



# Report of the Chief Inspector of Probation

March 2019



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# LETTER TO THE SECRETARY OF STATE



I am pleased to present you with my Annual Report.

My term as Her Majesty's Chief Inspector of Probation comes to an end shortly. It has been a privilege to do the job. I have seen at first hand the life-changing potential of probation at its best, and the life-sapping and sometimes fatal consequences when the service does not work as intended.

The government's 2013 *Transforming Rehabilitation* programme split the service at local level, with the bulk of probation work contracted out to the private sector. It has been a turbulent time. To implement government policy, capable probation leaders were required to deliver change they did not believe in, against the very ethos of the profession. On inspection, we now find probation supervision provided under contract to be sub-standard, and much of it demonstrably poor. Judicial confidence in community sentencing is now at serious risk.

Probation is a complex social service, with professional judgement at its heart, but probation contracts treat it largely as a transactional business. Consequently, there has been a deplorable diminution of the probation profession and a widespread move away from good probation practice. This is chiefly due to the impact of commerce. Professional ethics can buckle under such pressures, and the evidence we have is that this has happened to some extent.

You have taken the bold decision to terminate contracts early, with the intention of re-contracting on better terms, and aligning provider boundaries. While this would help, it would leave serious design flaws unaddressed.

The probation model delivered by *Transforming Rehabilitation* is irredeemably flawed. Above all, it has proved well-nigh impossible to reduce probation services to a set of contractual requirements. Professional probation work is so much more than simply a series of transactions, and when treated in that way it is distorted and diminished.

With contracts now likely to end in December 2020, there is an opportunity to redesign the service. With that in mind, I have proposed design principles for the service, and focused this report on the most relevant matters for consideration, to help with the difficult decisions you must make.

I would like to thank all those who have participated in any way in our inspections. Without their help and cooperation, it would not be possible to do the job we do. And I am very grateful to you and your officials, for appreciating the validity and real value of the inspection evidence we have been able to provide.

Signed:

A handwritten signature in black ink, appearing to be 'G Stacey', written in a cursive style.

Dame Glenys Stacey  
Chief Inspector Probation

## KEY FACTS

- 258,157** the number of individuals under probation supervision (30th September 2018)
- 80%** the proportion of Community Rehabilitation Companies (CRCs) inspected by HMI Probation where the implementation and delivery of probation supervision has been rated as 'inadequate'
- 38%** the proportion of magistrates indicating that they had less confidence in probation now than they had under previous arrangements (2016 Magistrates Association survey)
- 64%** the reoffending rate for adults released from a custodial sentence of less than 12 months (January to March 2017 cohort). Those who serve longer sentences reoffend at a rate of 28%
- 33%** the reoffending rate for adults who serve community sentences or suspended sentences (January to March 2017 cohort)
- 11%** the proportion of criminal justice third-sector voluntary organisations now working directly with CRCs (October 2018)
- 40%** the proportion of individuals commencing a community sentence or suspended sentence who are subject to a Rehabilitation Activity Requirement (RAR) (July to September 2018 cohort)
- 56%** the reduction in the number of individuals starting accredited programmes (from 2009/10 to 2016/17)
- £294 million** the forecast losses of CRCs as at March 2018 (if the contracts had continued as planned) compared with £269 million forecast profit at bid stage
- 15%** the proportion of probation premises occupied jointly by the National Probation Service (NPS) and CRCs
- 2 of 21** the number of CRCs using the gateway to connect their systems to Ministry of Justice systems, for transfer of essential information

# EXECUTIVE SUMMARY

This report is in two parts. In Part 1, I explain the probation service, as people are often unaware of what it does, or how government expectations of the service have changed. Part 2 is a systematic evaluation of the service, with the aim of identifying what needs to change, to enable probation professionals to deliver well.

## PART 1

### PEOPLE UNDER PROBATION SUPERVISION

I start this report with a review of crime and sentencing trends in recent years, as changes to these mean changes to the mix of people under probation supervision. Such changes affect the volume and types of work done by probation services, and for new types of offence, new probation techniques are sometimes needed.

The proportion of sexual offenders has increased notably, with one in five people in prison today – and almost one in ten under probation supervision – convicted of a sexual offence. More offenders are being convicted and imprisoned for violent crime as well, while the number of people dealt with in any way by the criminal justice system has been falling for some time. In short, the focus has shifted in recent years to more serious offences, where imprisonment is much more likely. Average prison sentences have lengthened as a result.

At the other end of the spectrum, community sentences are almost certainly less expensive, and certainly more effective at reducing reoffending, when compared with short prison sentences. I explain the different community sentence options – for example, a period of unpaid work or else treatment for a drug or alcohol dependency. Community orders can require a mix of things, if the court thinks

that appropriate. A new community sentence option was introduced in 2015, a RAR. It is now the most common community sentence requirement.

The number of community sentences ordered has fallen by more than half in recent years, however. The fall is striking, and it may be that, alongside the focus on serious offences where imprisonment is likely, a lack of judicial confidence in probation (and RARs) is leading to more custodial sentences in borderline cases. I cannot be sure, but I show that in a notable proportion of cases, individual sentence decisions are harsher than recommended in probation advice to the court.

Even with this reduction in community sentences, the number of people subject to probation has increased markedly: depending on how you count it, there are twice as many people under probation supervision in the community than detained in prison. There is a great deal of crossover between the two populations. In practice, most people under probation supervision have experienced both prison and community sentence.

The number of people under probation supervision has risen, despite the fall-off in community sentences, because recent government initiatives mean that probation professionals now provide rehabilitative probation services to all prisoners, starting 12 weeks before their release, and they then supervise them all in the community for 12 months after their release. Most individuals supervised after release were originally sentenced to less than 12 months in custody. They tend to be prolific offenders who are often difficult to engage in rehabilitative work.

The shift of focus across the criminal justice system to more serious offences, together with the government's extension of probation supervision to those who are released from custody having served a sentence of less than 12 months, has resulted in higher volumes of probation work, and more complex and demanding probation work overall.

### **THE CHARACTERISTICS OF PEOPLE UNDER PROBATION SUPERVISION**

People under probation supervision are not representative of the general population. I set out their general characteristics, as I think it important to recognise that many are arguably disadvantaged on almost every index of need.

Many have had an unfair start in life. They were not loved or nurtured by their parents. I estimate that one in two will have been abused as a child, with about one in four taken into care. Without the right parental guidance, it is much harder to learn how to gauge risk, how to control temper and other emotions, how to resist impulse and how to behave more generally, to fit in with societal norms and the law.

Many have no qualifications. A disproportionate number have special education needs or were expelled from school. A worrying number have become serious drug users or dependent on alcohol, or both, and many suffer with anxiety, depression other mental health conditions.

Probation professionals are working with some of the most troubled and sometimes troublesome individuals in society, to reduce their reoffending and to protect the public from harm. This is not straightforward, but there is an evidence base to help guide the work.

### **THE EVIDENCE BASE**

I then summarise the evidence base underpinning probation work. I start at the beginning again, with sentencing. I note that although RARs are now the most common community sentence provision, there is no research evaluating their efficacy.

When it comes to reducing reoffending, the evidence suggests that work to help offenders develop pro-social social networks, or increase their sense of agency, self-efficacy and good problem-solving skills, may be effective. There is a strong evidence base for cognitive-behavioural programmes which address criminogenic needs (the underlying reasons why each individual offends). Intensive supervision programmes which emphasise control over support may not work, while those which combine support with sanctions are more successful.

The evidence base is clear that probation supervision itself, and the key relationship between the probation professional and the individual, can be pivotal in turning people away from crime. In addition, holistic interventions that address multiple criminogenic needs are likely to be more successful (the rate of reoffending increases with the number of criminogenic needs).

A supportive but challenging relationship with a probation professional is key. Supportive approaches – matched to individual need – are more likely to work to reduce crime than tougher approaches and sanctions. Timing and sequencing are important.

## THE JOB OF PROBATION

I go on to explain the job of probation, and how it is done, as I know that most of the public are unaware of what happens in practice. Again, I start with sentencing. In individual cases, probation professionals provide advice requested by the court on the appropriate sentence. They then deliver all community sentences ordered by the court. They make sure that any constraints on liberty (for example, a curfew) are complied with, and they administer other specific requirements – for example, a spell of unpaid work. Probation professionals must exercise judgement and recall an individual to prison, bring them back before the court or seek to re-engage the offender if they do not comply with the requirements.

Probation professionals work in prisons, to get individuals ready for release into the community, and they work in approved premises (probation hostels) that house the riskiest individuals, upon release. Probation professionals also work with victims, keeping them informed of developments in cases where an individual is convicted of a violent or sexual offence and sentenced to at least 12 months in custody.

In many cases, individuals released from prison or given a community or suspended sentence have immediate and fundamental needs. The most pressing is often accommodation. Other common problems include drug or drink dependencies, family breakdown, mental or physical health concerns, debt and the lack of education, training or employment, to earn a living.

Probation professionals seek to find individuals somewhere to sleep, a means of support week by week, and professional help with debt, addictions and other health concerns, including

mental health. Unless these immediate physiological and safety needs are met, people under probation supervision are less likely to be able to focus on longer-term goals and reducing offending.

Probation professionals meet regularly with each individual under probation supervision, and work with them to reduce their risk of reoffending. Current approaches are based on the idea of redeemability: that criminality is not a permanent trait, but rather an adaptation to a person's life circumstances that can be changed by altering those circumstances or self-understandings.

Probation professionals use specific tools and approaches, and I explain two in particular: the risk-need-responsivity model and the ASPIRE model. They plan and sequence work with the offender, and this sometimes involves the offender participating in an accredited programme of work to address specific needs, such as the control of impulse. Individuals under probation supervision often require specialist services available from the third sector as well – for example, help on how to manage debt or write a CV.

To turn away from crime, an individual must decide to change, follow it through and stick with it. For many under probation supervision, this is very hard to contemplate or sustain. Skilled probation professionals help individuals to recognise that they need to change; then help them to see the advantages of changing; and provide specialist support and encouragement when they decide to change; and then help them to work out the best ways of avoiding slipping back into their old ways.

## HOW PROBATION IS DELIVERED

I explain briefly how probation services are configured. In broad terms, the NPS supervises the large majority of sexual offenders, and other individuals assessed as being at high risk of causing serious harm, and 21 privately owned CRCs supervise all others. The NPS and CRCs each have specific additional responsibilities. By way of example, the NPS advises courts on sentence, and CRCs are responsible for unpaid work in all cases.

I then summarise how the service is funded, before showing the key measures of NPS and CRC performance. I provide an overview of the latest summary data. It shows that the NPS and CRCs are both failing to meet all performance targets, albeit the NPS is nearly there. These targets are generally task based, however. It is much more concerning that the quality of probation supervision in CRCs is generally sub-standard, and much of it demonstrably poor.

As we inspect, we rate probation providers' performance on a four-point rating scale: Outstanding, Good, Requiring improvement, Inadequate. In the 10 CRCs inspected since January 2018, we have rated the implementation and delivery of probation supervision as 'Requiring improvement' in two and 'Inadequate' in the remaining eight.

## PART 2

I start Part 2 by explaining that the *Transforming Rehabilitation* programme was based on a set of principles that encapsulated government's policy ambitions at the time. I argue that design principles for the probation system need to go beyond strategic aspirations, however, as they

must help decision-makers make wise decisions about the design of the system itself and the detail of how it is to work.

Having spoken with probation professionals, academics and system experts, I put forward four broad design principles. In the rest of this report, I evaluate the probation system using these principles, to show how and why it is not performing as intended. I set out those matters which I think the government needs to change, as it considers how to design the system in future.

As a first principle, I argue that probation services should be evidence-based. There is a strong evidence base underpinning work to reduce reoffending and it should be adhered to, and new initiatives evaluated, to add to the evidence base. Secondly, I suggest that probation should meet the needs of individuals – the reasonable needs of victims, and individuals under probation supervision.

As a third principle, I suggest that probation should be an integrated and professional service. It is most likely to be effective if it employs enough qualified professionals who are sufficiently engaged and have access to the right facilities, services and information (and, where necessary, protections) to enable them to do their jobs well.

Lastly, it should instil confidence in probation and community sentencing. Victims, the wider public and the judiciary must have confidence in community and suspended sentences, and know that they are delivered well. They must know that all reasonable steps are taken with



individuals under probation supervision, to reduce their reoffending and to protect the public.

My argument is that if the service is designed and delivered in accord with these principles, and funded sufficiently, then it is most likely to deliver high-quality probation services that make a real difference to individuals under probation supervision and to wider society, and deliver the policy ambitions of any government, over time.

### **PRINCIPLE ONE: THE PROBATION SERVICE SHOULD BE AN EVIDENCE-BASED SERVICE**

I evaluate the extent to which today's probation service is evidence-based, starting, once again, with sentencing policy – as the probation service deals with all those convicted and sentenced to custody or else a community sentence.

I explain that sentencing policy for women is poised to develop in accord with the evidence base, but I raise three broader concerns about sentencing in general.

Firstly, the government has signalled its intention to move to an overall presumption against short sentences, but this is unlikely to be effective in reducing reoffending without other changes. Our most recent inspection evidence suggests clearly that intensive and holistic rehabilitative supervision will be required for those repeatedly sentenced to short terms of imprisonment, to meet the government's aim to reduce reoffending.

Secondly, I explain that judges and magistrates have an extremely limited choice of rehabilitative community sentence options.

RARs are ordered generally by default and can be largely ineffective, in practice. I advise that the government should consider introducing more specific community sentencing provisions alongside, or as an alternative to, RARs. There is likely to be an opportunity, as the government will need to legislate to introduce an assumption against short sentences.

Lastly, our inspection evidence and available management information show that individuals are being sentenced to prison without the court having the benefit of any pre-sentence report. Evidence of the individual's circumstances should be available to the court, in our view.

Looking beyond sentencing, I present a less optimistic picture. Some CRCs are developing evidence-led approaches. Some are evaluating them. The established national mechanism for evaluation of new approaches – accreditation – is not being used, however, and promising developments are not being evaluated consistently or promulgated across the service as a whole.

Above all, in the day-to-day work of probation professionals, there has been a notable drift away from the evidence base for effective probation services.

Recognised cognitive-behavioural programmes and treatment orders are not being ordered or delivered enough. What is more, in the current model for probation services, the critical relationship between the individual and the probation worker is not sufficiently protected. In too many cases, there is not enough purposeful activity. Core probation supervision has been allowed to coast. This has undermined the place of evidence-based and evidence-led practice.

*I propose that:*

*Her Majesty's Prison and Probation Service (HMPPS) should ensure that pre-sentence reports are prepared more often. In my view, they should be prepared in all cases where imprisonment is an option, except in exceptional circumstances.*

*The government should pilot alternatives to custody for short-term prisoners. Those pilot arrangements should include supported accommodation options, and mental health and substance misuse treatment. The better use of monitoring technologies should also be considered.*

*The government should consider more specific rehabilitative options for community sentences, as an alternative to RARs.*

*The Ministry of Justice should ensure that accredited programmes are available locally and are recommended to the court whenever they are appropriate. The availability (at a local level) of mental health, drug and alcohol treatments should be increased, to meet need.*

*The future operating model for probation services should promote the use of established and well-regarded approaches, in accordance with the evidence base. Evidence-led approaches to new and existing challenges should be encouraged, and consistently and properly evaluated.*

*Future arrangements for probation services should ensure continuity of probation worker, so far as possible.*

## **PRINCIPLE TWO: MEETING THE NEEDS OF INDIVIDUALS**

I start this section by looking at the way that probation works from a victim's perspective. I expect victims to be treated well by the probation service. Probation professionals should be sensitive to their needs and keep them as safe as reasonably possible.

I then explain the way in which the Victim Contact Scheme is designed to keep victims of serious violent or sexual offences up to date with developments during the perpetrator's period in custody and any application for parole. The NPS is responsible for administering the scheme, and so far we have found the NPS applying the existing scheme well. As I have argued before, however, the Victim Contact Scheme is dated, and should better meet the reasonable needs of today's victims.

In more general probation work, we find that neither the NPS divisions nor the CRCs we have inspected are having sufficient regard to victims, and the need to keep them safe, in the work they do from day to day, with CRCs markedly worse than NPS divisions at this work.

To meet the needs of offenders and be more likely to reduce reoffending, I expect probation services to be as seamless and engaging as possible for individuals under probation supervision. For offenders, the biggest transition is usually from prison to the community. Our aggregated data shows that accommodation is the most pressing issue, followed by the need for help with finance, benefits and debt, with similar issues prevalent for individuals under probation supervision in the community.

I expect every effort to be made in individual cases, but national, strategic solutions are

also needed. Those without a place to live are notably more likely to reoffend and to be sentenced to custodial sentences. Speedier payment of benefits would be more likely to sustain an individual's motivation to turn away from crime, and reduce the prospect of individuals stealing to sustain themselves.

Effective probation supervision is more likely to engage the individual. At this point in the report, I evaluate the performance of the NPS divisions and CRCs we have inspected, using the ASPIRE model: Assessment, Planning, Implementation, Review.

Our aggregated data shows that individuals are not being assessed, and probation work is not being planned and delivered, sufficiently consistently or to a good standard overall. Progress is not reviewed well enough overall. Our detailed data shows a differentiation, and sometimes very marked differences, between the good-quality work we generally find in NPS divisions, and poor-quality work we generally find in the CRCs we have inspected.

CRCs deliver unpaid work well overall, however it is often unconnected to other work with the offender. The evidence base suggests that better integration of unpaid work and probation supervision would improve the prospects of success in reducing reoffending.

### ***I propose that:***

***The Ministry of Justice should review the Victim Contact Scheme, so that it better meets the reasonable expectations of today's victims.***

***The government's Reducing Reoffending Board should consider how sufficient accommodation can be provided for those under probation supervision without a home.***

***The government's Reducing Reoffending Board should consider how to speed up initial payments (without subsequent clawbacks).***

***The future arrangements for probation services should restore professional judgement, and promote effective sentence planning overall.***

***Future arrangements for probation services need to ensure more consistent and effective supervision for ALL offenders, so as to reduce reoffending and, so far as possible, keep the public safe.***

***In considering the future model for probation services, government should reflect carefully on how best to ensure sufficient integration of unpaid work and other rehabilitative activities, to optimise the prospect of individual offenders turning away from crime.***

### **PRINCIPLE THREE: AN INTEGRATED AND PROFESSIONAL SERVICE**

The probation service is a professional service. It is most likely to be effective if it employs enough qualified professionals who are sufficiently engaged and have access to the right facilities, services and information (and, where necessary, protections) to enable them to do their jobs well.

In this section, I show that the number of probation professionals is now at a critical level. There is a national shortage of professional probation staff, and especially those mainly responsible for more complex and demanding casework (probation officers). The position varies across the NPS, and more widely between CRCs.

I go on to show that, despite the increasingly demanding nature of probation work, the profession has been downgraded and there has been unplanned role drift, in large part in response to resource pressures.

I report that levels of staff engagement in the NPS are middling but gradually improving. Staff engagement varies noticeably across CRCs, with some CRCs working hard at it. CRCs are not obliged to conduct staff surveys, and some do not. In my view, the Ministry of Justice should consider the benefits of a common staff engagement measure for all probation providers.

I show that high workloads and the overriding need to meet transaction-based performance targets have led to professional standards being compromised in at least one CRC. Professional ethics can buckle under such pressures, and I present evidence to show that this has happened to some extent.

The profession is not protected by the usual bulwarks of other established professions, and has little voice. An effective professional body could make a considerable difference for the profession and for the wider public.

I explain that some CRCs deliver probation services in innovative ways in modern and appealing offices, community hubs or other community settings. NPS staff are generally working in dated and often shabby offices, and the NPS struggles to keep its offices maintained, or safe and secure. In a minority of areas, NPS and CRC staff work from the same premises, making the organisational dependencies less irksome.

Under the government's *Transforming Rehabilitation* initiative, CRCs became responsible for contracting specialist services (such as advice on managing debt) for individuals under probation supervision from those able to provide them, so that they are available for individuals that CRCs supervise, and for the NPS as well. I present inspection evidence for an insufficient range of these specialist services overall.

CRC contracts allow them to decide what to offer by way of specialist services. On inspection, we found no one body was clear about the extent of provision. I confirm that we have often found staff in NPS divisions (and even CRC staff themselves) who are unaware of the services on offer. More commonly, however, we have found NPS staff and leaders reluctant to purchase services from CRCs because of concerns about the quality of services to be provided, or whether they represent value for money, or because of an instinctive reluctance to pay for services. In addition, there is an

enduring cultural dimension: professional probation staff do not see themselves as purchasers, and most do not want to be.

I end this section by considering the information flows that are necessary to ensure seamless and effective probation services. Important case information does not always flow readily between the NPS and CRCs, or between them and other key players. There are fault lines in the current probation model that require active daily management. By way of example, I confirm that, in one in four cases, we find important and relevant information missing, as the NPS decides whether or not an individual is medium or low risk and therefore to be supervised by a CRC.

I explain that, on occasions, we have found that the lack of a comprehensive and ongoing record of the assessment of an individual and the risk posed to the public has led to probation shortcomings, with very serious consequences. In July 2018, the Ministry of Justice consulted on a strategic aim to improve the assessment of offenders, by reviewing processes and ensuring that, as far as is practicable, a thorough and good-quality assessment is built upon and follows an offender throughout their sentence.

In my view, initial assessments should be the basis of an ongoing assessment for all leaving prison and for all under probation supervision. There is a strong case for one continuous assessment for each individual, as signalled by the Ministry of Justice in 2018.

***I propose that:***

***The Ministry of Justice should ensure that a sufficient number of probation professionals are employed overall and at a local level, to match workload demands and to provide for the contingency necessary to cope with changes in local demand.***

***Professional staff pay arrangements should be developed to recognise regional and area pressures.***

***Staff engagement should be measured annually and in ways that enable fair comparisons to be made, and can drive improvement where needed.***

***The future arrangements for probation services should provide for the learning and development of staff, and the arrangements for delivery of the strategy should be practical and engaging for staff.***

***An independent professional body should be created for the regulation of the profession. In consultation with the profession, the new body should develop an ethical code for the profession, to provide the usual protections.***

***Probation premises should be kept safe and secure, and in a serviceable condition overall. Maintenance and repair work should be done when it is needed.***

***In designing the future arrangements for probation services, government should make sure that a good range of specialist services are available to meet need, and that the specialist service sector is nurtured and maintained.***

***Future arrangements for probation services should provide for initial assessments of the right quality, and that case records are comprehensive and kept up to date, to minimise the risk of loss of important information as individuals move through the prison and probation system.***

## PRINCIPLE FOUR: INSTILLING CONFIDENCE

Here, I argue that the judiciary, victims and (so far as possible) the wider public must have confidence in community and suspended sentences, and their delivery, and that probation professionals themselves must have faith in what they are being asked to do. Sentences that are completed and that reduce reoffending, with the public sufficiently protected from harm, can build confidence.

I show that sentences run their full course in two-thirds of cases, but magistrates question whether CRCs take enforcement proceedings in all cases where they should. Magistrates generally believe in community sentences in principle, but lack confidence in their delivery more generally.

I confirm that reoffending has reduced slightly in recent years, but the number of offences committed by those who do reoffend has increased. While changes in the rate of proven reoffending have been used as a strategic measure of the success of individual probation providers, I argue that changes in reoffending rates are not wholly and directly attributable to their work. Although evidence-based and evidence-led probation work can reduce reoffending, factors such as an individual's maturity, or police priorities influence the reoffending rate as well.

I put forward the view that more immediate measures of the quality of probation services (for example, our inspection findings and ratings) are more telling of the likelihood of success. They show an extremely troubling picture for CRCs.

When someone under probation supervision commits, and is then convicted of, a SFO, probation providers review whether there were any shortcomings in the probation supervision of the individual. I show the rate of SFO convictions to be relatively low and stable, but confidence in the review process itself is undermined because individual providers review their own cases.

I expect probation services to do all that is reasonable to reduce the prospect of individuals reoffending, but I also expect them to take all reasonable steps to protect the public from harm. I show that there is a little room for improvement in the work done by the NPS to protect the public, but much more needs to be done in the CRCs we have inspected. CRC contract requirements are task, rather than outcome, based, however, with insufficient focus on the requirement to keep people safe.

In this section, I confirm that we have been impressed with the quality of leadership across the service: mission-led leaders are working hard. The public can have confidence in the leadership of the service, but many leaders in CRCs are severely inhibited by resource and other pressures.

I go on to show that the design of the system does not reward continuous improvement, and that the system as a whole does not provide value for money. The National Audit Office (NAO) has concluded recently that *Transforming Rehabilitation* has achieved poor value for money for the taxpayer. The usual public sector governance, accountability and transparency expectations do not apply in full to the probation service. I argue that they should, to meet public expectations. Without them, public confidence is undermined.

I end this section by considering key elements of the operating model for probation services, and the extent to which they are likely to instil confidence and deliver effectively.

The operating model has an exceptional number of inter-agency dependencies, played out at a local level. They require constant management attention across boundaries that are not always aligned. On inspection, we find that the local management of the relationship and dependencies between the NPS and a CRC is better when the two organisations share office space. The NPS and CRCs share about 15% of over 500 probation premises nationally. There is no coherent, system-wide strategy for the probation estate.

Promising information technology (IT) systems development in CRCs has largely stalled, in large part because the Ministry of Justice was unable to provide the necessary connectivity in time. This has had a knock-on effect, as new systems were to support new ways of working within CRCs.

I describe earlier in the report the scant provision of the specialist services needed for some individuals under probation supervision, and outline the procurement difficulties experienced by many. The operating model does not provide a national strategy for the sufficient provision of services locally.

I also describe earlier the shortage of probation professionals, the variabilities in staff engagement, and the shortcomings in professional training and development. There is no coherent, national workforce strategy.

### ***I propose that:***

***In evaluating the work of probation providers, government should give weight to measures of the quality of probation work done. The reoffending rate is not a sufficiently immediate or attributable measure of performance.***

***SFO reviews should be conducted with sufficient independence and transparency, so that learning is shared and systemic issues are identified and addressed.***

***The probation service should conform to the usual public service governance, accountability and transparency expectations.***

***A nationwide estates strategy should be developed. It should enable probation services to be delivered engagingly and sufficiently locally.***

***A nationwide IT strategy should be developed, with sufficient functionality, including the ability to support one continuous assessment and record for all offenders in prison or under supervision in the community.***

***A nationwide workforce strategy should be developed.***

***A nationwide commissioning strategy for specialist services should be developed. It should provide straightforward guidance on how to commission services, and should strike a proper balance between central and locally commissioned services.***

# CONCLUSION

Some of the changes I advocate in this report could be made without any change to the existing delivery model for probation: pre-sentence reports in more cases; a better range of rehabilitative community sentences; intensive and holistic support and supervision for many individuals currently sentenced to short custodial sentences; the timely provision of accommodation and benefits payments; and much more use (and availability) of mental health and other valuable treatment orders. I have also proposed improvements to the contact scheme for victims, and the independent review of SFO cases. I have argued strongly for a code of ethics and an independent regulatory body for the profession.

I have proposed that there should be better governance requirements for probation providers. I advocate more sensitive payment arrangements for probation professionals, consistent measures of staff engagement, and that staff should work in safe, secure and suitable premises that are kept in a reasonable state of repair. These things will be more difficult to be sure of in the existing model, but not impossible by any means.

The government has proposed a next generation of better funded and better structured probation contracts, and the alignment of boundaries between NPS divisions and CRCs. In my view, that will improve matters but it will not be enough.

The probation profession has been diminished, and the skilled work that professionals can deliver has been devalued. The quality of

probation work has suffered and it must now improve, to reduce reoffending, protect the public and restore judicial confidence in community sentencing. Probation leaders are braced to bring about yet more change, as government has indicated, but in my view success is much more likely if probation leaders can bring about change they believe in, and change that respects and values the ethos of the profession.

Leaders must be able to motivate, engage and develop probation professionals to deliver evidence-based and evidence-led services, rather than probation supervision continuing to drift. Promising new approaches should be evaluated routinely, and the best should be made available nationally. Leaders can then be held fully to account for effective delivery and value for money.

Probation work that is integrated, professional and delivered as locally as possible is most likely to turn around the lives of offenders. Probation professionals must be able to exercise their professional judgement in each case and tailor supervision, with access to a range of specialist services to meet individual needs. I argue that a national approach is needed now, rather than the continuation of the current divisive arrangements.

To provide an integrated service, a carefully considered commissioning strategy is needed. Accredited programmes and other valued interventions should be routinely available locally, and accessed readily by all probation professionals, to match need.



A national workforce strategy is needed, to provide engaging training and development for all staff and to make sure that enough probation professionals of the right grade are available nationally and in all locations. A national IT strategy and common systems are needed, to support the continuous assessment of individuals under probation supervision and the ready transfer of important information. In this way, effective probation supervision is most likely.

A national estates strategy is needed, to bring about a much more strategic national footprint, with probation services delivered as locally as possible. The operating model should support effective delivery in rural and urban locations, and should always put the relationship between the probation professional and the offender centre stage.

**Experience has shown that it is incredibly difficult, if not impossible, to reduce the probation service to a set of contractual requirements and measures, and equally difficult to deliver probation well without a nationwide approach to the essential underpinnings of the service. Significant flaws in the system have become increasingly apparent.**

**It will be virtually impossible to deal with these issues if most probation supervision continues to be provided by different organisations, under contract. I urge the government to consider carefully the future model for probation services, and hope that this report will be of help.**

# **Part 1 – About probation**

# INTRODUCTION

More than a quarter of a million people are under probation supervision each year. If all these services were delivered well, there would be less reoffending and fewer people being returned repeatedly to prison. The prison population would reduce, and 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.

I last reported comprehensively on how probation services were being delivered in December 2017. Since then, we have made significant changes to the way we inspect. Our inspections are now underpinned by published quality standards that are grounded in the evidence base for effective probation work, and we rate all providers using a four-point scale from 'Outstanding' to 'Inadequate'.

We have inspected and reported on almost half of Community Rehabilitation Companies (CRCs) and the divisions of the National Probation Service (NPS) in this way, with published reports to be found here: <https://www.justiceinspectorates.gov.uk/hmiprobation/>. I have used data aggregated from those inspections and the more recent inspection fieldwork we have conducted, to inform this report. The data covers four NPS divisions and 15 CRCs in all<sup>i</sup>.

I start this report, however, with a description of probation itself and how it works. I appreciate this is unusual in an annual report. People are but vaguely aware of probation services and what they do, and I see a benefit in explaining the service – to show what good probation supervision looks like, and enable readers to gauge better

i. The data presented in this annual report is based upon:  
(a) inspections across four of the seven NPS divisions and 15 of the 21 CRCs (covering six owners, including Working Links, whose contract areas have now transferred to Seetec). The data may not be representative of all provision across England and Wales  
(b) Quarterly statistics published by the Ministry of Justice unless otherwise indicated.



how the system is working in practice. I show how and why probation work has become markedly more complex and difficult in recent years.

I detail the characteristics of people being supervised by probation services. Again, this is unusual in an annual report but I think it helpful, as it is so relevant. People under probation supervision tend not to be representative of society as a whole. Instead, probation professionals work with some of the most challenged and challenging individuals in society, to reduce their reoffending and at the same time protect us from the harm they might cause us.

There is an evidence base detailing what works to reduce reoffending and support individuals to desist from crime. I summarise it later in this report, as I am of the firm view that probation services should be evidence-based and should develop the evidence base as well. As I explain, more evidence and evaluation is needed in some areas, so that probation work is as effective as it can be and delivers value for money.

I go on to consider the skills needed of probation professionals, and explain briefly how the probation service is organised following the government's reforms to the service in 2015.

I summarise the information published on how the service is performing today, using performance data and information published by the Ministry of Justice and HMPPS and our own inspection ratings. I provide details (in Annex 1) of all the inspection, research and analysis work we have done over the past year, for completeness.

I go on to propose a set of design principles for the probation system itself. Using the principles, our aggregated data and inspection evidence, I evaluate the system more fully and in the wider criminal justice context. Government has decided to terminate existing probation contracts early, by December 2020. It is considering how the system should be configured in future, and I hope that an evaluation of this nature will be most helpful to ministers.

I end by concluding that the current system design is irredeemably flawed. In my view, if in future the service is designed and delivered in adherence to the design principles I propose, and is appropriately funded, it is much more likely to deliver government's aims for the criminal justice system, and provide better value for money.

## PEOPLE UNDER PROBATION SUPERVISION

Over a quarter of a million people in England and Wales are under probation supervision each year, because they have committed one or more criminal offences. There are over three times as many people under probation supervision than detained in prison, but there is a great deal of crossover between the two.

Five years ago, probation services were extended to provide offenders with resettlement services before they leave prison, in anticipation of their release, and all were made subject to probation supervision upon release. In practice, most people under probation supervision have experienced both prison and community sentence.

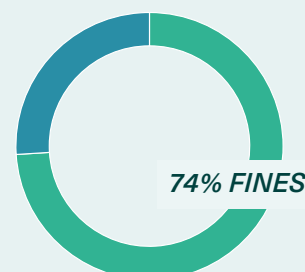
Since the early 1990s, we have seen the prison population almost double<sup>i</sup>, and then steady about 10 years ago. The number of people dealt with in any way by the criminal justice system has been falling for some time, and now those who have committed the least serious offences are more likely to fall outside of the system altogether.<sup>ii</sup> The focus has shifted towards more serious offences.

The latest figures<sup>1</sup> show crime is up, the numbers of people arrested, prosecuted and sent to prison are down, while those convicted of serious offences are more likely to be sent to prison and serve a longer sentence. One in five people in prison today – and one in 10 under probation supervision – have been convicted of a sexual offence. More offenders are being convicted and jailed for violent crime as well. Even for offences which are not violent or sexual, the average sentence length has increased.

There has been a consequential reduction in community sentences and an increase (until very recently) in the

i. From about 45,000 in 1993 to more than 83,000 in 2018.

ii. The removal of the Offences Brought to Justice (OBTJ) target in 2008, a reduction in the use of police stop and searches since 2010, changes in targets set within police forces on 'clear up' rates that may have promoted use of these disposals, and other changes in legislation that have restricted the use of cautions (Criminal Justice and Courts Act 2015) and PNDs (to adults only from 2013).



*Of the 1.2 million persons sentenced in England and Wales in the 12 months until the end of September 2017, 74% were fined.*



*Over the past decade, the average custodial sentence has increased by 4.5 months, to 16.9 months in 2017.*



*Over the past decade, the number of young people convicted has fallen much more steeply than adults*

# THE DYNAMICS OF THE JUSTICE SYSTEM

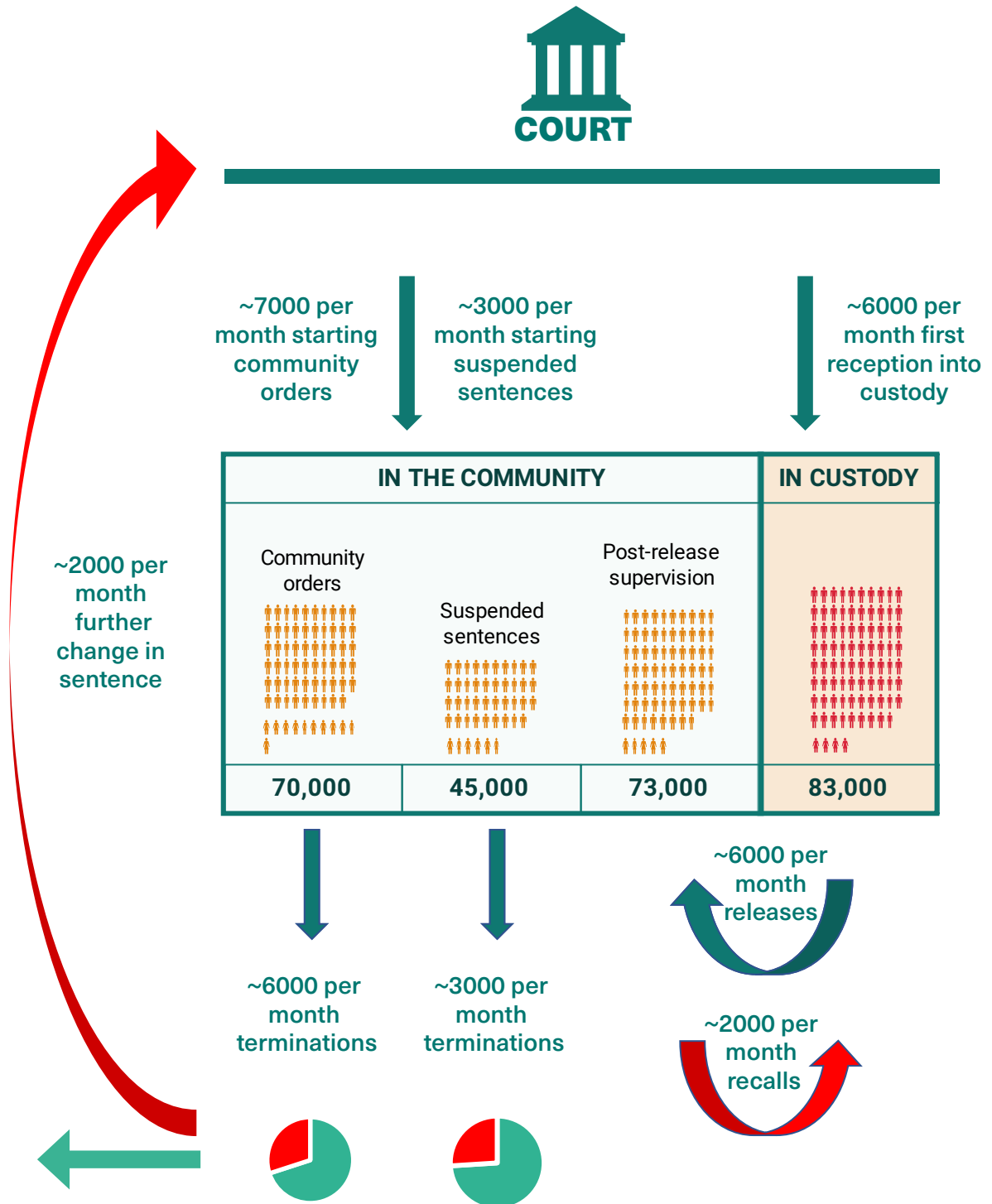
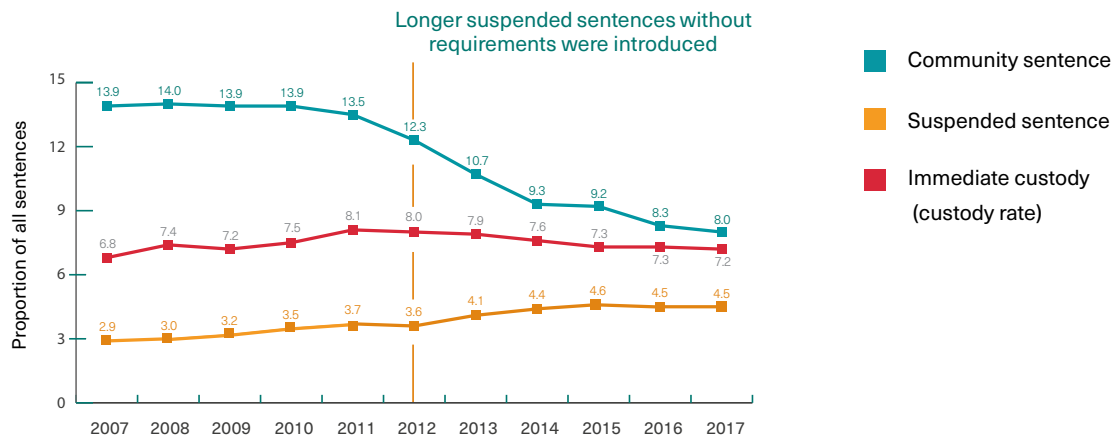


Figure 1. An illustration of the rate of change in offender populations



*Community sentences continue to decline and suspended sentences have been increasing. Custody rates remain stable and average custodial sentence is continuing to increase. This is despite a decrease in the number of offenders being sentenced to immediate custody.*

use of suspended sentences.<sup>i</sup> The number of community orders has fallen by more than half in the last 10 years, with the biggest fall off in the last five years. Reductions in the confidence of judges and magistrates in community sentencing may be an additional factor here.<sup>ii, 2</sup> At the same time, an unprecedented number of prolific offenders and those with long criminal histories are sent to prison.

Together, these changes have had a marked effect on the number and nature of the people receiving probation services. More people are under probation supervision, more are prolific offenders often leading chaotic lives, and more have been convicted of a violent or sexual offence.

Over one in three will be serving a community or suspended sentence. Most people subject to probation, however, will be preparing to leave

prison or else be under licence or supervision having left prison. As Figure 1 shows, at least one in four go through the cycle again, with some doing so repeatedly.

Suspended sentences are generally a last resort, short of an immediate detention to custody. Sentences can be suspended for up

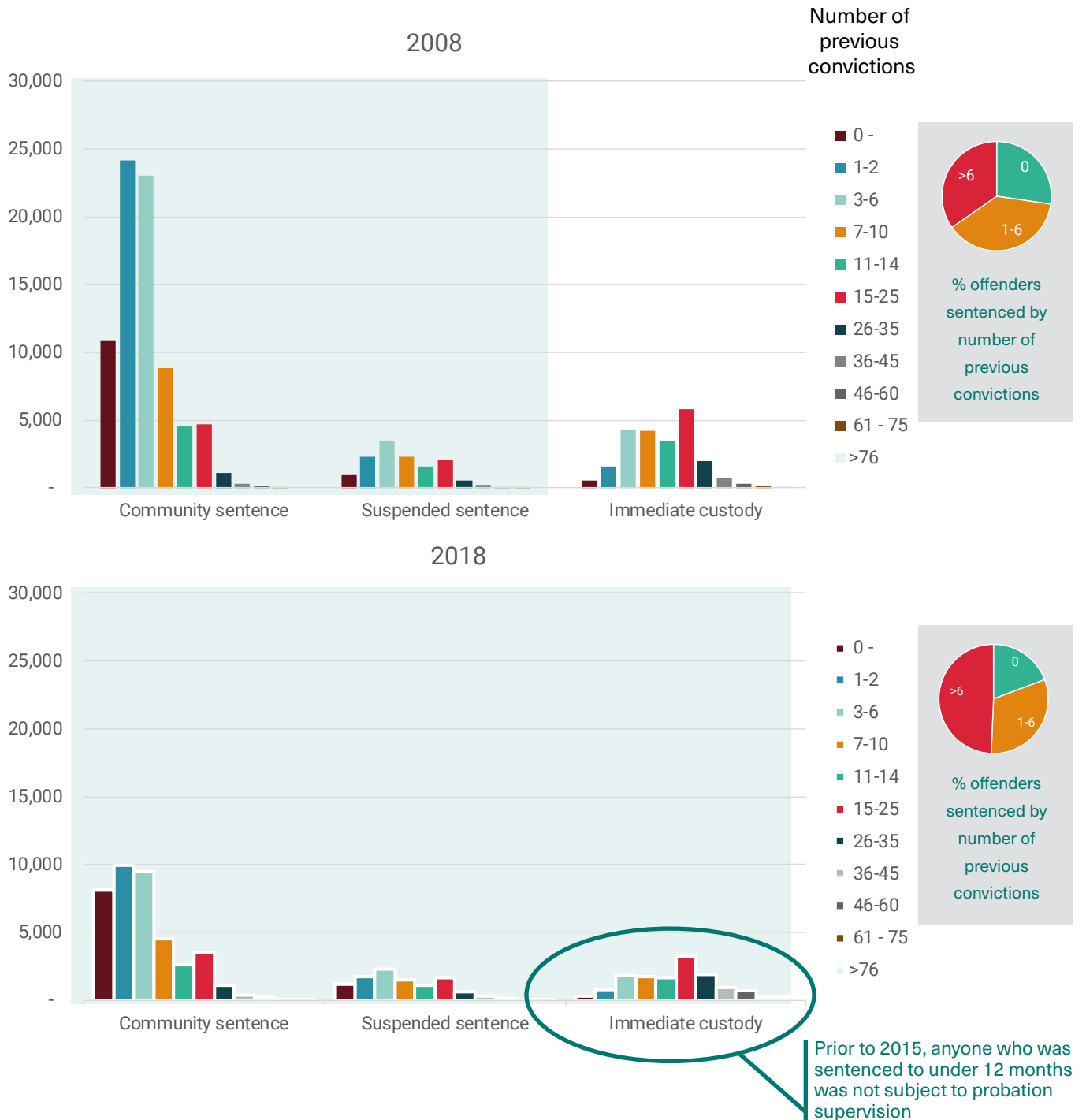
*The total number of defendants prosecuted has decreased by 20% overall in the past decade, and the composition of prosecutions at magistrates courts has changed.*



i. Suspended sentences were considerably less common before the introduction of the suspended sentence order with community requirements by the Criminal Justice Act (CJA) in 2003. Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, these provisions were amended so that, since December 2012, custodial sentences of two years or less can be suspended and the imposition of community requirements is discretionary. There has been a 19% increase in suspended sentences for all offence types since 2012.

ii. In this survey (see endnote 2), over a third of magistrates participating (37%) said they were not confident that community sentences are an effective alternative to custody, and two-thirds (65%) were not confident that community sentences reduce crime.

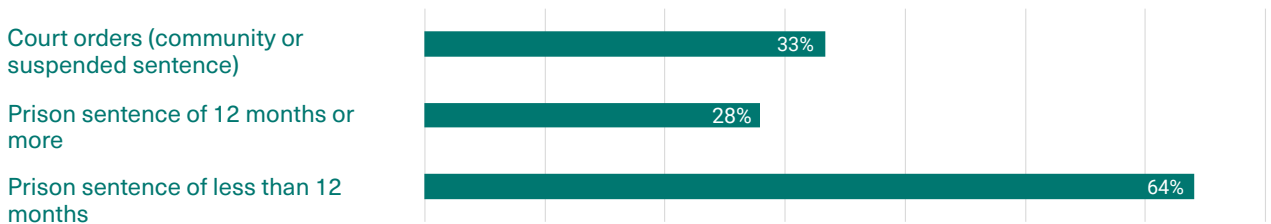
# CHANGES IN THE PROFILE OF SENTENCED OFFENDERS



**Figure 2: Overall numbers of offenders have declined over the last 10 years but the composition of those subject to probation has changed significantly. The proportion of those sentenced who are prolific offenders has increased as a result of change in government policy.**



**Figure 3. Proven reoffending rates by sentence**



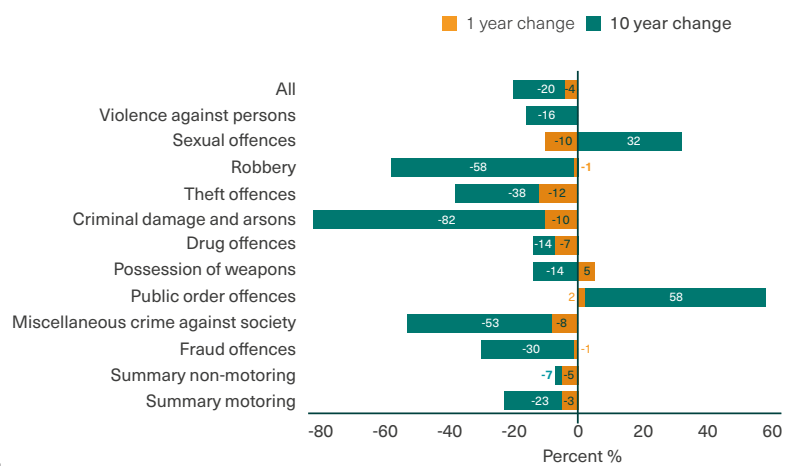
to two years, and the same requirements as for community orders can be ordered, as outlined below.

### Community sentences

Community sentences aim to punish, with the offender making amends to the victim or the local community. They also aim to change offenders' behaviour, so that they are less likely to commit crime in the future. Those serving community sentences are generally required to report to a probation office on a regular basis, and in addition a community sentence includes one or more specific requirement.

Overall, community sentences are almost certainly less expensive<sup>i</sup> and certainly more effective than short periods in custody<sup>3</sup>. Community sentences can be notably more effective for the most troubled individuals: those assessed to have 'significant' psychiatric problems and those with many previous offences, for example<sup>4</sup>.

Community sentences can lead to greater reductions in reoffending, compared with short custodial sentences<sup>5</sup>. Sentences of less than 12 months in prison (without supervision on release) have been found to be consistently associated with higher rates of proven reoffending than community and suspended sentence orders<sup>6</sup> (Figure 3).



### Changes in the profile of prosecutions 2007 - 2017



*While the white ethnic group represents the largest number of defendants, relative to the population, the black and mixed groups had the highest rates of sentencing.*

i. The current average costs per prisoner are £37, 543 per custodial year. The cost of a community sentence is not recorded.



## POTENTIAL COMMUNITY SENTENCE PROVISIONS

## The characteristics of those under probation supervision

Just 10% of people under probation supervision are women. They differ from men in the reasons why they commit crime and the types of crimes they commit: they are more likely to have committed theft or other non-violent offences, and highly likely to be victims as well as offenders.

Some 15% of people under probation supervision are black, Asian or of another ethnic minority background, compared with 13% of the general population, but these average figures belie significant differences between different ethnic groups.

It is well known that offending is more common in the young, with many turning away from crime as they mature in their twenties. It is not always the case, but generally people who offend at any age and come under probation supervision are likely to have come from disadvantaged backgrounds, and many are arguably disadvantaged on almost every index of need.

When compared with the wider population (Figure 4), a much greater proportion of people under probation supervision have not had a fair start in life. I estimate that almost one in two will have experienced abuse as a child, with about one in four taken into care. Many were not loved or nurtured by their parents. For some, their childhood experiences lead to low self-esteem and self-respect.

Without the right parental guidance, it is much harder to learn how to gauge risk, how to control temper and other emotions, how to resist impulse and how to behave more generally, to fit in with societal norms and the law. Without parental oversight, it is more likely that children and young people turn to crime and to affiliations that foster criminality, while also providing a longed-for sense of belonging, and place.

Many people under probation supervision have no qualifications, and some have special educational needs. A disproportionate number have been expelled or excluded from school, have been unemployed or else never had a job.

A worrying number have become serious drug users or dependent on alcohol, or both, and many suffer with anxiety, depression, other mental health conditions (such as psychosis) or likely personality disorder. Almost one in two female and one in five male prisoners have attempted suicide at some point in their lives. In short, probation professionals are working with some of the most troubled and sometimes troublesome individuals in society.

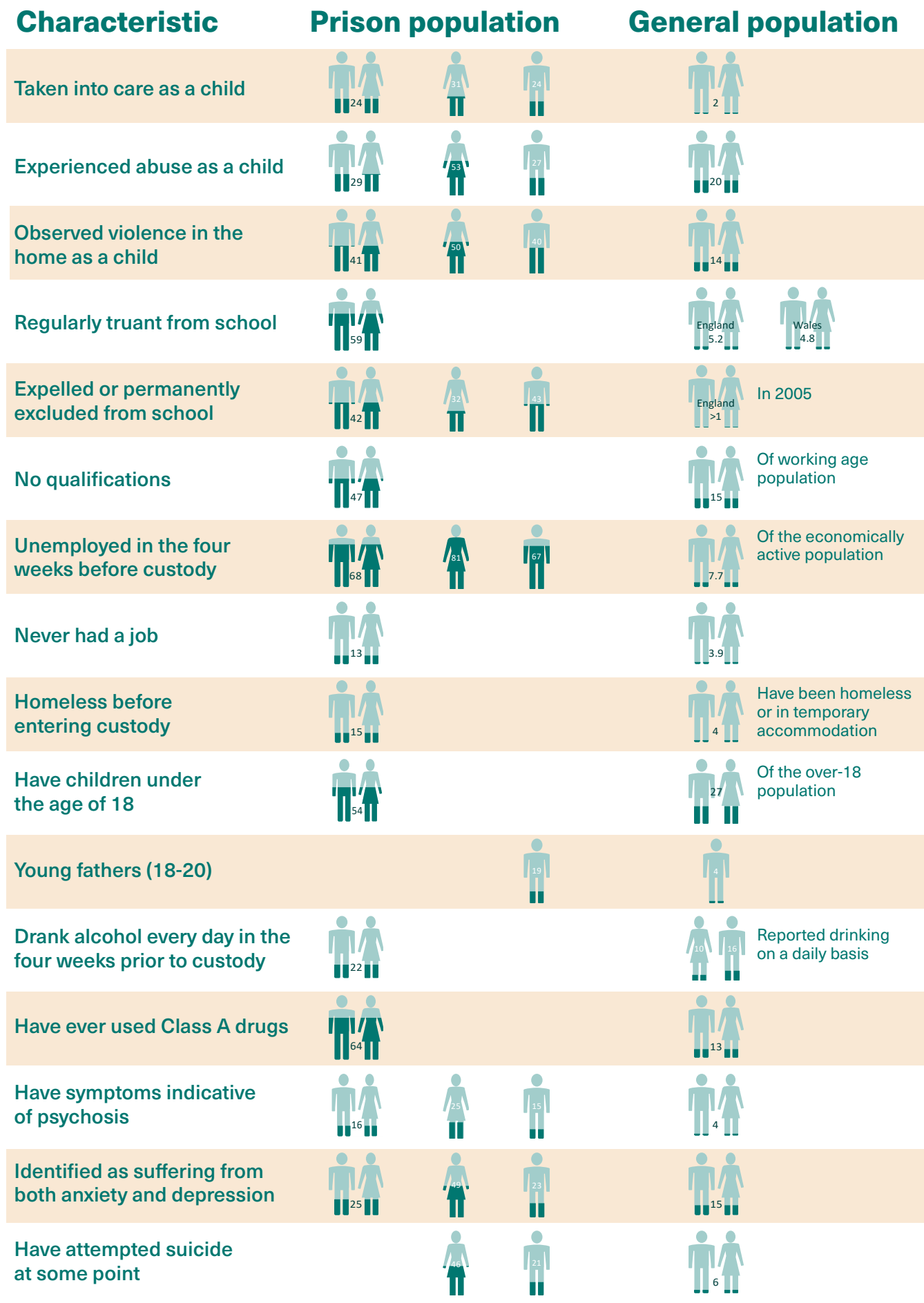


Figure 4: Comparison of offender characteristics with the general population. Reproduced with permission from data collated by Prison Reform Trust<sup>7</sup>

# A SUMMARY OF THE EVIDENCE BASE

In the lead up to *Transforming Rehabilitation*, government published a helpful summary of the evidence on reducing offending<sup>8</sup>, with an update a year later.<sup>9</sup> More recently, the Scottish Government produced a fuller evaluation<sup>10</sup> to which I am particularly indebted.

## SENTENCING

Concerns are commonly expressed about lengthy custodial sentences and the exceptionally high rate of imprisonment in the United Kingdom, when the evidence into the effectiveness of prison in reducing reoffending is mixed at best.

A number of studies have found that community sentences are more effective in reducing reoffending than short-term prison sentences.<sup>11</sup> It is thought this may be due to increased opportunities for rehabilitation during community sentences and avoidance of the negative unintended consequences of imprisonment, such as losing employment or housing.

Vulnerable women can be imprisoned for acquisitive and other low-level crime, when the evidence base suggests that many are more likely to turn away from crime if given holistic support. Women offend for different reasons to men<sup>12</sup>, with substance misuse a more prevalent driver.<sup>13</sup> There are significant differences in the reasons why men and women turn away from crime as well, with a general ethic of care and responsibility to others often underpinning women's reasoning.<sup>14</sup>

To coincide with *Transforming Rehabilitation*, the government of the time enacted<sup>15</sup> a new community sentence provision: a RAR. It replaced what would previously have been undertaken as part of probation supervision

and specified activity requirements, and was intended to encourage innovation in rehabilitative services.

Now, individuals serving community or suspended sentences are most commonly<sup>16</sup> subject to a RAR provision (see below) requiring them to undertake up to a maximum number of days' work to reduce the prospect of reoffending. The maximum number of days is determined by the court. We know of no research evaluating the efficacy of RAR provisions. Almost all individuals subject to a RAR are supervised by CRCs.

## REDUCING REOFFENDING

Some things that lead people to give up crime are beyond the influence of probation professionals. Age matters, with most offenders having given up crime by their early thirties. Having supportive relationships with family and friends helps, and the motivation of an offender is key. Good probation work takes into account the level of motivation of the offender.

The evidence suggests that work to help offenders develop prosocial social networks, or increase offenders' sense of agency, self-efficacy and good problem-solving skills may be effective. The evidence base for cognitive-behavioural programmes which address criminogenic needs<sup>17</sup> is strongest. We know as well that probation supervision itself and the relationship between the probation professional and the individual can be pivotal, in turning people away from crime.

Holistic interventions that address multiple criminogenic needs are likely to be more successful (the rate of reoffending increases with the number of criminogenic needs) but it is important that services are appropriately

sequenced. For example, employment is critical in the long term, but is often not a realistic short-term goal until other issues have been addressed.

A respectful, participatory and flexible relationship with a probation worker can trigger the motivation to change and promote desistance. The evidence suggests that supervision should help offenders overcome practical obstacles to desistance such as drug misuse. Intensive supervision programmes which emphasise control over support may not work, whilst those which combine support with sanctions are more successful.

Drug treatment programmes generally have a positive impact, albeit participants will generally have several other criminogenic needs. Alcohol interventions are shown to reduce consumption in low to medium drinkers, but the link with reoffending has not been widely investigated. More research is required to understand the effectiveness of mental health interventions and strengths-based work.

Some qualitative evidence suggests that unpaid work that contributes to others' well-being, and involving contact with the beneficiaries is more likely to be effective than menial tasks. There is some promising but mixed evidence for the effectiveness of reparative and restorative programmes.

More research is needed to evaluate more recently established desistance-based approaches. Desistance is a highly individualised process. According to some studies, thinking styles are influential, with evidence to suggest that desisters are more

psychologically resilient, showing higher levels of self-efficacy and better coping skills than recidivists.

The most commonly identified triggers for desistance include the formation of strong social bonds, a developing awareness of the negative consequences of crime, and for some individuals the development of a good relationship with a supervisor and attendance at a rehabilitative programme. There can be differences in the process of desistance between men and women.

The dominant approach to offender rehabilitation is based on the Risk-Need-Responsivity (RNR) model of assessment and treatment we detailed earlier. This approach typically involves targeting the criminogenic needs of offenders and treatment which, for cognitive elements, often uses cognitive-behavioural therapy. This can lead to modest reductions in reoffending especially when interventions are rigorously implemented and combined with support in solving practical problems.

# THE JOB OF PROBATION

Probation professionals aim to rehabilitate offenders and so reduce reoffending, while at the same time protecting the public from harm as offenders are supervised in the community.

They start by providing advice to the court (when requested) on sentencing options in cases where the individual is found guilty.<sup>i 18</sup>. About 116,000 pre-sentence reports are prepared annually<sup>19</sup>. Nowadays, advice is provided very quickly, and usually on the same day as the conviction<sup>20</sup>. The court is interested to know the circumstances of individual offenders and the risks they present, as well as their offending history.

Following a conviction, probation services then supervise, for a period, all those given a suspended sentence or a community sentence. They deliver any specific requirements set by the court as part of the sentence – for example, a spell of unpaid work.

Those under supervision must comply with the order of the court or the terms of release from prison on licence. This can include attending regular meetings with probation workers and following other rules – for example, residing at an agreed address or obeying a curfew (to protect the public) or completing other activities designed to reduce the likelihood of them reoffending. Probation professionals must exercise judgement and recall an individual to prison, bring them back before the court or seek to re-engage the offender if they do not comply with the requirements.

In addition, probation professionals liaise with the police and other local partners (such

as children's services) to evaluate, track and manage the risks that some individuals under probation supervision pose to their families or to the wider public. Under more formal arrangements known as Multi-Agency Public Protection Arrangements (MAPPA), agencies work together purposefully to track and manage the risks posed by violent and sexual offenders living in the community. MAPPA numbers (81,000<sup>21</sup>) now almost match the entire prison population, driven mainly by the increasing numbers convicted of sexual offences.

Probation professionals work in prisons as well as in the community. They get all prisoners ready for release by providing resettlement services – for example, helping to find accommodation. They then supervise, for a minimum of 12 months, all individuals released from prison – over 70,000 people each year<sup>22</sup>. Some individuals judged a high risk to the public are released from prison into approved premises (once known as probation hostels). The probation service works closely with the police and others to provide intensive probation supervision for approved premises' residents, pending their moves into the community.

Probation professionals have a duty to consider the victim's perspective as they advise the court, and during the supervision of an offender. In cases where the individual is imprisoned for 12 months or more for a violent or sexual offence, the probation professionals have specific obligations to keep the victim informed of developments and any application to the Parole Board for release. They provide advice to

i. The court is required to obtain a pre-sentence report prepared by a probation service or a Youth Offending Team before imposing a custodial or community sentence.

# PURPOSES OF PROBATION

The main purposes of probation are set out in the *Offender Management Act 2007*:

## 1. Provide advice to courts

Probation services will provide courts with timely, accurate, evidence-based and high-quality advice to support decisions on sentencing.

## 2. Protect the public from reoffending and from serious harm

Probation services will:

- assess offenders' risk of serious harm they pose to society
- develop proportionate, tailored plans to manage each offender's risk in collaboration with other relevant agencies
- proactively manage the risks of each offender throughout their order.

## 3. Rehabilitate and resettle offenders in order to reduce reoffending

Probation services will work to support the rehabilitation of individuals subject to community sentences.

In collaboration with prisons and other relevant partners, probation services will work to prepare individuals in custody for life after release and to resettle and rehabilitate them in the community.

## 4. Deliver and enforce the order of the court

Probation services will manage community and custodial sentences to deliver effective, appropriately tailored, rehabilitation and meaningful punishment in line with the order of the court, enabling people who have offended to reform and to repair the harm they have caused.

Probation services will engage and seek to motivate offenders to comply and engage positively with the requirements of their sentence or licence and will take appropriate enforcement action where this is not the case.

## 5. Engage with victims

Probation services will provide victims of crime with appropriate information and support and will ensure that the victim's views are taken into consideration in decisions relating to the sentencing and management of the offender.



the Parole Board as it considers applications for release, much as they provide advice to courts on sentencing.

Many individuals under probation supervision are not there for the first time, or the last. Probation professionals have ongoing relationships with those in our society who reoffend.

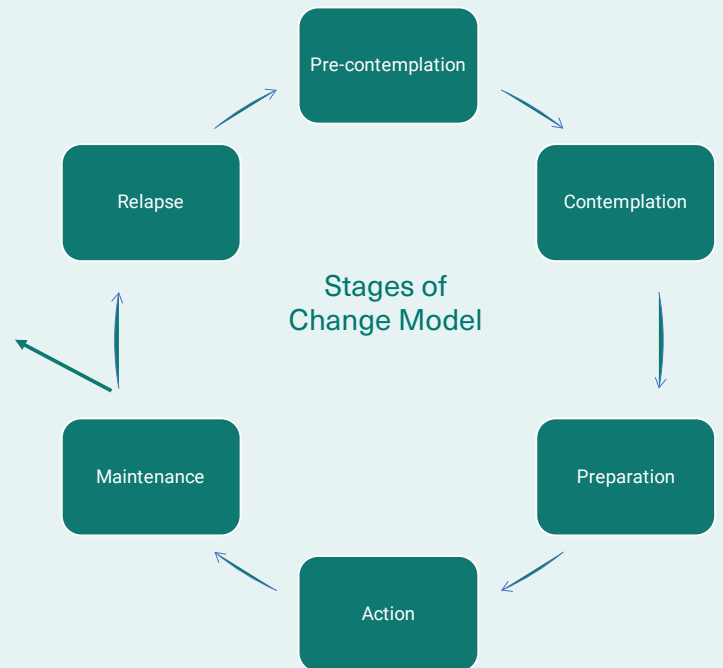
### How rehabilitation works

We know that hard line approaches such as boot camps do not work. We also know that the life circumstances of many who offend suggest that people are not born criminals, but are much more likely to offend when subjected to exceptional life pressures at a young age.

Current rehabilitation theory is founded in a belief in moral redeemability<sup>23</sup>, and the assumption that people can change and that a person's past is not his or her destiny. The argument is that criminality is not a permanent trait, but rather an adaptation to a person's life circumstances that can be changed by altering those circumstances or self-understandings. We know that moral redeemability approaches can work.

To turn away from crime, an individual must decide to change and then follow it through. For many under probation supervision, change is very hard to contemplate or to sustain. Skilled probation professionals help individuals to recognise that they need to change; then help them to see the advantages of changing; and support and encourage them when they decide to change; and then help them to work out the best ways of avoiding slipping back into their old ways<sup>24</sup>.

Change does not always stick. Many smokers try repeatedly to give up smoking. Many of us have been on one diet or another in a long battle with weight. These traits are not in the same league as offending, but the will and motivation needed to change and to *maintain change* is not so different. There is a recognised cycle of change<sup>25</sup>, and one might argue that every



*Prochaska and DiClemente's model<sup>36</sup>*



*Risk-Need-Responsivity Evaluation*

*'There is authoritative research evidence to show that strong professional relationships are effective in bringing about change in offenders' attitudes and behaviour. There is also evidence to suggest that relationships are more influential than any single specific method or technique.'*

### The European Committee on Crime Problems

stage of the cycle is potentially more difficult for those offenders with mental health or other debilitating problems or circumstances.

The profession has known for some time that cognitive-behaviour programmes that teach skills such as emotional regulation and perspective-taking can work with offenders most likely to reoffend<sup>26</sup>. They are a key component of what is known as the risk-need-responsivity (RNR) model.

Under this model, probation professionals assess an individual's risk of reoffending and devote resources to those at most risk. Some

Good communication and personal engagement skills together with 'moral qualities or personality features that can be considered as inner traits of the probation practitioner' are considered key characteristics for probation professionals.<sup>37</sup>

risk factors are fixed – such as age, gender, criminal history and age at time of first offence – but others, such as substance misuse or pro-criminal attitudes, can be changed. Under this model, work is focused on the individual's criminogenic needs (those dynamic risk factors), and the work is responsive: it is targeted to match the individual's circumstances, motivating the offender to change.

More recent evidence suggests that people are more likely to desist from crime when they have strong ties to family and community,

employment that fulfils them, recognition of their worth from others, feelings of hope and self-efficacy, and a sense of meaning and purpose in their lives<sup>27</sup>. Approaches stemming from this understanding are known as 'desistance' approaches: probation workers step back from traditional models of 'offenders' and 'criminals'<sup>28</sup> to support an individual's understanding and acceptance of their identity, in order to choose a different life.

The two approaches overlap to some extent, but neither is guaranteed to succeed. Human behaviour is simply too complex to be predictable<sup>29</sup>. In practice, effective probation services are tailored to the individual, with the two approaches often delivered together.

There is no doubt that a challenging but supportive and genuine relationship between the offender and a skilled probation professional is central to effective probation work. A recent review showed that probation supervision can be effective at reducing reoffending<sup>30</sup>. Warm, empathic probation professionals tend to obtain better results than critical, judgemental workers<sup>31</sup>.

The skills of motivational interviewing can be particularly effective with some individuals – for example, drug users<sup>32</sup>. More broadly, the professional skill of engaging individuals under probation supervision is encapsulated in a practice skills model (Skills for Effective Engagement and Development and Supervision) that is often used to underpin relationships with offenders.

## Meeting specific needs

In many cases, individuals released from prison or given a community or suspended sentence have immediate and fundamental needs<sup>33</sup>. The most pressing is often accommodation<sup>34</sup>. Other common problems include drug or drink dependencies, family breakdown, mental or physical health concerns, debt, and the lack of education, training or employment.

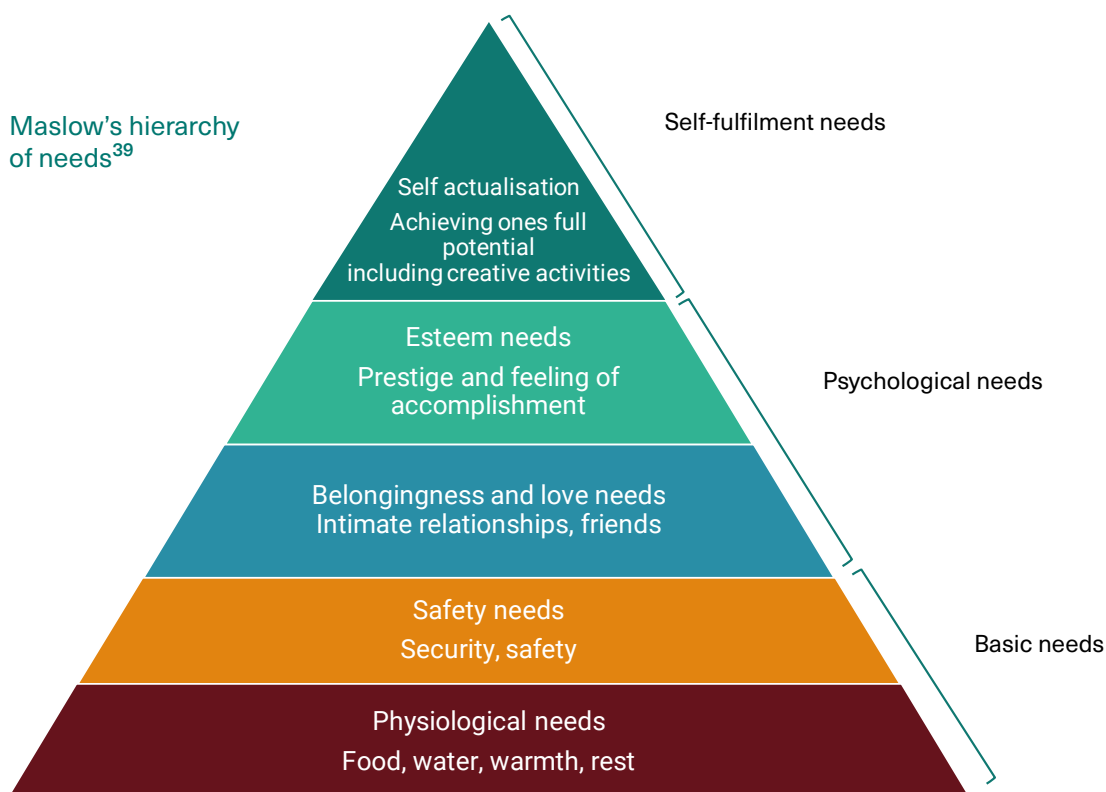
Probation professionals seek to find individuals somewhere to sleep, a means of support week by week, and professional help with debt, addictions and other health concerns, including mental health. Unless these immediate physiological and safety needs are met, people under probation supervision are less likely to be able to focus on longer-term goals and reducing offending.

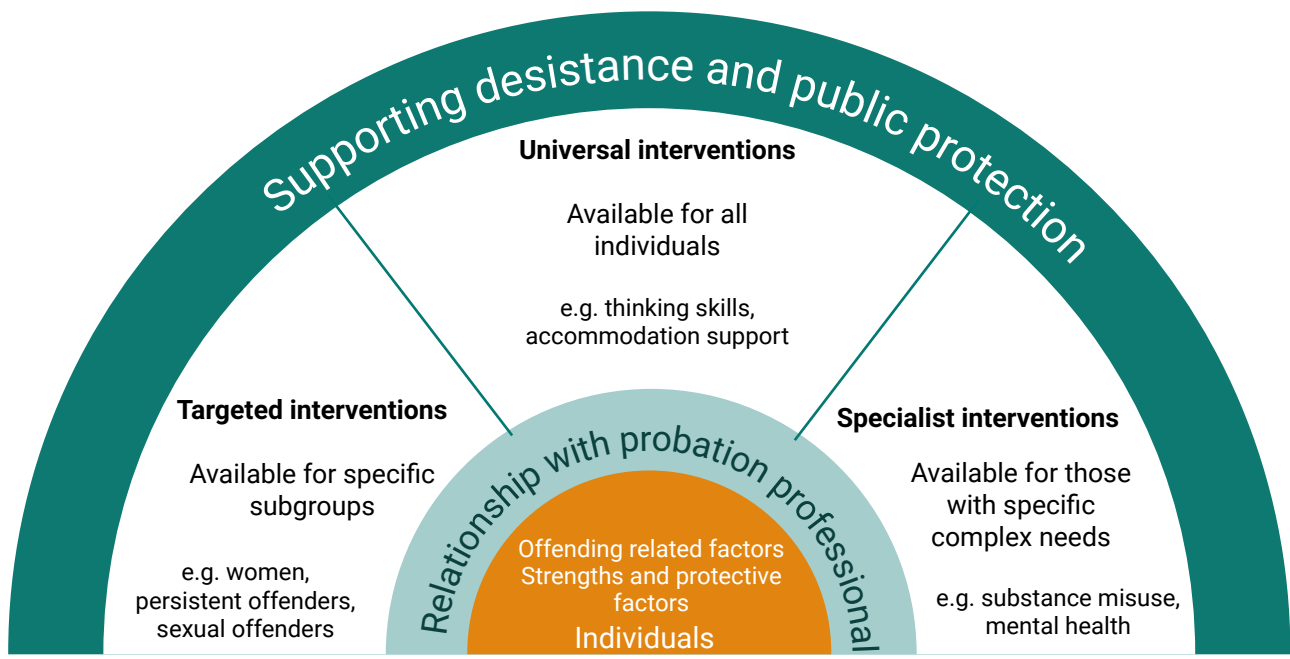
Good working relationships and strategic partnerships with local authorities, health services and other public authorities are

necessary to begin to meet these basic needs. Public services have become increasingly stretched in recent years, making it difficult and sometimes impossible for probation professionals to ensure offenders' basic physiological and safety needs are met.

The use of evidence-based practice skills by staff leads to lower recidivism rates. The skills identified as important included pro-social modelling and reinforcement, problem solving and cognitive techniques.<sup>38</sup>

Offenders often need specialist help to progress. Women respond to different types of support, when compared with men. Probation work with women tends to focus particularly on building self-esteem and a sense of worth. For specialist help of any sort to be most effective,





*The relationship and specific tailored interventions must work together to support desistance and public protection.*

for both men and women, it needs to be accessible and available at the right time for the individual. Delay generally lessens the chance that the individual will change behaviour and turn away from crime.

Probation professionals commission or else themselves deliver specific programmes of work with offenders to improve their abilities to think and act differently. Sometimes, the court orders a specific programme of work or other type of intervention – for example, a drug treatment order, or that the individual attends an accredited programme<sup>i</sup>.

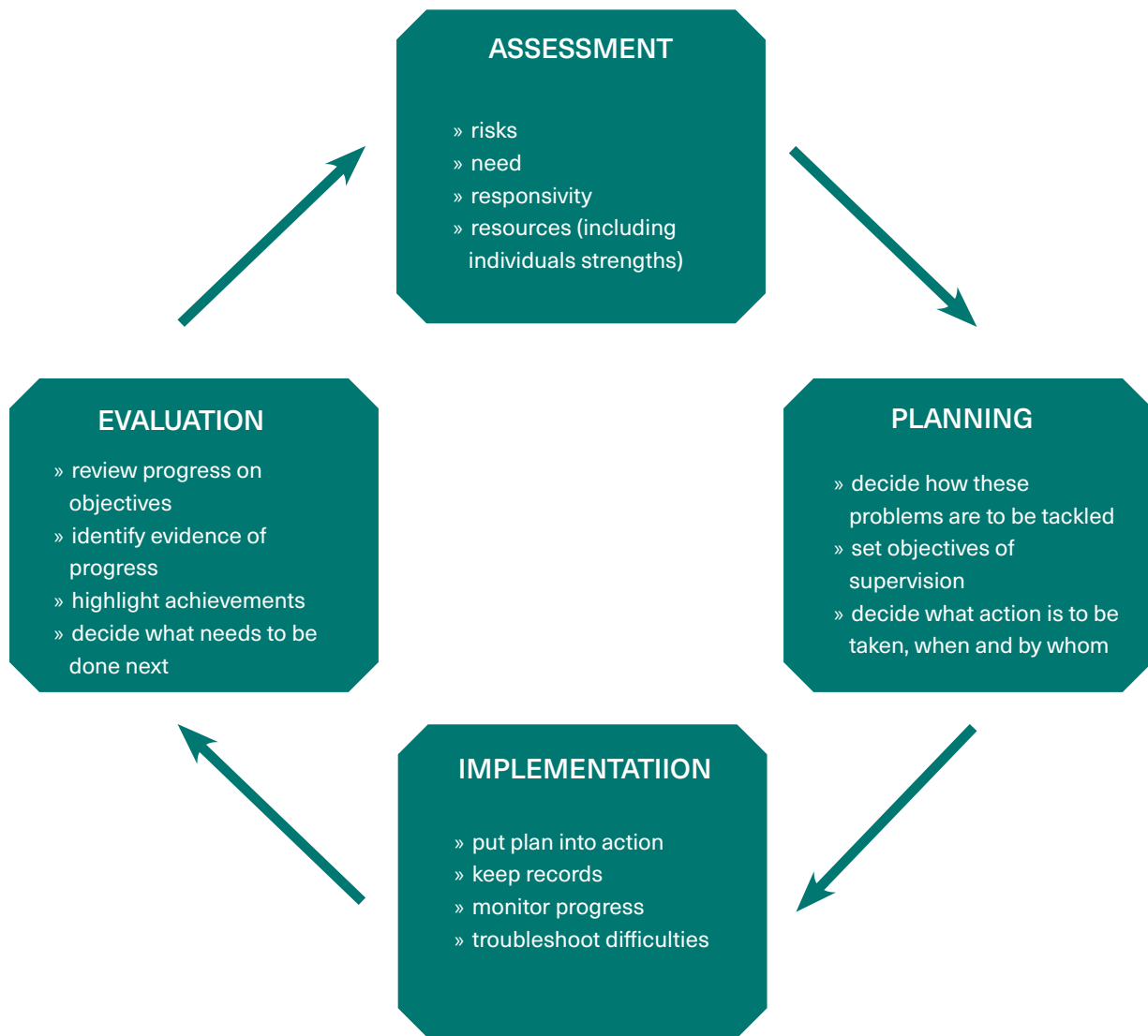
Two of the most common of the 16 accredited programmes<sup>35</sup> in use are the Thinking Skills Programme – designed to help people think clearly and manage things in life that lead to offending – and the Building Better Relationships Programme, designed to break cycles of harmful behaviour, develop

better relationships and promote the safety of “partners” and children. There are other specialist interventions as well; for example, Steps for Change works with sexual offenders not suitable for participation in one of the two accredited programmes for sexual offenders.

The third sector provides many valuable specialist services for offenders, from training in CV-writing and job interview coaching, through to expert assistance with debt or a chance to live in accommodation that the charity can access. The probation professional generally holds the ring, referring individuals to the right services for them.

Together, help with basic needs such as accommodation, specialist help of the sort described here and – most important of all – effective relationships between individuals and skilled probation professionals come together to reduce reoffending overall. Sequencing and

<sup>i</sup> Accredited programmes are made up of a series of activities aimed at working with offenders to reduce reoffending. The programmes vary in length, complexity and mode of delivery, but all are informed by evidence, meaning that their content and design are informed by the latest research about predictors of reoffending and what works to reduce reoffending. Accreditation is obtained via the Correctional Services Accreditation and Advisory Panel (CSAAP).



**Figure 5. The ASPIRE Model, Assessment, Planning and the Offender Management Model**

alignment are important: basic accommodation needs may require urgent attention, and a serious drug misuse issue left unaddressed can limit the chances of progress in other areas. A skilled probation professional with

the right resources to hand can make an important difference overall. The approach is encapsulated here in Figure 5.

Offender surveys show that where offenders feel they have a higher quality of relationship with their probation officer, reductions in recidivism are greater.

## HOW PROBATION IS DELIVERED

The probation profession is made up of senior probation officers, probation officers and probation support officers together with their leaders and managers. Salaries are not high, but on a par with those of the health or social worker professions.

Senior probation officers generally lead teams of probation officers and probation support officers, with some also having a caseload of their own. Probation work is unusual in the amount of professional judgement required, and the risks it holds on behalf of the public. Judgements can be finely balanced rather than clear cut, as public protection and rehabilitation considerations are sometimes competing, and in the balance. Senior probation officer oversight of the work of more junior probation professionals is a longstanding feature of probation.

The generic skills required for working within probation include communication and people skills, the ability to handle challenging behaviour, an understanding of offending behaviour and how to motivate people in the ways we have described, organisational skills and the ability to manage stressful situations<sup>40</sup>. The required qualifications range from Level 3

to Level 5 (degree level) and the Professional Qualification in Probation (PQiP) qualification, depending on the role.

There is no professional requirement for continuing professional development, but specific studies have found notably lower reoffending rates for individuals supervised by probation staff who are trained in pro-social modelling, using their authority effectively, building relationships, using resources available to them in the community, and problem solving<sup>41</sup>.

### THE DELIVERY MODEL FOR PROBATION SERVICES

In June 2014, 35 self-governing probation trusts in England and Wales were replaced by a new public sector NPS and 21 CRCs owned by eight organisations<sup>42</sup>, 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 CRCs would innovate and find new ways to rehabilitate offenders.



## **NPS RESPONSIBILITIES**

Staff in NPS divisions advise all criminal courts in their area on sentencing of offenders. They go on to allocate community sentence and suspended sentence cases to themselves or to the local CRC, depending on their assessment of the offender: the NPS supervises the large majority of sexual offenders, and other individuals assessed as being at high risk of causing serious harm. It is also responsible for those foreign nationals who offend and are eligible for deportation, and cases of particular public interest.

The NPS is expected to look to the CRC for the provision of specific interventions at a stated cost. Costs vary, depending on the CRC and the nature of the intervention. The NPS is responsible for prosecuting enforcement and initiating recall in its own cases, while CRCs must refer court enforcement cases to the NPS, and prison recall cases to HMPPS' Public Protection Unit for action. The NPS is responsible for approved premises in England and Wales. It also has statutory duties to victims of serious violent and sexual crime.

## **CRC RESPONSIBILITIES**

CRCs supervise the majority of offenders – most of those presenting a low or medium risk of harm. They are also responsible for providing rehabilitation services to all offenders in prisons in their area, ahead of their release. Individuals released may return to a home area where community services are provided by another CRC.

CRCs deliver accredited programmes in any NPS or CRC case, whether ordered by the court or otherwise, but not sex offender accredited

programmes (which are delivered by the NPS). CRCs may also offer a range of other interventions that the NPS division in their area can purchase from them, and that they can also access for those offenders they supervise themselves. They are not obliged to offer specified services. Instead, it is up to the CRC to decide the range of services it has available.

CRCs organise and deliver all unpaid work ordered by the court, for both NPS and CRC cases.

## **CONFIGURATION**

A public sector NPS and eighteen privately owned CRCs (one covering four areas<sup>43</sup>) deliver probation services across England and Wales. The NPS has seven divisions, coterminous with groups of CRCs.

Current government policy is to move to 10 NPS divisions and CRCs, with an NPS division combining the NPS and the CRC in Wales, by December 2020.

## **FUNDING**

All probation services are publicly funded. Government estimated that the services provided by CRCs would cost £3.7 billion over the seven-year life of CRC contracts to 2021-22. On average, the probation supervision of medium and low risk offenders was likely to cost £529 million a year. All CRC contracts are being terminated early, in December 2020. The full termination costs will not be known until then, but the total costs of the contracts are substantially below the original projections. Government now expects to spend a maximum of £2.2 billion up to termination<sup>44</sup>. CRCs forecast a £269 million profit when bidding

Probation inspection ratings table					Operational delivery				Case supervision				NPS specific		CRC specific	
Service inspected	Type	Published	Overall rating	Composite score	Leadership	Staff	Services	Information and facilities	Assessment	Planning	Implementation and delivery	Review	Court reports and case allocation	Statutory victim work	Unpaid work	Through the Gate
Midlands Division	NPS	18/12/2018	●	21	●	●	●	●	☆	☆	●	●	☆	●		
North West	NPS	22/02/2019	●	19	●	●	●	●	●	●	●	●	●	☆		
South West South Central	NPS	01/11/2018	●	16	●	●	●	●	☆	●	●	●	●	●		
Essex	CRC	10/10/2018	●	14	●	●	●	●	●	●	●	●			●	●
Derbyshire, Leicestershire, Nottinghamshire and	CRC	23/01/2019	●	13	●	●	●	●	●	●	●	●			●	●
Durham Tees Valley	CRC	06/03/2019	●	13	☆	●	●	●	●	●	●	●			●	●
Humberside, Lincolnshire and North Yorkshire	CRC	21/02/2019	●	12	●	●	●	●	●	●	●	●			●	●
West Yorkshire	CRC	31/10/2018	●	11	●	●	●	●	●	●	●	●			●	●
Thames Valley	CRC	28/11/2018	●	11	●	●	●	●	●	●	●	●			●	●
Merseyside	CRC	26/09/2018	●	10	●	●	●	●	●	●	●	●			NR	●
Northumbria	CRC	07/11/2018	●	10	●	●	●	●	●	●	●	●			●	●
Staffordshire & West Midlands	CRC	19/12/2018	●	9	●	●	●	●	●	●	●	●			●	●
Dorset, Devon and Cornwall	CRC	20/02/2019	●	5	●	●	●	●	●	●	●	●			●	●

☆ Outstanding ● Good ● Requires improvement ● Inadequate NR Not rated

Figure 6. Summary HMI Probation inspection findings and ratings.

for the contracts. By March 2018, they were forecasting £294 million losses over the seven-year period, a difference of £563 million.

Given the uncertainties and fluctuations in the annual costs of CRC provision each year, it is difficult to know or calculate for certain the total costs of probation service provision in any one year. The last available published estimate was provided by the NAO for the year 2015-16: £889 million<sup>45</sup>. This included the estimated costs of all CRCs and the NPS.

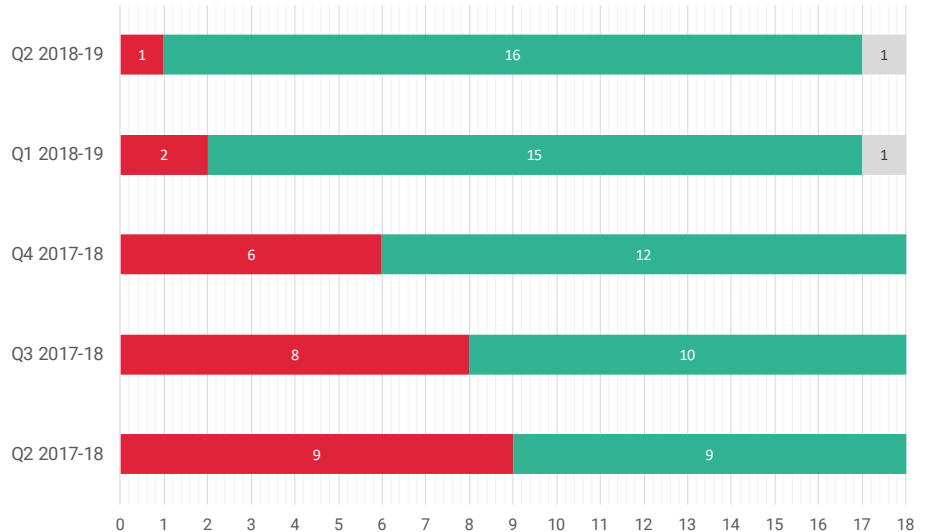


National Probation Service

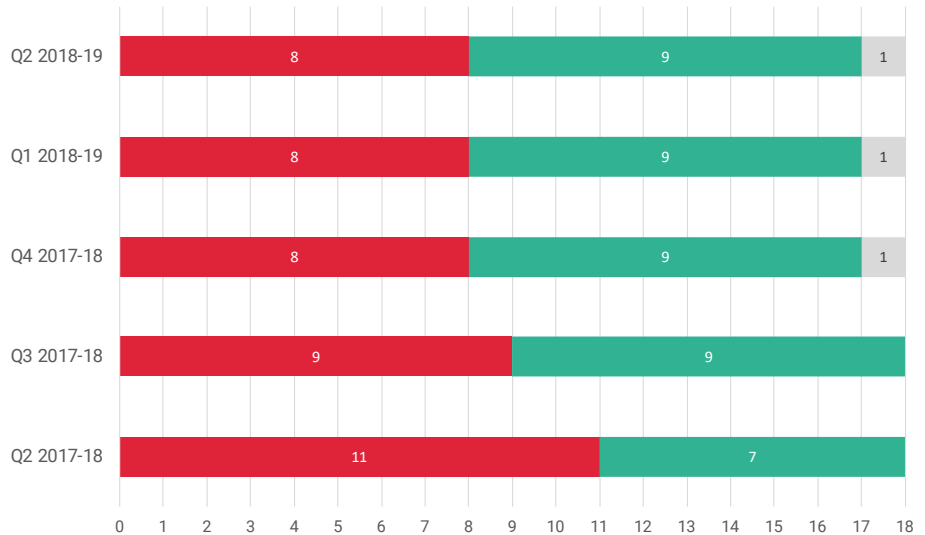
NPS and CRC performance against quarterly targets between July 2017 and September 2018

The NPS is achieving a higher proportion of targets than CRCs.

Source: National Audit Office analysis of MoJ data<sup>47</sup>



CRCs



**HOW IS DELIVERY OVERSEEN AND MEASURED?**

The NPS is part of an executive agency of government, HMPPS. This agency is responsible for the NPS, for commissioning probation services from CRCs under contract, and for monitoring and reporting on NPS performance and CRC’s contractual compliance and performance. HMPPS is accountable to the Secretary of State for Justice.

CRCs are free to structure and organise themselves as they wish. Those in common ownership tend to have similar governance arrangements and structures, and they aspire to similar operating models.

The Ministry of Justice collects data and information nationally, to evaluate NPS and CRC outcomes and outputs, and the impact of probation services. Reoffending rates are the main strategic outcome measure for probation services. To incentivise CRCs, a portion of their income depends on the extent to which those they supervise go on to reoffend, albeit reoffending is notoriously difficult to measure<sup>46</sup>.

We inspect all NPS divisions and CRCs on a rolling inspection programme (see Figure 6). We also conduct thematic inspections, such as inspection of probation work with sexual offenders.

# **Part 2 – A systematic evaluation of probation**

# INTRODUCTION

I have not been able to find a set of established design principles for the probation system. The government's May 2013 case for change document<sup>48</sup> set out principles that encapsulate its main policy ambitions at the time – for example, that those released from short sentences should receive rehabilitation services. These principles were to act as the foundations of *Transforming Rehabilitation*, but design principles need to go beyond strategic aspirations, as they must help decision makers make wise decisions about the design of the system itself and the detail of how it is to work.

Having spoken with probation professionals, academics and system experts, I put forward four broad design principles. In the rest of this report, I evaluate the probation system using these principles, to show how and why it is not performing as intended. I set out those matters which I think the government needs to change, as it considers how to design the system in future.

As a first principle, I argue that probation services should be evidence-based. There is a strong evidence base underpinning work to reduce reoffending and it should be adhered to, and new initiatives evaluated, to add to the evidence base.

For the second principle, I suggest that probation should meet the needs of individuals – the reasonable needs of victims, and individuals under probation supervision.

As a third principle, I suggest probation should be an integrated and professional service. It is most likely to be effective if it employs enough qualified professionals who are sufficiently

engaged and have access to the right facilities, services and information (and, where necessary, protections) to enable them to do their jobs well.

Lastly, it should instil confidence in probation and community sentencing. Victims, the wider public and the judiciary must have confidence in community and suspended sentences, and know that they are delivered well. They must know that all reasonable steps are taken with individuals under probation supervision, to reduce their reoffending and to protect the public.

My argument is that if the service is designed and delivered in accord with these principles, and funded sufficiently, then it is most likely to deliver high-quality probation services that make a real difference to individuals under probation supervision and to wider society, and deliver the policy ambitions of any government, over time.

In this report probation services are evaluated as they are today against these principles, and I alert government to the most relevant matters for consideration, in thinking again how to design probation systems.

# DESIGN PRINCIPLES

## PROBATION

### IS EVIDENCE-BASED

Evidence drives sentencing policy and informed sentencing decisions

The supervisory relationship is aligned with current theory

The evidence base is developed and used to improve outcomes overall

### MEETS THE NEEDS OF INDIVIDUALS

Probation is sensitive and safe for the victim

Probation is seamless and engages the individual under supervision

Probation is based on the ASPIRE approach

### IS AN INTEGRATED PROFESSIONAL SERVICE

Probation staff are professional, qualified and engaged

They are enabled with the right facilities, information and support

The service is properly integrated with other agencies in the wider system

### INSTILLS CONFIDENCE

Community and suspended sentences are successful and rehabilitation is seen to work

The public are protected

Good leadership, accountability and transparency are evident

The operating model supports effective delivery, continuous improvement and value for money

# AN EVIDENCE-BASED SERVICE: OVERVIEW

It is a strategic aim of government that probation services should reduce reoffending, while also taking all reasonable steps to keep the public safe. In my view, this is most likely if sentencing and probation practice are aligned to the evidence base, and if the evidence base grows over time.

Sentencing policy is poised to develop in accord with the evidence base. Government has signalled its intention to move to a presumption against short sentences, but this is unlikely to be effective in reducing reoffending without other changes. Our most recent inspection evidence suggests clearly that intensive and holistic rehabilitative supervision will be required for those repeatedly sentenced to short terms of imprisonment, to meet the government's aim to reduce reoffending.

Judges and magistrates have an extremely limited choice of rehabilitative community sentence options. RARs are ordered largely by default and can be largely ineffective, in practice. Government should consider introducing more specific community sentencing provisions for those currently subject to RAR.

In a worrying proportion of cases, individuals are being sentenced to prison without the court having the benefit of any pre-sentence report. Evidence of the individual's circumstances should be available to the court, in our view.

There has been a drift away from the evidence base for effective probation services. Recognised cognitive-behavioural programmes and treatment orders are not being ordered or delivered enough.

In the current model for probation services, core probation supervision has been allowed

to coast, and the critical relationship between the individual and the probation worker is neglected and not sufficiently protected. This has undermined the place of evidence-based and evidence-led practice.

There is a sizeable evidence base for core probation supervision but the evidence base for some other aspects of probation is underdeveloped. Investment could pay dividends in finding better ways to reduce reoffending, but expenditure on research is extremely low. Important government policy initiatives have not been formally evaluated. The current model for probation services makes meaningful research much more difficult than it needs to be.

Some CRCs are developing evidence-led approaches. Some are evaluating them. The established national mechanism for evaluation of new approaches – accreditation – is not being used, however, and promising developments are not being promulgated across the service as a whole.

## ***I propose:***

***HMPPS should ensure pre-sentence reports are prepared more often. In my view they should be prepared in all cases where imprisonment is an option, except in exceptional circumstances.***

***The government should pilot alternatives to custody for short term prisoners. Those pilot arrangements should include supported accommodation options, and mental health and substance misuse treatment. The better use of monitoring technologies should also be considered.***

***The government should consider more specific rehabilitative options for community sentences, as an alternative to RARs.***

***The Ministry of Justice should ensure that accredited programmes are available locally and are recommended to the Court whenever they are appropriate. The availability (at a local level) of mental health, drug and alcohol treatments should be increased, to meet need***

***The future operating model for probation services should promote the use of established and well-regarded approaches, in accordance with the evidence base. Evidence-led approaches to new and existing challenges should be encouraged and consistently and properly evaluated.***

***Future arrangements for probation services should ensure continuity of probation worker so far as possible.***

# AN EVIDENCE-BASED SERVICE: THE DETAIL

## SENTENCING POLICY

Core sentencing options reflect government policy. They are not at direct odds with the evidence base, but there are exceptions – for women, for many individuals who serve a short prison sentence, and for some individuals subject to a RAR<sup>49</sup>. For each of these, policy is moving, or is set to move, in line with the evidence, but further developments are needed if government's aims are to be met.

### Women

In our 2016 inspection of the provision and quality of services in the community for women who offend,<sup>50</sup> we recommended that government makes clear its strategic policy aims for women in the criminal justice system. In June 2018, government set out a new strategy for women<sup>51</sup>, with the aim of providing better support in the community as an alternative to imprisonment for many. The strategy overall is aligned with the evidence base. It reflects the reasons why women offend and the approaches that are known to be more likely to work to turn women away from crime.

More residential support options for vulnerable women are to be developed. The government announced additional funding in November 2018 for 12 selected initiatives, including a handful of community centres for women. The Ministry is now mapping the provision of community services for women (including women's centres) in England and Wales.

The strategy also proposes greater use of mental health and alcohol treatment requirements and drug rehabilitation requirements. The evidence base suggests that well-targeted treatment orders can be effective as part of a holistic package of support both for

women and men, and that holistic support is the most effective way of turning women from crime, in general.

Alongside these arrangements, government intends to pilot new location and alcohol monitoring technologies both for men and women. The evidence base for monitoring technologies is under-developed as yet, and it will be important that the use of new technologies is carefully evaluated.

A common reason for women to be recalled to prison is the failure to attend probation appointments, with many of those women subject to probation supervision, having served a sentence of less than 12 months. We return to such cases, below.

The NPS can now vary licence conditions without returning the matter to the Parole Board, however, and it is changing the way it assesses women under licence or probation supervision, to focus on complexity rather than risk. More probation worker time will be allocated for complex cases. Responding to the growing evidence base, the NPS is about to train probation professionals to work with women in a trauma-informed way.

In our 2016 inspection, we recommended that government should make clear the sources and amounts of funding available to providers of services to women who offend and, in particular, money to support women's centres. It is too early to know the impact of the new strategy for female offenders, but evidence from our thematic inspection suggests that success is likely to turn on the extent to which women's centres and other forms of holistic support are provided locally and are funded by government.

## Short custodial sentences

Recent Ministry of Justice analysis<sup>52</sup> has confirmed earlier research<sup>53</sup> that greater reductions in reoffending are associated with the use of community sentences as compared with short-term custodial sentences. It seems this is especially true for those receiving mental health treatment requirements (MHTRs), although earlier research suggested mental health interventions of a more general nature were less successful.

The Secretary of State for Justice recently confirmed the government's acceptance of the 'very strong case to abolish sentences of six months or less altogether, with some closely defined exceptions, and put in their place a robust community order regime'<sup>54</sup>. It is not clear whether government will legislate to this effect.

This follows changes to sentencing policy in Scotland, after broadly positive evaluations of pilot arrangements<sup>55</sup>. The Scottish government enacted a presumption<sup>56</sup> against custodial sentences of less than three months. Following public consultation, it now intends to extend (by secondary legislation) the presumption against short sentences, from three to twelve months.

We consider the wider value of such a change below, but most immediately it seems likely that a similar reform in England would reduce the number of people cycling through the prison system. There are clear system benefits to this, in reducing disruption in the prison population and reducing the number requiring resettlement support, thereby freeing up resources. Our thematic report on resettlement for people serving short prison sentences exposed poor services with little to commend<sup>57</sup>, albeit our aggregated data shows that there have been

small improvements since, particularly in relation to work done to manage finance and debt.

Those responding to the Scottish government's consultation were clear that extending the presumption against short sentences would not achieve the underpinning policy aim without a commitment to developing and resourcing robust and evidence-based community justice services.

For adult offenders starting a community sentence or suspended sentence order the proven reoffending rate is 33.3%. For adult offenders released from custody it is 47.9% overall but it varies significantly.

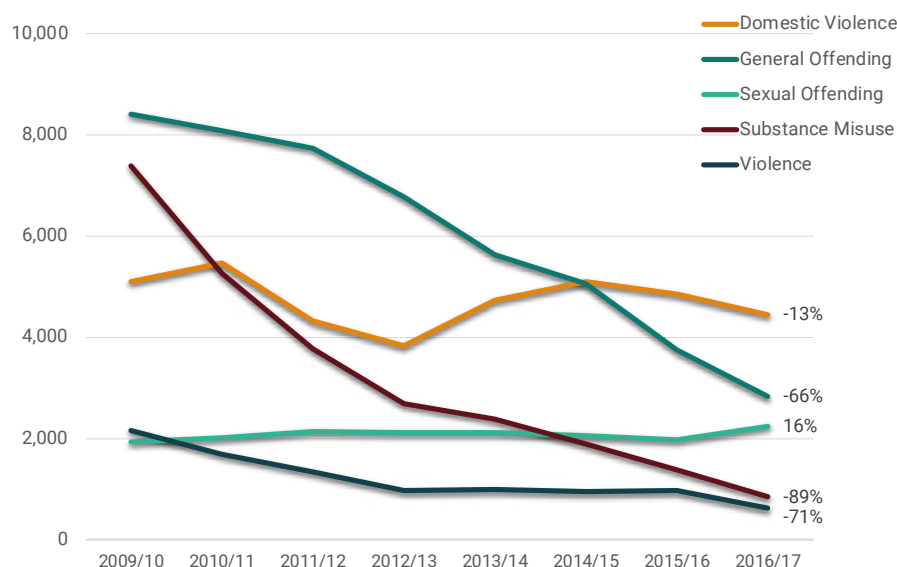
For adults released from sentences of less than 12 months it is 64.1% and is consistently higher compared to those released from longer sentences. Adults who serve longer sentences reoffended at a rate of 28.5%.<sup>78</sup>

The established evidence base suggests that these individuals need effective community support to reduce their reoffending. Those serving short sentences typically have chaotic lifestyles and elevated levels of need, often characterised by a combination of substance misuse, homelessness and mental health issues<sup>58</sup>. Many are vulnerable, many are itinerant. They are usually extremely difficult to engage within the regular probation regime, and the majority are reconvicted within 12 months<sup>59</sup>. Programmes of work that have a strong rehabilitation component are the most promising, according to the evidence base.

Our inspection of post-release supervision for those having served sentences of less than 12



**Figure 7. Accredited programme starts by probation services 2009/2010 to 2016/2017 (% change)**



months will be published shortly. Our evidence and findings strengthen further the case for reconsideration of sentencing options for the majority, those who are prolific and troubled offenders. The inspection findings are aligned with research that suggests that more intensive inter-agency support in the community is likely to be more effective at reducing reoffending than more generic probation supervision.

***We will recommend that, as with women, government should pilot alternatives to custody for short-term prisoners. Those pilot arrangements should include supported accommodation options, and mental health and substance misuse treatment. The better use of monitoring technologies should also be considered.***

### Rehabilitation Activity Requirements

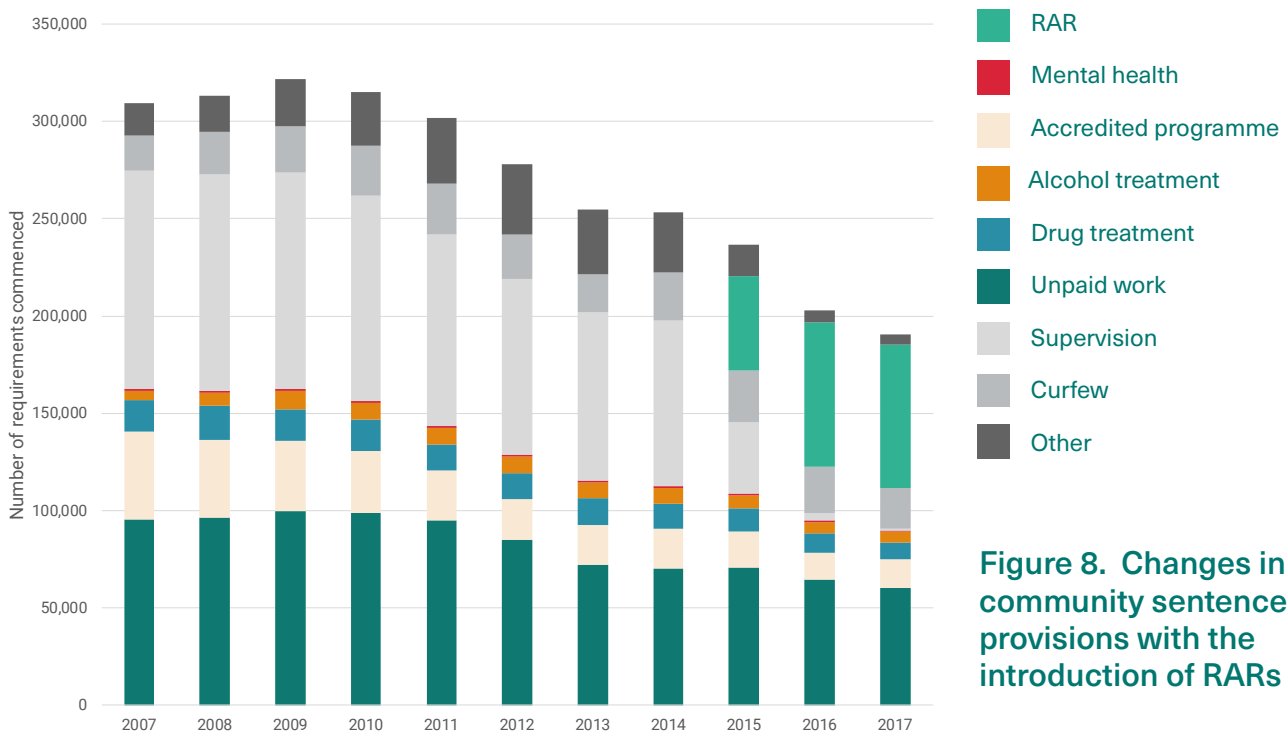
To coincide with *Transforming Rehabilitation*, the government of the time enacted<sup>60</sup> a new community sentence provision (RAR). It replaced what would previously have been undertaken as part of probation supervision and specified activity requirements, and was intended to encourage innovation in rehabilitative services.

A maximum number of RAR days is ordered in each case, with the NPS advising the court on the appropriate maximum number. A RAR day

need not be a whole day, and could consist of one meeting with a probation worker. The work is planned and overseen by probation services, alongside more general probation supervision. Almost all individuals subject to a RAR are supervised by CRCs.

The range of community sentence provisions (see page 26) provides few other rehabilitative options, other than RARs. Now, 39%<sup>61</sup> of individuals serving a community sentence and 40%<sup>62</sup> serving a suspended sentence are subject to a RAR provision. Unpaid work is the next most common provision. Accredited programmes (Figure 7) and treatment orders are much less common (Figure 8).

In our 2017 thematic inspection of the implementation and delivery of RARs<sup>63</sup>, we found that the number of RAR days ordered varies, as one should expect. On routine inspections, we have found orders of up to 365 days, but this is exceptional: in our 2017 inspection, we found the number ordered usually between 10 and 60 days, and on average 28 days, slightly more than the average recommended by the NPS (25 days). No guidance was available on the factors that NPS staff should consider when proposing the maximum number of activity days, and we recommended that that gap be filled.



**Figure 8. Changes in community sentence provisions with the introduction of RARs**

We were concerned that RAR provisions had become the most common order by default, and recommended the NPS makes sure that, in sentencing advice to the court, RARs are only proposed in preference to other requirements where they will allow the most effective rehabilitation of the offender.

Following a RAR order, we found a lack of purposeful activity by CRCs responsible for implementing the order, indicative of the current standard of probation supervision overall in some CRCs (we have rated the delivery of core probation supervision as 'Inadequate' in 80% of CRC inspection reports we have published in the last 12 months). We recommended that the Ministry of Justice should issue guidance on what can be counted towards the different elements of a RAR.

HMPPS has recently issued guidance<sup>64</sup> limiting to 60 the maximum number of RAR days to be recommended and making plain that the number of days proposed should be based on risk of reoffending, calculated using an established tool – a welcome discipline. The guidance makes clear that RAR provisions should not generally be recommended for individuals with a low risk of reoffending, or when needs can be wholly met by an accredited programme or treatment requirement, and (for drug treatment requirements) treatment is available.

The guidance details what counts towards the different elements of a RAR, although in my view it is still not sufficiently clear. It also aims for a better correlation between the maximum number of days ordered and 'days' delivered, albeit the control mechanism is susceptible to commercial pressures: it provides that if the probation worker decides on a lower number of 'days' than specified, the reason should be recorded.

RAR provisions were introduced to allow CRCs greater flexibility to decide on the best ways to rehabilitate individuals, but in practice they are likely to have been largely ineffective so far in reducing reoffending, because of the lack of purposeful activity overall. Judges and magistrates are not clear what CRCs do in implementing and enforcing RAR provision, and their confidence in RAR provisions has been undermined. The range of rehabilitative (as opposed to punitive) community sentence options is very limited, however, leaving judges and magistrates little choice other than RAR at the moment.

The recent guidance suggests that the Ministry of Justice's position is moving, in response to the evidence we have been able to provide. For the future, we assume that government will seek to introduce tighter contractual requirements designed to ensure purposeful activity in RAR cases.

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*I question whether transactional measures of that nature can ensure effective provision. Instead, and should government in any event legislate to introduce an assumption against short sentences and to introduce new community sentence options for the cadre of prolific offenders, I recommend that at the same time, government considers more specific rehabilitative options for community sentences, as an alternative to RARs.*

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### **Cognitive-behavioural programmes**

The evidence suggests that work to help offenders develop prosocial social networks, or increase their sense of agency, self-efficacy and good problem-solving skills, may be effective. The evidence base for cognitive-behavioural programmes which address criminogenic needs<sup>i</sup> is strong.

These and other programmes can be accredited by the Ministry of Justice. Accreditation affirms that a programme is based on the best available evidence. The 16 programmes currently accredited are cognitive-behavioural programmes in the main, and cover general offending, violence, domestic violence, sexual offending, substance misuse and extremism.

Courts may order that an individual undertakes an accredited programme as part of a community sentence. It cannot specify that non-accredited behavioural programmes are undertaken. CRCs are the providers of all accredited programmes (other than sex offender programmes) for all individuals supervised by CRCs and the NPS.

The number of individuals starting accredited programmes in general fell by 44% in the five-year period to 2015. Numbers seem to have steadied since then,<sup>ii</sup> but there are variations between programmes. The numbers starting strengths-based programmes have remained fairly stable, albeit the numbers convicted of sexual offences have risen considerably. The sharpest reduction has been among substance misuse programmes, which fell by 76% in that period.

On sentencing, judges and magistrates are constrained by the range of accredited programmes that the local CRC provides. CRC contracts are not prescriptive and, in some CRCs, only the two most ubiquitous cognitive-behavioural programmes are available: Building Better Relationships and the Thinking Skills Programme. Some offer a slightly wider range, including, for example, the Drink Impaired Drivers and Resolve (substance misuse) programmes. CRCs may change what they offer, over time.

No intervention programme has been put forward by any provider for accreditation since the implementation of *Transforming Rehabilitation*, yet new challenges require new responses. By way of example, in our 2017 inspection of work done with individuals using new psychoactive substances, we found the work to tackle the prevalence, impact and treatment in relation to new psychoactive substances lagging behind the use of these drugs, and no national work underway to develop an intervention programme.

i. Criminogenic needs are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to reoffend and commit another crime.

ii. We note that data on starts and completions of accredited programmes in the community is incomplete and has not been published for the 12 months to March 2018.

A small number of skilled practitioners had developed toolkits, but these were not in common use or made widely available. Two CRCs had developed short-duration substance misuse interventions, but new psychoactive substance use was only covered to a basic standard, with many attendees being better informed than their probation workers. We found no evidence that the Building Skills for Recovery accredited programme, which is designed to reduce offending behaviour and problematic substance misuse, was utilised for the users of new psychoactive substances by either the NPS or CRCs.

More recently, we have found one CRC developing a programme focused on the use of new psychoactive substances, but without accreditation this is unlikely to be available to CRCs which are not in common ownership with this one.

A court cannot order an unaccredited intervention: instead, CRCs may choose for themselves to provide them, usually in cases where there is a RAR provision. On routine inspections, we find most CRCs developing and using some programmes of intervention, designed in-house. These are generally less resource intensive than accredited programmes. They may act as alternatives to established accredited programmes, or else they may cover new ground – for example, an intervention aimed at those committing shop-theft.

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*The Ministry of Justice should ensure that key accredited programmes are available locally and are recommended to the Court whenever they are appropriate.*

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*The Ministry of Justice should ensure that evidence-led probation work is evaluated, and the best is accredited for general use.*

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### **Treatment requirements**

Courts can order that an individual undertakes a drug or alcohol treatment requirement, if satisfied that the individual is dependent on or misuses drugs. The evidence base for correctly targeted drug treatment orders is relatively strong. It is more equivocal for short treatments of alcohol dependency: the evidence base needs to be developed.

The number of drug and alcohol treatment orders made has remained remarkably stable in recent years, but very low overall. Treatment requirements are delivered in partnership with locally commissioned substance misuse services. We are unable to quantify the extent to which a lack of provision locally depresses the number of orders, but we are aware that in some cases, drug treatment requirements ordered by the court are not delivered because of lack of provision.

About one in three<sup>65</sup> of those given a community sentence self-report having mental health problems. The evidence base is thin, but suggests that MHTRs can be effective in

reducing reoffending, although they are ordered in less than 1% of all cases. Numbers have risen recently but remain very low.

MHTRs can be used for any mental health issue, including personality disorders, and the treatment offered can cover a wide range of interventions, from therapy for depression and anxiety through to secondary and psychiatric care. A number of barriers that may be suppressing the use of MHTRs have been identified<sup>66</sup>, with two particularly pertinent here.

Firstly, pressures on mental health services have led to raised entry thresholds for treatment, and the majority of offenders who receive some level of support within prison do not meet the criteria for treatment outside<sup>67</sup>. By way of example, in our recent inspection of Northumbria CRC, staff reported that arranging mental health service provision on release is very difficult, with challenges establishing eligibility, and long delays.

Secondly, mental health advice is not available at the point of sentencing. Probation practitioners receive little formal mental health training, and studies have found that signs and symptoms of mental illness are missed during probation supervision.

To address this, the Ministry of Justice began piloting new arrangements in 2018. Psychologists have been present in courts in five areas, to assess offenders who may receive a community sentence. Local panels comprising justice and health officials provide magistrates and judges with the information they need to determine whether individual offenders should receive treatment for their mental health, alcohol or drug issues.

Early data shows an increased use of treatment orders and reductions in the use of short sentences. Once the results of the trial sites have been assessed, it is intended that the scheme will be rolled out more widely. Success will depend, however, on treatment services being available locally.

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*The availability (at a local level) of mental health, drug and alcohol treatments, should be increased to meet need.*

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## **INFORMED SENTENCING DECISIONS**

It is the role of the NPS to advise courts about sentencing in cases, when asked by the court upon a conviction. In our 2017 thematic inspection of court work<sup>68</sup>, we found the NPS providing consistently good advice on sentencing in the large majority of cases where advice was given. The NPS was not always assessing the risk of an individual going on to cause serious harm, however.

We found reasonable concordance levels overall, but judges and magistrates were much less likely to follow sentencing advice in short written reports, when compared with oral and full written reports. More generally, the concordance picture suggests that in a minority of cases, courts are sentencing more punitively than advised by the NPS (Figure 9).<sup>69,70</sup>

We have since inspected and reported on three of the seven NPS divisions, and rated court work either 'Good' (two divisions) or 'Outstanding' (one division). Our aggregated data shows that NPS staff are considering the risk of harm and drawing on sufficient sources of information in over three in four cases, and considering the impact on victims in six cases out of ten. Nevertheless, two matters are of concern.

# COMPARISON OF ACTUAL SENTENCES WITH RECOMMENDATIONS

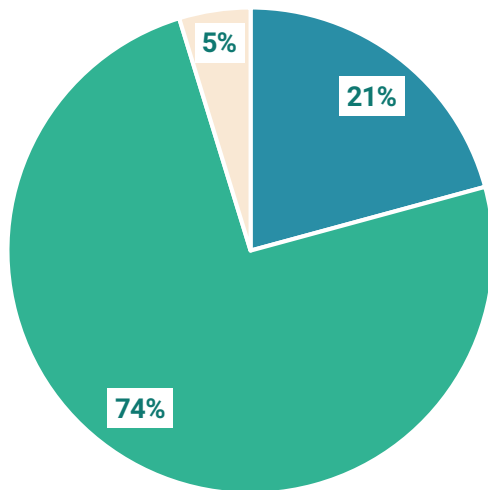


Figure 9: Number (below) and proportion (left) of sentences that are the same as, or differ from, recommendations.

**Actual sentence:**

- Same as recommendation
- More severe than recommendation
- More lenient than recommendation

		Recommended sentence			
		Custody	Suspended Sentence Order	Community Sentences	Fine
Actual Sentence	Custody	8,326	8,113	3,730	44
	Suspended Sentence Order	704	22,299	10,672	93
	Community Sentences	154	2,561	49,705	253
	Fine	20	147	701	1,788
	Absolute/Conditional Discharge	19	99	411	106
	Other	43	100	126	43

Firstly, regrettably few court reports propose an accredited programme. As explained, any programme must be available locally before the court can order attendance, but sentencing trends this decade (with fewer accredited programmes, and more RARs ordered) stem in part from speedy justice initiatives: oral reports on the day are by far the most common type of pre-sentence report now, and for these, probation staff may not have the opportunity to do the necessary background checks to be sure that the individual is suited to an accredited programme.

Secondly, emerging evidence shows a perplexing discord between the number of cases in which one might expect a pre-sentence report and the number of individual reports.

The NPS has discretion to decide which sort of pre-sentence report is the most appropriate<sup>71</sup>. Moreover, there has been an extension of the practice of re-using existing reports where offenders are being sentenced again for a new offence, supplementing them with a short oral statement. Probation court staff can re-use reports for up to a year after their initial publication, although re-use should be accompanied by an oral update, and staff should exercise caution when reports are more than six months old.

In our current inspection of post-release supervision of short sentence cases, we have found that courts rarely request a pre-sentence report when determining whether to order a short-term prison sentence. Of the 40 offenders in our sample released with no fixed abode, in only five (12.5%) did we find evidence that a court report had been prepared when they

were sentenced. This practice will result in poorly informed sentencing in an unknowable proportion of cases.

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***HMPPS should ensure pre-sentence reports are prepared more often. In my view they should be prepared in all cases where imprisonment is an option, unless there are exceptional circumstances.***

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## **ALIGNMENT WITH CURRENT THEORY**

Although we find some CRCs innovating to some extent, our evidence suggests that the operating model for probation services has allowed probation supervision to drift, and undermined the place of evidence-based probation practice overall.

By way of example, our aggregated data shows that in two substantial areas of work (domestic abuse and sexual offence cases) there is insufficient adherence to the evidence base. Some CRCs are doing some innovative work more generally, however, and at least a handful are evaluating that work.

### **Domestic abuse**

Domestic abuse is highly prevalent. From our aggregated data, we estimate that it features in about half of all probation cases. There is an accredited programme, Building Better Relationships (BBR), with a strong theoretical base, designed to reduce reoffending by adult male offenders convicted of violence against an intimate partner.

The number of cases in which a court orders BBR peaked in 2015/2016. The latest available figures show numbers reducing, with fewer than 4,500 individuals now starting a programme each year. In our September 2018 inspection of

domestic abuse work in CRCs, we found a BBR requirement in fewer than one in three domestic abuse cases.

In our 2018 inspection, we found most staff delivering the programme were experienced and well trained. The proportion of individuals completing the programme once started appeared too low, however; research indicates that risk of future harm is increased in individuals who fail to complete a programme once started<sup>72</sup>. Timing and sequencing were problematic in the cases we inspected: many individuals experienced extensive delays before starting the programme, and the course had been cancelled in about one in four cases in which attendance had been ordered by the court.

Each CRC in the inspection was offering an unaccredited ('discretionary') domestic abuse course for those subject to RAR (the majority), however, with better completion rates than BBR. Some were legacy interventions, developed before *Transforming Rehabilitation*. Most had been created internally by enthusiasts on an ad hoc basis, and had not been evaluated.

We found pockets of good practice but, overall, work in domestic abuse cases was characterised by a lack of awareness and applied expertise. Many individuals were drifting through their supervision period without being challenged or supported to change their predilection for domestic abuse.

## Sexual offending

The estimated number of sexual assaults in England and Wales each year exceeds 600,000<sup>73</sup>. The NPS is responsible for the supervision of all registered sexual offenders

convicted of a sexual offence and serving a current sentence – one in five of all individuals supervised by the NPS.

There is an accredited programme ('Horizon') designed for adult men who have been convicted of a sexual offence and are judged to be at medium or higher risk of reoffending. It supports participants to develop optimism, and skills to strengthen their pro-social identity and plan for a life free of offending. Unlike earlier programmes, it is available to those who deny their offences.

Some individuals may not be suited to an accredited programme. Nevertheless, we were surprised to find a licence condition or order to complete a programme in just one in three cases we reviewed in our 2019 joint inspection<sup>74</sup> of the probation supervision of men convicted of sexual offences. Moreover, we found the programme started in less than half the cases where it was ordered or required by licence.

We found committed, skilled programme facilitators in some areas, but in others we found a lack of facilitator skill. Some had adapted the programme, so that in their view, it better suited the needs of the men they were working with. This included disclosure of offending in some instances, which has the potential to undermine the strengths-based approach of Horizon, if not done sufficiently well.

Where staff were delivering individual work with sexual offenders (rather than an accredited programme), the variety and quality of it varied substantially. Work was done largely in a reactive rather than a considered and planned way. We found that some probation professionals lacked the professional



curiosity needed, accepting men's reports of circumstances and events without checking other sources.

As with domestic abuse, there are other intervention options. 'Maps for Change' is an individual rather than group intervention for sexual offenders. It adopts a strengths-based approach. It has great potential, but we found that it was introduced with limited training for staff, and we know of no identified evaluation process for it. It had been used in fewer than one in six of the cases we inspected.

The Offender Personality Disorder pathway is a joint NPS/NHS initiative that aims to provide a pathway of psychologically informed services for a highly complex and challenging offender group who are likely to have a severe personality disorder and who pose a high risk of harm to others, or a high risk of reoffending in a harmful way. It is particularly relevant for some sexual offenders. We found that the pathway is underused with sexual offenders, with less than a third of the cases inspected having been screened as to their suitability and fewer still considered as suitable. We were told some probation professionals did not 'buy in' to the pathway.

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***The future operating model for probation services should promote the use of established and well-regarded approaches in accordance with the evidence base.***

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### **The supervisory relationship**

The evidence shows the quality of the relationship to be pivotal in reducing reoffending. Poor relationships undermine the prospect of other interventions making a difference. Despite incontrovertible evidence

showing the critical role of the relationship, it is not protected within the current model for probation service delivery. In practice, it has been seriously undermined.

The evidence base shows that success is linked to the quality of the relationship, and that is extremely difficult to measure. There are prerequisites for an effective relationship that are measurable; the relationship should start promptly, should be conducted appropriately and should be maintained.

#### ***A prompt start***

We find, on inspection, that relationships with individuals almost always start promptly. Both the NPS and CRCs are required to prepare a sentence plan within 15 days of the first appointment and the target is generally met, with first appointments scheduled soon after sentence.

#### ***The basics***

A relationship needs to be formed, but up to 40% of individuals under supervision in some CRCs have been supervised by telephone only, usually following an initial meeting and assessment. Our recently published rapid evidence assessment<sup>75</sup> of the effectiveness of remote supervision more generally confirms that there is no evidence to suggest that supervision by telephone alone is effective. HMPPS has recently introduced a new requirement for CRCs to plan for face-to-face meetings to take place at least monthly. This transactional measure will not of itself deliver an effective relationship.

Confidential and sensitive discussions between the individual and the probation professional should be facilitated. NPS offices are often shabby, but do generally provide

sufficient privacy. Refreshingly, some CRCs have taken service user views into account in designing premises. Some, however, require meetings with individuals to take place in open booths, taking up less space. We find these arrangements to be at odds with the evidence base, as they hardly encourage candour. On recent inspections, we have found that premises using booths now tend to have at least one private meeting room, and may use white noise in open booths.

### ***Maintaining the relationship***

For the relationship to be meaningful, contact of one sort or another must take place sufficiently frequently. Our aggregated data shows the NPS has noticeably more contact than CRCs with those under supervision, on average.

The amount of contact needed will vary, case by case. In each case we inspect, we consider whether, in our view, the level and nature of contact have been sufficient to promote desistance. We find good concordance in NPS cases, but a different picture in CRC cases.

There will be exceptions but, in general, there is much more prospect of a relationship that is strong and fruitful if it is maintained with one probation worker over the period of supervision. There is now a national shortage of probation professionals, and, in addition, much of the service is under-funded and so restrained in the numbers it can afford to employ. With these pressures, and with the NPS and CRCs increasingly reliant on agency staff, individuals frequently experience a change of probation worker.

Performance measures for the NPS and for CRCs do not require continuity in the

relationships with offenders, and the continuity rate is not routinely measured. Our aggregated data shows that more than one in three individuals experience a change of probation worker over the period of supervision.

While this is not satisfactory, it shows improvements during 2018. Our aggregated data shows that only one in two individuals were supervised by the same officer throughout their case. In 5% of cases, there had been three or more officers.

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***Future arrangements for probation services should ensure continuity of probation worker so far as is possible.***

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## MAINTAINING THE RELATIONSHIP

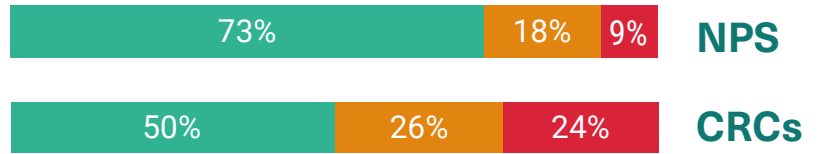
### BUILDING THE EVIDENCE BASE

The nature of offending inevitably changes in tandem with societal norms, pressures and opportunities. Global developments in technology and increased societal tensions are influencing the range of criminal offences and behaviours. In any event, it is important that the evidence base for probation grows and is used to improve the effectiveness of probation overall.

With *Transforming Rehabilitation*, the government sought to encourage innovation in rehabilitative approaches. It also extended probation services into new areas: Through the Gate (see below) and the supervision of offenders released from prison sentences of under 12 months (some 50,000 people each year). We are not aware of any formal evaluation of these important initiatives, or the introduction of RARs.

Efforts to enhance the evidence base for effective probation work have tailed off in recent years, and become less transparent. This is particularly regrettable, as probation is breaking new ground (for example, in providing post sentence supervision to those who serve short sentences) and as CRCs were encouraged to innovate. In 2018, the Ministry of Justice published a helpful document, setting out areas of research interest<sup>76</sup>, identifying gaps in the criminal justice evidence base, and priorities. The extent to which this is being acted on by the wider research community is not known.

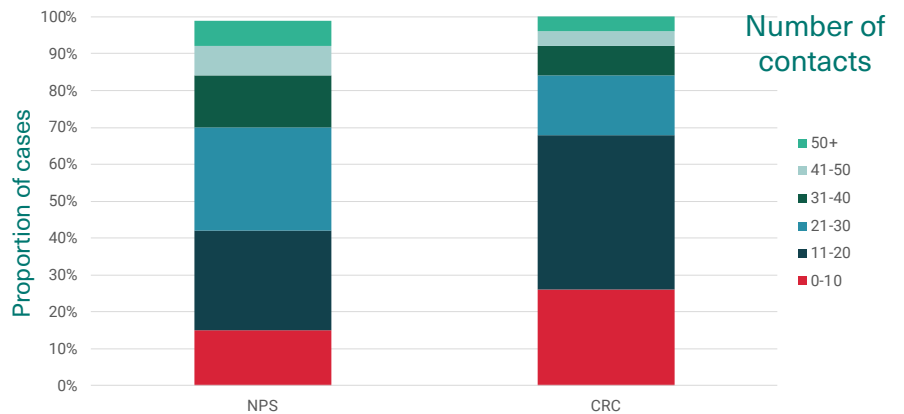
We are aware that some CRC owners are investing in research, however. Research commissioned by a former CRC



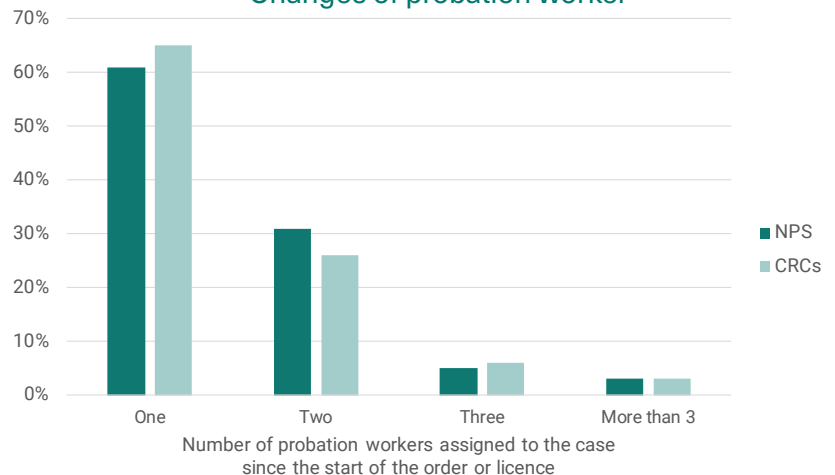
Proportion of cases where contact is sufficient to reduce reoffending and support desistance

- The level and nature of contact are sufficient to reduce reoffending and support desistance
- The level and nature of contact are NOT sufficient to reduce reoffending and support desistance; mostly due to the non-compliance of the individual
- The level and nature of contact are NOT sufficient to reduce reoffending and support desistance: insufficient or inappropriate contact arranged

Contacts between the probation worker and the individual



Changes of probation worker



owner (Working Links) has shown a positive evaluation of their community hubs, overall. And Interserve/Purple Futures has been working with Manchester Metropolitan University to pilot and evaluate more innovative approaches to personalised supervision, in line with desistance theory. Refreshingly, the evaluation outlines a methodology for developing and evaluating personalisation work.

HMI Probation conducts its own research, and publishes Research and Analysis Bulletins and a series of Academic Insights<sup>77</sup>. We are currently seeking information from probation providers, to see the extent to which probation providers are themselves developing and adding to the evidence base. Our own research priorities include a wider evaluation of community hubs, and looking at methods of service user engagement.

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***Evidence-led approaches to new and existing challenges should be encouraged, and consistently and properly evaluated.***

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**Latest figures<sup>79</sup> show that, of the £3,246 million expenditure on research across the civil departments of government, only 0.52% was expended by the Ministry of Justice, with the money spent on 'government services' research rather than general research or policy research.**

# THE PROBATION EXPERIENCE: OVERVIEW

We expect victims to be treated well by the probation service. Probation professionals should be sensitive to their needs and keep them and the wider public as safe as reasonably possible. We also expect probation services to be as seamless and engaging as possible for individuals under probation supervision, to be more likely to reduce reoffending.

The way in which victims of serious violent or sexual offences are kept up to date with developments during the perpetrator's period in custody and any application for parole is dated: the scheme could better meet the reasonable needs of today's victims. We generally find the NPS applying the existing scheme well, but the inspected NPS divisions and CRCs alike are not having regard to victims, and the need to keep victims and the wider public safe in the work they do from day to day, with CRCs markedly worse than NPS divisions.

For offenders, the biggest transition is usually from prison to the community. Our aggregated data shows that accommodation is the most pressing issue, followed by the need for help with finance, benefits and debt, with similar issues prevalent for individuals under probation supervision in the community. We expect every effort to be made in individual cases, but national, strategic solutions are needed.

Effective probation supervision is more likely to engage the individual, but we have rated probation supervision as either 'Requiring improvement' or, more often, 'Inadequate' in the CRCs we have inspected.

We provide an overview of our inspection findings, and compare our aggregated data for the NPS and for CRCs using the ASPIRE model.

Assessment work is good or outstanding in NPS divisions we have inspected, but it most often requires improvement in CRCs we have inspected. In one CRC we have found the risk of harm assessments seriously compromised, because of commercial pressures.

We find a stark difference between the NPS and CRCs in the quality of sentence planning.

We find it 'Good' or 'Outstanding' in NPS divisions we have inspected. In CRCs we have inspected we find it 'Requiring improvement' or 'Inadequate', in equal measure.

We have rated implementation 'Requiring improvement' in one NPS division and 'Good' in the other two inspected. We find the situation much worse in CRCs. We have rated implementation as 'Requiring improvement' (two) or 'Inadequate' (eight) in the CRCs we have inspected. In short, not enough meaningful work is taking place. Plans that in any event require improvement are not being followed through enough.

Cases are reviewed more competently and comprehensively in NPS divisions when compared to CRCs we have inspected.

CRCs deliver unpaid work well overall, but it often stands alone from other work with the offender. The evidence base suggests that better integration would improve the prospects of success in reducing reoffending.

In conclusion, our aggregated data shows individuals are not being assessed, and probation work planned and delivered, sufficiently consistently or to a good standard overall, and progress is not reviewed well enough overall. Our detailed data shows a differentiation and sometimes marked differences between the NPS divisions and CRCs we have inspected. Unpaid work is being delivered well overall.

## ***I propose that:***

***The Ministry of Justice should review the Victim Contact Scheme, so that it better meets the reasonable expectations of today's victims.***

***The government's Reducing Reoffending Board<sup>80</sup> should consider how sufficient accommodation can be provided for those under probation supervision without a home.***

***The government's Reducing Reoffending Board should consider how to speed up initial payments (without subsequent clawbacks).***

***The future arrangements for probation services should restore professional judgement, and promote effective sentence planning overall.***

***Future arrangements for the delivery of probation services need to ensure more consistent and effective supervision for ALL offenders, so as to reduce reoffending and, so far as possible, keep the public safe.***

***In considering the future model for probation services, government should reflect carefully on how best to ensure sufficient integration of unpaid work and other rehabilitative activities, to optimise the prospect of individual offenders' turning away from crime.***

# THE PROBATION EXPERIENCE: THE DETAIL

## VICTIMS

In September 2018, the government launched a Victims Strategy, with the aim of supporting victims throughout the criminal justice process. We expect all probation providers to have due regard to the safety of victims and the wider public in all cases under probation supervision. Public confidence in the treatment of victims was shaken in the John Worboys<sup>81</sup> case.

Overall, we find that the NPS and CRCs could and should do more to keep victims safe and safeguard children and young people across the range of cases. We find sufficient attention given to keeping victims safe when necessary in 73% of NPS cases and just 41% of CRC cases. In a good number of domestic abuse cases, the needs of the victim and any potential future victims are not sufficiently considered or met. Children and young people are not sufficiently safeguarded.

The NPS has additional (statutory) responsibilities for victims of specified serious violent or sexual offences. The Victim Contact Scheme provides that, for cases in which the offender has been sentenced to 12 months or more in custody, victims are given regular updates about them. Victims can make representations about an offender's release arrangements and they are able to receive information about licence conditions.

We have rated two NPS divisions as 'Good' and one 'Outstanding', in victim contact work. In general, we found the relevant staff teams in those three divisions energised and eager to do a good job, learning from the shortcomings we identified in our February 2018 review of how the scheme had been applied in the notorious case of John Worboys. In that review, we found that the scheme had worked broadly as

originally intended, although there were some shortcomings. By way of example, letters to victims were sometimes poorly expressed, with victims wrongly addressed.

At a strategic level, however, we found the scheme dated. It has not kept up with modern societal trends or government's increased expectations for victims. We recommended that, in a wider review of the scheme itself, consideration should be given to whether it should be extended to more victims. We also recommended that the way that victims are told about the parole process in their cases should be rethought from first principles.

In response, the Ministry of Justice is taking steps to improve the scheme, with a particular focus on improving the parole experience for victims, but in our view more needs to be done to modernise the approach overall.

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*The Ministry of Justice should review the Victim Contact Scheme, so that it better meets the reasonable expectations of today's victims.*

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## OFFENDERS UPON RELEASE

CRCs begin work in earnest with those about to be released from prison 12 weeks before release, in an initiative known as 'Through the Gate'. We have reported twice<sup>82</sup> on these arrangements. These services have been under-funded, and were simply not operating as expected. Instead, we found that CRCs were too often doing little more than signposting and form-filling.

Since those inspections, CRC delivery of Through the Gate services has improved, although provision varies and still needs to get much better overall. We have rated Through the Gate services as 'Inadequate' in one CRC,

‘Requiring improvement’ in five, and ‘Good’ in four published CRC inspection reports. Yet, even in CRCs rated as delivering a good Through the Gate service overall, the transition is nowhere near seamless for the individual, because of other factors.

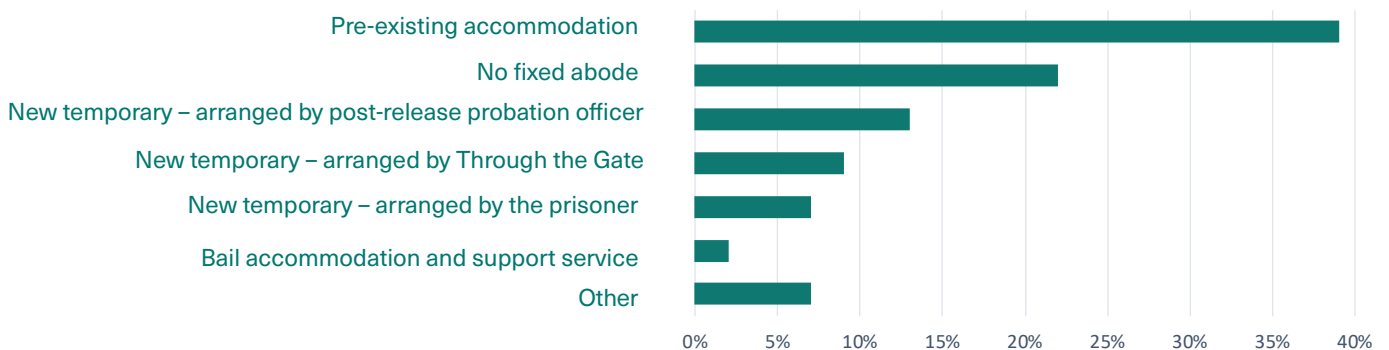
### Accommodation

Many individuals in prison for serious violent and/or sexual offences are released into approved premises. On inspection,<sup>83</sup> we have found them to be well run overall, and doing an exceptionally good job of keeping the public safe, albeit resettlement and rehabilitation services were more mixed. We made recommendations to improve rehabilitative work with residents – for example, by providing video-conferencing facilities, and Personality Disorder Pathway programmes (probation professionals were frustrated at the lack of interventions available for work with residents with a personality disorder).

Our main concern, however, was in relation to the shortage of bed places, and the need for more approved premises in the right places. Given that there are about 2,200 bed places in all, we estimated a 25% shortfall, and recommended that the Ministry of Justice focuses on capacity, type and distribution of the approved premises estate. HMPPS responded with an aim to provide sufficient new approved premises bed places, and undertook to provide 230 additional places by April 2021. Other aspects of the Action Plan prepared by HMPPS in response to our inspection are progressing but, so far, just two extra beds have been provided.

As it is, half of the individuals that are placed in approved premises are located away from their home area, when the evidence shows family ties to be important in reducing reoffending. Other individuals suitable for residency miss out altogether, because of a shortage of provision overall.

**Figure 10: Type of accommodation the individual went into on the first night after release**





In our published Through the Gate thematic inspections, we found about one in seven short-term prisoners and one in ten longer-term prisoners released without knowing where they were going to sleep that night, and only a small number of them found suitable accommodation on the day of release. Since then, the position appears to have worsened. Our aggregated data for routine inspections of CRCs' Through the Gate work shows over one in five released with no fixed abode (Figure 10).

The position varies by type of offence and by groups of offenders. The provisional data in our current inspection of prisoners released having served a short sentence shows that one in three of our case sample had nowhere to sleep upon release. The majority reoffended quickly. In our 2019 sexual offenders thematic, we found that the transition from prison to the community had been managed particularly badly for this group of offenders. A small number of individuals in our sample were released into completely unacceptable accommodation.

For all individuals under probation supervision, we find that accommodation is generally planned for by the probation professional when needed (in 77% of NPS cases and 64% of CRC cases) but housing needs are actually met less often (70% of NPS cases and 54% of CRC cases). We cannot quantify what lies behind the differences here, but all probation providers face difficulties.

Generally, there is a scarcity of social housing. Offenders often find themselves defined as non-priority, intentionally homeless or unable to demonstrate a local connection to the area. These difficulties are compounded by the costs

of privately rented property and the need to pay deposits and rent in advance to private landlords.

Legislation brought in in April 2018<sup>84</sup> introduced a new duty for prisons and probation, and youth offending providers to refer individuals to a local authority if they think they may be homeless or at risk of becoming homeless. Local authorities are then required to intervene early and take reasonable steps to help those who become homeless to secure accommodation. We have yet to see improvements driven by the Act.

Those without a place to live are notably more likely to reoffend and to be sentenced to custodial sentences.

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*The government's Reducing Reoffending Board<sup>85</sup> should consider how sufficient accommodation can be provided for those under probation supervision without a home.*

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## **Finance, benefits and debt**

Prisoners generally leave prison with a discharge grant of £46, a rate first set in 1996. They are able to apply for Universal Credit, but cannot make the application until they are released. Claimants face the dispiriting prospect of waiting a long time for payment. Those without bank accounts can face particularly long delays.

Individuals who are employed when given a custodial sentence can lose their jobs as a result. Individuals can also lose their homes – for example, because of rental arrears accumulating while in prison. Many prisoners arrive in prison with financial problems that should be straightforward to identify and resolve at the very beginning of the sentence. We

reported in 2017<sup>86</sup> that, in practice, this rarely happens. We have not since inspected this work in prisons.

Our more recent aggregated data shows that for those leaving prison needing help with finance, benefits and debt, it is sufficiently planned for in 76% of cases, and sufficient work is then completed in 61% of cases. In many cases, benefit claim work is a priority.

Speedier payment of benefits would be more likely to sustain an individual's motivation to turn away from crime, and reduce the prospect of individuals reoffending (acquisitive crime) to sustain themselves.

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***The government's Reducing Reoffending Board should consider how to speed up initial payments (without subsequent clawbacks).***

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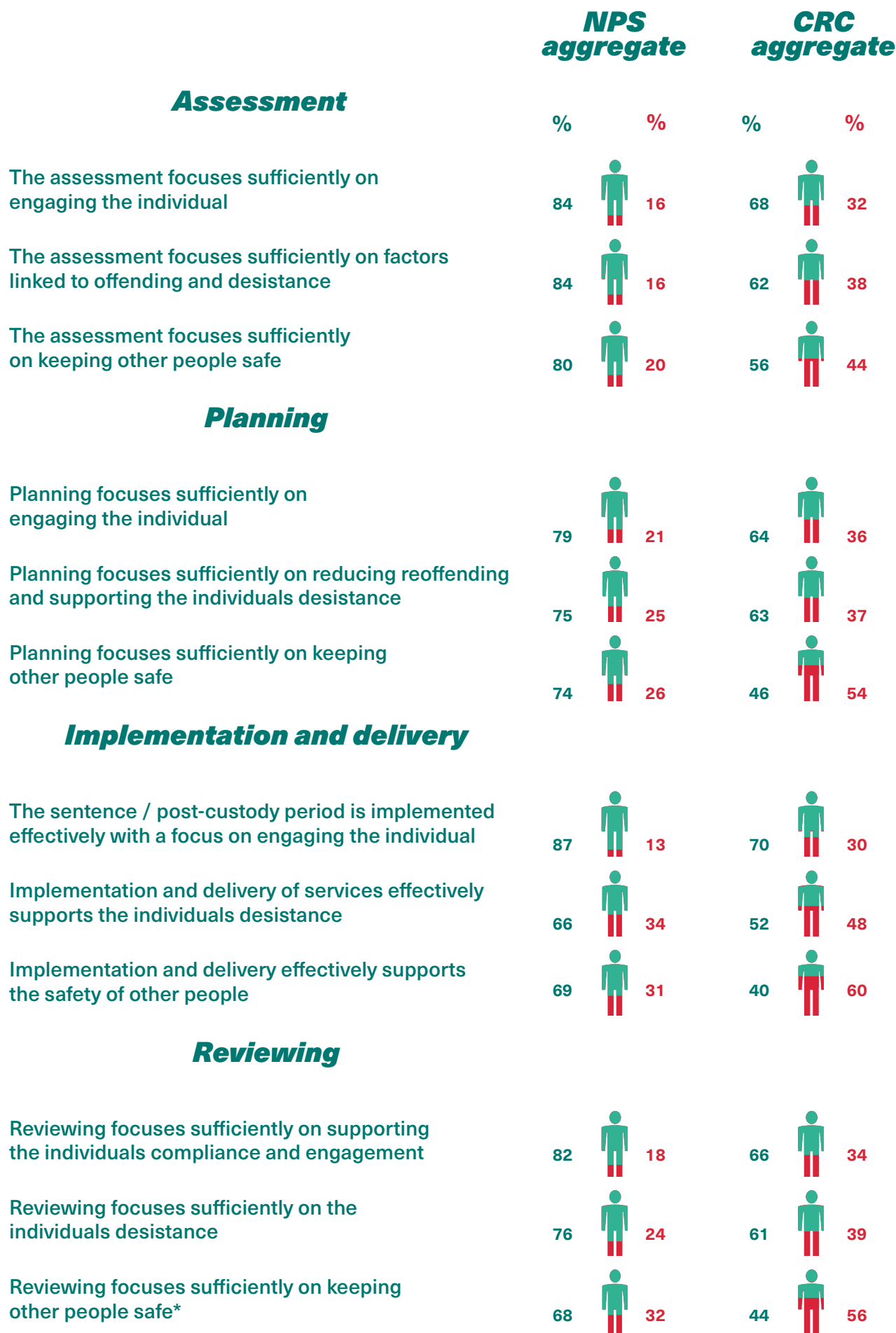


Figure 11: Comparison of aggregate inspection data for the NPS and CRCs.

\*question not applicable in every case

## EFFECTIVE PROBATION SUPERVISION

Good-quality probation services delivered in line with the evidence base are most likely to engage the individual and reduce reoffending, while protecting victims and the wider public from harm. We evaluate probation services here using the established ASPIRE model (Figure 5), and then consider how well unpaid work requirements are being delivered. Figure 11 summarises our findings so far.

### Assessment

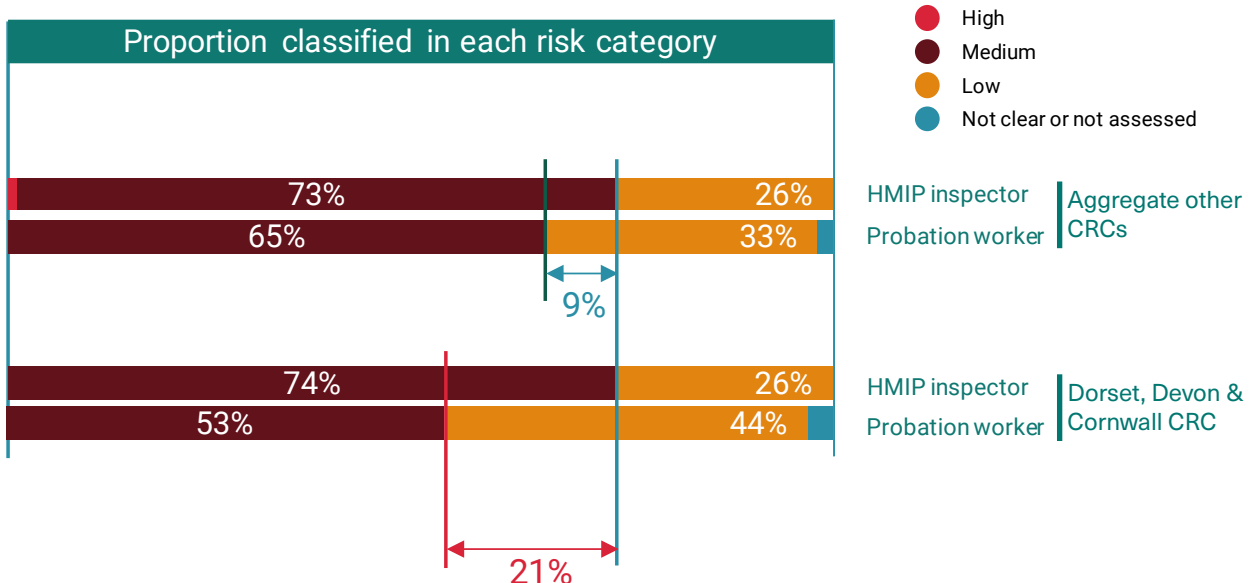
The evidence base is clear that work done with individuals to reduce their prospects of reoffending needs to be based on a good initial assessment of the individual, in line with the risk-need-responsivity model discussed earlier. By way of reminder, some risk factors are fixed

– such as age, gender, criminal history and age at time of first offence – but others, such as substance misuse or pro-criminal attitudes, can be changed.

On inspection, we have found that pre-sentence reports generally meet the court’s needs, but are less likely to provide enough information for probation professionals to get straight on with things, after court<sup>87</sup>. We find that assessments prepared for the court often include ‘don’t know’ answers to standard questions, for example. After court, a more detailed assessment is needed. It is the responsibility of individual probation providers to undertake it.

We have rated this more detailed assessment work as ‘Outstanding’ in two of the three NPS divisions we have inspected, and ‘Good’ in the

**Figure 12: Disproportionate ranking of cases to low risk category by Dorset, Devon and Cornwall CRC**



third, whereas we find a more varied picture in CRCs: we have rated it as 'Good' in two CRCs, 'Requiring improvement' in seven, and 'Inadequate' in one.

Our own detailed research has shown that well-informed, analytical and personalised assessment is more common in cases managed by the NPS, with relevant factors more likely to be identified.<sup>88</sup>

We cannot be certain of the reasons for this disparity, but we know that, in general, professional staff in CRCs are carrying higher caseloads than those in the NPS. CRC performance measures focus on the timeliness of sentence planning rather than the quality of assessments or plans, but so do NPS measures.

Our growing database allows us to compare and evaluate assessment patterns in each provider. In one CRC (Dorset, Devon and Cornwall), we have found the risk of harm assessments seriously compromised, because of commercial pressures (Figure 12).<sup>89</sup>

## Planning

Under the risk-need-responsivity model, planning should focus on the individual's criminogenic **needs** (the dynamic risk factors), and the work should be **responsive** – that is, targeted to match the individual's circumstances, motivating the offender to change. Figure 13 shows the proportion of cases in which planning was sufficient to meet the most important needs for the individual.

To increase agency, individuals should be involved in their sentence planning. We therefore expect sentence plans to be based

on a good assessment and to be specific to the person, and that each individual is involved in planning the work to be done.

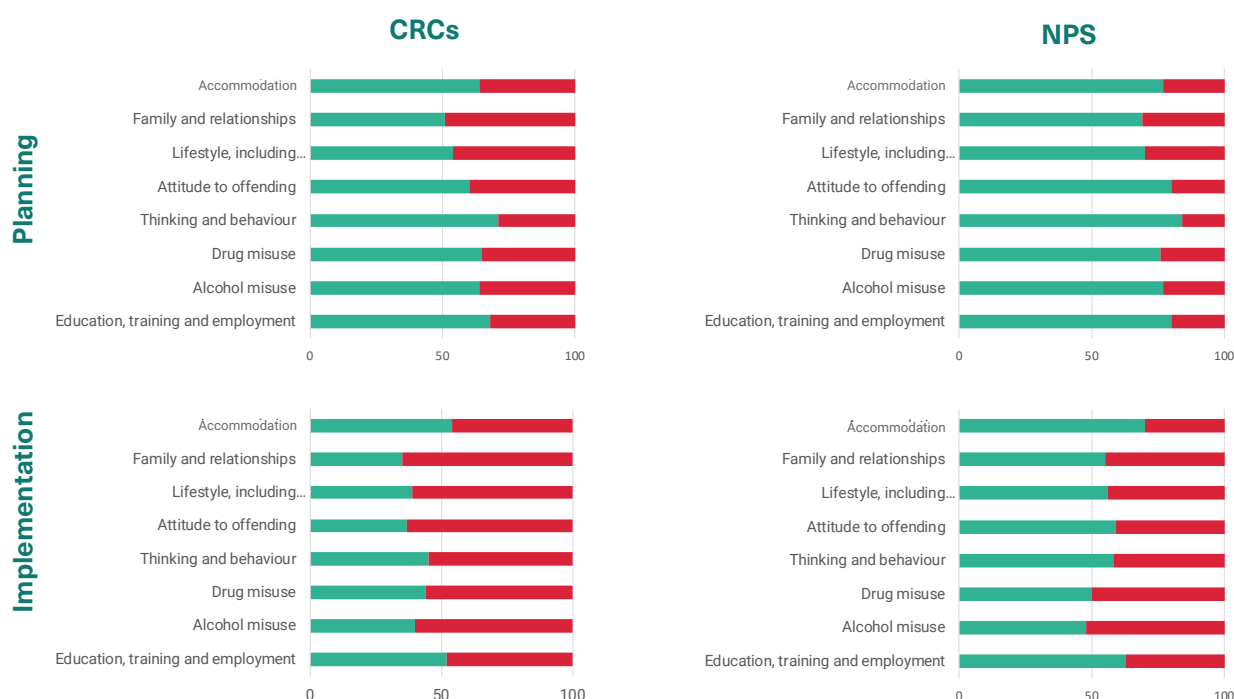
We find a stark difference between the quality of NPS and CRC sentence planning overall. We have rated planning as 'Outstanding' (one) or 'Good' (two) in the three NPS divisions we have inspected, and rated all CRCs inspected as 'Requiring improvement' (five) or 'Inadequate' (five).

In each case, we look to see the extent to which the risk-need-responsivity approach has been applied in the planning and implementation of the work. In accordance with the evidence base, we expect to see each of the key factors associated with an individual's offending identified, with work planned for, and plans implemented or revised in response to circumstances.

The quality of planning work differs between NPS and CRCs cases. Again, we cannot be certain of the reasons for this disparity, but they are likely to be similar to those for disparity in assessment.

Under current performance requirements, the NPS and CRCs must produce a sentence plan within 15 days of the individual's first probation appointment. CRCs face a punitive financial penalty if the performance target is missed. Providers are not obliged by performance measures to engage the individual in preparing and agreeing the plan, or to make sure the plan is pitched well and focused on the individual's criminogenic needs.

The 15-day timeliness measure is a useful backstop, but does not sit all square with the evidence base. Instead, it is a question of



**Figure 13: The proportion of cases in which the planning and implementation were sufficient to meet the most important needs for the individual**

judgement in all cases. Planning is sometimes dependent on information to be obtained from other agencies. Planning should commence promptly in all cases, to build on the impetus of the court hearing and conviction. For some types of offence or offender, immediate planning is necessary to protect the public. For all offenders, sufficient assessment, thought and offender engagement is required.

***The future arrangements for probation services should restore professional judgement, and promote effective sentence planning overall.***

### Implementation

In accordance with the evidence base, we expect to see the skilled, timely and well-sequenced delivery of planned work. Key cognitive-behavioural programmes should be delivered where appropriate, alongside strengths-based approaches.

We have rated the implementation and delivery of plans as ‘Good’ in two of the three NPS divisions we have inspected, but ‘Requiring improvement’ in one NPS division, where supervision did not focus enough on addressing factors related to offending. This is concerning: we do not know, as yet, how representative this is of other NPS divisions. The NPS is dealing

with those offenders assessed as presenting a higher risk to the public. So far, our aggregated data shows the NPS protecting the public well overall, but there is room for improvement in the work it does to rehabilitate offenders.

We find the situation much worse in CRCs. We have rated implementation as ‘Requiring Improvement’ (two) or ‘Inadequate’ (eight) in the CRCs we have inspected. In short, not enough meaningful work is taking place. Plans are not being followed through enough.

### Review

The ASPIRE model illustrated earlier includes the need for evaluation in each case – periodic evaluation and review, and review in response to circumstances. This is particularly important in relation to any changes in the risks that an individual poses to others. Review can lead to changes in the priorities and plans for the individual being supervised.

In practice, we find that cases are often reviewed in anticipation of HMI Probation inspection. Our aggregate data shows that reviews are not focused sufficiently on keeping people safe. In NPS divisions we have inspected, there is room for improvement, but the position is markedly worse in the CRCs we have inspected (Figure 11).

## Unpaid work

Unpaid work is a common community sentence provision, ordered in 33% of community orders and 29% of suspended sentence orders.

The evidence base suggests that the rehabilitative effect of unpaid work is improved if work starts promptly, and if it is useful and rewarding, and provides opportunities to develop employment-related skills. Equally, staff following the principles of pro-social modelling and demonstrating good behaviours can make a difference. To be most effective in reducing reoffending, unpaid work should be delivered as part of the overall sentence plan, alongside other relevant rehabilitative activities.

We find that CRCs have improved over the course of the last year, with the large majority of those we have inspected administering unpaid work well overall. We find that unpaid work starts promptly now in over 70% of cases, with the first unpaid work session taking place within a week in two-thirds of cases. Fifteen months ago, our aggregated data showed first sessions taking place within two weeks, in two-thirds of cases.

Our more recent data shows that, in our view, unpaid work is maximizing the opportunity for the individual's self-development in over two-thirds of cases inspected. However, it often stands alone from other aspects of probation supervision, with little data exchange or meaningful connection between the two.

We are currently consulting on changes to our unpaid work standards, to allow us to evaluate more clearly the extent to which unpaid work is delivered in accordance with other aspects of the evidence base.

## Overall

In conclusion, our aggregated data shows that individuals are not being assessed, and probation work planned and delivered, sufficiently consistently or to a good standard overall, and progress is not reviewed well enough overall. Our detailed data shows a differentiation and sometimes marked differences between the NPS divisions and CRCs we have inspected. Unpaid work is being delivered well overall.

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***Future arrangements for the delivery of probation services need to ensure more consistent and effective supervision for ALL offenders, so as to reduce reoffending and, so far as possible, keep the public safe.***

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***In considering the future model for probation services, government should reflect carefully on how best to ensure sufficient integration of unpaid work and other rehabilitative activities, to optimise the prospect of individual offenders' turning away from crime.***

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# AN INTEGRATED PROFESSIONAL SERVICE: OVERVIEW

The probation service is a professional service. It is most likely to be effective if it employs enough qualified professionals who are sufficiently engaged and have access to the right facilities, services and information (and, where necessary, protections) to enable them to do their jobs well.

The number of probation professionals is now at a critical level. There is a national shortage of professional probation staff and especially those mainly responsible for more complex and demanding casework (Probation Officers). The position varies across the NPS, and more widely between CRCs.

Despite the increasingly demanding nature of probation work (see page 23) the profession has been downgraded and there has been unplanned role drift, in large part in response to resource pressures. A workforce strategy is needed.

Levels of staff engagement in the NPS are middling but gradually improving. Staff engagement varies noticeably across CRCs, with some CRCs working hard at it. CRCs are not obliged to conduct staff surveys and some do not. The Ministry of Justice should consider the benefits of a common staff engagement measure for all probation providers.

Learning and development arrangements for the profession are not working well enough. In the NPS and in CRCs, most staff have access to training but cannot carve out time for it. Training is too often delivered in ways that do not engage staff.

High workloads and the overriding need to meet transaction-based performance targets have led to professional standards being compromised

in at least one CRC. The profession is not protected by the usual bulwarks of other established professions, and has little voice. An effective professional body could make a considerable difference for the profession and for the wider public.

Some CRCs deliver probation services in innovative ways in modern and appealing offices, community hubs or other community settings. NPS staff are generally working in dated and often shabby offices, and the NPS struggles to keep its offices maintained, or safe and secure. In a minority of areas, NPS and CRC staff work from the same premises, making the organisational dependencies less irksome.

Important case information does not always flow readily between the NPS and CRCs and between them and other key players. There are fault lines in the current probation model that require active daily management. In one in four cases we find important and relevant information missing, as the NPS decides whether or not an individual is medium or low risk and therefore to be supervised by a CRC.

*I propose that:*

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***In the future arrangements for probation services, government should ensure a sufficient number of probation professionals are employed overall and at a local level, to match workload demands and to provide for the contingency necessary to cope with changes in local demand.***

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***Professional staff pay arrangements should be developed to recognise regional and area pressures.***

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*In the future arrangements for probation services, government should ensure staff engagement is measured annually and in ways that enable fair comparisons to be made, and can drive improvement where needed.*

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*The future arrangements for probation services should provide for the learning and development of staff, and the arrangements for delivery of the strategy should be practical and engaging for staff.*

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*An independent professional body should be created for the regulation of the profession, and the development of an ethical code for the profession, to provide the usual protections.*

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*Probation premises should be kept safe and secure, and in a serviceable condition overall. Maintenance and repair work should be done when it is needed.*

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*In designing the future arrangements for probation services, government should make sure that a good range of specialist services are available to meet need, and that the specialist service sector is nurtured and maintained.*

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*Future arrangements for probation services should provide for initial assessments of the right quality, and that case records are comprehensive and kept up to date, to minimise the risk of loss of important information as individuals move through the prison and probation system.*

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# AN INTEGRATED PROFESSIONAL SERVICE: THE DETAIL

## PROBATION PROFESSIONALS

Within the NPS, professional staff numbers have increased steadily since its inception, but so has the workload. No collated data for staff numbers is available for CRCs, but our inspection evidence shows substantial reductions in many CRCs.

Many of those leaving the service have left the profession itself. There is now a national shortage of probation professionals, with not enough qualified people applying to fill vacancies. The NPS and some CRCs are developing unqualified staff, enabling some to qualify to the most junior level and beyond, but we can expect a shortage of professional staff for some years yet.

Despite increasingly demanding probation work (see page 23) the profession has been downgraded, with junior staff (probation support officers) doing work formerly undertaken by probation officers. There has been some role drift and confusion as well, with senior staff sometimes doing casework and more junior staff sometimes doing senior tasks, because of resource pressures.

In August 2018, the NPS' overall staff vacancy rate was 11% (now 20% in London) and it was employing more than 1,100 temporary staff. Although professional staff numbers have increased, the service is pressed. The NPS measures the workloads of its professional staff using a basic workload tool that records caseloads against capacity. As at October 2018, 12 out of 70 sub-regions (17%) had workload levels at or above 110% capacity. On inspection, we find that the workload tool allows little if any contingency at a local level, yet local work patterns are less predictable than one might expect.

We have found that professional staff recruitment and retention is particularly challenging in the south west, south east and London. In October 2016 we recommended that the NPS develops a solution to the problems of recruitment and retention of probation professionals in Kent<sup>90</sup>. In our November 2018 inspection of the South West South Central division we made a similar recommendation.<sup>91</sup> Local NPS leaders can be authorised to pay slightly higher rates in designated areas, but nevertheless recruitment remains particularly difficult in some parts of the country.

The pressures in the NPS and in CRCs are felt most keenly at probation officer level, where shortages are greatest. The NPS position varies at local level: we generally find probation officer workloads at 120-160% capacity (as measured by the workload tool). The position varies notably for CRCs: at one end of the spectrum, Durham Tees Valley CRC has a stable and experienced workforce with manageable caseloads.<sup>92</sup> In Dorset, Devon and Cornwall CRC, however, we found caseloads ranging from 18 to 102 for probation officers and from 14 to 168 for probation service officers.<sup>93</sup>

Professional staff are under more pressure in CRCs overall. On inspection, we find they remain committed to the job in the main, but many are stressed by excessive workloads. Our aggregated data shows that 41% of professional staff in the NPS and 56% in CRCs tell us that they find their workloads unmanageable. While we would always expect some level of frustration with workload, these levels are of concern.

At 11 days per year<sup>94</sup>, the staff absence rate for the NPS exceeds that of the civil service notably.

We have found the absence rate higher still in some CRCs, but admirably low in a handful of others we have inspected.

The Ministry has proposed the development of a national workforce strategy, but is hampered by a lack of data:

*'We are developing a workforce strategy which looks across the whole system and ensures that providers can recruit and develop the workforce they need to deliver quality services to courts, victims and offenders. To do this we are taking steps to improve the range and quality of data that we get from providers on the make-up of their workforces, including numbers of staff, their grades and those in the process of undertaking professional qualifications. We will use these data to develop a cross-system workforce planning tool which will help us to make longer-term assessments of system capacity and the numbers of qualified staff.'*<sup>95</sup>

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***In the future arrangements for probation services, government should ensure a sufficient number of probation professionals are employed overall and at a local level, to match workload demands and to provide for the contingency necessary to cope with changes in local demand.***

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***Professional staff pay arrangements should be developed to recognise regional and area pressures.***

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## **Staff engagement**

Engagement is unexpectedly mixed.

NPS annual staff survey results show staff to be well motivated. Over nine in ten are clear about their role, and motivated to do a professional job. The staff engagement index figure for 2018 is 58%, 4 percentage points lower than the average for the civil service,

but a 2 point improvement from the previous year. The breakdown of staff survey outcomes at divisional level does not show any worrying divergence.

The position varies widely across CRCs, however. CRCs are not obliged to survey staff and only some do so. Individual CRC staff surveys differ, making any comparison of results difficult. On inspection we find professional staff in some CRCs close to despair. Staff and managers are generally passionate about providing high-quality services, but often overwhelmed by workload pressures and weary of organisational change.

By way of example, 76% of professional staff in West Yorkshire CRC told us that they found their workloads unmanageable. One probation professional summed things up:

*"I am unable to maintain any quality work. I only have the time to signpost the service user."*

On inspecting CRCs which do survey their staff, we generally find an encouraging picture, albeit that is not always the case.

We found Thames Valley CRC acting on findings from its staff survey and making impressive efforts to engage and listen to staff.<sup>96</sup> The most recent staff survey in Durham Tees Valley CRC confirms that staff feel that the organisation is run on strong values and principles, that they have confidence in the senior team, and that they feel proud to work for the CRC.<sup>97</sup> Conversely, most staff responding to the most recent staff survey in West Yorkshire CRC were critical about their experience of working for the CRC and the survey response rate itself was low, at 49%.<sup>98</sup>

In all inspections of NPS divisions and CRCs we look more broadly at whether staff

are empowered to deliver a high-quality, personalised and responsive service. We have rated four CRCs as 'Good', five as 'Requiring improvement' and one as 'Inadequate' on this measure. In those CRCs rated as 'Good', we generally found leaders working hard to engage staff well, with successes even when caseloads for individuals were high. Conversely, we have rated all three NPS divisions inspected so far as 'Requiring improvement', predominantly because of substantial shortages of probation officers.

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*In the future arrangements for probation services, government should ensure that staff engagement is measured annually, in ways that enable fair comparisons to be made, and that can drive improvement where needed.*

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## Professional status

Established professions generally require individuals who are in practice to be registered as members of the profession – in effect, certifying that they meet entry requirements for the profession. Almost all professions require members to undertake ongoing training (continuing professional development) and that members are subject to self-regulation. Under self-regulation arrangements, members can face 'fitness to practise' proceedings if they have acted unethically or incompetently, with debarment for the most serious negligence or misconduct. The probation profession and the general public are not protected by these specific requirements.

The Ministry of Justice has proposed the development of a national professional register, with plans to house it under the auspices of the NPS.<sup>99</sup> In my view, it is inappropriate for a major employer of the profession, or a government

agency, to be responsible for certification and registration of the profession. Instead, such responsibilities generally lie with an independent body.

Probation professionals are not obliged by any profession-wide requirement to keep their knowledge and skills up to date. Earlier in this report, I summarised the skills shortfall that we found in some professionals supervising sexual offenders and perpetrators of domestic abuse. Day to day, probation professionals struggle to carve out time for training and development.

On inspection we find over three in four NPS staff satisfied that they have access to training, although they also tell us that they find remote training frustrating, and difficult to find time for, given their work pressures. CRC staff are in a similar position, with 65% satisfied that they have access to training, but many being subject to heavy work pressures.

The Ministry of Justice has proposed specifying more clearly the training, skills and competencies that staff will require for different roles.<sup>100</sup> While welcome, this does not provide the assurance inherent in other professions' requirements for continuing professional development. Like other professionals, probation staff need to keep up to date with developments.

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*The future arrangements for probation services should provide for the learning and development of staff, and the arrangements for delivery of the strategy should be practical and engaging for staff.*

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Probation professionals are not subject to a common code of ethics. Such a code would be an important protection for all people under probation supervision, victims and the general public. Codes of ethics also protect members

of professions from commercial or other pressures in their employment, as immutable lines are drawn. In one CRC we found those lines crossed. In our inspection of Dorset, Devon and Cornwall CRC,<sup>101</sup> we found cases with no sentence plan at all, or where sentence plans had been prepared without meeting the individual. We also found the assessment of the risk of serious harm to the public seriously compromised, because of commercial pressures.

Professional staff in Dorset, Devon and Cornwall CRC were unable to rely on the safeguards that are usual in a profession. This CRC is now under new ownership.

In other areas of professional endeavour (for example, in nursing) professionals who fall far short of accepted professional standards on any occasion can be referred to their professional body for investigation and consideration of their fitness to practise. There are equivalent arrangements for probation professionals. Without them, the general public is not sufficiently protected, and individual professionals are not held properly or openly to account for the most serious professional shortcomings. In my view it is simply not acceptable, for example, that aberrant decision-making in cases is left unaccounted for.

The Ministry of Justice has proposed developing a process by which, subject to appropriate safeguards, staff could be removed from the register proposed, and revoking their authorisation to practise in certain circumstances. Responsibility sits with the NPS. In my view these arrangements should be entirely independent, rather than the responsibility of an agency employing many probation professionals.

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*An independent professional body should be created for the regulation of the profession, and the development of an ethical code for the profession, to provide the usual protections.*

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## **FACILITIES**

Some CRCs deliver probation services in innovative ways in modern and appealing offices, community hubs or other community settings. Some (15%) share premises with the local NPS division. We return to the strategic issues relating to the service's footprint later in this report.

Some CRCs have struggled to implement their plans to work in community hubs offering services to offenders and others in the local community. This is predominantly due to resource constraints and sometimes a difficulty in finding the right premises. One CRC (Durham Tees Valley) has an extensive network of community hubs (35), however. It scores highly on the annual offender survey administered by the Ministry of Justice.

In each of our inspections we consider the adequacy of the organisation's information management, and the extent to which their premises are fit for purpose. We have rated five CRCs as 'Good' and five as 'Requiring improvement'.

In one CRC rated as 'Requiring improvement', we were concerned about wheelchair accessibility and the reliance on interview booths (rather than more private facilities). In another we found people unduly vulnerable in an exceptionally busy city centre office. In one CRC (Dorset, Devon and Cornwall) we had serious concerns stemming from a lack of

necessary investment in facilities. In almost all CRCs, however, we find premises to be bright, airy and welcoming.

The NPS is generally delivering from premises formally occupied by probation trusts, and struggles to keep them safe, secure and to an acceptable standard overall. We have rated each of the three NPS divisions we have inspected as 'Requiring improvement' on our Information and Facilities measure. NPS offices are frequently cramped and generally shabby, with maintenance and repair work unattended to.

NPS facilities management is outsourced under national contractual arrangements established in early 2018. The arrangements are not working well. When inspecting NPS South West South Central Division in December 2018, over 500 maintenance jobs were outstanding. We were particularly concerned that the security and safety of approved premises had not been given appropriate priority, despite the division's attempts to escalate the matter.

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***Probation premises should be kept safe and secure, and in a serviceable condition overall. Essential maintenance and repair work should be done when it is needed.***

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## **SERVICES**

Individuals under supervision frequently need help on specific matters, such as support to manage debt, or to write a CV. Traditionally, the third sector has provided almost all of these services. Many under probation supervision need the sector's specialist help, to turn their lives around.

Under the government's *Transforming Rehabilitation* initiative, CRCs became responsible for contracting these services from

those able to provide them, so that they are available for individuals that CRCs supervise and for the NPS as well.

We reported in 2018 that almost four years on, it seemed the third sector was less involved than ever in probation services, despite its best efforts. HMPPS guidance and controls over subcontracting have been contentious and were perceived to be bureaucratic, making it off-putting for all. Specialist providers often wished to do more for individuals than the CRC fees were able to purchase. CRC financial pressures had severely inhibited CRCs from contracting services.

CRC contracts allow them to decide what to offer by way of specialist services. No one body was clear about the extent of provision. Staff in NPS divisions (and even CRC staff themselves) were often unaware of the services on offer. We provided an overview albeit obtaining the data was not straightforward. CRCs were generally providing an insufficient range of services.

As the NPS is dependent on specialist services offered for purchase from CRCs, there is a knock-on effect, with even less on offer to the NPS. The extent to which the NPS can influence provision has been very limited. We found local forums to discuss provision, but irreconcilable differences in expectations, combined with CRC financial pressures, had proved to be major hurdles in several areas.<sup>102</sup>

On regular inspections we frequently find good strategic relationships between NPS and CRCs leaders. In our December 2018 inspection of the NPS Midlands division, all relevant CRC Chief Executive Officers confirmed that the relationship with the NPS at senior level was

very good – and we noted that the division's budget for purchasing services from CRCs was used to the full.

More commonly however, we have found NPS staff and leaders to be reluctant to purchase services from CRCs; because of concerns about their quality and whether they represent value for money, or because of an instinctive reluctance to pay for services. In addition, there is an enduring cultural dimension: professional probation staff do not see themselves as purchasers, and most do not want to be.

No one individual or organisation is responsible for the stewardship of these services or the third sector organisations that can provide them.

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***In designing the future arrangements for probation services, government should make sure that a good range of specialist services are available to meet need, and that the specialist service sector is nurtured and maintained.***

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## **INFORMATION PROVISION**

*Transforming Rehabilitation* created other dependencies between the NPS and CRCs. Important information in individual cases can fall between the cracks, starting at the pre-sentence report stage in each case. The NPS provides all sentencing advice to courts in a pre-sentence report. Although there is room for improvement, our aggregated data shows that 86% of reports make an appropriate sentencing proposal, and in 78% of cases, pre-sentence information and advice to court is sufficient for the purpose of sentencing.

Following sentence, NPS divisions allocate cases that they assess as high risk of harm to the NPS, and medium and low risk cases to the local CRC. We find that in over one in four cases, the allocation decision is not prompt, accurate or based on sufficient information.

In the *Transforming Rehabilitation* model, individual cases are transferred between the NPS and CRCs if certain triggers are met. The organisations need to liaise with each other and with other local organisations and the judiciary, day to day, but boundaries are not geographically aligned.

For London and Wales, the respective NPS regions and CRCs match, but other NPS and CRC boundaries are not well-aligned. The remaining five NPS regions all have to work with more than one CRC and, in the North West region, three CRCs are run by two different parent companies.

Liaison is therefore more complex than it needs to be. Government has signalled an intention to move to 10 areas with coterminous boundaries for NPS divisions and CRCs, and consolidated arrangements in Wales. The need for continuous liaison will remain in any one area, however. We generally find the best liaison and information transfer in those offices where NPS and CRC staff are collocated.

## **Prisons**

The evidence base shows that poor coordination and a lack of information sharing often results in prisoners not receiving continuity of mental health treatment as they

move between prison and the community.<sup>103</sup> Our inspection evidence shows that the information exchange as an individual makes the transition from prison into the community is problematic more generally.<sup>104</sup>

CRCs are responsible for Through the Gate services to prisoners in resettlement prisons in their area. There are quirks in how the catchment areas for resettlement prisons align with the contract areas for CRCs. In addition, the impact of overcrowding, the uneven spread of prisons across England and Wales and the fact that some prisons (for example Women's prisons) necessarily take offenders from all parts of the country, mean that prisoners are often some way from home in the final months before release.

The local CRC is at a disadvantage in dealing with out-of-area prisoners, without information or contacts in the prisoner's home area. More generally, we find that resettlement plans draw sufficiently on available sources of information in six out of ten cases.

### **Between CRCs and courts**

Judges and magistrates have been unsure of what specialist services might be available, if they order a RAR. CRCs set out in a Rate Card what is on offer locally, but there have been problems in ensuring that courts have up-to-date information. With court closures, defendants will increasingly come from a broad area, possibly covered by more than one CRC, and in any event provision may differ within any one CRC.

In some areas, there have been local initiatives to improve information provision to the court. Most recently, HMPPS has confirmed that CRCs may have more access to courts.

### **Information collection in the NPS and CRCs**

In each case we inspect, we ask the probation professional involved whether the case management, assessment and planning systems used by their organisation enable them to plan, deliver and record their work in a timely way, and to access information as required. In NPS cases, 74% confirm that that is the case, with 58% doing so in CRC cases. Again, the position varies notably from one CRC to another.

### **Joining things up**

On occasion we are asked by the Secretary of State to review particular cases. By way of example, we reviewed the standard of probation work in the case of Leroy Campbell<sup>105</sup>. In this and other cases we have found real difficulties arising because the assessment of an individual and comprehensive information relevant to the risk posed by the individual is not kept in one place and not always kept up to date. Information falls between the cracks, and between one organisation and another.

In July 2018 the Ministry of Justice consulted on a strategic aim to improve the assessment of offenders, by reviewing processes and ensuring that, as far as is practicable, a thorough and good-quality assessment is built on and follows an offender throughout their sentence.<sup>106</sup>



In my view, initial assessments should be the basis of an ongoing assessment for all leaving prison and for all under probation supervision. There is a strong case for one continuous assessment for each individual, as signalled by the Ministry of Justice in 2018.

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***Future arrangements for probation services should provide for initial assessments of the right quality, and mechanisms to ensure that case records are comprehensive and kept up to date, to minimise the risk of loss of important information as individuals move through the prison and probation system.***

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# INSTILS CONFIDENCE: OVERVIEW

The judiciary, victims and the wider public must have confidence in community and suspended sentences, and their delivery. Probation professionals themselves must have faith in what they are being asked to do.

Sentences that are completed and that reduce reoffending, with the public sufficiently protected from harm, build confidence. Sentences run their full course in two-thirds of cases, but magistrates lack confidence that CRCs take enforcement proceedings in all cases where they should. Magistrates generally believe in community sentences in principle, but lack confidence in their delivery more generally<sup>107</sup>.

Reoffending has reduced slightly in recent years, but the number of offences committed by those who do reoffend has increased. Factors such as an individual's maturity, or police priorities influence the reoffending rate. More immediate measures of the quality of probation services (for example, our inspection findings and ratings) are more telling of the likelihood of success. They show an extremely troubling picture for CRCs.

There is a little room for improvement in the work done by the NPS to protect the public, but much more needs to be done in the CRCs we have inspected. CRC contract requirements are task rather than outcome based, however, with insufficient focus on the requirement to keep people safe.

Each year, a number of individuals are convicted of a SFO committed while under probation supervision. The proportion of individuals convicted of committing a serious offence while under probation supervision appears to have remained relatively low and stable since 2011,

with about one in 500 convicted in this way. In each of these cases, the quality of probation work is reviewed by the individual NPS division or CRC responsible for the supervision of the offender. Plans to centralise all SFO reviews within HMPPS have been postponed.

SFO review arrangements have been criticised heavily for a lack of transparency and perceived independence. Centralisation as proposed would enable systemic issues to be identified more easily, and would allow for national learning and the growth of expertise. The lack of independent scrutiny would still undermine public confidence, however, most especially when individual reviews attract media attention.

We find good quality of leadership across the service: mission-led leaders are working hard, but many in CRCs are severely inhibited by resource and other pressures. The design of the probation system does not reward continuous improvement. Moreover, key elements of the operating model for probation services are deficient, and are likely to undermine public confidence as well as hinder delivery.

The usual public-sector governance, accountability and transparency expectations do not apply in full to the probation service. In my view, they should, to meet public expectations and instil confidence.

The operating model has an exceptional number of inter-agency dependencies, played out at a local level. They require constant management attention across boundaries that are not always aligned. On inspection, we find that the local management of the relationship and dependencies between the NPS and a CRC is better when the two organisations share office space. The NPS and CRCs share about

15% of over 500 probation premises nationally. There is no coherent, system-wide strategy for the probation estate.

Promising information technology (IT) systems development in CRCs has largely stalled, in large part because the Ministry of Justice was unable to provide the necessary connectivity in time. This has had a knock-on effect, as new systems were to support new ways of working within CRCs.

Earlier in the report, I described the scant provision of the specialist services needed for some individuals under probation supervision, and outlined the procurement difficulties experienced by many. The operating model does not provide a national strategy for the sufficient provision of services locally.

I also described the shortage of probation professionals, the variabilities in staff engagement, and the shortcomings in professional training and development. There is no coherent, national workforce strategy.

### ***I propose:***

***In evaluating the work of probation providers, government should give weight to measures of the quality of probation work done. The reoffending rate is not a sufficiently immediate or attributable measure of performance.***

***SFO reviews should be conducted with sufficient independence and transparency, so that learning is shared and systemic issues are identified and addressed.***

***The probation service should conform to the usual public service governance, accountability and transparency expectations.***

***A nationwide estates strategy should be developed. It should enable probation services to be delivered engagingly and sufficiently locally.***

***A nationwide IT strategy should be developed, with sufficient functionality, including the ability to support one continuous assessment and record for all offenders in prison or under supervision in the community.***

***A nationwide workforce strategy should be developed.***

***A nationwide commissioning strategy for specialist services should be developed. It should provide straightforward guidance on how to commission services, and should strike a proper balance between central and locally commissioned services.***

# INSTILS CONFIDENCE: THE DETAIL

## SENTENCES SUCCESSFULLY COMPLETED

Almost two-thirds of community and suspended sentence orders run their full course, with women slightly more likely than men to complete their orders.<sup>108</sup> Orders that do not run their full course are generally terminated early through enforcement proceedings, or because the individual has been convicted of another offence or has failed to turn up to probation appointments, or both.

These figures should instil confidence, but they do not convince magistrates, who are concerned about whether enforcement proceedings are taken when they should be. In our 2018 thematic review, we found that enforcement and recall work was generally of the right standard, when undertaken.

CRCs did not always recognise when enforcement was appropriate, however, because the quality of probation supervision was insufficient in too many cases. Planned levels of contact were not always adequate to meet the individual's needs, and professional staff may not be aware that enforcement is appropriate.<sup>109</sup> Our aggregated data shows that enforcement action is taken when it should be in 80% of NPS cases and 69% of CRC cases.

## JUDICIAL CONFIDENCE

Judicial confidence in community and suspended sentence orders, and how they are delivered, is central to effective sentencing overall. It is particularly important in cases where the custody threshold has been crossed, and in cases where the individual has multiple and complex needs related to their offending behaviour.

Magistrates generally believe in community sentences in principle, but lack confidence in their delivery.<sup>110</sup> Their concerns stem from a lack of information about the services provided by CRCs, a lack of clarity about what may or may not happen under a RAR, barriers to dialogue between CRCs and magistrates about community sentence options, and serious concerns about the quality of the work of CRCs and the availability of treatment requirements for offenders.<sup>111</sup>

I know of no recent measure of public or victim confidence in community sentences or in probation services in general. I assume that reducing reoffending rates for those who have received probation supervision might increase public confidence, but information showing poor-quality probation services will decrease it. Any notorious case showing shortcomings in victim or public protection will dent public confidence.

## **FOCUS ON THE RIGHT THINGS**

I have set out earlier the core job of probation, and what we should all expect of probation services. I expect evidence-based and evidence-led work to be done to reduce the prospect of individuals reoffending, and that all reasonable steps are taken to protect the public during the period of probation supervision.

## **REDUCING REOFFENDING**

Reductions in proven reoffending could contribute to improving public confidence in community sentencing and probation services, but it is not possible to attribute changes in the overall proven reoffending rate to the work of CRCs or the NPS.

We know from the evidence base that a good proportion of individuals stop offending in any event, as they mature. What is more, the proven reoffending rate is susceptible to other influences, most notably police priorities and practice, and Crown Prosecution Service decisions on whether to prosecute an offence or an individual.

The Ministry of Justice measures proven reoffending in two ways: the percentage of offenders who have reoffended (the binary rate) and the average number of reoffences per reoffender (the frequency rate). There is a time lag inherent in the measures, to allow for time to pass after an individual's probation period, and so the most recent relevant figures are for the period to March 2017.

Overall, between 2011 and March 2017, there was a 2.5 percentage point reduction in the proportion of proven reoffenders. The average number of reoffences per reoffender, however, increased by 22% over the same period. This

reflects the broader trends in the criminal justice system that we summarised in Part 1 of this report.

In my view, proxy and more immediate measures of the quality of probation work (for example, HMI Probation ratings and findings) may be more helpful in gauging whether probation work done is likely to result in reductions in reoffending.

By way of a detailed example, we consider, in each case we inspect, the extent to which probation providers focus on engaging the individual under probation supervision, and the extent to which they implement plans designed to support effectively that individual's desistance from crime. We find the right focus on engaging the individual in 87% of NPS cases and 70% of CRC cases. Plans to support desistance effectively are implemented in 66% of NPS cases and 52% of CRC cases. Improvements are required.

Each year, a number of individuals are convicted of an SFO committed while under probation supervision. The majority are convicted of murder, manslaughter or a serious sexual offence, leaving family members and surviving victims damaged and distraught.

The number of SFO convictions has never been a valid indicator of the quality of probation supervision. When an offender is being supervised in the community, it is simply not possible to eliminate risk altogether, but the public is entitled to expect that the authorities will do their job properly – that is, to take all reasonable action to keep risk to a minimum. A statistically significant increase in the proportion of cases in which a SFO is committed would inevitably raise questions.

The proportion of individuals convicted of committing a serious offence while under probation supervision appears to have remained relatively low and stable since 2011, with about one in 500 convicted in this way. A recent small increase appears to relate predominantly to recording issues from one year to the next. Time will tell if it is anything more serious.

In each of these cases, the quality of probation work is reviewed by the individual NPS division or CRC responsible for the supervision of the offender. Plans to centralise all SFO reviews within HMPPS have been postponed.

SFO review arrangements have been criticised heavily for a lack of transparency and perceived independence. Centralisation as proposed would enable systemic issues to be identified more easily, and would allow for national learning and the growth of expertise. The lack of independent scrutiny would still undermine public confidence, however, most especially when individual reviews attract media attention.

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***In evaluating the work of probation providers, government should give weight to measures of the quality of probation work done. The reoffending rate is not a sufficiently immediate or attributable measure of performance.***

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***SFO reviews should be conducted with sufficient independence and transparency, that learning is shared and that systemic issues are identified and addressed.***

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## PROTECTING THE PUBLIC

In the NPS divisions we have inspected, there is a little room for improvement in the work done to keep people safe. Much more needs to be done in the CRCs we have inspected. Work to keep the individual's partner or ex-partner and any children safe is so often required, and the NPS and CRCs need to improve in that area (Figure 14).

Our aggregated data shows particular shortcomings when it comes to safeguarding children and protecting the partners and ex-partners of individuals under probation supervision.

## CONTINUOUS IMPROVEMENT AND VALUE FOR MONEY

I have shown earlier in this report (page 45) that no new programme for rehabilitation has been put forward for accreditation by a CRC. Although *Transforming Rehabilitation* aimed to encourage innovation, CRC contracts do not reward innovation or continuous improvement.

HMI Probation ratings are driving improvement across the NPS, but they may have little effect on some CRCs. Other pressures prevail.

CRC contracts reward the delivery of tasks, rather than the quality of services. Indeed, it is extremely difficult to reduce effective probation provision to a set of contractual measures and targets.

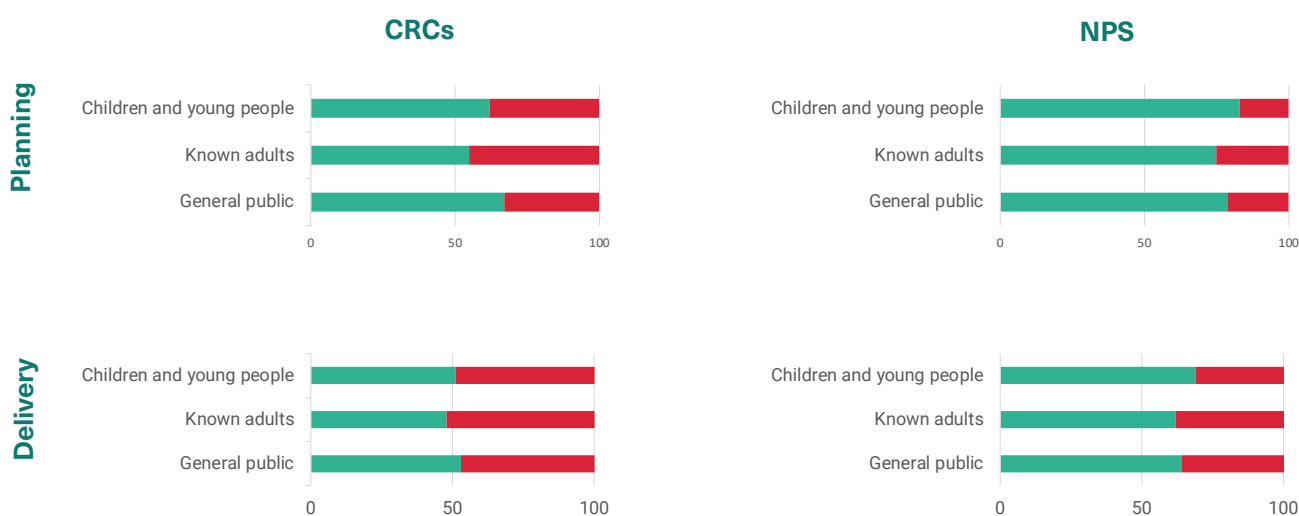


Figure 14: The proportion of cases in which the planning and delivery of services to minimise the risk of harm to key groups of the public met the relevant HMI Probation measure (Data from the HMI Probation Quality & Impact inspection programme)

Meanwhile, the NAO continues to question the value for money provided by probation services. In its view, *Transforming Rehabilitation* has achieved poor value for money for the taxpayer.<sup>112</sup>

## **LEADERSHIP, ACCOUNTABILITY, TRANSPARENCY**

We find the probation service to be well led overall. We have rated leadership as 'Outstanding' in one CRC we have inspected, and 'Good' in all three NPS divisions and seven of the ten CRCs we have inspected. We rated leadership in one CRC as 'Requiring improvement', and 'Poor' in the remaining CRC (Dorset, Devon and Cornwall CRC).

It is hard to square good leadership ratings with poor service delivery, and yet that is what we often find in CRCs. Mission-driven leaders are working hard to deliver well, but they are severely inhibited by resource and staffing pressures, a lack of certainty about the future and, in some cases, operating models that are not well-aligned to the evidence base (see below).

CRCs are driven to focus on transaction-based contractual targets first and foremost, rather than delivering in accordance with the evidence base for effective probation services. By way of example, the NPS and CRCs must produce a sentence plan within 15 days of everyone's first probation appointment. Neither is obliged by performance measures to engage the individual in preparing and agreeing the plan, or to make sure that the plan is pitched well and focused on the individual's criminogenic needs.

The 15-day timeliness measure is a useful backstop, but does not sit all square with the evidence base. Instead, it is a question

of judgement in all cases, and planning is sometimes dependent on information to be obtained from other agencies. Work should start promptly in all cases, to build on the impetus of the conviction, but for some types of offence or offender, immediate planning is necessary to protect the public. For all offenders, sufficient assessment, thought and offender engagement are required.

We find the quality of NPS assessment and planning better than in CRCs. The target – to produce a plan in 15 days – is just the same, but CRCs face a punitive financial penalty if they miss the target. That drives an unrelenting focus on the target, rather than a broader and much more strategic focus on the quality of the plan.

We expect publicly funded services to be accountable and transparent. Usual public-sector controls include a requirement for independent internal audit, and to maintain a finance and audit committee. Public bodies generally publish their internal governance arrangements, in a governance framework. They publish details of senior staff salaries and expenses, procurement contracts and details of their own performance against agreed targets. They usually set out their annual expenditure and the extent to which they have delivered their plans, in an annual report.

These regular governance disciplines are not all in place across the probation service, and important information is difficult or impossible to find. Some NPS information is consolidated in a wider (HMPPS) annual report. Equally, CRC-level information is often consolidated within the annual reports of CRC owners, which in turn may operate globally, and across and beyond the criminal justice sector. Public sector



governance disciplines are necessary, to meet public expectations and so as not to undermine confidence.

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*The probation service should conform to the usual public service governance, accountability and transparency expectations.*

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## **THE MODEL FOR PROBATION SERVICES**

I described earlier (page 38) the model for delivery of probation services. A sensible operating model is likely to build judicial and third-sector confidence in probation services, and contribute to confidence more generally. The current model is fundamentally flawed.

The NPS has 7 divisions, each with a dedicated court team. A central office oversees matters. There are 7 CRC owners, with 15 of the 21 CRCs now owned by 3 organisations (Sodexo Justice Services, Purple Futures and Seetec).

CRCs in common ownership have generally implemented common operating models, although the manner and extent of implementation vary in each CRC. Most CRC operating models are not operating as the owners intended, however – in part, because of IT difficulties, but also because of serious financial pressures.

CRC financial pressures could be eased by new contracts with different financial terms, but in my view the model for probation services itself is inherently inefficient, ineffective and unfair.

## **DEPENDENCIES**

The way that probation services are now delivered is not straightforward. The NPS and CRCs have inter-related responsibilities. Cases must pass to and fro between the NPS and

CRCs when they leave court after sentence, if risks change noticeably during probation supervision or if enforcement is needed in a CRC case. CRCs, in turn, deliver unpaid work ordered by the court in NPS and CRC cases. CRCs may provide a range of specialist services that are suitable for all those under supervision, with an assumption that, in NPS cases, the NPS will purchase services locally from CRCs.

Inter-agency dependencies require constant management attention across boundaries that are not always aligned. In London and Wales, the respective NPS regions and CRCs are geographically matched, but other NPS and CRC boundaries are not. Five of the seven NPS regions work with more than one CRC and, in the North West, three CRCs are run by two different parent companies. The Ministry of Justice intends move to ten NPS divisions (and separate arrangements for Wales) and to align boundaries as it implements second-generation CRC contracts.

Within any one area, key partners necessarily work with the local NPS division and one or more local CRCs. The Ministry has created a forum to enable magistrates, the NPS, CRCs, court staff, prosecutors and others to discuss challenges and opportunities for improving joint working, but local tensions and inefficiencies inevitably remain.

## **LOCAL AND ENGAGING DELIVERY**

The NPS and CRCs share about 15% of over 500 probation premises nationally. There is no coherent, system-wide strategy for the probation estate.

The NPS and CRCs often have separate premises in the same town or community, when combining resources could allow for better

coordination *and* perhaps a bigger and more localised footprint overall. This is so important, when probation services need to be accessible to those being supervised. Many individuals will be in receipt of state benefit, and without their own means of transport. I have shown earlier in this report (page 28) the life circumstances and characteristics of those under probation supervision.

Premises occupied by the NPS are generally part of the government estate. In many cases, CRCs were offered the chance to collate with the NPS, but the proposed charges were prohibitive: plusher premises were generally available to CRCs more cheaply.

While a handful of CRCs have been innovative in finding ways to deliver probation services in the community, the lack of a system-wide delivery and estates strategy inevitably means that delivery overall is less effective, efficient and local than it could be.

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***A nationwide estates strategy should be developed. It should enable probation services to be delivered engagingly and sufficiently locally.***

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## **INFORMATION SYSTEMS**

Each CRC may develop and use IT systems that need not be compatible across CRCs, or between CRCs and the NPS. In turn, the NPS relies heavily on dated, creaky IT systems that lack functionality and connectivity, and can be unreliable.

It is extremely regrettable that a more coherent, system-wide approach was not developed as part of *Transforming Rehabilitation*. Instead, individual CRC owners invested individually in their own innovative IT systems to support offender management. These developments

were very promising indeed, capable (for example) of generating sophisticated analysis of the potential effectiveness of probation work done in individual cases. Implementation was not straightforward, however, as CRCs wrestled with government data protection and other system requirements, and found themselves wrongfooted.

The Ministry of Justice was to provide an essential link between CRCs and HMPPS systems by the expected date, June 2015. It was not introduced until September 2016. This delay affected CRCs' ability to introduce new IT systems and implement operating models dependent on them. The Ministry of Justice has paid a total of £23.1 million in compensation to 17 CRCs. CRCs have continued to bring legal claims against the Ministry of Justice, relating to the delays and their consequential impact.

By January 2019, only two CRCs were using the gateway link. Seven were still working towards introducing their own systems, and twelve had decided to rely on HMPPS's dated systems rather than introduce their own. This is such a missed opportunity, when the legacy systems available to all have such limited functionality.

I have described earlier the scant provision of the specialist services needed for some individuals under probation supervision, and outlined the procurement difficulties experienced by many. In the current operating model, CRCs decide what to provide, and the costs to the NPS of any service on offer to the NPS locally. This leads to notable variations in the availability of services to match need.

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*A nationwide IT strategy should be developed, with sufficient functionality, including the ability to support one continuous assessment and record for all offenders in prison or under supervision in the community.*

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*A nationwide commissioning strategy for specialist services should be developed. It should provide straightforward guidance on how to commission services, and should strike a proper balance between central and locally commissioned services.*

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## **STAFF RECRUITMENT, DEVELOPMENT AND TRAINING**

There is no coherent, system-wide workforce strategy. The NPS and CRCs compete locally for probation professionals who are, in turn, in short supply. Terms and conditions vary, with CRCs free to decide terms, location by location.

NPS divisional staff are, at times, exasperated by what they see as unresponsive central training and recruitment services, and, indeed, this year's staff survey shows NPS staff discontent with learning and development arrangements, when compared with others in the wider civil service. Arrangements for training and development are allowed to vary across CRCs.

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*A nationwide workforce strategy should be developed.*

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## CONCLUSION

Some of the changes I advocate in this report could be made without any change to the existing delivery model for probation: pre-sentence reports in more cases; a better range of rehabilitative community sentences; intensive and holistic support and supervision for many individuals currently sentenced to short custodial sentences; the timely provision of accommodation and benefits payments; and much more use (and availability) of mental health and other valuable treatment orders. I have also proposed improvements to the contact scheme for victims, and the independent review of SFO cases. I have argued strongly for a code of ethics and an independent regulatory body for the profession.

I have proposed that there should be better governance requirements for probation providers. I advocate more sensitive payment arrangements for probation professionals, consistent measures of staff engagement, and that staff should work in safe, secure and suitable premises that are kept in a reasonable state of repair. These things will be more difficult to be sure of in the existing model, but not impossible by any means.

The government has proposed a next generation of better funded and better structured probation contracts, and the alignment of boundaries between NPS divisions and CRCs. In my view, that will improve matters but it will not be enough.

The probation profession has been diminished, and the skilled work that professionals can deliver has been devalued. The quality of probation work has suffered and it must now improve, to reduce reoffending, protect the public and restore judicial confidence in community sentencing. Probation leaders

are braced to bring about yet more change, as government has indicated, but in my view success is much more likely if probation leaders can bring about change they believe in, and change that respects and values the ethos of the profession.

Leaders must be able to motivate, engage and develop probation professionals to deliver evidence-based and evidence-led services, rather than probation supervision continuing to drift. Promising new approaches should be evaluated routinely, and the best should be made available nationally. Leaders can then be held fully to account for effective delivery and value for money.

Probation work that is integrated, professional and delivered as locally as possible is most likely to turn around the lives of offenders. Probation professionals must be able to exercise their professional judgement in each case and tailor supervision, with access to a range of specialist services to meet individual needs. I argue that a national approach is needed now, rather than the continuation of the current divisive arrangements.

To provide an integrated service, a carefully considered commissioning strategy is needed. Accredited programmes and other valued interventions should be routinely available locally, and accessed readily by all probation professionals, to match need.

A national workforce strategy is needed, to provide engaging training and development for all staff and to make sure that enough probation professionals of the right grade are available nationally and in all locations. A national IT strategy and common systems are needed, to support the continuous assessment of

individuals under probation supervision and the ready transfer of important information. In this way, effective probation supervision is most likely.

A national estates strategy is needed, to bring about a much more strategic national footprint, with probation services delivered as locally as possible. The operating model should support effective delivery in rural and urban locations, and should always put the relationship between the probation professional and the offender centre stage.

**Experience has shown that it is incredibly difficult, if not impossible, to reduce the probation service to a set of contractual requirements and measures, and equally difficult to deliver probation well without a nationwide approach to the essential underpinnings of the service. Significant flaws in the system have become increasingly apparent.**

**It will be virtually impossible to deal with these issues if most probation supervision continues to be provided by different organisations, under contract. I urge the government to consider carefully the future model for probation services, and hope that this report will be of help.**



# ANNEX 1 HMI PROBATION INSPECTIONS AND RESEARCH

January 2017 – March 2019

Date	Type	Title
10/01/2018	Quality & Impact	<a href="#">Quality and Impact inspection: The effectiveness of probation work by the National Probation Service in London</a>
15/01/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to abuse and neglect in Stockton-on-Tees</a>
30/01/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to abuse and neglect in Haringey</a>
09/02/2018	Thematic	<a href="#">Enforcement and Recall</a>
03/03/2018	Quality & Impact	<a href="#">Quality and Impact inspection: The effectiveness of probation work by the London Community Rehabilitation Company</a>
28/03/2018	Thematic - joint	<a href="#">Out-of-court disposal work in youth offending teams</a>
17/04/2018	Thematic	<a href="#">Probation Supply Chains</a>
20/04/2018	CJJI plan	<a href="#">CJJI Business Plan 2018/19 consultation</a>
09/05/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to exploitation, gangs and missing children in Greenwich</a>
09/05/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to child sexual exploitation, children associated with gangs and at risk of exploitation and children missing from home, care or education in Dorset</a>
03/08/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to domestic abuse in Medway</a>
23/08/2018	Youth	<a href="#">An inspection of youth offending services in Derby</a>
06/09/2018	Youth	<a href="#">An inspection of youth offending services in Hampshire</a>
19/09/2018	Research & Analysis Bulletin	<a href="#">The quality of service user assessment (probation services)</a>
20/09/2018	Youth	<a href="#">An inspection of youth offending services in Hertfordshire</a>
21/09/2018	CJJI plan	<a href="#">CJJI business plan 2018/19</a>
25/09/2018	Thematic	<a href="#">Domestic abuse: the work undertaken by Community Rehabilitation Companies (CRCs)</a>
26/09/2018	Probation	<a href="#">An inspection of Merseyside Community Rehabilitation Company (CRC)</a>
27/09/2018	Youth	<a href="#">An inspection of youth offending services in Bristol</a>
09/10/2018	Probation	<a href="#">The quality of public protection work (probation services)</a>
10/10/2018	Probation	<a href="#">An inspection of Essex Community Rehabilitation Company (CRC)</a>

31/10/2018	Probation	<a href="#">An inspection of West Yorkshire Community Rehabilitation Company (CRC)</a>
01/11/2018	Probation	<a href="#">An inspection of South West South Central division of the National Probation Service</a>
01/11/2018	Youth	<a href="#">An inspection of youth offending services in Sandwell</a>
07/11/2018	Probation	<a href="#">An inspection of Northumbria Community Rehabilitation Company (CRC)</a>
09/11/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to sexual abuse in the family in York</a>
13/11/2018	Research & Analysis Bulletin	The voices of young people under supervision (findings from the HMI Probation eSurvey)
14/11/2019	JTAI	<a href="#">Joint targeted area inspection of protecting children from criminal exploitation, human trafficking and modern slavery: an addendum</a>
23/11/2018	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to sexual abuse in the family in Cornwall</a>
28/11/2018	Probation	<a href="#">An inspection of Thames Valley Community Rehabilitation Company</a>
06/12/2018	Youth	<a href="#">An inspection of youth offending services in Essex</a>
07/12/2018	Youth	<a href="#">An inspection of youth offending services in Warwickshire</a>
18/12/2018	Youth	<a href="#">An inspection of youth offending services in Blackpool</a>
18/12/2018	Probation	<a href="#">An inspection of the Midlands Division of the National Probation Service</a>
19/12/2018	Probation	<a href="#">Staffordshire and West Midlands Community Rehabilitation Company</a>
20/12/2018	Youth	<a href="#">An inspection of youth offending services in Barking and Dagenham</a>
15/01/2019	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to sexual abuse in the family in Shropshire</a>
22/01/2019	Research & Analysis Bulletin	The availability and delivery of interventions (probation services)
23/01/2019	Probation	<a href="#">Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company</a>
24/01/2019	Thematic	<a href="#">Management and supervision of men convicted of sexual offences</a>
29/01/2019	JTAI	<a href="#">Joint targeted area inspection of the multi-agency response to sexual abuse in the family in Islington</a>
31/01/2019	Youth	<a href="#">An inspection of youth offending services in Hounslow</a>
01/02/2019	Youth	<a href="#">An inspection of youth offending services in Manchester</a>
13/02/2019	Research – Academic Insights	Reconciling ‘Desistance’ and ‘What Works’ Shadd Maruna & Ruth Mann
15/02/2019	Probation	<a href="#">An inspection of Dorset, Devon and Cornwall Community Rehabilitation Company</a>
21/02/2019	Probation	<a href="#">Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company</a>



22/02/2019	Probation	<a href="#">An inspection of the North West Division of the National Probation Service</a>
06/03/2019	Probation	<a href="#">An inspection of Durham Tees Valley Community Rehabilitation Company</a>
14/03/2019	Youth	An inspection of youth offending services in Wandsworth
27/03/2019	Probation	South Yorkshire Community Rehabilitation Company
28/03/2019	Youth	An inspection of youth offending services in Wrexham
28/03/2019	Youth	An inspection of youth offending services in Western Bay

## GLOSSARY

Accredited programme	A programme of work delivered to offenders in groups or individually through a requirement in a community order or a suspended sentence order, or as part of a custodial sentence or a condition in a prison licence. Accredited programmes are accredited by the Correctional Services Accredited Panel as being effective in reducing the likelihood of reoffending
Allocation	The process by which a decision is made about whether an offender will be supervised by a CRC or the NPS
Approach	The overall way in which something is made to happen; an approach comprises processes and structured actions within a framework of principles and policies
Approved premises	Premises approved under Section 13 of the <i>Offender Management Act 2007</i> , managed either by the NPS or by independent organisations. Approved premises are used as a short-term residence for an offender considered to present a high risk of serious harm, who requires close monitoring and supervision, and support to begin to integrate back into the community
Assessment	The process by which a decision is made about the things that an individual may need to do to reduce the likelihood of them reoffending and/or causing further harm
Assignment	The process by which an offender is linked to a single responsible officer, who will arrange and coordinate all the interventions to be delivered during their sentence
Breach (of an order or licence)	Where an offender fails to comply with the conditions of a court order or licence. Enforcement action may be taken to return the offender to court for additional action or recall them to prison
Cognitive-behavioural programme	These programmes are based on the theory that learning processes play a formative role in the development of addictive or damaging behaviours. They use psychotherapy tools to challenge negative patterns of thought about the individual's self and the world, in order to treat unwanted behaviours. Programmes require active participation and motivation to change, by the individual
Community sentence	Community orders and suspended sentence orders are two types of sentence served wholly in the community. A community order can last up to three years and is a combination of up to five of twelve 'requirements' that make up a community sentence. These include unpaid work, rehabilitative activities, accredited programmes for specific issues such as mental health treatment or substance misuse, curfews, or prohibition from activities. A suspended sentence order is for up to two years, and a person can be sent to prison for the time allocated if they fail to behave acceptably
Court report	This refers to any report prepared for a court to inform sentencing, whether delivered orally or in a written format

CRC	Community Rehabilitation Company: 21 CRCs were set up in June 2014, to manage most offenders who present a low or medium risk of serious harm
Criminal justice system	Involves any or all of the agencies involved in upholding and implementing the law – police, courts, youth offending teams, probation and prisons
Criminogenic needs	The needs, characteristics, traits, problems or issues of an individual that directly relate to the individual's likelihood to reoffend and commit another crime. These are broken down into static needs and dynamic needs. Static factors cannot be addressed by a programme, treatment or therapy – examples are the age at first time of arrest or criminal history. Dynamic factors include antisocial behaviour, lack of literacy/ skills, or other attitudes associated with criminal activity. These can be addressed by therapy, training, education or accredited programmes
Desistance	The cessation of offending or other antisocial behaviour
Empowerment	Giving people the authority or power and/or confidence to make and implement decisions
Enforcement	Action taken by a responsible officer in response to an individual's non-compliance with a community sentence or licence. Enforcement can be punitive or motivational
EQuIP	Excellence and Quality in Process: an NPS web-based national resource, providing consistent information about the processes to be followed in all aspects of the NPS's work. The process mapping is underpinned by quality assurance measures
Education, training and employment	Work to improve an individual's learning, and to increase their employment prospects
HMPPS	Her Majesty's Prison and Probation Service: from 01 April 2017, HMPPS became the single agency responsible for delivering prison and probation services across England and Wales. At the same time, the Ministry of Justice took on responsibility for overall policy direction, setting standards, scrutinising prison performance and commissioning services. These used to fall under the remit of the National Offender Management Service (the agency that has been replaced by HMPPS)
Integrated Offender Management (IoM)	Integrated Offender Management: a cross-agency response to the crime and reoffending threats faced by local communities. The most persistent and problematic offenders are identified and managed jointly by partner agencies working together
IT	Information technology
Licence	This is a period of supervision immediately following release from custody, and is typically implemented after an offender has served half of their sentence. Any breaches to the conditions of the licence can lead to a recall to prison, where the offender could remain in custody for the duration of their original sentence

Lived experience	This refers to an individual's experience of the criminal justice system and/or offending history
MAPPA	Multi-Agency Public Protection Arrangements: where NPS, police, prison and other agencies work together locally to manage offenders who pose a higher risk of harm to others. Level 1 is ordinary agency management, where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This compares with Levels 2 and 3, which require active multi-agency management
Ministry of Justice	The government department with responsibility for the criminal justice system in the United Kingdom
NPS	National Probation Service: a single national service that came into being in June 2014. Its role is to deliver services to courts and to manage specific groups of offenders, including those presenting a high or very high risk of serious harm and those subject to MAPPA in England and Wales
Offender management	A core principle of offender management is that a single practitioner takes responsibility for managing an offender throughout their sentence, whether in custody or the community
Pre-sentence report	This refers to any report prepared for a court, whether delivered orally or in a written format
Providers	Providers deliver a service or input commissioned by and provided under contract to a CRC or the NPS. This includes the staff and services provided under the contract, even when they are integrated or located within a CRC or the NPS
Post-sentence supervision	Introduced by the <i>Offender Rehabilitation Act 2014</i> , the post-sentence supervision is a period of supervision following the end of a licence. Breaches are enforced by the magistrates' court
RAR	Rehabilitation activity requirement: from February 2015, when the <i>Offender Rehabilitation Act 2014</i> was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded
Restorative justice	This practice enables victims to meet or communicate with their offender, to explain the real impact of the crime. In a restorative justice conference, victims have a chance to tell the service user how they have been affected. Service users gain empathy and understanding for those they have harmed, and the opportunity to make amends
SFO	Serious Further Offence: where an individual subject to (or recently subject to) probation commits one of a number of serious offences (such as murder, manslaughter or rape). The CRC and/or NPS must notify HMPPS of any such individual charged with one of these offences. A review is then conducted, with a view to identifying lessons learned

Service user	An individual who is or has been under the supervision of probation services, through a court order after release from custody
Suspended sentence order	A custodial sentence that is suspended and carried out in the community
Stakeholder	A person, group or organisation that has a direct or indirect stake or interest in the organisation because it can either affect the organisation, or be affected by it. Examples of external stakeholders are owners (shareholders), customers, suppliers, partners, government agencies and representatives of the community. Examples of internal stakeholders are people or groups of people within the organisation
Third sector	The third sector includes voluntary and community organisations (registered charities and other organisations, such as associations, self-help groups and community groups), social enterprises, mutuals and cooperatives
Through the Gate	Through the Gate services are designed to help those sentenced to more than one day in prison to settle back into the community on release and receive rehabilitation support so that they can turn their lives around
<i>Transforming Rehabilitation</i>	The government's programme for how offenders are managed in England and Wales from June 2014
Unpaid work	A court can include an unpaid work requirement as part of a community order. Offenders can be required to work for up to 300 hours on community projects under supervision. Since February 2015, unpaid work has been delivered by CRCs

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