

NATIONAL PROBATION SERVICE HAMPSHIRE AREA

EQUALITY IMPACT ASSESSMENT

Section One: Preliminary Screening

1. Function Name, Policy or Procedure:

Offender Assessment System (OASys) and Sentence Planning

2. Aims and Approach of Function/Policy/Procedure

Is it possible that the policy/procedure may be discriminating unlawfully?	Yes
Could some groups be excluded from the benefits of this policy/procedure or could it have a negative impact on them?	Yes
Is it possible that the policy/procedure may cause negative relations between groups?	No

If the answer to any of these questions is **Yes**, go on to the full Equality Impact Assessment (EIA)

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:

Implementation of Offender Assessment System (OASys) and Sentence Planning

2. Aims and Approach of Function/Policy/Procedure

OASys, and the Individual Sentence Planning process within it, is part of a national electronic system for offender assessment and planning that HPA does not have the ability to adapt. This impact assessment therefore is not assessing the issue of whether equalities issues are adequately addressed through the system, but whether, using the system we have, staff are fully addressing equalities issues as the system anticipates.

OASys asks for ethnicity information, age, religion, gender and language needs. Disability is asked for within a specific section (Section 13.1) This diversity information will also have been gathered through HPA’s own Diversity and Equality monitoring form that is completed on every offender and that should also be used to inform sentence planning.

Alongside Section 13 requiring assessment of Health and Other Considerations, Section 13.3 has a section whereby OM’s are required to consider “issues which affect availability or suitability for the proposed orders, electronic monitoring or programme” and a range of diversity issues are identified as possible considerations.

Within the sentence planning section a specific section is identified for diversity, Section 4.1 which is headed as Discrimination Issues, it is here that any issues relevant to diversity that need to be considered in ensuring the effective delivery of the sentence plan should be recorded. Diversity issues should also be picked up in Section 5.3 where reporting instructions are covered.

The wording of OASys in the two sections most relevant to diversity does not make it completely clear as to what is required. An ambiguity that cannot be changed within the system by HPA, but that is addressed through training and practice guidance notes.

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)

An audit was undertaken on how diversity (particularly gender, race and disability) was addressed in OASys assessments and sentence planning. The findings of this audit were as follows:

1. Audit Female Offenders (including race and disability)

- Audited 20 female offenders who commenced April 2007 through looking at OASys assessments and ISP's. 3 were from minority ethnic backgrounds and 9 had some health issues which may be considered a disability – 7/20 had mental health problems.
- Having child care responsibilities was identified in 9/20 cases, although a further 8 women may have had such responsibilities but it was not apparent on assessment. In none of the cases was there any mention of how this would impact on supervision or requirements and what might be put in place to address this.
- Box 13.1 where information on disability or other health related matters can be recorded was completed for 8/20 women. The most common reason for completion 7/20 (35%) was mental health issues.
- Box 13.3 was completed for only two of the women. Even where issues are identified in 13.1, e.g. offender is bi-polar, and it is apparent that the offender has child care responsibilities, this is not being covered in 13.3. This is probably because what is wanted in the section is itself ambiguous. It asks the question as to whether any of the issues “affect availability” – a further interpretation of this is whether there are issues which need to be considered in ensuring full access to services and action to be taken if anything has the potential to cause problems. It doesn't appear that this box is being interpreted in this way. Even where issues are identified, there is no reference to what is going to be done about it. I checked with the women's programmes team about use of the child care box and feedback I got is that it is not completed.
- The majority, 15/20 (75%), had completed a SAQ
- Section 4.1 on ISP only once had any comments on diversity. The new guidelines that suggest that this box should be used to address a range of diversity issues, particularly picking up on anything in 13.3, will be a complete change of practice. Despite assessments which identify a range of diversity issues, nothing is written in this box, indicating a very narrow interpretation of what is required. Will need a fairly multi-pronged approach to get that message across.

- Section 5.3 is universally completed with reference to simple reporting instructions – no mention is ever made to any diversity issues.
- 11/20 (55%) had agreed the sentence plan, but none had made any comments. 8/20 (40%) referenced that the plan had been signed.
- Consideration was given to the content of ISP's – looking at identified needs of female offenders and what was in place to address these. 15 out of the 20 women had issues that related to emotional well-being, mental health, self esteem, relationships and confidence. The other main issues were drugs and alcohol. Plans contained actions which included the use of other services and partnership agencies, community mental health teams, Cranston, CRI, Social services and some reference to Probation Programmes, but there was also a lot of one-to-one supervision work identified as the method through which to address objectives. It would be useful to do a follow up of the 20 cases at 16 week review to see what work in fact was undertaken.

2. OMI Audit Ethnicity (including disability)

- Audited 14 male offenders from minority ethnic backgrounds who commenced their orders in April 2007. 4 of these had a disability.
- 6 out of the 14 offenders had the field on religion completed
- 13.1 was completed on 4 cases, but this didn't translate into anything in section 13.3, nor anything in the ISP. Only 2 of the 14 had anything identified in 13.3, one of which covered religious requirements well in both this section and in the ISP. Comments would be similar to those made in relation to female offenders above.
- All except for one case had a REM code.
- 10 out of the 14 (71%) had a SAQ completed
- Only one offender had any information relevant to diversity covered in section 4.1 of the ISP. Comments would be the same as those given in female offender audit above.
- 11 out of the 14 had something in reporting instructions box, but this related to requirements and did not reference any diversity issues
- 5 out of the 14 offenders had agreed the ISP but none had had any comments and 5 had signed.

Recommendations:

It is not clear from OASys where relevant information on diversity issues, what has been identified and what needs to be put in place to address accessibility and anti-discriminatory practice, should be recorded. As a result, little is being recorded. The two main areas that require further development are:

13.3 – This section may not be being completed because it is a bit ambiguous with the wording of "effects availability". This can be confusing because it could be interpreted as identify potential barriers to full accessibility about which we should be taking some action, or you could just identify issues which actually mean this person will have difficulty doing the proposal (in which case why is it being proposed). It is not clear what is actually wanted here which may be contributing to not being completed. Even where diversity issues have been identified these are not being translated into this section or if a "yes" pops up occasionally this is not developed in any way and never finds its way again into the ISP section 4.1

4.1 - this section of the ISP is definitely not being interpreted as a section through which to talk about ADP. This will be a completely new interpretation for practitioners and although the new guidance notes are very clear and useful they may not generate a huge change in practice on their own simply because people will not have time to read them.

It may be worth thinking of additional strategies to try and get the two relevant sections of OASys identified completed fully.

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)

Some staff consultation was undertaken on this through the Diversity Adviser visiting some teams and discussing the different sections relevant to OASys with staff. The response to this was largely that the sections identified as relevant to diversity and equality in OASys were considered ambiguous by staff and they were not interpreting them as intended. This is particularly the case for the section in the sentence plan on Discrimination, which was being used to record any discriminatory attitudes of the offender or of any direct discrimination they may have experienced. It was not being used to consider and outline how anti-discriminatory practice was to be deployed in the delivery of the sentence plan.

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

The consultation showed that staff were not completing all relevant sections to diversity, one team reported that a decision had been made not to complete Section 13.3 by their team to save time, and that the ambiguous wording meant that staff were not interpreting what was needed of them fully in other sections. This means that how to address the diverse needs of different groups of offenders was not being fully recorded within OASys

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?

This assessment is focusing on the implementation of a system rather than a policy or procedure itself. The concerns are around properly recording diversity activity through the OASys assessment and sentence planning system. Although crucial that practice is properly recorded, the assessment could be looking at a recording problem rather than a practice problem. Other monitoring results on outcomes suggest that diverse

needs are being met, at least in terms of race and gender, so there is the possibility that this assessment is only showing recording failures and that actions need to address this.

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

Following the OMI Audit results, steps were taken to alert OM's about the need to appropriately record diversity and equality information in OASys. This was done through an email and some practice guidance being written and circulated. It was recognised that this alone was not going to be sufficient to fully address the problem, which requires training and practice development guidance more comprehensively deployed. See below.

8. What action is now to be undertaken?

- All offender managers who have not received OASys training in the previous 12 months, to undertake sentence planning e-OASys training. This will include appropriate guidance on how and where to include actions to address diversity needs within the sentence plan. The need to involve offenders in the sentence planning process to be a particular emphasis of the training
- Additional signposting to staff will be issued on how to access the E-OASys database, containing examples of how to complete OASys appropriately, including how to address Diversity as part of the assessment & sentence planning process
- Sentence planning to be integrated into Team Briefings and Refresher training to be provided by the Diversity Adviser and diversity issues to be integrated into the Sentence Planning training
- The "What makes a Good OASys" process to provide a further focus on diversity issues, ensuring the opportunity is provided to develop understanding of the integration of diversity issues into assessment and sentence planning as part of this evaluation with Offender Managers.

9. Monitoring arrangements and review process

Further Audit to be undertaken March 2009

10. How results will be published

This impact assessment and any further audits will be published on the Diversity Database and the HPA website.

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Signature of Policy Lead

Position

Date