

## **NAPO conference speech 9 October 2020 – Justin Russell, Chief Inspector of Probation**

Many thanks to Ian for the invitation to speak to your annual conference again – it's always good to be welcomed back and have the opportunity to talk about the Inspectorate's work.

The world feels a very different place to when I addressed you in Cardiff last year. We've had another major announcement and change of direction from the government on probation reform. There's been a surprise General Election and a sentencing white paper. But of course, overshadowing all of this has been the impact of the Covid-19 pandemic since March.

### **The response to Covid-19**

I'd like to start by paying tribute to all of you for the way you have responded to that challenge. The compassion, professionalism and commitment you've shown to keeping services going and supporting the people you supervise has been inspiring to all of us in the Inspectorate.

My team of inspectors spent June and July conducting 85 interviews and focus groups with staff and managers, across six local probation areas, about the impacts Covid-19 have meant for them. And we talked to 33 service users too.

In general, staff told us that they felt they'd been well supported by their managers and a majority of service-users we spoke to were also positive about the supervision they'd received during lockdown.

While unpaid work and new accredited programme cohorts had to be paused; day to day supervision continued with 80 to 90 percent of it by phone, and an understandable focus on welfare needs and public protection.

We found that work to manage immediate risk of harm had generally been good. And we noted participation at multi-agency meetings like MARAC and MAPPA had actually improved once these became virtual and online.

On the downside, lockdown restrictions had reduced the availability of many of the support services that probation relies on, including mental health and drug and alcohol provision. And while service-users whose personal circumstances were relatively stable before lockdown adjusted well to the new supervisory arrangements, others felt lonely, disconnected and anxious about their futures.

Overall, we were encouraged by our findings, but there are some important lessons to be learned as staff start to deal with significant backlogs of work that have built up and the impact of rising infection rates again. Coming out of lockdown is proving even more challenging than going into it.

### **Trends in probation funding**

The impacts of Covid-19 have come on top of much longer-term challenges around resources.

Between 2003/04 and 2018/19 we estimate that total probation funding per person under probation supervision may have fallen almost 40% in real terms. And although there has been a welcome injection of an additional £150m into probation in this financial year – it's

crucial that this continues, if the deficits of the past are to be made good. There's therefore a lot riding on the coming spending review and the outcomes from that.

### **Transforming rehabilitation.**

Although probation funding and staff numbers were already falling before 2015, the serious flaws in the transforming rehabilitation model made that funding squeeze, in relation to low and medium risk offenders, significantly worse after that date – and worse than it needed to be.

The Lord Chancellor told the Justice Select Committee last year that the MoJ will end up paying CRCs almost £700 million less over the seven-year lifetime of the contracts than it had originally forecast it would (and that the Treasury had been willing to spend). That has meant that some CRCs have fallen far short of what the NPS were getting for each case they supervised, and far short of what they need to provide a decent service.

The results have been clear to see and were soon evident in our inspections after 2015. In our first round of CRC inspections against a new set of quality standards and overall ratings in 2018 and 2019, we rated 20 out of 21 CRCs requires improvement, or in one case, 'inadequate'.

### **CRC caseloads and performance**

At last year's conference, I pointed to a key impact of these funding constraints – the unacceptably large caseloads that some CRC probation officers and PSOs have been carrying and the stresses that has caused them.

In our 2018 and 2019 inspections we found that two thirds of responsible officers had a caseload over 50 and 42% had one over 60 – which we regarded as far too large.

Since September of last year, we've been able to go back and inspect 10 CRCs again – before the pandemic struck in March.

The bad news is that across these 10 CRCs as a whole, the proportion of probation officers and PSOs telling us that they feel their caseload is unmanageable has gone up (the grey bars on this chart), with over 50% of both now telling us this is the case.

Although we also found significant variation between different CRCs – with only a third of probation officers in South Yorkshire, for example, telling us they had unmanageable caseloads these days.

Our inspection data seems to suggest a three-tier probation service has emerged over the past year; with the NPS and some CRCs like South Yorkshire managing to keep investing in staff and in reducing average caseloads, but other CRCs struggling with continuing cuts to budgets and probation officer numbers this year.

This in turn has fed through into performance. Whilst three of the CRCs we previously rated as 'requiring improvement' overall, we now rate as 'good' – and one as very close to 'good' – five other CRCs had shown little improvement in the quality of their case supervision – scoring 'inadequate' against all four of our standards for the quality of case assessment, planning, delivery and review.

### **But some signs of CRC improvement too**

Having said that, there have been some grounds for optimism.

On through the gate provision, for example, the injection of £22m extra resource has made a real difference – leading to extra staff and new contracts with voluntary sector partners to support people after release from prison. Eight out of the ten CRCs we've inspected since last September, we've rated as 'outstanding' for this area of their work.

And unpaid work supervision also continues to be a strength – at least until it had to stop during lockdown – with eight out of ten services now rated as 'good' on this.

Where resources have allowed, the CRCs have also been able to innovate in interesting ways – for example, by operating out of community hubs like community centres or church halls for lower risk routine appointments; by giving service users and ex-users a stronger voice and wider opportunities to volunteer or gain paid employment within the service. And in London and Thames Valley, by investing in a new and more user-friendly case management system.

### **NPS staffing and training**

Although we have only been able to inspect one NPS region over the past year, we have been able to go back over the learning from previous inspections and to undertake a national level inspection of some of the central functions of the NPS at the end of 2019, focusing in particular on staffing and facilities management.

In our 2018 and 2019 inspections we rated all seven NPS regions as requiring improvement on staffing – often because of high vacancy levels and concerns over workloads.

Though PSO numbers have been healthy, there has been an acute shortage of trained probation officers in many areas – with over 650 probation officer vacancies by September 2019. This has led to high workloads and added strains on those staff who are in post, with SPOs also struggling with large line management spans and limited time for professional supervision of casework.

As a result, while caseloads in the NPS are significantly smaller than in the CRCs, the increased complexity and seriousness of these cases has brought its own strains.

The proportion of NPS POs telling us that their caseloads were unmanageable therefore doesn't look that different to the CRC numbers. In five out of seven regions, over half of probation officers felt this was the case when we interviewed them in 2018 and 2019.

### **Signs of improvement in NPS staffing**

Here again however, there are more recent signs of improvement. The most recent workforce statistics show probation officer numbers up nearly 6% in the last year and the number of vacancies down nearly 200 – and I welcome the NPS commitment to have 1,000 new probation officers in training by January of next year.

### **Training**

Whilst we have found that PQiP training is generally well received, many staff tell us that after this initial training there is a lack of ongoing professional development. And when it is provided it can be inaccessible or difficult to find time for. Our national inspection of NPS support functions for example found that a significant number of training places – perhaps as many as 40-50% – were being booked but not taken up.

And our inspection of the NPS NW region, earlier this year, found waiting lists for mandatory safeguarding training and significant vacancies in the national training team.

New ways of working as we adapt to the pandemic provide a welcome opportunity to rethink how training is delivered which I know the NPS are already taking advantage of – which sounds like a welcome innovation.

## **The future**

So, that's the current picture. What does the future look like?

I know that June's announcement of the full unification of probation functions in the NPS from next years was welcomed by many. But further structural reform by itself won't be a magic bullet for the problems we've identified in our inspections over the past five years.

If the probation service is to go through its fourth major reorganisation in not much more than 20 years, then it needs to be one that sticks this time. It has to be backed by extra resources to bring down caseloads, and cope with the extra demands on the service that an extra 20,000 police officers will bring.

It's important not to lose some of the positive innovations that have come from the CRCs despite the resource constraints, and we must avoid going backwards on the welcome progress that has been made on through the gate services as these are transitioned back to the public sector.

Though the new NPS regional directors and their heads of operations are already in post, there are many critical roles still to fill – particularly the heads of service who will lead the 108 local delivery units that will deliver frontline services and be the focus of our new inspection regime.

And thousands of staff, and tens of thousands of case files, need to be safely transferred in the next nine months as people, data, IT systems, vehicles and buildings all move organisation and 21 different operating models merge with the NPS way of doing things.

Doing all of this whilst potentially continuing to deal with Covid-19 and day to day delivery will be extremely challenging and we'll be keeping a careful eye on transition, with a national inspection focused on this at the end of this year.

## **Other Inspectorate priorities**

So that's where the probation service itself is at. What about us as Inspectorate?

Like the service, we had to change our operating model overnight in March. We suspended all inspections at the end of that month and when we restarted at the beginning of June, switched to phone and video calls for our interviews and focus groups and examined case files remotely too.

Though we don't expect to resume on-site, face to face inspections 'til next year, we have nevertheless stayed busy examining national practice around recall and looked at how well recovery planning and delivery is going.

We've also been using the space in our inspection schedule to think about the practical things we can do to disseminate effective practice – to demonstrate what good case supervision looks like when our quality standards are delivered well.

Last month we published an effective practice guide on serious further offence reviews and earlier in the year something similar on integrated offender management. Both drew heavily on the experience of frontline staff and managers around England and Wales, who shared their knowledge and ways of working with us and I'm grateful to all who contributed.

And later in the year, we'll be launching an interactive section on our website providing detailed effective practice advice, based on our many thousands of case inspections, on every aspect of case supervision. Look out for more information on our website.

### **Services for black, Asian and minority people under probation supervision**

In addition to Covid-19, the other big national debate we have all been having this year has been about race, in the wake of the Black Lives Matter demonstrations earlier in the year.

As the Lammy report pointed out in 2017, there is significant racial disproportionality in the criminal justice system – notably in the custodial population as well as in rates of stop and search and arrest. And it seems that black and mixed heritage people may be overrepresented in the probation caseload too.

Every day, probation staff are making important decisions about what to recommend in court reports and sentence plans – or about whether to recall or breach people under their supervision. And it's essential that these decisions are free from bias – rigorously and regularly scrutinised – and that black, Asian and minority ethnic service users access the right support for their needs.

We've been debating these issues in the Inspectorate as well and whether we're doing enough to tackle disproportionality and discrimination. As such we, have committed to further action in these three key areas:

First, making sure that our local inspections are rigorous enough in challenging performance on disproportionality.

Second, a new national thematic inspection of service delivery to black, Asian and minority people under probation supervision and staff.

And thirdly, making sure that our own workforce is properly diverse.

Later this month, we'll be kicking off a national inspection of service delivery by probation services and looking at the experience of BAME staff too: our first since 2004.

We'll be inspecting five CRC and NPS divisions across the country – including in London, the West Midlands and Greater Manchester – looking in detail at 100 cases and 50 pre-sentence reports, talking to staff, and to up to 100 black, Asian and minority ethnic service users too.

### **Shadowing scheme**

And because we want our inspection team to be as diverse as the services we inspect, we are today launching a new shadowing scheme to give black and Asian probation and YOT staff the chance to observe our inspectors in action and find out more about the work – ahead of our next major recruitment round Spring/Summer 2021. More details can be found on the [careers page on our website](#).