

NATIONAL PROBATION SERVICE HAMPSHIRE AREA

EQUALITY IMPACT ASSESSMENT

Section Two: Full Impact Assessment

This “Equality Impact Assessment” documents the outcome of a full impact assessment on the specified function, policy or procedure, addressing the equalities strands of: Race, Gender, Disability, Sexuality, Faith and Age. It is to be completed, published as specified, and appended to policy and/or strategy documents.

1. Function Name, Policy or Procedure:

Court reports and targeting community sentences

2. Aims and Approach of Function/Policy/Procedure

This policy has been developed as a response to recent Ministry of Justice initiatives to increase significantly the ratio of FDR:SDR with a view to making better use of resources in a climate of reducing budgets. Its aim is to ensure that demand is managed in a way that maximises the utility of resources whether they can have the greatest impact in terms of reducing re-offending and protecting the public.

The policy provides a targeting grid to be used by Court and Offender Management teams to determine the type of court report to be produced in each case. It gives guidance on proposal practice, including requirement proposals, and guidance on completing FDR's and SDR's. There is also separate guidance given on ensuring diversity is effectively addressed in the writing of PSR's in order to meet HPA's stated commitments as well as its legal responsibilities in terms of equality.

The targeting grid has identified those cases where a SDR is required and these include some relevant diversity issues – serious mental health issues, serious racially aggravated offences and any offender who has been defined as needing an “appropriate adult” when interviewed by the police. This should ensure that offenders with learning difficulties of different categories will generally have an SDR.

The FDR template and in part guidelines for completion draw attention to the critical points at which diversity needs to be considered. Relevant sections are:

- anti-social/discriminatory attitudes/behaviour associated with offending
- mental health
- impact of custody
- additional information about the offender relevant to the offences and the management of the offender
- sentencing options and proposal.

The SDR guidance addresses diversity issues in “Offender Assessment and Likelihood of re-offending” and the “conclusion”.

In addition, a separate section of diversity in Pre-sentence reports is given, with emphasis on the importance of completing HPA’s diversity and equality assessment form.

3. What data/information is available & does it suggest differential impact for any of the groups identified as part of the impact assessment process?

(A range of different data may be used for this section – e.g. internal monitoring data, national reports/research, locally commissioned reports/audits/research, results of previous consultations/workshops, statistical data such as census data, Home Office Statistics)

No data is currently available on which groups are more likely to fall into which category of report and the outcome of those reports. Data does point to the fact that women offenders are more likely to have an FDR than SDR based on lower OGRS and types of offending and women offenders generally are more compliant and more successfully complete orders than male offenders, but further monitoring is required to fully assess impact.

It is suggested that monitoring of different report types and outcomes is undertaken to see if there are any patterns emerging between report type and outcomes that are relevant to different groups.

4. What consultation has been undertaken and with whom?

(include information on what was needed from the consultation, how it was carried out and with whom)

This policy has been considered by the Diversity Adviser and has been shared with HPA's Equality Consultation Panel.

5. What are the main findings of the consultation undertaken (what positive or negative impacts were identified for any of the different groups)?

Feedback from the panel is as follows:

- Crucial to all report types being based on a sound appreciation of diversity issues is the completion of our diversity assessment tool (used to be the Race and Ethnic monitoring tool but it has been developed way beyond this in recent years). For FDR's and Oral reports, this tool is the only way in which diversity issues will be picked up and so it is a crucial assessment for appropriate report writing and proposals. I have therefore amended the section at the back of the document on PSR's and diversity and started off saying that **all reports must be preceded by a diversity assessment**. This is not a departure from existing practice, it is just an emphasis on the importance of this, especially in the light of more FDR's. **Recommendation that this emphasis is given in order to ensure all groups needs are identified.**
- Concern was raised by the panel that time allowance for an FDR does not provide for an adequate diversity assessment, particularly where dealing with complicated cases. Time pressure means that often the assessment is cursory, leading to inappropriate proposals which (and this is feedback from breach officers) then find themselves back in breach court.
- Reference should perhaps be made within the FDR template to factors to be considered in the diversity assessment when completing the bit on diversity issues at the end and in Section 5. The bit where diversity issues is addressed could be extended to give more breadth to the range of possible issues.
- The suggestion was made that learning disabilities, at least, should be added to the FDR template, as with mental health
- A question was raised about the statement "FDR's should be used for 'less serious mental health issues'". How is a report writer meant to

assess what is a less serious mental health issue. This seems to be the only area where no example is given in the template.

- The new matrix means that very few women will have an SDR. Should there be reference to addressing women offenders needs and giving consideration of the women's programme where appropriate. Perhaps more guidance needed in relevant section on template. In particular, it is our stated strategy for women offenders (HPA Women Offender Policy and Strategy 2007) that **"proposals in reports identifying low risk of reoffending and high social need will actively seek to meet social need via referral to appropriate agencies and community support without resort to statutory supervision"**
- The targeting grid matrix lists SDR's for domestic abuse and safeguarding children issues. However, the FDR template under the heading "Offender Recognises the impact and consequences upon victims" states: **focus on any direct victim. Emotional and physical impact. In domestic abuse cases look for wider impact on partner and consider the impact on any children"** Are we therefore saying that FDR's can be used for domestic abuse cases.

6. Does this policy have the potential to cause unlawful discrimination, exclusion of some groups of people from its benefits or lead to negative relations?

If the process of a full diversity assessment preceding the court report and being used to assist in proposals is well established, the needs of all groups should be taken into consideration. In addition, some further guidance relevant to FDR's on how diversity should be integrated and reference particularly to women offenders, would assist in getting our diversity messages across.

7. What measures have been identified in order for the policy/procedures to achieve its aims without risking any adverse impact?

See below

8. What action is now to be undertaken?

