>People</b>        | <b>345</b>        | <b>848</b>              |
| HIGHER               | 4%                | 4%                      |
| STANDARD             | 85%               | 55%                     |
| LOWER                | 11%               | 42%                     |

While the numbers of community service cases that required RA1s and did not have them completed were small, the consequences of non-compliance by probation staff could be significant. PBNI Managers recognised the need to improve compliance in this area and recent indicators were more positive. The recent CJI report *An inspection of community supervision by the Probation Board for Northern Ireland* (published May 2013) was based on a sample which included 20 CSOs. Paragraph 4.23 reported 'The community service placements appeared to take account of the offenders risk of harm in 95% of cases;' and a small sample of pre-sentence reports that were monitored during October - December 2012 showed a 91% completion rate in respect of RA1s.

### Recommendation 13

**PBNI should initiate discussion with relevant parties about the place of community service on the sentencing tariff, and then develop management and delivery structures to suit.**

#### Status: Partially achieved

The PBNI had addressed this recommendation by initiating discussions with the DoJ, and they agreed that the location of community service within the Sentencing Framework would be dealt with as part of the Department's *Review of Community Sentences* consultation. This consultation commenced in February 2011. It had become prolonged and was still ongoing in February 2013 as politicians continued to deliberate upon some of the key issues. This meant the recommendation could not be progressed, a matter which was entirely beyond the control of the PBNI.

### Recommendation 14

**PBNI should initiate regular community service offender exit interviews and beneficiary surveys.**

#### Status: Achieved

Exit interviews with offenders and beneficiary surveys were initiated in 2010. The most recent report in August 2012 demonstrated very high levels of satisfaction with the Community Service Scheme, reaffirming positive findings from a similar survey that was conducted in 2011. There were 86 responses from community beneficiaries of which 94% felt placement arrangements were effective and well-managed; 83% said the work undertaken was to a high standard; and 88% that the community had directly benefitted from community service work done by offenders.

There were 346 offender responses of which 98% felt they were fairly and respectfully treated; 94% felt the community had benefitted from their work; and 91% felt they had learned something during their community service work.



The PBNI also conducted sentencer satisfaction surveys. The most recent in 2010 showed that:

- 95% were satisfied with the PBNI's overall performance;
- 38% of sentencers frequently requested a Specific Sentence Report (used when the sentencer was certain they wished to impose a specific sentence, normally community service, and only available in the Magistrates' Court); and
- 76% were satisfied with the extent of breach action.

All of this useful feedback was shared with staff via PBNI's in-house publications, and with interested external parties in a variety of other formats. At the time of this follow-up review the PBNI was considering the value of exit interviews and beneficiary surveys because considerable effort was being invested to acquire findings which were invariably positive, and were considering other ways of achieving the same outcome.

- offenders' main complaint was being stood-down – most areas credited them with one hour of work in this situation. 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.

The new version of PIMS, PBNI's Best Practice Framework and a new caseload monitoring system all took account of these indicators in their design. So, as with everything else that awaited implementation of the new PIMS, this recommendation could not yet be fully delivered. Action had been taken in the interim - Inspectors saw evidence of better PBNI performance targets that were more focussed on outcomes, and there was a clear policy for late arrivals - which was to send them home.

### Recommendation 15

**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 community service management information.**

#### Status: Partially achieved

Circulars 16/2007 - the National Probation Service for England and Wales annual *Snapshot of unpaid work* and 39/2007 - quarterly *Throughput of offenders on unpaid work* - provided useful management information for that jurisdiction. Among other things they indicated that in England and Wales:

- performance targets did not focus sufficiently on outcomes;
- in an effort to improve compliance and meet targets, Case Managers would permit offenders who arrived late to attend placements instead of being sent home. This was more likely where offenders had to travel long distances in rural areas; and

## CHAPTER 3:

# Conclusion



The Community Service Scheme was an important element of the PBNI's work at the time of this follow-up review. There were some 1,200 people on CSOs and COs, around 20% of the statutory caseload. This represented a significant increase since the last inspection, and the context was more challenging because of a difficult budgetary situation. The majority of offenders undertook their work in community settings, and feedback suggested the Scheme was valued by sentencers, community beneficiaries and offenders.


We found that the PBNI had responded comprehensively to the 2010 community service inspection. Having accepted all 15 recommendations they devised an Action Plan to address them and delivered improvements in the key areas that required change. They monitored progress thoroughly in biannual audits which demonstrated clear progress in respect of the main 2010 recommendation. There had been deterioration in some administrative aspects of the Community Service Scheme, though these were mostly minor failings rather than serious practice deficits that threatened public protection. The main outstanding concern was for PBNI Managers to ensure risk assessments were being completed in all cases.

Inspectors conclude that eight recommendations have been achieved, six partially achieved and one is no longer relevant. Those which we determine to be partially achieved are not due to lack of effort on the Probation Board's part. Instead they mainly reflect the fact that design of a major new management information system in conjunction with other agencies has developed into a longer-term project than was envisaged. Limited recruitment possibilities

and budgetary restrictions during a period of recession have also impacted, and a recommendation to clarify the place of community service on the sentencing tariff had moved beyond the PBNI's control due to political considerations.

The PBNI has worked diligently to address the spirit of the 2010 community service inspection recommendations. They will have to maintain a thorough focus in order to ensure community service continues to function well as an important element of the Northern Ireland criminal justice system.





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