



Document number	18/10
Date	15 April 2018
Response to	Inspection framework and programmes consultation
Issued by	HM Inspectorate of Probation
Link to consultation	www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2018/03/HMI-Probation-statutory-consultation-2018-Final.pdf
Notes	For more information please contact Jo Easton at jo.easton@magistrates-association.org.uk

Consultation questions

1. We welcome views on the criteria we propose to select YOTs for inspection.

The MA welcome the inclusion of out of court work by YOTs for inspection. There has been very successful diversion of children and young people interacting with the justice system from the courts over the last fifteen years; resulting in more early intervention and out of court disposals. The MA believe it is vitally important to ensure sufficient scrutiny of the support and services provided by YOTs in relation to police cautions or other interventions to ensure appropriate outcomes aimed towards the welfare of children and young people which successfully reduce re-offending.

The MA welcomes the proposal that outcomes from previous inspections will be considered in deciding which YOTs should be inspected. This will ensure that any failing or struggling institutions are monitored closely.

2. We welcome views on our proposed topics for thematic inspections.

The MA support the proposals for thematic inspections to be carried out in relation to domestic abuse and Post Sentence Supervision.

Although the MA agrees that the issue of mental health is very relevant, and therefore an appropriate issue for a thematic inspection, it should be noted that mental health often interacts with other issues including learning disabilities, substance abuse and homelessness. It would therefore be important for any thematic inspection to consider wider issues that impact on engagement and support for people with mental health problems.

The MA suggests that a thematic inspection on Electronic Monitoring as part of a community sentence might be useful. Although implementation of Electronic Monitoring does not come under the direct responsibility of CRCs; where it is part of a community sentence, it does directly relate to the other requirements of a sentence.

3. We welcome views on our proposals for the balance of inspection work.

N/A.

4. We welcome views on potential research projects.

Two possible areas where the MA believes further research may be beneficial are:

- Proceedings to bring potential breaches back to court: The MA is aware that there were concerns about the impact Transforming Rehabilitation would have on breach proceedings—particularly the robustness and appropriateness of decision making in relation to bringing potential breaches back to court. Some areas have identified possible issues with applications to extend community sentences to allow sufficient time for requirements to be completed; where it would seem to have been more appropriate to identify problems earlier so they could be dealt with properly and proportionately. Sentencer confidence relies in part on the understanding that breach proceedings will be brought appropriately. Understanding better the reasons behind breaches at the start of an order would also be useful.
- Information provided in PSRs relating to vulnerabilities, caring responsibilities and maturity: PSRs are the vital tool on which sentencers rely most heavily to provide the necessary information on all relevant details about an offender. Information about vulnerabilities (including substance abuse or mental health problems) can inform decisions about whether treatment requirements are appropriate. In addition, if it is relevant to the sentencing decision, any known history of suicide or self-harm (especially in custody) could be included in the PSR. Sentencing Guidelines require sentencers to take account of any dependants the offender may have; and in relation to the possible impact of parental imprisonment on children, sentencers look to PSRs to provide any appropriate information. Similarly, PSRs are vital in identifying any issues around the maturity of the offender that should be taken account of in sentencing. Information on the impact of custody is required wherever custody may be a sentencing option, and particularly where a custodial sentence is recommended, whether or not the recommendation is to suspend. Detailed analysis of PSRs to assess whether they are providing sufficient information for sentencers would be very useful: and may inform wider policy decisions around when adjournments are appropriate and necessary. In relation to any research on PSRs, including data on when the recommendations were followed by sentencers would be useful; as well as any reasons given as to why recommendations were not followed.

The MA query if it would be possible for inspections on NPS to include data on timeliness of “on the day” reports: and how many cases have to be adjourned for these reports to be provided. Similarly, we wonder if it is possible to include within inspections an assessment of availability of services to support sentence requirements.