GUIDANCE ON THE IMPLEMENTATION OF PRACTICE RECOMMENDATIONS ARISING FROM AN HMIP INDEPENDENT REVIEW OF A SERIOUS OFFENCE CASE, FEBRUARY 2006

PURPOSE

To issue practice guidance to Areas and ensure that urgent improvements are embedded in Area performance across England and Wales.

ACTION

Chief Officers are required to:

- Ensure that all staff are advised of the importance and content of this circular
- Produce an implementation action plan to be submitted to the Public Protection Unit and to Regional Managers by 31 May 2006
- Deliver effective implementation of the five ‘key’ recommendations and 31 practice recommendations
- Prepare for audits to be undertaken during July and October 2006.

Boards are required to:

- Receive regular reports on progress to implement the action plan.

Regional managers are required to:

- Put arrangements in place to audit implementation after three months and whether the recommendations have been embedded in practice after six months.

SUMMARY

In December 2005, Damien Hanson and Elliot White were convicted of the murder of John Monckton and the attempted murder of his wife, Homeyra Monckton. The Home Secretary commissioned an urgent investigation, which was undertaken by Her Majesty’s Chief Inspector of Probation. The Home Secretary accepted all five of the key recommendations without hesitation and made a commitment to Parliament to issue guidelines to all probation areas in relation to the 31 practice recommendations in the report.

This circular contains existing and new guidance in relation to each specific practice recommendation, and Areas are required to give the highest priority to implementation and effective continued delivery of the guidance.
RELEVANT PREVIOUS PROBATION CIRCULARS

References to relevant circulars are incorporated into Annex A.

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EXISTING AND NEW PRACTICE GUIDANCE ARISING FROM HM CHIEF INSPECTOR’S INVESTIGATION INTO DAMIEN HANSON AND ELLIOT WHITE

Introduction

This circular brings together existing and new guidance, which relates to the specific practice recommendations arising from the Independent Serious Further Offence Review published on 28 February 2006. Annex A contains the recommendations and guidance with identified lead officials at the National Probation Directorate. Areas are required to implement this guidance and communicate the changes to all relevant staff by 31 May 2006. Annex B contains a template for Areas to complete and return to the Public Protection Unit and to the appropriate Regional Manager by 31 May 2006. Annex C contains a template for use in notification of changes in the risk management plan or release plan in parole cases.

A separate letter has been sent by the Director of the National Probation Service to all Chairs and Chief Officers to accompany the issuing of this circular. It is vital to emphasise the priority of learning from the lessons of the cases of Damien Hanson and Elliot White and the importance of achieving the changes necessary to increase the National Probation Service’s ability to protect the public.

Summary of the Findings and Key Recommendations from HMIP

Areas are required to respond to the following broad ‘key’ recommendations, which provide the context for the specific practice recommendations:

**Doing the job properly**: the public is entitled to expect all reasonable actions to be taken to minimise risk. That did not happen in these cases.

**Key Recommendation**: NOMS should be able to demonstrate that action has been taken to minimise risk. Enforcement action should take place for all failures to comply with conditions.

**Lead responsibility in managing cases**: there was a lack of clarity, due to poor organisation, as to who was responsible for managing the Hanson case, which led directly to the deficiencies identified.

**Key Recommendation**: there should be continuity and clarity of lead responsibility, particularly for high risk of harm offenders.

**Updating Parole Board decisions**: there is no clarity about whose responsibility it is to review a decision if an offender’s circumstances change between the decision to release and the actual release.

**Key Recommendation**: the parole board should specify what should happen in situations where release is dependent on a requirement which in practice cannot be met.

**Improving Risk of Harm work nationally**: a number of factors have hindered improvement, including the fact that only in April 2005 were risk of harm performance targets set for the first time; the existence of specialist teams, which leads to discontinuity and lack of knowledge of risk of harm issues by generalist officers; and the complexities of performance management in a field, which is essentially about professional judgement

**Key Recommendation**: Chief Officers should ensure that Area structures support risk of harm work, including clarity of lines of responsibility.

**Future independent reviews**

**Key Recommendation**: in exceptional cases of serious further offending, the Probation Inspectorate should undertake and publish a formal review, in order to hold the authorities to account and to inform good practice.
Delivering Change and Improvements

Delivering the national recommendations provides the context for this Probation Circular. The specific practice guidance is wide-ranging and covers:

- The importance of focusing on issues of risk of harm as well as resettlement during pre- and post-release contact
- Offender management
- Operation of conditions and exclusion zones for paroles
- Referral to MAPPA
- Interventions
- Drugs work
- Approved premises
- Assessment and completion of OASys
- Working with partner organisations
- Internal transfer of cases
- Management of risk of serious harm
- Breach timeliness
- Contemporaneous record keeping
- Delivery of National Standards

It is imperative that each Probation Area responds urgently to implement the guidance and to embed the improvements across every unit.

Regional Managers will undertake two audits to provide evidence that the whole Service has moved quickly to learn the lessons from the Hanson and White investigation. The Head of Regions and Performance will inform you in due course about the structure and content of the two audits, which will provide assurance to Ministers that the recommendations have been implemented within three months and embedded in practice within six months (by 31 October 2006).

London Probation Area is developing an additional separate action plan to respond to eight London specific practice recommendations by 13 April 2006.

It is anticipated that the Home Secretary will give the Risk of Harm Improvement Board an expanded brief, and the Head of Public Protection and Licensed Release, who chairs the Board, will have national oversight of the effectiveness of the delivery of Area and national plans.