



Speech

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Westminster Legal Policy Forum Keynote Seminar: The future for probation in England and Wales

'Current performance of the reformed system - latest assessment'

London, 22 November 2016

Good morning, and thank you for the opportunity to be one of the first to speak this morning about the future of probation in England and Wales. Oliver and I are asked to kick things off with the latest assessment of the current performance of the reformed system, and I hope it is not too early in the day to be provocative.

Our expectations of probation services.

I would like to start by asking whether we have a common, clear and stated set of expectations of probation services, because I am not sure that we do. We expect to see that the public are protected, the sentence of the court is served, and individuals are rehabilitated so as to reduce the risk of reoffending. These are enduring expectations, are they not?

With *Transforming Rehabilitation* came new expectations: that the voluntary sector would play a key role in delivering probation services and that providers would innovate, finding new ways to achieve the more enduring aims of probation, presumably alongside tried and tested interventions.

It was also expected that probation supervision would extend, for the first time, to offenders released from prison sentences of under 12 months (over 40,000 people each year¹). In addition, since May 2015, probation services must provide offenders with resettlement services while they are in prison, in anticipation of their release.

And the enduring expectations I mentioned earlier are now over-layered for Community Rehabilitation Companies (CRCs) with more immediate, task-related expectations set by contract and monitored closely, and so the place of more traditional probation standards and expectations can become less clear, less immediate, less pressing.

¹ 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.

Whatever expectations we have, how are providers doing?

From the published performance metrics for both the National Probation Service (NPS) and CRCs, we see – even though we do not have a complete picture – that the NPS and CRCs are improving, and looking promising in many respects.

And yet, on field inspections we are finding a mixed and troubling picture, as we consider and report on the extent to which the more enduring, and indeed the more recent, expectations are being met.

If we ask ourselves why the picture is so troubling, we can identify some of the underlying reasons.

The new expectations of probation providers are demanding.

Providing services to a new cohort – those who serve sentences of less than 12 months - has not been straightforward. Their needs are complex, and meeting them is not always within the grasp of the CRC. They tend to be the more prolific and troubled offenders, less receptive to rehabilitation. Recall rates are notable.

Similarly, Through the Gate services require persistence and good joint working.

The transition to the mixed economy model has been challenging.

Some longstanding difficulties were not addressed before *Transforming Rehabilitation*, most pressingly the poor standard of the IT. CRCs inherited legacy systems that are dated and lack functionality. As they invest in new systems, alongside managing other aspects of transformation, CRCs find themselves struggling with the Ministry of Justice's data protection and other system requirements. Implementing modern day systems is taking longer than intended.

Some of the new operating models have proved challenging and some are testing for staff – new ways of working are not always welcome, most particularly when reducing numbers or changing the roles of professional staff. Teething problems sometimes prevail and CRCs can find themselves changing their model before it has bedded in fully, because in practice, they find difficulties with it or because of new financial pressures.

Contract pressures and the range of expectations.

CRCs are focused necessarily on meeting their contractual requirements. Those requirements are generally task orientated, rather than more qualitative in nature. The available data provides some necessary assurance to funders that tasks are being done but, as a consequence, and given other pressures and constraints, we generally find that a CRC's immediate focus is often on measured tasks, with staff supervision, training and quality assurance often taking a back seat.

Again, the government is reviewing the contract measures in an attempt to redress the balance but, of course, as contract expectations need to be sufficiently specific, demonstrable and measurable, this is not straightforward, and tensions arise

between what can be measured and what we may reasonably expect of the quality of work, and the underlying standards that should underpin quality services.

Reduced work volumes and income.

NPS caseloads are higher and CRCs lower than anticipated, as we know, with a consequential effect on CRC income and a high level of uncertainty about immediate and future funding. This has been destabilising for CRCs.

The government is reviewing the financial model and, of course, CRCs would welcome more income or at least more certainty. Many feel constrained at the moment, unable to make firm supply chain commitments and instead having to consider again whether staffing levels are affordable.

The age we are in.

We live in an age of austerity. As CRCs develop, other public services they might rely on recede. Accommodation, for example, is so hard to attain for service users, and some of the complex social problems of our age are intractable, and require joined up solutions when that is not getting any easier.

So how is the system performing?

Broadly, the NPS is generally performing to an acceptable level (albeit there are exceptions and shortfalls) whereas CRCs are generally struggling to deliver consistently well. Delivery is fragile. But there are exceptions, for example in Kent and North Yorkshire. Generally, those CRCs with the most ambitious operating models have found it hardest to deliver consistently well, and that is to be expected: change is demanding in itself, and takes time to bed in.

In our inspections we are finding common CRC shortcomings. They include: inadequate assessment or subsequent management of the risk of harm to others; inadequate or inconsistent supervision of service users; insufficient purposeful interventions likely to reduce an individual's likelihood of reoffending; and a paucity of provision of effective Through the Gate services.

Why are these failings prevalent? Because together, the underlying reasons I covered earlier have tended to lead to high caseloads for some professional staff; changing staff caseloads as operating models develop or resources are trimmed to manage the finances; a lack of attention to staff supervision, management oversight and quality assurance as more pressing and immediate matters occupy management; and under-developed wider supply chains because of uncertain and tight finances, I suggest.

On the other hand, we should surely welcome the good work that is being delivered despite the difficulties; and the much needed IT investments that CRCs are making despite the financial uncertainties they face, and applaud the underlying ambition. Equally, we can applaud the investment some are making in new premises and the savings others are making in moving to more affordable accommodation. There are signs of service innovation and initiative: the Women's strategy in Staffordshire & Stoke, for example, or the impressive volunteer network in Kent. It is not all bad news.

In summary, the transition is not yet complete, not yet settled. CRCs are generally finding transformation harder than anticipated, for the underlying reasons I outlined just now. What is needed now is a period of certainty and sufficient financial assurance, so that CRCs can settle their operating models and become fully fledged.

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