



## Speech

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**Dame Glenys Stacey, HM Chief Inspector of Probation**

**Clinks Annual Conference 2017**

**Saw Swee Hock Centre, 1 Sheffield Street, London, 02 November 2017**

Good morning, and thank you so much for the invitation to speak with you today. It is a privilege to be here and to see, in one room, so many people that with the right opportunities can make such a difference to the lives and life chances of so many people in society today. Thank you to each of you, your staff and volunteers for all the good work you and your colleagues do, to support and deliver youth offending and probation services. I know that much of what you do is quietly remarkable.

I am always thankful for the chance to talk with those close to youth offending and probation services, those involved directly. I have some things to say – obviously, you expect that – but I don't intend to talk for too long as I want so much to hear from you. I know I will learn, and take nuggets away, and that is so valuable, so precious to me.

Your theme today is resilience, a theme that unites you, your staff and the people you seek to help – some of the most troubled and troubling people in our communities. My argument today is that the probation service has shown itself remarkably resilient in recent years. It is not a brittle service, unable to bend or change. Instead it has shown itself to be extraordinarily flexible, and willing. Nevertheless, things are not as they should be. Instead, the service must flex and change still more, in order to be able to do the best possible job for those under probation supervision and for society as a whole.

I have been asked to give you a flavour of what independent Inspection can do, to improve matters over time, and a sense of how independent inspection works.

### **The value of good Youth Offending and Probation Services**

Of all the expectations of probation providers, the expectation that they will reduce reoffending receives most attention, in public and political discourse. Indeed, research shows unequivocally that good probation services reduce re-offending, and are cost effective as well. But they achieve so much more than that, delivered well.

Youth offending and probation services can make a big difference to those receiving them and to wider society. Well over a quarter of a million people are supervised by them each year, and numbers are rising. If all these services were delivered well, then the prison population would reduce. There would be less reoffending and fewer people being returned repeatedly to prison. There would also be fewer people living on the streets, and fewer confused and lonely children, with a smaller number taken into care. Men, women and

children currently afraid of assault could lead happier, safer lives. These things matter to us all.

The wider public is generally unaware of probation. They are not perhaps able to see readily, the contribution good probation services make to society as whole. I argue that that is one key role for the Inspectorate, HM Probation: to provide ministers and the wider public with independent, evidence based reports on youth offending and probation services – to hold a mirror up to probation and reflect in our reports the simple, unadorned image that we see. To raise awareness of how things are, how they should be and the difference consistently good Youth Offending and Probation services can make.

We are a small but productive inspectorate. Since March last year when I began my tenure, we have inspected in each National Probation Service division and each Community Rehabilitation Company, inspecting well over 1000 cases, and interviewing almost as many people. We have less than twenty inspectors. Last business year, across Youth Offending and Probation services we produced over sixty reports, and I am proud of all of them.

### ***Transforming Rehabilitation***

The probation services that we inspect have changed radically in recent years. In June 2014, thirty five self-governing Probation Trusts were replaced by a new public sector National Probation Service, and 21 Community Rehabilitation Companies – CRCs - owned by eight organisations, each different in constitution and outlook. With *Transforming Rehabilitation* came new expectations: that the voluntary sector would play a key role in delivering probation services, and that providers would innovate, and find new ways to rehabilitate offenders<sup>1</sup>.

National probation standards were swept aside, to allow for innovation. Probation supervision was extended for the first time to offenders released from prison sentences of under twelve months (over 40,000 people each year<sup>2</sup>). And CRCs must now provide offenders with resettlement services while they are in prison, in anticipation of their release. To incentivise CRCs, a portion of their income depends on whether those they supervise go on to reoffend.

As we inspect and report on probation services, we consider the extent to which the National Probation Service or each Community Rehabilitation Company is protecting the public, reducing reoffending and ensuring the sentence of the court is served. These are the enduring aims of probation, and they are so closely related in the minds of those steeped in probation, and not readily divisible. They interrelate and indeed, each individual probation professional must strike the right balance in each case, all the time. That task, that skill, that judgement is so central to professional probation services.

Those of you familiar with our reports will know that The National Probation Service is off to a good start overall, whereas most Community Rehabilitation Companies are struggling. Those owners of CRCs ambitious to remodel services have found probation difficult to reconfigure, or re-engineer. Delivering probation services is more difficult than it appears, particularly in prisons and in rural areas.

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<sup>1</sup> Reference to the *Transforming Rehabilitation* public text please

<sup>2</sup> Figures relate to releases from determinate sentences of less than 12 months during 2015 (excluding 15-17 year olds). Source: Offender Management Statistics, Ministry of Justice, October 2016

There have been serious setbacks. The new IT systems so central to most CRCs' transformation plans are still not fully in place despite the best efforts of CRC leaders and staff. And for all, unanticipated changes in sentencing and the nature of work coming to CRCs have seriously affected profitability and the bottom line, causing some to curtail or change their transformation plans, and others to stall mid-way.

All CRCs have reduced staff numbers, some to a worrying extent. We find staff with exceptional workloads, working long hours and still unable to deliver to the professional standards they know are right. Staff can be resilient, heroically so, but this is not sustainable in the long term.

Many in this room will know from your own experience that most CRCs are not providing the range of specialist services necessary to make a difference for people with particular problems. This is ever more apparent. The situation is exacerbated by a significant, unplanned reduction in court orders for evidence-based Accredited Programmes. With staff so hard pressed, and limited access to specialist services, there is too little purposeful activity in too many CRC cases.

There is some comfort. The NPS advises courts consistently well. Some of the highest risk offenders are well managed immediately after release, in probation hostels. We find the NPS managing public protection well overall, and making sure that individuals serve their sentence in the large majority of cases. The agency should improve and be more consistent in its review of cases and its work to reduce reoffending, but it has established itself as a credible organisation with the right intent.

We have found CRCs performing to an acceptable standard or better in Kent, South Yorkshire and Cumbria police force areas. In each case, leaders have kept the scale of change down to manageable levels, and professional staff numbers as high as possible, given financial constraints. But although we have found CRCs delivering well in a small handful of police force areas, the picture generally is a troubling one.

### **The role of independent inspection**

I said earlier that through our inspection reports, we report to ministers and the public on how things are, in youth offending and probation services. Inspectorates generally have a statutory remit. For some, those statutory provisions are detailed and tightly drawn, whereas ours are simple, straightforward and liberating, in that they provide HMI Probation with a good deal of freedom about what to inspect and how, and why. All Inspectorate should consider why they inspect. That is, what is the best impact they can have, given the context of the services that they are inspecting, and what are they trying to achieve? Inspectorates do not generally have enforcement powers (teeth). They rely on power of voice, their reports, and the influence they can wield with those simple tools.

In our case, we aim to drive improvement in probation services, where it is needed. In youth offending services the balance is slightly different. We find Youth Offending Teams across England and Wales are generally working well. We often find committed and experienced youth justice workers providing impressive support and the right level of challenge to children who have offended. So in our inspections of Youth Offending Services yes, we want to improve those YOTs that need to improve, but our emphasis is more noticeably on sharing good practice.

## **Youth Offending Teams**

So for example, we recently reported on the work YOTs do to protect the public, and looked at work with 16 and 17 year olds who had been convicted of serious offences including sexual offences and violent crime. We found examples of good work, most especially a small number of YOTs using what is known as trauma informed practice. We chose to promote that practice in our report, so other YOTs could see it and consider it, and we have since had queries direct from YOTs, interested in knowing more.

In that report we argued that YOTs need clarity about the extent to which they can monitor children's use of social media. It is important: in one in four cases we inspected, there was a direct link between social media and the crime. Youth justice workers need to know what they can and can't do to monitor social media activity, and am hopeful that the Youth Justice Board will act on our recommendation that it produces national guidance, to clarify the law and best practice, for YOTs to follow.

I find that our reports on good practice in the youth world often have a longstanding impact. Our report on desistance last year took the available research forward a little, and showed unequivocally the value of a trusting, enduring relationship between the child and the professional in the YOT working with him. We know from YOTs that this report has changed the way some YOTs now work with young people, and over a year on, we still get inquiries about it.

On occasions we have exposed poor practices in youth offending services. Our report on the way referral orders were working was a good example of that, with those members of the public participating in panels being boxed in by YOT professionals, when that is not government's intention. But generally speaking, we find we are often promulgating good youth justice practice across 156 YOTs, rather than exposing poor practice.

## **Probation services: routine inspection**

I have said that in inspecting probation services, we aim to drive improvement. And we do that first of all through routine inspections of probation services in specific areas, for example in London. At the moment we select areas for inspection based on our assessment of risk. We inspected in North London twelve months ago, and given what we found, we thought it right to inspect London more widely, once the NPS and CRC had had an opportunity to consider and act on our recommendations. We are inspecting again, this time across London as a whole, so as to get a full picture of how things are. We want to see now whether services have improved to the extent they needed to.

## **Thematic inspection**

I have said that we inspect to see the extent to which the enduring aims of probation services are met: protecting the public, reducing reoffending and ensuring the sentence is served. But we also conduct thematic inspections, focused on particular issues. In that way we are able to report on the extent to which government's new expectations of probation services are being met, being delivered.

So for example, many of you will know that CRCs begin work with those about to be released from prison twelve weeks before release, in an initiative known as 'Through the Gate'. We have reported twice on these arrangements. In those cases we inspected, only a handful of individuals had received any real help with housing, jobs or an addiction, let alone

training or else getting back into education, or managing debt or obtaining a bank account. About one in ten people were released without a roof over their heads.

Through these inspections we were able to show government what it needs to know: that these newly introduced services are simply not operating as expected. Instead, CRCs are too often doing little more than signposting and form filling. With a few exceptions (for example as we found in Durham) they are making no material difference to the prospects of individuals upon release and yet this work is so important, if we are to break the cycle of offending.

A second example. With *Transforming Rehabilitation*, the government introduced a new community sentencing provision known as a Rehabilitation Activity Requirement, with the goal of ensuring flexible and efficient sentencing aimed at reducing reoffending, and encouraging innovation. After sentence in each case, the probation service provider decides the best ways in which to rehabilitate the individual, and so reduce offending. The bulk of these cases are managed by CRCs.

For these provisions to work as intended, probation services must assess people thoroughly after sentence, plan activities most likely to reduce a person's risk of reoffending and then deliver them. A good range of activity and services should be available, to cover diverse needs. When we inspected a representative sample of cases earlier this year, we found a noticeable lack of impetus or direction in a good proportion of them. In over one in ten, there had been no purposeful activity at all. And we found a limited range of services actually available. Instead, decisions in cases were inevitably constrained, and often pragmatic.

Again, from our report, government is able to see how these new provisions are working on the ground, as we hold up the mirror to show the simple, unadorned reflection of how things are. Rehabilitation Activity Requirements have rapidly become a common feature of community sentence orders. With over 80,000 court orders specifying the requirement each year, they present such an opportunity. That makes it all the more dispiriting that in a good proportion of them, individuals under supervision are not being given a proper chance to change. And it makes it important that ministers know of that, and know quickly.

## **Your sector**

You will each know that in *Transforming Rehabilitation*, government intended that the voluntary sector would play a key role in delivering probation services. In practice, you will know that this is not playing out as intended. In our thematic inspection of services in the community for women in the criminal justice system, we reported on funding and other constraints that threaten the viability of women's centres and other services relevant to women. What is more, in our routine inspections of probation services we find that voluntary sector involvement in probation is ever diminishing, rather than flourishing. With no one body responsible for the stewardship of valued specialist services, I fear that they are likely to continue to wane.

This concerns me. The providers of specialist services so critical to good probation services, and outcomes, are often voluntary sector providers. Good probation services depend on those specialist services. Given our concerns, we are currently conducting a thematic inspection of probation services' supply chains, to advise government and others of how

things stand. As you might guess, this is a big, a complex inspection. But we are on to it, and expect to report in the spring.

I said early on that probation services have shown themselves to be remarkably resilient. So has the voluntary sector.

I know from our routine inspections that many small organisations find it difficult to secure work or clear commitments from probation services. I appreciate that some are being paid to do a limited job rather than the fuller contribution they can make. I know that many are working hand to mouth, without any reassurance about future funding. I know that some - Shelter for example and the St Giles Trust - are able to secure accommodation for offenders when they are released from prisons or in other difficult circumstances, when others struggle to do so. And I know that no one body is responsible for looking after the future provision of the specialist services that you each provide and that are so central to good probation services and to society as a whole.

I expect to be able to demonstrate exactly how things are, in our supply chain thematic. How things are for those receiving probation services, and how they are for all in the supply chain, and not just those in the voluntary sector. And I hope to be able to point to good practice, ways in which you are making a particular difference in the way that you are working with probation services.

## **Concluding remarks**

I hope I have given you a flavour of how independent Inspectorates work, and what inspection can do and how we at HMI Probation do it. I want to end now by coming back to the topic of resilience, once more. I said earlier that probation services will need to continue to be resilient, and flexible, in order to be able to do the best possible job for those under supervision and for society as a whole.

Ministers are considering policy for probation services. We know ministers appreciate and respect our reports, and accept the evidence we present. We hope they are of value to ministers, as they reflect on probation services and any changes necessary.

We do not know quite what to expect, but I am confident that professional probation staff will do all that they can to deliver the best possible service and so make the most difference to the most troubled and troubling people in our society, and I am equally confident that you will do all that you can to support them, and play your full part.

Meanwhile, we at HMI Probation will be changing the way we inspect the NPS and CRCs, in our routine inspections. As from spring 2018 we will inspect each NPS division and each whole CRC separately, and annually. We will increase our case samples, so as to increase our confidence level. We will rate each probation provider as we inspect, as we know from research that ratings are very likely to drive improvement where it is needed. And perhaps most significantly of all, we will inspect using underpinning standards, developed by consensus with probation providers and other key stakeholders.

Next Wednesday we will launch consultations on our proposed standards and on the way we intend to rate probation providers and Youth Offending Services. The consultation will be available on our website, and I do hope you will each take the opportunity to respond.

Thank you for listening.

**ENDS**