



Her Majesty's  
Inspectorate of  
Probation

## Speech

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**Justin Russell, HM Chief Inspector of Probation**

**National Association of Probation Officers**

**Cardiff, 11 October 2019**

Many thanks Ian and Katie for the invitation to speak to your conference this year.

It was a great privilege to have been appointed to this role at the beginning of June and to follow in the footsteps of some distinguished predecessors.

It's also a great privilege to lead such a committed and experienced group of inspectors, all of whom have frontline experience of working in probation, prisons and other parts of the criminal justice system.

Though I may not have been a probation officer myself, I have worked with the probation service throughout my career in a range of criminal justice policy roles and I've always had a profound admiration for your commitment to the work you do and the people you work with.

As we all know, that commitment has been severely tested in recent years. The impact of the Transforming Rehabilitation reforms on the service, both in terms of structural turbulence but also funding has been profound.

That legacy has been all too evident in the results of our recent inspections.

Over the past year, we've been undertaking the most intensive programme of probation inspection in our history.

For the first time, we have inspected every probation service in England and Wales in a single 12-month period. We've rated every service against a set of ten quality standards, developed in consultation with the probation service and widely supported by them as a positive set of industry standards for defining what 'good' looks like.

During those inspections we have analysed in detail almost 6000 individual cases and interviewed over 1900 probation officers and PSOs involved in supervising those cases.

We've talked to chief executives and senior management teams; to administrative staff and SPOs and to external stakeholders too, like crown court judges and magistrates.

From this year, we'll also be making greater efforts to talk to service users and we have published a service user engagement strategy setting out how we will involve service users and ex-service users in the design and delivery of our inspection programme.

Many of you may well have been interviewed yourselves as part of our inspections. I'm very grateful to you all for your help with it.

I know that being inspected has the potential to be an unwelcome and nerve-wracking experience. Having now sat in on many of these interviews, I know our inspectors do their best to put people at their ease and to offer feedback on professional practice – I hope you found that useful.

### Our findings

So, what did we find?

We published a summary of the results from our last year of inspections yesterday. As expected, it shows a significant gap between the performance of the National Probation Service and the Community Rehabilitation Companies.

While we gave an overall rating of 'good' to five out of seven NPS divisions; only 1 out of 21 CRCs came into this category – with the vast majority rated as requiring some improvement.

Although our ratings of the leadership and menu of services offered by the NPS and CRCs were similar, and in some areas – particularly the quality of premises and facilities management - we rated CRCs higher, there was a big gap in the scores we gave the NPS and CRCs for the quality of their case supervision.

My predecessor, Glenys Stacey, famously described the TR reforms as “irredeemably flawed”.

For me the most irredeemable flaw of all is that the funding mechanism developed for TR – most obviously the reliance on income from payment by results – has left CRC services critically short of the resources they need to run a decent service.

This year, under the original TR business plan, the government was due to spend over £500m on the CRCs. As a result of the failure of the payment by results mechanism, it will spend less than £400m.

No organisation, whether public or private, can survive such a drastic shortfall in its expected budget, without there being a major hit on service quality.

Whereas for the National Probation Service it has been possible to adjust their year on year budgets to reflect changes in caseload, the CRC contracts have proved much more difficult to adjust to reflect the challenges they face, leading eventually to the point where they have had to be cancelled altogether

Nowhere is this impact more obvious than in relation to workloads.

Our inspections found average caseloads were far higher for CRCs than for the NPS with over two thirds of CRC responsible officers managing more than 50 cases – compared to just one in 20 NPS staff. One in five were managing more than 70 cases.

Although you would expect NPS caseloads to be lower, given the higher risks posed by the people they supervise, CRC caseloads are by no means straightforward to manage.

Our analysis of the CRC cases we inspected, for example, found that 70% presented a medium, rather than low risk of harm. Over 40% were tagged as presenting domestic abuse concerns. Over 30% had child safeguarding or protection issues. Nearly 50% had a drug abuse problem.

Giving adequate time to these sorts of issues, as well as to all the other problems someone may present with, from mental ill health to homelessness, will be impossible if you are juggling over 70 cases.

I've sat in interviews with experienced probation officers who were literally in tears at the size of the caseload they were managing and our report includes powerful quotes from some of the POs and PSOs our inspectors interviewed:

One said to us. "I am playing catch up continually and am extremely stressed and completely burnt out...I am overworked, tired and deflated. I love probation and am committed to it, but the changes have made me not want to do it anymore. A supportive great team keeps me here".

In another interview, our inspector reported that:

"The responsible officer was close to tears.....describing his situation as unmanageable. He reported that he is currently managing 79 cases but will be receiving an additional nine in the next couple of weeks. Due to the levels of stress he is experiencing, he doesn't feel totally clear in his decision making, feeling as though he flies by the seat of his pants on a daily basis."

Less than a quarter of the staff we interviewed with a caseload over 70 said that they thought that their caseload was manageable. And we found a significant reduction in the proportion of cases we rated as effectively supervised as caseloads increased.

I am particularly concerned about the impact that these huge caseloads may be having on the quality of work being undertaken to protect the public from serious harm.

In a recent local inspection report, for example, you will find the following quote from one of our team about a case they were examining:

"In the seven-month period being inspected, the service user only attended two planned appointments, both of which were his first contact on release from custody, so no meaningful interventions were delivered. The responsible officer admitted in interview that they had lost touch with the service user for four months. His lack of contact only came to light because the responsible officer received a notification from court of an appearance for a further shop theft offence. The responsible officer blamed this oversight partly on an unmanageable workload and reported that they were holding in excess of 80 cases at this time".

On those aspects of performance which relate to protecting the public from serious risk of harm, CRC scores were up to 25 percentage points lower than for the NPS.

We found that CRC staff weren't assessing risks sufficiently in nearly half the cases we inspected and only conducted a home visit in a third of the cases where we felt they should have done.

### The future

So, what are the implications of all this for the future.

Like most of you I was pleased that the government has announced that the offender management functions of the CRCs and NPS will be coming back together from 2021 and we are thinking about how we will inspect these new arrangements.

In doing so, I hope the NPS will draw on some of the positive innovations – and there have been some – that have come out of the CRCs, particularly in relation to giving service users and ex-services users a voice and a role; in the significant improvements they've delivered on office accommodation and in the interesting way they've been taking service delivery out into the wider world through community hubs.

But the biggest lesson I hope will be learned, is that you can't deliver a quality service to what is often a chaotic and difficult group of offenders on the cheap.

Merely transferring one overloaded and stressed probation officer with cases like this from a private sector to a public-sector employer without doing anything about that caseload will achieve very little.

So, serious investment will be needed to make the next round of reform a success.

I was encouraged to see references in the government's spending review announcement in September to additional resources being made available for probation reform. I wait to see what that means in practice. But that was just for one year. The real spending review that matters will be for the period 2021 and beyond when the next set of reforms go live.

And that spending review will need to make good, not just the current shortfall in resources, but also the significant additional costs that will result from the recruitment of 20,000 more police officers and the many thousands of additional cases that this welcome investment will bring into the criminal justice system and onto the books of the probation service.

I wish HMPPS well in the battle to come over future resourcing. Having fought a few of these myself with the Treasury in my past life as a civil servant, I know how tough they can be when there are so many other competing demands for taxpayer resources.

But it's an essential battle to win if we are to restore the probation service to where it deserves to be – front and centre stage of a quality criminal justice system that is delivering for the public as well as for offenders and victims themselves.