



## Submission

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### Transforming Rehabilitation inquiry: Public Accounts Committee June 2016

#### Executive summary

- The evidence obtained by HM Inspectorate of Probation through inspection shows a mixed picture in the delivery of probation services, with a focus upon implementing substantial change at a cost sometimes to the quality of probation work.
- There are some innovations underway, for example new delivery models and new IT systems that have promise. Conversely there are early signs of adverse behaviours, driven inadvertently by contract provisions.
- Staff morale, training, workloads and line management are all variable and need to improve if *Transforming Rehabilitation (TR)* is to be fully effective, but staff numbers are depressed or unsettled in some cases by the financial consequences of lower than expected work volumes.
- The voluntary sector is less engaged than government envisaged, and held back by funding uncertainty. Through the gate provision is not as expected either, and we are conducting a thematic inspection to find out more.

#### Our inspections

1. We are an independent Inspectorate, funded by the Ministry of Justice and reporting directly to the Secretary of State. Our purpose is to report on the effectiveness of work with adults and children who have offended.
2. Between 2014 and 2016 we inspected the early work of the newly formed NPS and CRCs, producing a series of five *TR* inspection reports. During this period we visited all NPS divisions and CRCs. Our inspections involved case assessments and interviews with managers, practitioners and service users. The inspections focused on the interface between the NPS and CRC, including case allocation, risk escalation and breach, and also considered whether the early work with offenders was of sufficient quality to address the key areas linked with offending. We published the last of our last *TR* reports *Early Implementation – TR5* on 26 May 2016. The report is available on our website. In short, we have found a mixed picture.
3. In April 2016 we started a new inspection programme examining the quality and impact of adult probation work as a whole in individual police force areas. We are looking at the work of both the NPS and CRCs. Our methodology has the service user at its heart, and looks to identify the enablers and barriers to achieving the main aims of probation: reducing offending, delivering the sentence of the court and protecting the public During

2016/17, we intend to inspect probation services in up to 11 police force areas. We will publish our report from the first inspection (Durham) in August.

## **Evidence**

### ***Performance of the reformed system***

4. The Committee is well aware that in the last round of performance rating for Probation Trusts (2013/14), all were rated by the National Offender Management Service (NOMS) as *good* (31 trusts) or *exceptional* (four trusts). These ratings were data driven assessments of performance covering the three domains of public protection, reducing reoffending and sentence delivery. Proven reoffending rates for adult offenders starting a court order (Community sentence or Suspended Sentence Order) was 33.6% (July 2013 to June 2014 cohort), a fall of 6.3 percentage points since 2003.
5. The effectiveness of the new arrangements will be judged over time, with one year proven reoffending statistics not available through the Ministry of Justice until October 2017. Meanwhile, we look to more immediate indicators.
6. The National Audit Office (NAO) report<sup>1</sup> states that '*services have been sustained*', highlighting findings from a service user survey across four CRCs. We have obtained similar service user feedback in all our *TR* inspections. However, our analysis of individual cases and interviews with practitioners and managers presents a less positive picture. Leaders and managers have generally been focused on planning and implementing change. As a result, there has been less quality assurance of the probation work done, and the quality of work has been variable. We do not find service user feedback, on its own, a sufficiently reliable measure of effectiveness.
7. Equally the NAO report points to positively completed orders. Again we suggest caution given the strong financial (contract) incentives to making sure they are. Effectiveness will depend on the quality and appropriateness of the work done, and will again be judged over time. To provide some more timely qualitative information we will conduct a thematic review this year of Rehabilitation Activity Requirements (RARs), to see and judge the quality and likely effectiveness of work done.
8. Para 2.21 of the NAO report mentions that our old methodology does not address commercially driven behaviours. Our new programme does. We have started to identify commercially driven behaviours as we inspect. So for example, in our *TR5* report, we noted that CRC staff in one CRC said they were told not to recommend 'revoke and resentence', because it would lead to a financial penalty. We will continue to look for and report on any adverse behaviours we find.

### ***Meeting current operational challenges***

9. Throughout our *TR* and other inspections we have noted that, whilst some progress has been made, the CRCs and NPS have more to do to ensure that they work together effectively. We provide the Committee with highlights, below.

#### *Court work*

10. Good court work is essential to assist sentencing, to allocate the offender to the right organisation and for effective work to start promptly. We continue to find that that reports vary in quality, with written reports generally much better than reports presented orally. Assessments were generally better for cases allocated to the NPS than to the CRC,

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<sup>1</sup> National Audit Office '*Transforming Rehabilitation*' April 2016.

perhaps because they were more likely to have been adjourned for a written report, allowing the author more time to gather information.

11. In some cases the risk of serious harm presented by the offender was not fully assessed, sometimes because checks had not been made to find out whether there were concerns about child safeguarding or domestic abuse, or the results of such checks had not been received. Where information was missing at the point of sentence, this should have been recorded on the allocation documentation, but was often missing or not always read by the officer to whom the case was subsequently assigned. Inadequate assessment at the court stage may result in the offender being allocated to the wrong organisation, or supervision proceeding on the basis of incomplete or inaccurate information. NOMS had recently issued a new Probation Instruction to improve the quality of reports and information exchange.
12. Some court staff had not received sufficient training, and lacked confidence in completing the necessary assessments. Some report writers did not know enough about the work offered by the local CRC, which made it difficult for them to propose interventions most likely to address the offender's problems. Sometimes they proposed a RAR 'to address offending behaviour', rather than a more targeted proposal which would help the responsible officer assigned to the case quickly to plan the appropriate work. This lack of clarity translated into poorly focused supervision plans and staff who were struggling to know how to fill the RAR days. In other words, the sentencing intentions were not being delivered.
13. In response, and as the situation does not appear to be improving over time, we are considering a thematic inspection of Court work.

#### *Leadership and change*

14. On inspection we have been told that some CRC staff were discouraged from taking enforcement action through the court because it attracted financial penalties under the contract. Although this meant that staff worked harder to encourage compliance, we think that courts and the public may be concerned about a less than robust approach to delivering the sentence.
15. The NAO report records the average CRC caseload as between 34 and 42 cases, but we would agree with the NAO that this masks considerable differences between staff and areas, with some staff holding over 100 cases. Even allowing for the fact that some of these will be low risk and low need cases, we believe that little work of value can be done with such a high caseload. More concerningly, it would be very difficult for someone holding such a high caseload to track changes in the risk of serious harm an individual may present to others.
16. In both NPS and CRCs some middle managers were stretched, with some now covering more than one office. Not surprisingly, they were less able to pay attention to quality; some admitted that they signed off inadequate work because of a pressure to meet deadlines that affected the achievement of performance targets.
17. The lack of experienced management oversight is of concern, particularly where organisations have a significant proportion of new and inexperienced staff. A number of CRC cases present a medium risk of serious harm to others – for example, a substantial proportion of their cases have a history of domestic abuse. In some areas a shortage of probation officers meant that these cases were managed by probation service officers or agency staff. While probation officers felt confident to manage their cases, in both CRC and NPS some probation service officers said that they had not yet received relevant training, for example to manage people who had committed sexual offences.

18. The NAO reports that they found low morale in both NPS and CRC. We have formed a similar impression during some (but not all) of our inspections. The *TR* 'split' has introduced an element of separation between people who were former colleagues. This is exemplified in the breach process, where NPS staff complain about flaws in the information prepared by the CRC, who in turn complain that the NPS are unnecessarily critical about minor issues. Probation staff recognise that effective work requires good communication, and this is made more difficult by a combination of the organisational, cultural and geographical split, frequent problems with IT, staff turnover and pressures on time generated by the workload. These factors contribute to a large extent to the ongoing issues with morale.

*Positive practice and promising innovation.*

19. CRCs are beginning to implement new delivery models and new IT systems that deliver efficiencies and have promise, although further scrutiny and evaluation will be required. In our future inspection reports, we will include examples we find of promising practice and positive innovations .e.g. new IT systems that support more flexible working and produce improved management information.

*Through the Gate*

20. (Something here about government aspirations for it, and the contract incentives)A key component of *TR* was to extend statutory rehabilitation in the community to an estimated extra 45,000 short-sentenced offenders (for whom reoffending rates are relatively high) and to reorganise the prison estate to resettle offenders 'Through the Gate' (TtG) to give continuous support from custody into the community.

21. Given that the provision of TtG services was a significant driver for the changes introduced under *TR*, it was disappointing – as we noted in *TR5* – to find that over two-thirds of offenders released from prison had not received enough help pre-release in relation to accommodation, employment or finances.

22. We are now conducting a thematic inspection of TtG, with our first (interim) report due in the summer.

**Ensuring that transformation is achieved**

23. The NAO report notes that that more needs to be done to sustain the supply chain of mainly voluntary sector bodies and that the lower than expected CRC case volumes had led to some reluctance to enter into commitments with suppliers. Independent research is being conducted in this area through TrackTR, a partnership project between Clinks, the National Council for Voluntary Organisations (NCVO) and the University of Birmingham's Third Sector Research Centre (TSRC).

24. At the end of May, TrackTR published a report setting out voluntary sector views. Key findings included the following: (i) slow pace of change curbing investment in the voluntary sector's services; (ii) voluntary sector involvement in supply chains being low, with very few small or medium sized organisations represented; (iii) the 'rate card' system limiting strategic engagement with the voluntary sector.

25. On inspection, we have found the rate card system problematic, with some probation staff not sure how to use it and others reluctant to do so or else inhibited.

## Conclusion

26. The new arrangements are not stable as yet. It has been an extremely unsettled period, exacerbated in some areas by the financial implications of less than expected work volumes. We are concerned that contract and other drivers may be affecting the quality of supervision, when research is clear about the need to emphasise the relational aspects of supervision.
27. We intend to do more thematic inspections this year. With such seismic changes, it seems to us that well-targeted thematic inspections can provide government and other interested parties with relatively timely information on the extent to which government policy aims and intentions are being delivered on the ground.

**Dame Glenys Stacey**  
**27.6.16**

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