



HM Prison &  
Probation Service

Action Plan Submitted: 16<sup>th</sup> January 2023

A Response to: Independent Review of the Case of Damien Bendall

Report Published: 17<sup>th</sup> January 2023

## INTRODUCTION

His 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.

ACTION PLAN: Independent Review of the Case of Damien Bendall

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner	6. Target Date
	<b>HM Prison and Probation Service should:</b>				
1	Ensure that domestic abuse enquiries are carried out on everyone sentenced so that accurate risk assessments can be made and safe proposals are made in court reports	Agreed	<p>Domestic Abuse (DA) enquiries on all cases where a court report recommends an electronically monitored curfew (EMC) have been mandated since April 2022.</p> <p>In November 2021 the Chief Probation Officer agreed to fund additional resources to improve DA enquiries at point of sentence initially, and once established throughout the sentence (£1.47m per annum, equivalent of 51 full time posts). The additional funding provides for dedicated staff to directly access information held by police forces.</p> <p>Recruitment for these administrative support posts is ongoing. Some locations are also exploring other approaches to ensure they have more efficient access to police information. It is now accepted that all EMC cases are now mandated as a priority from April 2022. The implementation of the resource has progressed on this basis, in liaison with Police Forces. This is firmly embedded as a key improvement priority and we expect to see a trajectory of improved use of police information over the next nine months.</p> <p>Performance data showing DA enquiries requested and received is now provided to Probation Regions as part of the standardised monthly reporting pack.</p> <p>Once embedded and matured, the uplift in resource will be a basis from which to gather learning and broaden enquiries with a focus on continuous improvement. HMPPS will make an assessment of the resources needed and appetite of partner agencies to go further to deliver enquiries on all cases at court once we have delivered the</p>	Deputy Director, Public Protection Group & Regional Probation Director with Domestic Abuse Lead	<p>Complete</p> <p>Complete</p> <p>July 2023</p> <p>Complete - ongoing</p> <p>October 2023</p>

			process/system for efficient enquiries for all Pre-Sentence Reports (PSRs) where EMC is under consideration.		
2	Ensure that child safeguarding enquiries are made in all cases where the person being sentenced lives with, is responsible for, has access to, or is likely to have a negative impact on the wellbeing or safety of a child	Agreed	<p>Child safeguarding enquiries on all cases where a court report recommends EMC have been mandated in line with HMIP standard from March 2022.</p> <p>The Chief Probation Officer has approved funding for additional staffing resources to support all Probation Regions to improve information exchange with Children's Services, via Multi-Agency Safeguarding Hubs (MASH) or other locally agreed arrangements. The additional staff will deliver a more robust and informed approach to advising the court of suitable proposals in all cases where the person being sentenced: lives with, is responsible for, or has access to a child and is likely to have negative impact on the well-being or safety of a child. This will be particularly important in cases where an EMC requirement is being considered. These enhanced enquiries are in line with the requirements set out in the new HMPPS <u>Child Safeguarding Policy Framework</u>. This is firmly embedded as a key improvement priority and we expect to see a trajectory of improved use of child safeguarding information over the next nine months.</p> <p>Performance data showing safeguarding enquiries requested and received is now provided to Probation Regions as part of the standardised monthly reporting pack.</p>	Deputy Director, Public Protection Group & Regional Probation Director with Safeguarding Children Lead	<p>Complete</p> <p>July 2023</p> <p>Complete - ongoing</p>
3	Develop a mechanism and reliable processes with relevant agencies to allow sufficient safeguarding enquiries to be completed, to verify information and therefore reduce reliance on self-disclosure	Agreed	HMPPS have developed a new child safeguarding enquiries template for staff to request information from Children's Services. The new form clearly sets out the legal basis for enquiries, which will support an efficient exchange of information.	Deputy Director, Public Protection Group & Regional Probation Directors with Domestic Abuse & Safeguarding Children Lead	Complete
4	Ensure that sufficient safeguarding enquiries with relevant agencies are	Agreed	From April 2022 the Probation Service now mandate safeguarding and DA enquiries in all cases prior to the recommendation for an EMC	Deputy Director, Public Protection Group & Regional	Complete

	always carried out before finding a curfew requirement suitable, and that policy/practice guidance clarifies that assessment of suitability post-sentence should be ongoing.		<p>requirement imposed by the courts at the point of sentence and prior to any release on a Home Detention Curfew (HDC).</p> <p>The Child Safeguarding Policy Framework has required staff to carry out a child safeguarding enquiry with Children's Services in all cases where there are children living at a proposed curfew address or where the individual poses a risk to children. HMPPS have amended the Policy Framework to reflect the new mandatory requirement for child safeguarding enquiries to be undertaken for all cases before recommending an EMC whether or not children are known to be at the address.</p>	Probation Directors with Domestic Abuse & Safeguarding Children Lead	Complete
5	Quality-assure risk assessments and proposals to the courts for accuracy and suitability	Agreed	<p>The Effective Practice and Service Improvement Group (EPSIG) have developed a PSR Gatekeeping Form which provides a light touch quality assurance of all PSRs. The Gatekeeping Form provides regions with a tier one assurance approach, which includes a requirement to ensure that mandated enquiries have been undertaken and informed consent has been secured where EMC is proposed. The process will be undertaken by operational staff (including administrators), overseen and moderated by court managers and regional quality development officers.</p> <p>The Gatekeeping Form was piloted in December 2022 in the virtual hub and one regional court team, with implementation nationally via the National Court Strategy Group from January 2023.</p> <p>HMPPS Operational &amp; System Assurance Group (OSAG) will produce and pilot a Court Case Audit Tool (C-CAT) in January 2023 to support Probation Regions to undertake local assurance activity. This targeted audit will form a basis from which subsequent annual audits can measure progress (providing a Court quality measure).</p> <p>A new working group has been established between EPSIG, OSAG, the Central Court Team and the Probation Workforce Programme to review the Quality Development Tool for PSRs, current gate keeping process and resource impact in order to support this commission.</p>	<p>Deputy Director, EPSIG</p> <p>Deputy Director, Central Court Team</p> <p>Deputy Director, OSAG</p> <p>Deputy Director - OSAG / EPSIG / Central Court Team / Probation</p>	<p>Complete</p> <p>January 2023</p> <p>May 2023</p> <p>Complete</p>

				Workforce Programme	
6	Introduce a process to contact relevant adult residents of the proposed curfew address and obtain their prior consent to a curfew condition at their address to assess whether the address is suitable for an electronically monitored curfew	Agreed	<p>HMPPS has developed a process to ensure that the relevant adults at an address identified for an EMC proposal are informed of the proposed requirement, understand what is involved and their consent sought proactively prior to an EMC proposal being made.</p> <p>Probation Service staff were issued guidance in March 2022 which sets out the mandate that informed consent must be secured in advance of making a proposal for EMC within a PSR. The Guidance provides clear instructions to practitioners on the steps that should be taken, along with instructions that EMC cannot be proposed unless all the specified activity has taken place.</p> <p>The <u>Licence Conditions Policy Framework</u> has been updated to incorporate the above informed consent guidance/requirement. Obtaining informed consent has been required before release on HDC since 2018.</p>	<p>Head of Electronic Monitoring Operations &amp; Head of Practice Development for Courts</p> <p>Deputy Director, Public Protection Group</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p>
7	Ensure that court reports provide a sufficient analysis of the person's circumstances, including analysis of risk of harm, to provide safe sentencing options	Agreed	<p>The Chief Probation Officer commissioned a review of PSR training to be provided to Probation Officers and Probation Service Officers, with the aim to improve the quality of assessment presented to the courts.</p> <p>The PSR Delivery review made several recommendations, which are complementary to existing Court Target Operating Model commitments. The Central Court Team, working in collaboration with OSAG, EPSIG, and Probation Workforce Programme are developing a package of tools, guidance and audits to be launched nationally in January 2023.</p> <p>This work will be combined with new arrangements to conduct regular audits of PSRs conducted by OSAG <i>see recommendation 5</i>.</p>	<p>Chief Probation Officer</p> <p>Deputy Director – Probation Workforce Programme / OSAG / EPSIG / Central Court Team</p>	<p>Complete</p> <p>January 2023</p>
8	Include a specific section in OASys that is dedicated to assessing and planning for	Agreed	The Public Protection Group have undertaken detailed consultation with practitioners and redeveloped the safeguarding section within the Offender Assessment System (OASys) so that it provides a better	Deputy Director, Public Protection Group / Deputy	Complete

	the safety of children, and ensure that the nature of contact and impact the person on probation has in the life of the child have been considered on both current and future children in the person's life		structure to prompt practitioners to consider the nature and impact the behaviour of an individual may have on the children they have or may have contact with. It provides a greater focus on children to support practitioners to be more responsive to the full range of circumstances where action is needed to ensure child safety and wellbeing. Practitioners were provided with supplementary guidance and workshops will be held to offer additional support.	Director, Head of Digital Probation	
9	Ensure that the impact on children's safety and wellbeing is sufficiently considered in every case	Agreed	<p>A new HMPPS Child Safeguarding Policy Framework was published in January 2022 which sets out a clear expectation for staff to take a child-centred approach to safeguarding work. The Policy Framework emphasises the overriding importance on keeping children in focus when making decisions which have an impact on their lives and listening to children. Moreover, the Policy Framework reinforces that action taken must always be in a child's best interests. HMPPS have developed an implementation briefing pack for probation managers to deliver to their teams to ensure all staff are aware of their mandatory child safeguarding responsibilities. Staff briefings have been delivered across community and custodial settings, including a promotional video trailer to further promote and embed the new Policy Framework.</p> <p>HMPPS have developed a new advanced level child safeguarding training package that all front-line probation practitioners are required to complete. The new training is delivered face-to-face and supported with digital resources which can be accessed at point of need. Taking a child centred approach is at the heart of the training, ensuring that staff will consider the impact of the overall behaviour of an individual when considering the risks to and needs of children. The new training is aligned with the requirements set out in the Child Safeguarding Policy Framework, to ensure that safeguarding practice is consistent with policy expectations.</p>	Deputy Director, Public Protection Group & Regional Probation Director with Safeguarding Children Lead	<p>Complete</p> <p>Complete</p>
10	Ensure that probation practitioners contact partners, family or other key adults in the lives of the person under supervision to determine and discuss their inclusion in risk management plans	Agreed	HMPPS have supplemented the Risk of Serious Harm (ROSH) guidance by means of a specific aide memoire, to set out the importance of ensuring risk to family members and significant others is assessed before they are included in risk management or sentence plans and to ensure that any individual who is identified in a risk management plan has been consulted first. It includes aspects of the relationship to understand and questions to consider.	Deputy Director, Public Protection Group	Complete

			This instruction has also been added to the updated <u>Domestic Abuse Policy Framework</u> .		Complete
11	Consider the suitability and efficacy of online training, particularly on domestic abuse, child safeguarding and other key training required to correctly assess and robustly manage risk of serious harm	Agreed	<p>HMPPS have launched a new safeguarding and DA blended learning package, incorporating virtual face-to-face learning, providing reflective practice opportunities, digital tools and accessible learning resources which are available at the point of need, to embed practice and improve performance outcomes.</p> <p>A national rollout plan has ensured learning placements are prioritised and based on role and identified need, with training having commenced in April 2022 and all staff to have completed the new training package by April 2025.</p> <p>HMPPS have identified further improvements to the current Risk and OASys training material. The existing product will be re-developed into a blended learning product for new entrants, strengthening the existing face-to-face component and providing a suite of digital resources focused upon the fundamental principles of risk assessment and management practice. This new product is anticipated to be launched from March 2023.</p>	Deputy Director Probation Workforce Programme	<p>Complete</p> <p>Commenced April 2022</p> <p>March 2023</p>
12	Ensure that each PQiP has access to a mentor who has at least two years' experience as a qualified probation practitioner	Agreed	<p>To manage the shortfall in qualified probation officers and increase the availability of mentoring services for PQiPs the Probation Workforce Programme reviewed the PQiP Learner Support Model which was presented to Probation Regions in May 2022. The model provides a package of initiatives which Regions can choose to implement based on the needs of their learners and/or resource constraints.</p> <p>To support Regions who may continue to have insufficient numbers of qualified probation officers, a PQiP mentoring and matching initiative is being considered. This will determine whether matching can be hosted remotely on existing IT platforms. Suitability for piloting in one Probation Region in March 2023 will be considered by the Probation Workforce Programme People Management Board.</p>	Deputy Director Probation Workforce Programme	<p>Complete</p> <p>March 2023</p>



			The Probation Workforce Programme commissioned each Probation Region to complete an assessment of current learning and support arrangements for PQiPs.		Complete
13	Dedicate time for probation practitioners to engage in reflective discussions with colleagues and the line manager regarding cases	Agreed	<p>In April 2022 HMPPS commenced the national roll out of Skills for Effective Engagement Development and Supervision (second generation) (SEEDS2). Based on learning from SEEDS, SEEDS2 for practitioners contains more opportunities for learners to engage in reflective learning with colleagues/peers/managers.</p> <p>SEEDS2 for Managers was launched in March 2022 with the objective of increasing the effectiveness of supervision and daily interactions with staff.</p> <p>A formal impact evaluation of SEEDS products has commenced. In addition, each of the products in the SEEDS2 suite will be reviewed by the Design Faculty at 3, 6 and 24 months enabling changes to be made in response to learner feedback.</p> <p>Implementation of regional protected development days have been introduced to provide a regular space for operational and support staff to have dedicated time to upskill, reflect and develop practice to achieve probation service priority of 'Delivering Excellent Practice'.</p>	Deputy Director Probation Workforce Programme & Regional Probation Director with Learning and Development Lead	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>
14	Ensure that NDelius entries for 'management oversight – allocation' include evidence that the manager has considered the complexity of the case and the capabilities and capacity of the probation practitioner receiving the case	Agreed	<p>The Probation Service introduced a revised allocation policy guidance in October 2021 requiring Senior Probation Officers (SPO's) to record the rationale for their allocation decisions.</p> <p>The revised allocation policy guidance has been enhanced by a new digital tool to enable a streamlined approach to allocation notifications and recording. Following a short pilot, a staged national roll out of the tool has now commenced.</p> <p>Probation Regions will ensure appropriate NDelius recording of case allocation decisions, through established line management oversight and quality assurance mechanisms.</p>	<p>Chief Probation Officer</p> <p>Deputy Director, Head of Digital Probation</p> <p>Regional Probation Directors</p>	<p>Complete</p> <p>Complete - ongoing</p> <p>Complete</p>

15	Review and monitor SPO workloads to ensure that sufficient line management and management oversight of case work can be provided effectively	Agreed	<p>The Probation Workforce Programme hold responsibility for an activity-based analysis of the SPO role (sentence management and court) to update workload activity and weightings in line with the new target operating model.</p> <p>An agreed action plan from the Managerial Role Review and adjusted workforce plans within Probation Regions is being implemented and will be reviewed quarterly to monitor impact of change.</p>	Deputy Director, Probation Workforce Programme	Complete - ongoing
16	Review the line management responsibilities and supervision of SPOs responsible for PQiPs to ensure the standard of PQiP management and oversight is appropriately robust, including the suitability of the cases allocated to them	Agreed	<p>The SPO role has been reviewed (PQiP management) to ensure workload levels enable robust line management and effective oversight of case allocation <i>see recommendations 12, 13 and 15</i>.</p> <p>A second stage review will be undertaken to assess national roll out and effectiveness.</p>	Deputy Director, Probation Workforce Programme	Complete February 2023
	<b>Ministry of Justice should:</b>				
17	<p>Amend legislation to be more prescriptive of the information that should be obtained and considered by the court, to assure themselves of the safety of other household members at a proposed curfew address before they impose an electronically monitored curfew</p> <p>Until this can be actioned <b>HMCTS</b> should issue guidance to court staff requiring them to satisfy themselves that relevant checks have been</p>	Agreed	<p>The MoJ understands the concerns about potential unintended impacts of a curfew on co-residents. We will seek to legislate when Parliamentary time allows to strengthen the statutory obligation on courts to obtain and consider information, not only as to the attitudes of those likely to be affected by the curfew, but also as to any safety risks posed to co-residents by the curfew.</p> <p>In the interim, HMCTS commissioned the JCS (formerly the Justice's Clerk's Society) to develop guidance to prompt legal advisors to advise a sentencing bench of both existing statutory expectations and the new Probation Service mandated safeguarding and DA enquiries in all cases prior to the recommendation for an EMC requirement (see recommendation 1, 2 and 6). The guidance also includes the need for the homeowner's informed consent to have been obtained (see recommendation 4). Guidance was cascaded by the JCS in December 2022.</p>	<p>Deputy Director of Bail, Sentencing and Release Policy, MOJ</p> <p>Deputy Director of Crime Live Services, HMCTS</p>	Ongoing Complete

	undertaken by the probation courts team				
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<b>Recommendations</b>	
Agreed	17
Partly Agreed	0
Not Agreed	0
<b>Total</b>	17