

National Objectives for Social Work Services in the Criminal Justice System: Standards - Throughcare

CHAPTER 5: THE ROLE OF THE SOCIAL WORKER IN THE COMMUNITY

INTRODUCTION

139. Once a prisoner is due to be considered for discretionary release on parole or life licence a dossier of information to assist the decision-making process is compiled, including reports from prison staff and other professionals with a knowledge of the prisoner and his/her circumstances and (in cases of prisoners sentenced on or after 1 October 1993) a report from the trial judge. The social work department in the area in which the prisoner intends to reside on release is required to provide a Home Background Report offering information about a range of factors which may influence the resettlement prospects of the prisoner on his/her release to that area. The social work unit in the prison is required to provide a separate report.

HOME BACKGROUND REPORTS FOR THE PAROLE BOARD

140. The following Standards apply in every case where a Home Background Report is requested in connection with the review of a prisoner's suitability for release on parole or life licence. In addition there are special factors where the release of mandatory or discretionary life prisoners, the possible release of a prisoner on compassionate grounds, and the possible release of a transferred prisoner direct from a psychiatric hospital are under consideration, which are mentioned in paragraphs 151 to 156.

Objectives of Report

141. The report is intended to provide information to assist the Secretary of State and the Parole Board in decision-making about discretionary release for life sentence and determinate cases by:

141.1 providing a description and assessment of:

141.1.1 the social and family context to which the prisoner intends to return on release; and

141.2.1 the extent to which this social and family context is likely to be supportive, or otherwise, in assisting the prisoner to re-settle successfully in the community;

141.2 providing information about:

141.2.1 the likely level and nature of supervision and support that will be provided to the prisoner, and his/her family, on release; and

141.2.2 any special programmes, facilities or resources which might be offered to assist the successful reintegration of the prisoner into the community and to reduce the risk of re-offending;

141.3 contributing to the assessment of risk of re-offending or social breakdown of the prisoner.

142. In addition, compilation of this report may provide an opportunity, where relevant and appropriate, for the local authority social work department to begin to engage the prisoner's family in planned preparation for the prisoner's future release.

Preparation of Report

143. The following Standards apply to the preparation of all Home Background Reports for the Parole Board. The report writer must:

143.1 visit the proposed release accommodation and interview those living there where relevant and appropriate, on at least one occasion; and

143.2 contact and liaise with the relevant social worker in the prison in the preparation of the report, in order to ensure the accuracy and consistency of information supplied to assist the decision-making process.

144. Prior to commencing any interview in relation to the preparation of a Home Background Report the report writer must always ensure that anyone interviewed for this purpose understands that any information supplied is likely to be made known to the prisoner, in accordance with the Parole Board (Scotland) Rules 1993 and 1995. (See Chapter 10 on Disclosure).

145. The report writer must indicate the grounds on which damaging information may be withheld from the prisoner, but must make clear the limitations on this.

146. The report writer must always explain to those being interviewed:

146.1 the nature of the discretionary release process (if not already known);

146.2 that consideration for release on parole or life licence does not mean or imply that the prisoner will actually be released on licence at this time. Release will depend in the first place, on a positive recommendation by the Parole Board;

146.3 the nature and duration of statutory supervision following release; and

146.4 that he/she will meet those being interviewed, if they wish it, to discuss the outcome of the parole review once this is known.

Content of Report

147. In accordance with the general principles of good report-writing practice, the report writer must always:

147.1 indicate the source of any information; and

147.2 differentiate clearly between fact and opinion or surmise.

148. Each report must provide information about the following range of factors. Any changes to the above factors since the prisoner's sentence, or since the last

HBR was prepared, and the effects of such changes, must be considered particularly carefully.

148.1Basis of report :

148.1.1number of visits, and to whom;

148.1.2extent of previous knowledge of the prisoner; use of existing social work files;

148.1.3contact with external agencies or other parts of social work department.)

NB. Previous knowledge of the prisoner or family, and departmental records require to be interpreted in the light of changes of circumstance, motivation and subsequent developments.

148.2Family circumstances:

148.2.1address at which the prisoner intends to reside on release;

148.2.2family membership, quality of relationships, social functioning;

148.2.3accommodation;

148.2.4financial circumstances.

148.3Family attitudes:

148.3.1to the prisoner - including nature and frequency of contact during sentence (visits/letters, etc.);

148.3.2to the prisoner's return, and likely impact of this on the family including recognition of any difficulties;

148.3.3to criminal behaviour generally;

148.3.4to the prisoner's criminality.

Overall the report writer should seek to assess the level of support likely to be available from the family and others interviewed, and the extent to which this might assist resettlement and reduce the risk of re-offending.

In some circumstances prisoners will wish to set up home with a family or individual(s) to whom they are unrelated. The issues listed at paragraphs 148.2 and 148.3 above must also be explored in relation to those individuals, as well as in respect of the prisoners own family.

148.4Environment:

148.4.1employment prospects;

148.4.2peer contacts in the community, and their likely influence;

148.4.3other significant relationships and their influence;

148.4.4any anticipated resentment in local community to prisoner's return.

148.5Specialist resources, programmes or facilities which might be available to assist resettlement and reduce the risk of re-offending, e.g. specialist accommodation, counselling.

148.6Overall assessment of:

148.6.1risk factors in relation to re-offending or social or personal breakdown following release;

148.6.2level of support likely to be offered by family or friends.

148.7Provisional release plan:

148.7.1level of supervision which could be offered on release, including the availability of any specialist resources which could be made available to address the particular problems likely to be experienced by the prisoner.

The report writer must also ensure that the provisional release plans outlined in the report have the approval of his/her management. This is necessary in order to emphasise that the social work department as well as the report writer is committed to providing the time and resources required to fulfil the release plans. It is similarly necessary to obtain the agreement of voluntary or other agencies to their contribution towards the rehabilitation of the offender into the community as outlined in the report, and to specify any conditions or reservations on the part of that agency.

149.The report writer will be notified by the establishment of the outcome of the review. If the report writer is notified that a prisoner on whom a home background report has been compiled is not to be released early, the report writer must inform other agencies involved in the preparation of the provisional release plan.

150.In addition, if requested by the prisoner or by those interviewed, the report writer should visit those interviewed to explain the implications of the decision, and, where appropriate, to offer assistance towards preparing for the prisoner's eventual release on statutory supervision.

SPECIAL CASES

Mandatory life prisoners

151.Where the Secretary of State proposes to release a mandatory life prisoner, he will normally set a provisional release date to follow a pre-release programme which is likely to involve at least a further year in custody and usually longer. Because of the length of sentence involved, life prisoners may require to be accommodated initially in supported/supervised accommodation, and family links may be weak or non-existent. It is not unusual during a pre-release programme for there to be changes of plan regarding accommodation on release and occasionally a provisional release date may require to be reviewed by the Parole Board and the Secretary of State on this account. Accordingly the steps envisaged in paragraph 143 may require to be repeated in respect of a life prisoner with a provisional release date and updated information provided to SOHD from time to time.

152. About 4 months before release is due to take place, SOHD will routinely request a further Home Background Report. Where possible this should be prepared by the officer who will supervise the prisoner on release; if this is not possible, the report writer must consult that officer about it. The report should:

152.1 explain any changes in the home situation, or accommodation, to which the prisoner will return;

152.2 assess the effect of any changes on the prisoner's prospects of resettlement;

152.3 indicate whether the prisoner has been taking home leaves to the proposed release address and how successful these have been;

152.4 indicate the outcome of any counselling which the prisoner has undertaken in the home area in preparation for release;

152.5 confirm that arrangements for ongoing counselling, support etc. are in place;

152.6 comment on the prisoner's employment prospects or other constructive plans on release; and

152.7 take account of any other special factors which may affect the prisoner's rehabilitation, such as the release of a co-accused to the same area.

Discretionary life prisoners

153. In preparing a Home Background Report on a discretionary life prisoner, the report writer must bear in mind that a discretionary lifer tribunal of the Parole Board will hold a hearing to review the prisoner's case, and that the report writer may be called to give oral evidence. These hearings will normally be held no less than 7 weeks after the date of the report.

154. The report writer should also bear in mind that the outcome of the discretionary lifer tribunal hearing may be a direction for the immediate release of the prisoner. In such circumstances the Secretary of State will have no option but to release the prisoner and any release plan contained in the Home Background Report will have to be put into immediate operation. Other individuals and agencies involved in developing the release package must also be advised of this possibility by the social worker.

Compassionate release

155. Where a prisoner is being considered for compassionate release (an exceptional measure) the emphasis of the Home Background Report is likely to be on the care plan that can be offered to the prisoner and the willingness of family members, the health services, and other agencies to provide an appropriate level of support. (See Annex A).

Release from a psychiatric hospital

156. In certain rare circumstances a person may be released on licence after having been transferred compulsorily from custody to a psychiatric hospital. Where a Home Background Report is requested in such a case, it will be for the

report writer to ensure that the Report, in addition to the issues mentioned in paragraphs 148.2 and 148.3 above, also covers:

156.1 the attitude of family members or others at the proposed release address to the person's mental condition and their willingness to participate in a care plan for the person; and

156.2 any other specialist resources that can be made available to the person in view of the history of mental health problems.

157. The report should give due weight to the fact that, in addition to having a mental health problem, the person has also offended. The report must assess the risk of further offending and the need for special support both in the light of the mental health problem and in the light of any other risk factors (such as addictions) that may exist.