



HM Prison &
Probation Service

Policy Framework - Notification and Review Procedures for Serious Further Offences

Annex J Information for staff

We know from experience that, when dealing with cases of serious further offending, it can be stressful for those staff involved. The impact of a SFO on many staff can be traumatic, particularly in respect of the impact on the victim(s). Therefore the Probation Service will need to exercise good employee care at these times. Further we realise that staff want to be reassured that the SFO review is factually accurate, they will be given proper feedback, understand how their practice will be reflected in the review and any relevant learning. The Policy Framework at section 6.1-6.3 provides additional information.

SFO FAQ Video

HMPPS have produced a generic resource available to all staff following a SFO. The Chief Probation Officer introduces and concludes the resource, which is available on My Learning for staff. The attached communication provides detail about the video and the specific issues, which can be viewed as standalone sections. The production of this resource was impacted by Covid-19 restrictions, yet it is a helpful resource for staff and provides an organisational overview of SFOs and more information about the various stages of the SFO processes.



SFOcomms.pdf

<https://mydevelopment.org.uk/mod/scorm/view.php?id=21263>

When is a SFO Review carried out?

Whenever a individual under probation supervision is charged with a serious sexual, violent or terrorist offence, the need for a SFO review (hereafter a review) is considered. A review is always undertaken if the SFO charge is murder, manslaughter, or other specified offence involving loss of life, rape, a terror related offence or a sexual offence against a child under 13 years of age. A review is also undertaken in cases of supervised individuals charged with other qualifying serious further violent or sexual offences if they had been assessed as high or very high risk of serious harm during their current sentence, or had not received an assessment as part of their sentence. The full list of offences that can qualify as a SFO can be found at Annex A of the Policy Framework for SFO Procedures.

Reviews may be undertaken when an individual under supervision commits any other serious offence where there are public interest reasons for doing so. Overall, the procedures focus on the most serious offences.

After a supervised individual appears in court for a SFO, the regional SFO Team will complete an early look into practice to identify if there is a need for immediate management action.

Why do we review SFO cases?

The purpose of a review is to provide an objective assessment of the quality of practice in the management of an individual case, usually up to the point of the SFO. It is important to identify any actions that are needed to improve practice in the management of future cases, both at an individual and organisational level to assist with wider improvements. We need to establish whether everything that could reasonably have been expected to be done was done to manage the supervised individual's risk of harm effectively during the supervision period. Some cases where an individual has been charged with a SFO will have been managed to expected standards, or indeed very well. Where our practice did not meet expected standards, it is important to understand what happened and why and to take action to improve, mindful of both the need for accountability and our statutory duty to protect the public. HMPPS is committed to transparency in the SFO process and better access to information for victims/victims' families of SFOs.

SFOs in context.

Serious reoffending occurs in a small proportion of the probation caseload and in all risk categories. This means that some staff may be involved in a number of SFO reviews in their career; others rarely or not at all.

Who reviews the SFO case?

A reviewing manager working for the regional SFO Team who is independent of the line management of the case, will complete the review. In certain cases, a manager from another Region may be asked to write the review and, exceptionally, Her Majesty's Inspectorate of Probation may undertake a review.

What does a Review involve?

The reviewing manager assesses the standard of practice and reports on key findings in accordance with the operational guidance in the Policy Framework for the SFO Procedures and the HMI Probation Quality Assurance Standards. They will highlight any particular strengths in how the case was managed, and any deficiencies (or concerns), together with the reasons for them (whether they are at organisational, team or individual level; or a combination). The reviewing manager will then devise an action plan to address the identified learning. The review can take up to three months to be completed.

What information is used in a Review?

The main sources of information are the case records, interviews with the staff who managed the case and other staff who worked with the supervised individual, together with line managers. Interviews with staff - both practitioners and managers - are part of the fact-finding process. They explore whether the case was managed to the standard expected, taking into account factors such as the challenges posed by the case and any organisational constraints such as workloads and resource issues. The interview is also an important opportunity for those involved in a case to talk it through and place it in perspective for themselves.

Feedback and employee care

All staff (including managers) involved in the management of a case that leads to a SFO notification should be made aware when a review is being undertaken, be able to prepare for any interviews that may be required and be given feedback on the findings of the review and particularly any learning relevant to them. The Procedures require the reviewing and countersigning manager to be satisfied that the relevant Head of PDU has been given the opportunity to comment on matters of factual accuracy.

The review process is not about apportioning blame but developing practice through continuous improvement. However, we know from experience that, when dealing with cases of serious further offending, it can be stressful for those staff involved. Staff may experience trauma about the offence itself, feelings of guilt as well as anxiety about the SFO process. Staff welfare should be considered at all stages of the SFO process and appropriate support made available within and outside of line management arrangements including signposting to staff support services. There is more information about what is in place to support staff in the FAQ. Overall, senior management and employers will exercise their duty of employee care. The Policy Framework at section 6.1-6.3 provides additional information.

A review is not a capability or disciplinary investigation

The review is not a disciplinary or a capability process. However, it is recognised that the early look and a closer scrutiny of practice may uncover gaps in the responsible officer or manager's knowledge and skills which need to be addressed and, in some circumstances, this could lead to separate capability or poor performance improvement measures. In a small number of cases, where there are indications of potential misconduct, the review process may uncover the need for disciplinary proceedings to be invoked. A separate investigating officer will be appointed if an investigation under the Conduct and Discipline policy is required to consider a specific allegation(s). This is different and separate from the SFO review which will look at practice and organisational factors as a whole. The investigating officer will access the original source material and interview relevant staff, the process is not aligned to the production of the SFO review.

SFO interviews therefore ordinarily involve only the staff members concerned and the reviewing manager. A request to be accompanied by a trade union representative or colleague should be considered on a case-by-case basis.

The SFO review and confidentiality

The completed review does not contain the names of anyone involved in the case. Its main function is as an internal management report written for the Regional Probation Director, Chief Probation Officer and designated others in HMPPS. Others (e.g. Coroners where there is an inquest) will have an entitlement in certain cases, and the review may inform parallel reviews such as MAPPA, Domestic Homicide Reviews and Local Safeguarding Children Reviews. Requests for information under the Freedom of Information Act must by law, be dealt with on a case by case basis. Any one receiving such a request should contact HMPPS SFO Team for advice. SFO Reviews are not published.

SFO reviews and victims

Since 2013, HMPPS has been sharing information with victims following conviction of the supervised individual for the most serious offences and since April 2018, victims have been offered a redacted copy of the full SFO review. Whilst the SFO review is still an internal management review, it needs to be user friendly and fully transparent (as a standalone document) about practice in the case and planned actions to address areas of concern.

It is important to remember that the document shared with victims is fully anonymised and, where necessary, information is redacted in line with Data Protection Act requirements. HMPPS must balance the need for transparency with the right to privacy of data subjects. Decisions will be made about information which may need to be redacted from the review based on whether it is necessary and proportionate to provide an understanding of the case. There is an expectation that information is only removed where absolutely necessary and should not undermine the commitment to transparency. Redactions broadly fall into the following areas.

- (i) confidential information from third parties. This is information received from other sources in confidence and we are under a legal duty not to disclose the information without the consent of the third party
- (ii) personal information relating to the supervised individual, other individuals mentioned in the review and staff involved in the management of case. The MoJ has to balance the desire to be transparent with the legal duty to be observant of the right to privacy of data subjects. In order to lawfully disclose personal and special category data, we are required to consider if the information is relevant and proportionate to the understanding of the review. To be lawful it must be relevant and not excessive to ensure compliance with the Data Protection Act and GDPR.
- (iii) personal data relating to third parties including staff, and other third parties whose personal data are not in the public domain.

The potential impact for the supervised individual/staff upon sharing of the information must always be considered. This may mean that additional steps need to be taken to support a staff member during the process. Regions will already have mechanisms in place for dealing with issues of staff safety. If there are particular concerns about the impact of disclosure on any staff member, senior managers must put in place contingency plans in line with existing staff HR procedures. If there are exceptional concerns that the impact of disclosure on a staff member is not manageable, contact must be made with HMPPS SFO Team.

Media and other interest.

SFO cases will often be the subject of understandable media and other community interest. Staff should ensure they are familiar with their employer's Code of Conduct and other policies relating to confidentiality, and know where to refer enquiries from the media.

Further advice.

Each Region has a senior lead manager for SFO Reviews and a Single Point of Administrative Contact, who will advise locally on any aspect of this guidance.

Further information about the SFO review process can be found in the Policy Framework for SFO Procedures and the accompanying Operational Guidance.