

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:

Offender Management and Interventions Unpaid Work Protocol

2. Aims and Approach of Function/Policy/Procedure

The protocol provides the working framework between offender management and interventions unpaid work for the assessment of suitability, an appropriate placement and the delivery of an Unpaid Work requirement. The protocol details the role of:

- report author in recommending an unpaid work requirement and undertaking the assessment
- administrative staff inputting of information, including attendance
- Offender managers completion of the sentence plan and management of the case, including addressing non-attendance and unacceptable behaviour
- Placement allocation by unpaid work staff, including change of placement where necessary
- Induction
- Breach action
- MAPPA

In the document that was considered for this Equality Impact Assessment, there was some reference to responding to diverse needs, most particularly in relation to the induction group, where it is specified that offenders who are vulnerable may not be suitable for a group based approach, young adults or women being given as an example. Diversity

was not a central theme within the document though. The Unpaid Work Assessment Form does however contain questions on all relevant diversity issues.

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)

Although information is gathered prior to placement on ethnic group, gender, age, disability and religion, current monitoring data is only available in terms of race, gender and disability.

Race:

In terms of different ethnic groups, minority ethnic offenders have always had a slight over-representation on this requirement, possibly due to the lower risk profiles of the offenders we work with from minority ethnic backgrounds. White Other and White Irish groups are proportionally represented on unpaid work with 4% of requirements being for White Other.

In terms of successful completions, there is now an ongoing positive trend of higher rates of successful completion for offenders from minority ethnic backgrounds than White British offenders.

Gender:

In the last diversity report for the period 2007-2008, there was an under-representation of women on unpaid work. This was in fact a departure from previous reports. However, although representation has decreased, the outcome for women offenders remains positive in terms of successful completions, with women being more likely to successfully complete this requirement than men, a continuing positive trend.

Disability:

We only have one year's worth of data in relation to disability and this has shown that disabled offenders as a group are under-represented in unpaid work. The largest category of disability recorded for unpaid work is mental health needs. Although the data suggests that disabled offenders may be less likely to receive an unpaid work requirement, those that do are more likely to successfully complete overall than those offenders who have not disclosed a disability.

Future monitoring of starts and completions of unpaid work requirements will look at age and this will further inform future reviews.

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)

The document was scrutinised by HPA's Equality Consultation Panel (made up of local community members, staff from diverse backgrounds and cross grade and role, Union representative and representatives of the HPA/NPS staff associations).

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

- The document as read is ambiguous about who completes the assessment for unpaid work. Is it the report writer at pre-sentence stage or the CDO post sentence? The document tends to imply it is the latter, but I understand that it is the report writer for an SDR and the CDO for a FDR and Oral report.
- There are a number of practitioners on the panel who have experience of the systems and one strong message that was coming across is that the quality of the unpaid work assessment undertaken in court is not good because of time constraints. A breach officer present said that it is his experience that Oral and FDR reports are more likely to be breached because of a lack of thorough assessment undertaken at court. Often it is unexplored and catered for diversity issues which are leading to returns to court. Panel therefore have real concerns about the quality of diversity assessments using this methodology.
- Relatedly, both the PREM1 form (our main form for diversity and equality assessment) and the unpaid work assessment, address diversity issues. This overlap means that the essential PREM1 form is being neglected because of having completed the unpaid work assessment. This is not what we want to happen because the PREM1 form contains all the diversity information that we need, whereas the unpaid work assessment doesn't. We would therefore recommend into the process that the PREM 1 form is merged into the unpaid work assessment in some way. It is a huge waste of time doing both, but we don't want the unpaid work assessment done without the PREM1
- Disability is not clearly covered in the Protocol but it was raised by a practitioner that subsequent guidance has been that nobody should be currently on unpaid work if subject to a medical certificate. Such a blanket policy is in danger of being discriminatory on the grounds of disability. Some disabilities may command a medical certificate but would not necessarily preclude unpaid work.

- Section on the protocol about placement process has no reference to ensuring the placement meets the diverse needs of offenders. The evidence of the Panel is that people are being inappropriately placed by the interventions team through a failure to meet diversity needs. There is a part of the form where it asks why somebody would not be suitable for a group but it is just a yes/no tick box. More information needs to be given here so that those responsible for finding placements are fully aware of the issues and do not make inappropriate placements. The section also makes the statement that an offender will be put on a group if an IP cannot be found, or if this is not appropriate then presumably they will be taken back to court. Again, this is discrimination against those offenders for whom a group placement is not appropriate. It suggests that we do not have enough appropriate placements to meet the needs of diverse groups.

- What is on the "C" list is not made clear in the protocol. This is a very important methodology for ensuring that supervisors are kept informed of offenders diverse needs and some clear guidance is needed to the sorts of issues that need to be included on the "C" list. From a diversity angle things like perpetrator of hate crime, religious needs, learning needs (including dyslexia, dyspraxia, low IQ, essential skills), mental health needs, other disabilities, language difficulties, other vulnerabilities - should all be covered through this method. The guidance needs to make reference to this. I understand from practitioners on the Panel that the briefing did not make reference to the sorts of things that would be relevant here.

- A range of diversity issues may make it inappropriate for an offender to attend a group induction. The protocol only makes reference to vulnerable women and young adults. More explicit reference to other needs should be made e.g. learning difficulties, the need for an interpreter (language or sign), other disabilities.

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?

The protocol does not make clear reference to how diversity will be addressed across the different processes. As such, it gives the impression of an approach that is standardised, therefore potentially leading to discriminatory practice.

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

The recommendations are that:

1. The protocol makes clear how information on diverse needs is taken into consideration in finding an appropriate placement, with a commitment to ensuring that a range of appropriate placements that take into consideration different diversity issues are available, so that there is no difficulty in meeting offender need.

2. Particular reference is made to ensuring that no offender is discriminated against on the grounds of disability. A suitable placement will be found for a disabled offender, unless there are medical grounds for somebody not undertaking unpaid work. Advice will be sort from the offenders GP to verify this.
3. Although the group induction and pre placement session is the preferred option for delivery, this initial session can be delivered on a one-to-one basis for any offender for whom this is more appropriate. It is recognised that this could be the case for a number of different reasons, e.g. age, women, learning needs, interpreter requirements, vulnerability through a disability
4. Some examples of the diversity issues relevant to the "C" list need to be made clear in the protocol and in staff briefings.
5. Monitoring data needs to be gathered and analysed in July 2009 to check that new processes are not having a detrimental effect on the currently good results for offenders with a disability, women and those from a minority ethnic background.

8. What action is now to be undertaken?

Area manager with responsibility will build all the relevant points into a revised protocol and circulate for a final sign off. Amended protocol with be put on the Key Documents database and advised to teams via the team brief so that everybody knows about these additional elements.

Amendments made and revised protocol launched March 2009

9. Monitoring arrangements and review process

Monitoring data is produced through the annual Diversity Report. This will be undertaken again in June 2009 and so will provide an opportunity to assess the outcome of the implementation of this new system.

10. How results will be published

.Results are published on the HPA website and internal intranet.

Signature of Policy Lead

Position

Date

