



HM Prison &
Probation Service

Action Plan Submitted: 13th May 2020

A Response to the HMI Probation Inspection:

A thematic inspection of the Serious Further Offences (SFO) investigation and review process

Report Published: 14th May 2020

INTRODUCTION

Her Majesty's Inspectorate of Probation is the independent inspector of youth offending and probation services in England and Wales. It reports on the effectiveness of probation and youth offending service work with adults and children.

In response to the report, HMPPS/MoJ are required to draft a robust and timely action plan to address the recommendations. The action plan confirms whether recommendations are agreed, partly agreed or not agreed (see categorisations below). Where a recommendation is agreed or partly agreed, the action plan provides specific steps and actions to address these. Actions are clear, measurable, achievable and relevant with the owner and timescale of each step clearly identified. Action plans are published on the HMI Probation and GOV.UK website. Progress against the implementation and delivery of the action plans will be monitored by HMPPS/MoJ and reviewed annually by HMI Probation.

Term	Definition	Additional comment
Agreed	All of the recommendation is agreed with, can be achieved and is affordable.	The response should clearly explain how the recommendation will be achieved along with timescales. Actions should be as SMART (Specific, Measurable, Achievable, Realistic and Time-bound) as possible. Actions should be specific enough to be tracked for progress.
Partly Agreed	Only part of the recommendation is agreed with, is achievable, affordable and will be implemented. This might be because we cannot implement the whole recommendation because of commissioning, policy, operational or affordability reasons.	The response must state clearly which part of the recommendation will be implemented along with SMART actions and tracked for progress. There must be an explanation of why we cannot fully agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.
Not Agreed	The recommendation is not agreed and will not be implemented. This might be because of commissioning, policy, operational or affordability reasons.	The response must clearly state the reasons why we have chosen this option. There must be an explanation of why we cannot agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.

* Actions with future target dates are likely to be delayed due to Covid-19 related disruptions to service delivery.

ACTION PLAN: A thematic inspection of the Serious Further Offences (SFO) investigation and review process

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner (their functional role or department)	6. Target Date
	<p>The Ministry of Justice should:</p> <p>Commission an external agency to:</p>				
1	Quality Assure a proportion of completed SFO reviews each year to provide an independent view of the standard of work – with the results published on a regular basis	Agreed	<p>HMPPS will continue to flag individual cases of significant concern to Ministers. In every case, the National SFO Team will continue to quality assure all SFO reviews, to provide objective feedback to reviewing managers and additional oversight separate from the NPS Division or CRC responsible for managing the offender and producing the SFO review.</p> <p>Ministers have agreed that HMIP should be commissioned to quality assure the SFO Review Procedures by establishing regional panels and scrutinising a randomly-selected sample of SFO reviews.</p>	<p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director Head of Public Protection Group</p>	<p>Complete</p> <p>Complete</p>
2	Convene regional benchmarking events to spread best practice in SFO reviews and ensure consistency between probation divisions.	Agreed	Ministers have agreed that the Inspectorate should hold regular events with SFO reviewing managers and quality assurance panel members, benchmarking some SFO reviews against the HMIP framework.	Deputy Director Head of Public Protection Group	Complete

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	<p>Her Majesty's Prison and Probation Service should:</p> <p>In consultation with probation providers, review SFO policy, guidance and procedures, specifically to include the following:</p>				
3	SFO reviews should focus on the case management and significant events in the period prior to the further offence and on identifying any critical failures in probation practice or missed opportunities in the management of the case	Agreed	<p>HMPPS will continue the work to ensure SFO reviews have a focus on recent significant events, identify critical failures in probation practice and any missed opportunities in the management of the case by:</p> <ul style="list-style-type: none"> • Reviewing and issuing updated Operational Guidance in an amended Probation Instruction 2018 06 Notification and Review Procedures for Serious Further Offences to improve the focus of SFO reviews in line with the recommendation. • Amending the Quality Assurance handbook to capture the recommendation more fully, including guidance to operational counter-signing managers about their role in assuring the quality of SFO reviews prior to submission to the national SFO Team. 	<p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director</p>	<p>* September 2020</p> <p>* September 2020</p> <p>* September 2020</p>

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			<ul style="list-style-type: none"> Incorporate this action into HMPPS national SFO Forums in 2020/21 to support the operational completion of SFO reviews to a high standard. 	Head of Public Protection Group	
4	SFO reviews should include an analysis of any systemic or procedural factors in relation to probation practice and decision-making	Agreed	<p>SFO reviews do now consider any underlying systemic issues in SFO cases and so yield wider learning either locally or nationally.</p> <p>HMPPS will work with the NPS and CRCs including HMPPS Contract Management Team to strengthen the analysis of any gaps in organisational policies , processes or procedures or underlying reasons in relation to probation practice and decision making in SFO reviews by:</p> <ul style="list-style-type: none"> Use of regular communications with SFO reviewers and countersigners to remind reviewers about the existing guidance Engaging with the senior SFO operational leads and HMPPS Contract Management Team to understand any barriers to reviewers addressing systemic issues in SFO reviews and update training and guidance material accordingly. Use the new quarterly SFO bulletin to reinforce the value of identifying underlying reasons for any practice failures identified. Ensure this is included in the brief for the regional investigation teams under the unified model. 	<p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director Head of Public Protection Group</p> <p>Deputy Director Business Strategy and Change</p>	<p>*September 2020</p> <p>*April 2021</p> <p>*June 2020</p> <p>*April 2021</p>

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5	Where indicated by the case, external agencies (for example the police and children's services) that have been involved in the case should be involved in the SFO review, with consideration given to whether this should be mandatory for all homicide cases not currently covered by domestic homicide review or MAPPA serious case review multi-agency procedures	Not Agreed	<p>This recommendation is not agreed as the SFO Review Procedures are designed to be an internal review of probation practice. Therefore, it would be inappropriate to allow other agencies to comment on probation practice when their own practice is not subject to scrutiny through the SFO Review Procedures.</p> <p>HMPPS is already considering the greater involvement of external agencies in reviewing certain SFOs committed by those with a known history of sexual or violent offending by:</p> <ul style="list-style-type: none"> • Undertaking a consultation with partners about updating the national MAPPA guidance to require the Strategic Management Boards to commission a mandatory Serious Case Review where the lead agency (including NPS) has assessed a MAPPA offender at any level as posing a high risk of serious harm, and is charged with a SFO resulting in a loss of life. This will mean that a multi-agency review is undertaken. 	Deputy Director Davison Head of Public Protection Group	*April 2021
6	There should be a requirement for SFO reviews that include findings on the actions of other agencies to be shared with those agencies	Agreed	<p>HMPPS will share the findings and actions of SFO reviews with other agencies such as police or children's services, where relevant by:</p> <ul style="list-style-type: none"> • Updating the Probation Instruction 2018 06 Notification and Review Procedures for Serious Further Offences so that it is more explicit about sharing multi-agency learning with partner 	Deputy Director Head of Public Protection Group	*September 2020

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7	The victim contact scheme in each area should be responsible for contacting victims/family members	Agreed	<p>NPS do have such a process whereby Victim Liaison Officers are responsible for contacting victims/family members after they have been identified by witness care units and indicated they wish to be included in the Scheme or to receive information about the SFO review. The revisions to the Victims Code will introduce a change to the referral process, currently being trialled in several regions, whereby all eligible cases are referred direct to the NPS. This will ensure that the Victim Contact Scheme is fully explained to all eligible victims, including, for those victims who are eligible, the right to have disclosure of the SFO.</p> <p>We will work with other agencies to review the pilot and make changes with the aim that the NPS will be in a position to make contact with all eligible victims to fully explain the procedures, rather than this being the responsibility of Witness Care Units as it is under the current arrangements. It will remain entirely for the victims whether they wish to opt into the Scheme and/or receive disclosure of the SFO review.</p>	Deputy Director Head of Public Protection Group	*April 2021
8	SFO review reports should be made easier for victims to understand, with key events and findings highlighted	Partly Agreed	<p>This recommendation is partially agreed because there is an internal management review which in certain cases will of necessity be detailed and complex. Further, HMPPS makes it mandatory for Heads of Service personally to disclose SFO reviews to victims at meetings and to offer further meetings or correspondence, if victims, on reading the reviews, have questions about any aspect of the reviews. In addition, HMPPS will continue the work to make SFO reviews easier to understand for victims by:</p> <ul style="list-style-type: none"> • Issuing an amended Probation Instruction 2018 06 Notification and Review Procedures for Serious 	Deputy Director	*September 2020

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			<p>Further Offences to strengthen the guidance about good victim engagement</p> <ul style="list-style-type: none"> Exploring options for changing the SFO review format to support reviewers in making reports succinct with key events and findings highlighted. 	<p>Head of Public Protection Group</p> <p>Deputy Director Head of Public Protection Group</p>	<p>*April 2021</p>
9	Quality assurance of SFO reviews should be conducted by local probation divisions and through a new, externally led quality assurance process	Not Agreed	<p>This recommendation has not been agreed, because even with externally -led quality assurance panels, the role of the National SFO Team quality assurance function remains an essential part of the SFO Review Procedures. The National Team's role provides a level of separate scrutiny and a sense of detachment and objectivity to the process. It also allows for high profile cases to come to the attention of Ministers quickly.</p> <p>SFO reviews are locally countersigned including input from HMPPS Contract Management Team, where relevant. The national SFO Team do, however, regularly ask for probation providers to amend reviews. The importance of their role is reinforced by the fact that the HMIP thematic findings were strongly concordant with the national SFO Team assurance of the reviews the inspectorate sampled. This suggest that local quality assurance does not always identify reviews which require more work. Quality assurance panels will capture a proportion of reviews and the national SFO team will ensure there is no duplication with any reviews quality assured by the inspectorate.</p>		

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10	Deliver SFO review training to local areas, with an emphasis on the narrative style and meeting the needs of victims	Agreed	<p>HMPPS will deliver training to local areas to improve the quality of SFO reviews and better meet the needs of victims by:</p> <ul style="list-style-type: none"> • Delivering face to face refresher training in SFO Forums during 20/21. As well as being an opportunity to deliver key messages and support skills development these face to face forums support the effective working relationship between the national SFO team and those writing reviews • Work with Probation Workforce Programme to develop a programme that is accessible to current and new reviewing managers working in the regional investigation teams. This learning will be prioritised as part of the package of learning required for transition to the unified model. 	<p>Deputy Director Head of Public Protection Group</p> <p>Head of Infrastructure Probation Workforce Team</p>	<p>*April 2021</p> <p>*June 2021</p>
11	Provide a redacted copy of SFO reviews to the offender managers involved in the case.	Partly Agreed	<p>This recommendation is partially agreed as HMPPS must balance the requirement for transparency with the rights to privacy of data subjects. With this in mind, HMPPS will improve the access to information for staff following a SFO by:</p> <ul style="list-style-type: none"> • Issuing guidance to operational staff involved in the production and assurance of SFO reviews to ensure: <ul style="list-style-type: none"> (i) reviewing managers are clear with staff at the interview stage how their practice and any learning identified for them is going to be reflected in the SFO review (ii) senior operational managers are given the opportunity to consider the draft review for factual 	<p>Deputy Director Head of Public Protection Group Deputy Director Head of Public Protection Group</p>	<p>*September 2020</p> <p>*April 2021</p>

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			<p>accuracy including checks with key staff who contributed to the review.</p> <ul style="list-style-type: none"> Seek advice from disclosure specialists and strengthen the guidance in an amended Probation Instruction 2018 06 Notification and Review Procedures for Serious Further Offences about probation providers sharing information from SFO reviews with key operational staff whose practice has been reviewed, with a presumption that a redacted review will be made available. 	Deputy Director Head of Public Protection Group	*April 2021
	Her Majesty's Prison and Probation Service SFO team should:				
12	Undertake regular and detailed analysis of SFO reviews to capture all relevant themes and learning. This should inform HMPPS policy and drive improvements in practice	Agreed	<p>HMPPS will analyse relevant themes and learning from SFO reviews by:</p> <ul style="list-style-type: none"> Producing a quarterly SFO Bulletin issued to the NPS and CRCs which captures relevant themes and learning. Set out in a formal document our approach to sharing learning across the HMPPS including setting out findings to policy teams where relevant. It will be for senior leaders in those teams to consider how they can best act on the findings. 	Deputy Director Head of Public Protection Group Deputy Director Head of Public Protection Group	*June 2020 *September 2020

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13	Publish an annual report drawing together key trends, lessons learned and promising practice identified from SFO reviews	Partly Agreed	<p>This recommendation is partially agreed on the basis that some data is already published on an annual basis. HMPPPS will:</p> <ul style="list-style-type: none"> Review the current statistical SFO Bulletin published annually to issue an enhanced bulletin adding information on themes and any promising practice identified. 	Deputy Director Head of Public Protection Group	*October 2020
14	Review the low take-up rate of SFO review disclosure by victims	Agreed	<p>HMPPPS have commenced proactive work to improve the number of victims who opt into the Victim Contact Scheme as set out in recommendation 7. The pilot review will provide some information on the extent to which process change impacts on the take up rate.</p> <p>HMPPPS will review its approach to supporting victims to ensure that</p> <ul style="list-style-type: none"> The process sensitively engages with victims following a conviction for a SFO review and; Take-up rates are monitored and, reasons for the decision not to receive this information are recorded where known. 	Deputy Director Head of Public Protection Group	*April 2021

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15	Ensure that the victim disclosure process, takes account of the risks to, and vulnerabilities of individuals.	Agreed	<p>HMPPS already does this. Therefore, HMPPS will:</p> <ul style="list-style-type: none"> • Issue strengthened guidance to probation providers about sharing information from SFO reviews with victims who have additional needs. • Introduce a requirement that probation providers discuss and agree any cases with the national SFO Team where they propose not to disclose information due to additional victim needs. 	<p>Deputy Director Head of Public Protection Group</p> <p>Probation Providers</p>	<p>*September 2020</p> <p>*September 2020</p>
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Recommendations	
Agreed	10
Partly Agreed	3
Not Agreed	2
Total	15

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