



HM Prison &  
Probation Service

Action Plan Submitted: 25<sup>th</sup> October 2021

A Response to: A joint thematic inspection of community-based drug treatment and recovery work with people under probation supervision

Report Published: 18 August 2021

#### **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 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 <b>must</b> 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 <b>must</b> 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.

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner (including named individuals and their functional role or department)	6. Target Date
The Ministry of Justice should work with the Department of Health and Social Care and Welsh Government to:					
1	Commission a structured evaluation, including costs and benefits, of integrated health and justice co-commissioning models for drug treatment and recovery services across England and Wales and implement best practice.	Agreed	<p>The Ministry of Justice (MOJ) have piloted a Drug Recovery Prison at HMP Holme House which takes a whole system approach to tackling substance misuse, with health and justice partners working together to jointly commission services to tackle the supply, demand and recovery from substance misuse. The pilot will be subject to process, economic and impact evaluations and findings which will be published and shared across the Criminal Justice System.</p> <p>Independent evaluations for the Home Office led Project ADDER (Addiction, Diversion, Disruption, Enforcement and Recovery) (this includes Wales) and Place Based Accelerators have been commissioned, with MoJ/HMPPS and Department of Health and Social Care (DHSC) key partners in this work. Publication is planned for Autumn 2023.</p> <p>Actions to be taken in advance of the 2023 evaluation publication:</p> <ul style="list-style-type: none"> <li>• Refresh of national Health governance – strengthening partnership governance to support the sharing and implementation of co-commissioning good practice and learning across HMPPS and between Government departments</li> <li>• Support to Probation regions to be provided by Probation Reform Programme to facilitate effective embedding of new regional commissioning teams</li> </ul>	MOJ Deputy Director, Female Offenders and Health Policy	<p>October 2023</p> <p>April 2022</p>

			<p>DHSC has commissioned an evaluation of the implementation of the universal and inpatient detoxification grants funded by the additional £80 million funding package provided this year for investment in drug treatment services across England. This will focus on the impact that in-year funding has on the ability to commission effective services. DHSC will also monitor changes across a range of indicators, including the provision of treatment and recovery services and the continuity of care between prisons and treatment, resulting from this additional funding.</p>	<p>Deputy Director, Addictions Policy, Office for Health Improvement and Disparities (OHID), DHSC</p>	<p>July 2022</p>
2	<p>Ensure that there are joined-up strategies and policies to address drug misuse for people on probation.</p>	<p>Agreed</p>	<p>As part of the <a href="#">Government's response</a> to the Dame Carol Black review, the Government is committed to developing a long-term whole-of-Government strategy to drive down drug supply and demand. It includes support for people through treatment and recovery, including in the Criminal Justice System, and an even tougher response to criminal supply chains and the demand that fuels these illegal markets.</p> <p>MoJ and HMPPS will review our work to ensure it aligns with the Government Drugs Strategy and priorities across the whole system.</p> <p>The Welsh Government will continue to work in partnership and will ensure HMPPS Wales is fully involved in the revision of their Substance Misuse Delivery Plan 2019 – 22.</p>	<p>MOJ Deputy Director, Female Offenders and Health Policy</p>	<p>December 2021</p> <p>April 2022</p>
3	<p>Legislate to extend the ability of the probation service to drug test people on probation, so that the service is able to test a greater proportion of its caseload, to help assess and identify people with a drug problem who might benefit from treatment.</p>	<p>Partly Agreed</p>	<p>This recommendation is partly agreed as the pilots running (detailed below) have a set criteria, and there is no current plan to legislate for wider drug testing of those on probation to identify people with a drug problem.</p> <p>The forthcoming Police, Crime, Sentencing and Courts Bill (PCSC) will include powers to enable drug testing requirements to be imposed by the Court as part of community orders and Suspended Sentence Orders if the following two requirements are met:</p> <p>(a) the court is satisfied that the offender's misuse of a drug or psychoactive substance caused or contributed to the offence which the order relates to (or an associated offence) or is likely</p>	<p>MOJ Deputy Director Female Offenders and Health Policy</p>	<p>September 2022</p>

			<p>to cause or contribute to the commission of further offences; and</p> <p>(b) the court has been notified by the Secretary of State that arrangements for drug testing requirements are available in the offender's home local justice area.</p> <p>The MOJ intend to use these powers as part of the Problem-Solving Court (PSC) pilots, also contained in the Bill, before considering further roll out.</p> <p>HMPPS are currently pursuing a Private Members Bill (PMB) for Approved Premises (AP) Drug Testing. The measures include introducing reception and random testing as well as extending the range of drugs that HMPPS can test for, such as psychoactive drugs and prescription medication. The first Bill reading is scheduled for 29<sup>th</sup> October 2021.</p>		
--	--	--	---	--	--

**The Department of Health and Social Care and Welsh Government should work with the Ministry of Justice to:**

4	Provide adequate funding for drug treatment and recovery for people on probation and following release from custody.	Agreed	<p>The funding of drug treatment and recovery services has been the subject of a recent independent review. The Government has published its initial response to Dame Carol's review, in which it accepts the urgent need to address the challenge of illegal drug misuse in England and Wales and the funding required to do so. This year, the Government has provided £80 million of new money for investment into treatment and recovery services; around half of which has been directed towards criminal justice interventions. If the £80m investment received this year does not continue, or if there is no additional funding for drugs agreed through the SR, the capacity and quality of substance misuse treatment services may not be sufficient to absorb additional referrals.</p> <p>The National Health Service (NHS) is working to improve continuity of care following release from prison through the RECONNECT</p>	Deputy Director, Addictions Policy, Office for Health Improvement and Disparities (OHID), DHSC	March 2022
---	--	--------	--	--	------------

			<p>programme, which starts working with people before they leave prison and helps them to make the transition to community-based services.</p> <p>The Government has announced an additional £2.5 million of investment in an enhanced RECONNECT service which will support offenders with complex needs to engage with and get the right treatment from community mental health, substance misuse and other services, for up to a year after release.</p> <p>The Government Drugs Strategy, which is due to be published later this year, will look in more detail at future funding, subject to funding constraints.</p> <p>Funding for drug treatment of people under probation in Wales is the responsibility of HMPPS. The Welsh Government and HMPPS will continue to support the effective development of a co-commissioned whole system integrated substance misuse service.</p>		
5	Ensure directors of public health in England and area planning boards for Wales provide responsive drug treatment and recovery provisions for people on probation and following release from custody.	Agreed	<p>In England, local authorities commission drug and alcohol services in the community, using funding from the Public Health Grant, which is ring-fenced for use on DHSC functions.</p> <p>Effective partnership working between health and criminal justice partners is needed to ensure the needs of people under probation supervision and following release from custody are factored into the commissioning and delivery of treatment and recovery services locally. As of 2021/22, DHSC has made it a condition of Public Health Grant funding that a local authority must “have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services, based on an assessment of local need and a plan which has been developed with local health and criminal justice partners”.</p> <p>Findings from the evaluation of the Project ADDER and ADDER Accelerator programmes, as well as this year’s additional £80 million investment, will also inform future work and improvements to joint working between health and criminal justice partners.</p>	Deputy Director, Addictions Policy, Office for Health Improvement and Disparities (OHID), DHSC	Ongoing

			<p>Within Wales, a co-commissioned whole system integrated substance misuse service is in place. HMPPS will continue to work alongside Police and Crime Commissioners (PCCs) in the effective co-commissioning and management of services and in partnership with the Welsh Government and through the Area Planning Boards to support alignment between Criminal Justice and open access provision.</p>		
--	--	--	--	--	--

**Her Majesty's Prison and Probation Service should work with drug services to:**

6	<p>Increase the use of Drug Rehabilitation Requirements by ensuring that drug-misuse assessments at court are carried out by appropriately skilled practitioners, and that they comment on suitability and motivation for treatment and help set the expectations for defendants.</p>	Partly Agreed	<p>This recommendation is partly agreed as treatment providers, not Probation are responsible for assessing treatment suitability. HMPPS are also partly agreeing this recommendation on the assumption that the word 'assessment' within this thematic report, is intended to reflect the Probation Service's current and well-established responsibilities: identifying need, agreeing any proposal with treatment staff and setting any proposal in the context of risk of harm and reoffending.</p> <p>The increase in the appropriate use of Drug Rehabilitation Requirements (DRRs) will be planned, co-ordinated and monitored via the Community Sentence Treatment Requirement (CSTR)/Probation Drug Delivery Plan, which will include the following:</p> <ul style="list-style-type: none"> <li>• The DRR/Alcohol Treatment Requirement (ATR) operational policy framework;</li> <li>• Guidance to Sentencers on Community Sentence Treatment Requirements (CSTR), including DRRs, aiming to support and increase use;</li> <li>• HMPPS mapping the national offer for DRRs, including availability of substance misuse staff to undertake court assessments;</li> <li>• Collaborative working with Probation regions to implement a Probation substance misuse screening tool and model pathways to increase identification and triggering contact with those who require drug treatment/intervention.</li> </ul>	Deputy Director, Head of Rehabilitation and Care Services Group	April 2022
---	---	---------------	---	---	------------

7	Establish the proportion of people on probation in each locality who are dependent on drugs and would benefit from specialist treatment and ensure that this treatment is available for all people on probation that need it.	Partly Agreed	<p>This recommendation is partly agreed because HMPPS do not commission or provide drug treatment services in England, we are therefore unable to 'ensure' that treatment is available. As such, we are unable to agree the second part of this recommendation.</p> <p>However, HMPPS are and will continue to actively work in partnership with other organisations at both national and local levels to influence the commissioning of services which meet the needs of people who have offended. Work is underway to develop and strengthen this area. For example, the introduction of new Regional Community Integration Teams responsible for effective local partnership working, including working with Local Authorities, Health and Criminal Justice partners to assess local need and contribute to planning of treatment services. And the development of improved recording and reporting functionality to improve HMPPS ability to support commissioning and monitoring of services.</p> <p>HMPPS are committed to developing our understanding of the proportion of people on probation with a drug need and ensuring this informs probation practice and partnership working.</p> <p>HMPPS will form a probation drug related data task and finish group which will co-ordinate activity in the Probation Drug Delivery Plan (mentioned in recommendation 13). The group will explore and work towards improving identification, recording and reporting on drug need and people on probation who would benefit from specialist treatment.</p>	Regional Probation Director, East of England and Substance Misuse Lead	<p>Completed</p> <p>April 2022</p>
8	Ensure that every person leaving custody needing ongoing treatment receives it, supported by effective handover arrangements.	Partly Agreed	<p>This recommendation is partly agreed. Whilst HMPPS are prioritising improvements in this area, we recognise that 100% is unlikely to be achievable for a range of reasons; including attrition of people who choose not to engage with treatment on release. It also reflects that continuity of care is not solely the responsibility of HMPPS. Drug treatment in the community is DHSC's responsibility and the department will therefore need to be involved in ensuring that this recommendation can be achieved.</p>	Regional Probation Director, East of England and Substance Misuse Lead	



			<p>HMPPS will refresh the existing Continuity of Care policy to include an Agency wide approach to justice and health transition points and recruitment is underway to lead this work.</p> <p>HMPPS Health and Social Care Partnerships Team have commissioned a Task &amp; Finish Group to improve information sharing practice between HMPPS staff and health partners. Terms of reference and timescales for the work will be agreed shortly.</p> <p>HMPPS will work in partnership with DHSC to clarify the recording of continuity of care and explore opportunities to develop the use of Delius to support Probation recording and monitoring over the next year.</p>		<p>April 2022</p> <p>December 2021</p> <p>December 2021</p>
9	Ensure that evidence-based and recovery interventions, are commissioned and delivered.	Agreed	<p>As part of the Probation Drug Delivery Plan the following actions will be taken:</p> <ul style="list-style-type: none"> <li>- Ensure we are meeting the needs of People on Probation who misuse drugs by exploring and further developing interventions in accordance with risk, need and responsivity, to enable Regions to prioritise and deliver/commission evidence-based informed interventions that best meet local and POP needs.</li> <li>- Regional commissioning of dependency and recovery pathways supported by Probation Reform Competition Workstream.</li> </ul>	Deputy Director, Reducing Reoffending partnerships	April 2022
10	Enact a plan of work to build a joint working culture between the relevant professional organisations, and ensure this includes effective use of information exchange provisions.	Agreed	<p>There is significant work already underway across HMPPS, and alongside partners, to enhance our joint working. We will include this work within the Probation Drugs Delivery Plan to ensure activity supports delivery of the forthcoming Government Drugs Strategy and can be co-ordinated, sequenced and shared effectively. This will include work to define relevant professional bodies and mechanisms to measure effective information exchange.</p> <p>Probation regions across England and Wales are responsible for developing and embedding local joint working culture including:</p>	Deputy Director, Reducing Reoffending partnerships	April 2022

			<ul style="list-style-type: none"> <li>• Oversight and accountability of local probation practice and embedding of new developments to practice</li> <li>• Working with partners to agree local working practices which support a joined culture e.g. Memorandum of Understanding (MOU)/Information Sharing Agreements (ISA) sign off, shared estates, contribution to IOM.</li> <li>• Training review as per recommendation 13, to specifically consider culture, joint working and recording requirements.</li> </ul>		
11	Measure and publish outcomes for people on probation with a drug problem, such as completion of psycho-social interventions; reduced illicit drug use; reduced offending; improvements in mental health; improvements in education, training and employment outcomes; and improved accommodation outcomes.	Partly Agreed	<p>This recommendation is partly agreed as it is envisaged that some elements of the recommendation would require significant unplanned investment and/or large-scale practice changes which sit outside of planned activity to embed the newly unified Probation service. This includes inclusion of psychosocial intervention outcomes and mental health outcomes.</p> <p>HMPPS will create a dashboard for a subset of people on Probation who misuse drugs. This will be commissioned by a Probation Data Task and Finish Group. The dashboard will enable local and national analysis of outputs and outcomes, to be used to inform service design, delivery and partnership working.</p>	Regional Probation Director, East of England and Substance Misuse Lead	April 2022
12	Improve the safety of people under probation supervision by: <ul style="list-style-type: none"> <li>a. increasing access to and provision of naloxone;</li> <li>b. reducing the number of people who die from drug-related causes by improving drug-related deaths, including near-miss reviews, and strengthening dissemination of</li> </ul>	Agreed	<p>A Death under Supervision Working Group will be formed by Autumn 2021 to lead and oversee development and embedding of new Death Under Supervision arrangements and policy framework. This will include the introduction of a new Learning and Casework function to co-ordinate and disseminate learning to frontline practitioners.</p> <p>HMPPS will build upon the rollout of Naloxone to Approved Premises and explore the most appropriate model for a broader community rollout.</p>	Regional Probation Director, East of England and Substance Misuse Lead	April 2022

	<p>meaningful learning between agencies;</p> <p>c. developing learning programmes that enable staff to deliver effective harm reduction and overdose prevention work to people with drug problems;</p> <p>d. ensuring that all frontline practitioners understand and take steps to safeguard adults at risk.</p>				
--	---	--	--	--	--

**The Probation Service should:**

13	<p>Launch and implement an effective drugs strategy and related policies to:</p> <p>a. ensure effective governance drives effective and responsive practice to tackle drug misuse</p> <p>b. improve data and information systems to collect the profile and needs data for people on probation, to support effective commissioning of drug services at a local level. This should include changes to the OASys assessment tool to allow probation managers to extract the number of individuals on probation caseloads who are class A drug users and to track how many of them are currently in treatment. A specific field</p>	Partly Agreed	<p>This recommendation is partly agreed, as there are some elements of the recommendation that cannot currently be progressed in full:</p> <ul style="list-style-type: none"> <li>As per recommendation 3, drug testing powers under the PCSC Bill will be piloted within Problem Solving Courts, prior to further consideration. Additionally, HMPPS will prioritise work to ensure current testing abilities are effectively and consistently utilised, in line with developing policy and available resources.</li> <li>To introduce a semi-specialist model is outside of the framework set out in the Probation Target Operating Model. However, the planned training review will explore how training can support Practitioners with varying levels of experience and skill, including those working as part of Integrated Offender Management teams.</li> </ul> <p>The forthcoming Government Drugs Strategy will set out the whole-of-Government approach to tackling drug misuse, supply and demand.</p> <p>The criminal justice system, including probation, is central to this. MoJ and HMPPS will be reviewing our work to ensure it aligns with the Government Drugs Strategy and priorities across the whole system.</p>	MOJ Deputy Director, Female Offenders and Health Policy	<p>April 2022</p> <p>April 2022</p>
----	--	---------------	--	---	-------------------------------------

	<p>should also be developed in nDelius to record drug test results;</p> <p>c. commission appropriate services to tackle drug addiction and support recovery;</p> <p>d. increase the use of regular drug testing, in relevant community orders and licences, as a tool for initial assessment, monitoring and compliance, including exploring the potential for piloting drug tests at first appointment to measure the extent of under-reporting of class A drug use;</p> <p>e. ensure that test results for all drug rehabilitation requirements are made available to court, where mandated;</p> <p>f. introduce a drug semi-specialist model so that probation practitioners working with drug rehabilitation requirements develop more confidence and knowledge of local arrangements and better relationships with partner agencies;</p> <p>g. improve training to staff on drugs, how to work with trauma and towards recovery.</p>		<p>A specific Probation Drugs Delivery Plan will also be created to coordinate and oversee delivery of the strategy and key activity to be undertaken in response to the HMIP recommendations. This plan will include:</p> <ul style="list-style-type: none"> <li>• Development and embedding of effective national probation governance to drive effective and response practice;</li> <li>• Formation of a Probation Drug Data Working Group to improve data systems and recording in line with recommendations 7 and 11;</li> <li>• Collaboratively working with the Probation Reform Programme and others to co-ordinate and develop a national suite of interventions and support regional commissioning in line with recommendation 9;</li> <li>• Develop a needs-based training offer which can be delivered from agreed resources;</li> <li>• Oversee rollout of new NDelius drug testing recording page, which will go live in Autumn 2021. This will standardise the recording of drug tests (where undertaken by Probation or where results are shared by a treatment provider) and will facilitate reporting to court. This is part of broader work underway (as per recommendation 6) to strengthen effective use of DRRs.</li> </ul>	<p>Regional Probation Director, East of England and Substance Misuse Lead</p>	
--	---	--	--	---	--

**The Probation Service and Local Criminal Justice Boards should work with local health departments to:**

14	Ensure that suitable local governance arrangements are in place so that all relevant partners, including Health and Wellbeing Boards and local services are involved in planning, commissioning and delivering effective joint services for people with drug problems, as a major contribution to local crime reduction.	Agreed	Regional Probation Directors will ensure Community Integration Teams and other Probation staff are engaged with relevant partners and co-ordinating partnerships (including the Local Criminal Justice Boards and Health and Well Being Boards) and that the effectiveness of the engagement is monitored through internal probation governance structures.	Regional Probation Director, East of England and Substance Misuse Lead	April 2022
----	--	--------	---	--	------------

Recommendations		
Agreed	8	
Partly Agreed	6	
Not Agreed	0	
<b>Total</b>	<b>14</b>	