

Justice Committee

Oral evidence: [The work of the Criminal Justice Inspectorates](#), HC 224

Tuesday 17 May 2022

Ordered by the House of Commons to be published on 17 May 2022.

[Watch the meeting](#)

Members present: Sir Robert Neill (Chair); Rob Butler; Paul Maynard; Dr Kieran Mullan.

Questions 72-132

Witnesses

I: Andrew Cayley, Chief Inspector of the Crown Prosecution Service, Andy Cooke QPM DL, Chief Inspector of HM Constabulary and Fire & Rescue Services, Justin Russell, Chief Inspector of Probation, HM Inspectorate of Probation, and Charlie Taylor, Chief Inspector of Prisons, HM Inspectorate of Prisons.



Examination of witnesses

Witnesses: Andrew Cayley, Andy Cooke QPM DL, Justin Russell and Charlie Taylor.

Q72 **Chair:** Welcome to this session of the Justice Committee. We welcome four criminal justice inspectors—of whom more shortly. I am delighted to see you all, but first we have to deal with our declarations of interest. I am a non-practising barrister and a former consultant to a law firm. Mr Butler?

Rob Butler: Prior to my election, I was a non-executive director of HMPPS, and before that I was a board member of the Youth Justice Board when Charlie Taylor was our chair.

Chair: Maria Eagle hopes to join us once she has spoken in a debate. She is a non-practising solicitor—I put that on the record for her.

Gentlemen, it is great to see you. Perhaps you would like to introduce yourselves for the record. Shall we start with you, Mr Russell?

Justin Russell: I am Justin Russell, Chief Inspector of Probation.

Andy Cooke: I am Andy Cooke, Chief Inspector of Her Majesty's Constabulary and Fire and Rescue Services, which I am sure is the longest name we have.

Charlie Taylor: I am Charlie Taylor, Chief Inspector of Prisons.

Andrew Cayley: I am Andrew Cayley, Chief Inspector of the Crown Prosecution Service.

Chair: Mr Cooke, this is your first time before us since your appointment, isn't it?

Andy Cooke: It is, yes.

Q73 **Chair:** Congratulations on your appointment. We had very good engagement with Tom Winsor when necessary, and we look forward to working with you, too. I wish you every success in your post. Your colleagues are hardened Justice Committee witnesses.

Perhaps I can go back to the last time we had the four inspectors before us, when you gave us a very helpful report. You have given an update today, which has attracted some attention and is also very useful. To kick off, would anyone like to give us a heads-up as to why you have concluded that the criminal justice system has not recovered from the pandemic—certainly not sufficiently—and is operating at “unacceptable levels”. Could you give us the headline findings that prompt that pretty stark and unequivocal conclusion?

Charlie Taylor: Shall we walk through the process? We can start with Andy, then go to Andrew, Justin and then me.

Chair: By all means, yes. Who is chairing your group now?



HOUSE OF COMMONS

Charlie Taylor: It is me at the moment.

Chair: A lot has fallen on you, Mr Taylor.

Charlie Taylor: It has indeed.

Andy Cooke: They're throwing the new boy into the lion's den first, I think, Chair. If I may, first I will take a couple of minutes to update you on how the police are managing the impact of covid-19.

To remind the Committee, a covid inspection was done in February 2021; it considered the policing response to the pandemic in its first year. We generally found that policing had adapted well despite the unprecedented circumstances of the pandemic. May I take this opportunity to pay tribute to the dedication and professionalism of police officers during that time?

Chair: Indeed.

Andy Cooke: Some major elements of police work—the night-time economy and the policing of many, but not all, large events—came near enough to a complete halt. As we will discuss later, crime levels obviously changed during that time. We reported that police, for the most part, got on with the job during the pandemic. They adapted very quickly to the circumstances. The biggest challenge for policing was the swiftly changing legislation and changing circumstances, which were for the most part time-bound.

Policing generally was able to maintain services during the pandemic, so there was not that much recovery and change required when reverting to established business as usual. As a result, HMICFRS is not going to review the challenges of the pandemic or of the recovery itself. Instead, as I am sure you are all aware, the greatest challenges faced by policing are other issues, some of which have been exacerbated by the pandemic, including a chronic shortage of detectives and its impact on criminal justice; the exceptionally high workloads of some officers; and cases taking longer to get to court.

We have seen a change in the seriousness of offending into some of the more difficult offences to investigate, which take longer throughout. At the moment, policing also has significant issues around culture, vetting and confidence. Those are the key issues that they are looking at coming out of the pandemic approach.

Q74 **Chair:** When your predecessor, Sir Tom Winsor, gave evidence, he emphasised very strongly the intra-operability of the whole system and the knock-on effects of failings in one of the sectors to another. You have talked about detectives and the way that issue will have an effect downstream.

Andy Cooke: No part of the system can work in isolation at all. It is very much about the whole system working well together. Deep testament to that is the fact that I am really proud to be sat here alongside my fellow



HOUSE OF COMMONS

inspectors, taking a system approach to some of the issues faced across the whole system.

Q75 **Chair:** Do you recognise that that is not likely to change as we come out of recovery from the pandemic? It is a systemic reality, isn't it?

Andy Cooke: It is, yes.

Q76 **Chair:** I wonder if you can help me on one specific point before we move on. You talked about the challenges of the ever-changing legislation, which is something that this Committee looked at in one of its reports. Can you give us your assessment of how well prepared police officers are? We debate it in Parliament at great speed and it comes down to a constable, a sergeant or whoever is actually taking the decisions in wholly new territory. How well do you think officers on the ground were prepared by management or liaison with the Crown Prosecution Service, or by us as a legislative system? How much help were they given to understand and get through what were often sensitive issues and to go into territories where they never imagined they would have to go?

Andy Cooke: At the start of the pandemic, we were all learning. At the time I was the chief constable of Merseyside. It was new to us all. Very, very quickly, as policing tends to do, the communication improved dramatically. We saw some high profile issues that perhaps jarred against the rest of the system, but we centralised the approach through Operation Talla and the National Police Chiefs' Council, bringing all 43 chiefs together every couple of days to make sure after the first couple of weeks that everyone was on message, for want of a better phrase. We made sure that communication was disseminated right through the whole organisation. That certainly made a difference, and we saw good communication very quickly, considering the change and the newness of the whole pandemic approach.

There are 43 police forces in the country, and we saw good, similar ways of working throughout. Obviously, chief constables retained their operational independence and discretion to police as they felt was right, but it is fair to say that 99% of chiefs were of the same mind and that the approach should be one of the four Es. Remember the four E approach? I am struggling to remember the four Es myself, to be honest, but it worked very well.

Q77 **Chair:** Some of the publicity around the way in which individual cases were dealt with in particular police forces in certain circumstances—outside exercises and so on—attracted quite a degree of publicity and some criticism. Did you detect if that had any impact on the confidence or morale of officers in dealing with some of these cases?

Andy Cooke: Bear in mind that police officers are just members of the public in uniform. At the start of the pandemic, everyone was terrified. There was a lot of fear about what the consequences were in relation to it, and morale did initially take a bit of a jolt in relation to it. However, as we moved through and that centre team came across, if you were to look at it nationally, the police sickness figures during that time—bear in mind police



HOUSE OF COMMONS

officers were out 24 hours a day on the frontline throughout this, with, at the start, rudimentary PPE, which was improved over the weeks and months—were around 3.5%, which for any organisation at any time is exceptionally good. Real esprit de corps and teamwork came to the fore and there were higher levels of morale. Officers did not always like what they had to do, but the very clear explanations of why they had to do it were certainly understood, and I think the response in general from policing across England and Wales was first class.

Q78 **Chair:** Mr Taylor, who is going to be next?

Charlie Taylor: Andrew is going to be next.

Andrew Cayley: Good afternoon, Committee. I will do this very briefly in less than three minutes, by giving an overview of things.

As you know, we inspect the Crown Prosecution Service principally through our area inspection programme, which inspects all 14 areas of the CPS for what is called casework quality. I will briefly explain what that is in a moment. We have to date completed nine out of 14 inspections; that is a baseline inspection. From that inspection and the recommendations that we make, in 24 months' time we then inspect again against the original report.

What do I mean by casework quality? Code compliance. We select files at random. Was there sufficient evidence to give a realistic prospect of conviction? Was it in the public interest? Were charges properly selected? Was the case properly reviewed by a more senior lawyer? Was disclosure dealt with properly? Were victims and witnesses dealt with properly, and was the PTPH—the pre-trial preparation hearing—dealt with properly? That is the hearing 28 days after a case is sent from the magistrates court to the Crown court for an indictable-only offence. So that's how we assess, and the information I give you now is based on that assessment.

The CPS responded very, very well during the pandemic—there is no doubt about that—and they worked well on a digital platform. That was a finding by my predecessor, not by me.

The next comment is no offence to the police at all, because this was a natural thing to happen, but during the pandemic obviously the police cleared a backlog of a lot of their cases. Naturally, they would with cases that had been sitting around for some time or where there were particular difficulties that the regular rhythm of work didn't allow them to look at carefully. In fact, the work being transmitted from the police to the CPS increased dramatically, in one area by 13.6% and in another by over 30%.

On staffing, as you know the CPS received quite a large amount of money—I can't remember the exact figure; I think it was £80 million—to recruit more staff. If I am wrong about that figure, I will correct it. They have recruited, but it has been more difficult to recruit in some areas than in others, particularly in the south-east. Actually, the CPS has responded very well to that. For example, CPS London now has hubs in other parts of

the country, such as in Leicester, so it has moved work to other CPS areas where it is easier to recruit staff.

In one area we inspected, half of the staff in that CPS area were all new. By new, I mean either new to the CPS completely, new to the role that they were in, or new to the area. That has been a challenge because it was quite hard to train new staff during the pandemic. If you think about the law, most of us who are in the law, either solicitor or barrister, are in a collegiate environment where you can go to somebody to ask for advice about a case. It is much more difficult in a virtual environment, and we are going to look at that in the inspectorate.

The crime rate increased by 14% between October 2020 and September 2021. Looking at the magistrates court and the Crown court, generally speaking the magistrates court backlog has gone down and levelled out after the pandemic. It spiked at the end of last year, but it is certainly going down. The real problem area is the Crown court, where the backlog is 54% higher than it was pre-pandemic. There are a number of reasons for that. Do you want me to go into them, Chair?

Chair: We might come back to that later on, but let's go for the headlines now.

Andrew Cayley: Okay—but that is a problem.

One area where the CPS has done very well is in stress and wellbeing in terms of their staff, which I know is not always regarded as one of the most important things, but a lot of people suffered during that period. I think the entire workforce suffered with people working alone and at home, and the CPS managed that extremely well. The surveys that have been done have come back very positive on the support that staff have felt that they have had for that. However, it is a workforce that is fatigued.

Chair, you want to come back to the backlog in the Crown court, so I won't go into that, but one last thing I would mention is that the CPS have brought in what is called an operational recovery programme that touches on exactly what you were saying, Chair, about being across all the streams of criminal justice. That is one of the areas I am trying to promote within HMCPST. The criminal justice system is not a separate set of silos all working in isolation. If it is going to improve, it has got to work together and the CPS are trying to work across the system, with judges, the police and the court management service, to try to improve things and make things better. I will close there.

Q79 **Chair:** Thank you for that, Mr Cayley. Mr Russell, what about probation?

Justin Russell: Thank you, Chair. As you know, we inspect both probation and youth justice services. We have done that through the pandemic, and we have seen a very different picture between those two services.

To start with probation, they have had a very tough year. They have had the twin challenges of implementing the unification structural reform, at



HOUSE OF COMMONS

the same time as recovering from covid and having to go in and out of the exceptional delivery arrangements that were required by covid lockdown. In spite of some very dedicated staff—like Andy, I pay tribute to the commitment of probation staff—they are still a long way from performing at pre-covid levels. Four out of the six of our recent local probation inspections have been rated inadequate and the quality of the work we are seeing in individual cases is down against all our quality standards.

Although the proportion of cases being seen face to face by probation officers has significantly increased over the past year, which is positive, we are finding on our inspections that those face-to-face interactions are often little more than a brief check-in, with not enough real work being done around offending behaviour. We are finding that 70% to 80% of accredited programme requirements still have not started. Almost a third of unpaid work orders are not being completed within the first 12 months.

Underlying all the impacts of covid are some deeper structural issues that we were finding before the pandemic. We see acute shortages of staff at all grades in some areas, in particular the south-east. For example, in Essex north, in a report we published this morning, we were told that the vacancy rate for senior probation officers and more junior probation service officers was 60% at the beginning of this year. In Kent, Surrey and Sussex—

Q80 Chair: Perhaps we can explore that in a bit more detail: a big issue with staffing and vacancy rates. Anything else on probation?

Justin Russell: In the Kent, Surrey, Sussex region, the overall vacancy rate for probation officers is a quarter. There are significant numbers of new recruits coming, and they have set some ambitious targets for recruitment, but it can take up to three years to recruit, train and settle in a new probation officer. We have to acknowledge that the number of people leaving the service is also going up, so the attrition rate is high.

Q81 Chair: Can we move on to the youth justice side? We will come back to probation.

Justin Russell: Youth justice has again had a challenging year but, interestingly, performance has held up. Two thirds of the YOTs we inspected we rated good or outstanding in the past year, and we have not found any inadequate. Their scores on leadership and management of out-of-court disposals are going up. They have been able to respond much more flexibly. The key issue is that they already had quite small caseloads and the caseloads have got even smaller. That has helped them to keep the standard of service going.

Q82 Chair: That is very helpful, thanks. Mr Taylor, over to you.

Charlie Taylor: I will whizz through very quickly. Our biggest worry at the moment is purposeful activity. Our recent report on Deerbolt really summed it up, with a picture of four workshops in a fairly new prison all completely empty. That is what we see across the board: lots of empty



HOUSE OF COMMONS

workshops and classrooms, and prisoners continuing to be locked in their cells for up to 22 and a half hours a day.

Off the back of that, we have also done a piece of work on teaching of reading in prisons, and there were some very concerning findings there. Prisoners were not being assessed properly, the people teaching prisoners to read did not know how to teach properly, and information was not being shared between different jails.

The second big worry is staffing. We see worries with the pipeline, and with large numbers of staff leaving the service very quickly. There are two types of issue. The first is in places around London, such as Woodhill and Winchester, where it is to do with competition from other jobs. In more remote parts of the country, such as Wayland near Thetford, or Deerbolt in Durham, they are not able to get people in such sparsely populated areas.

Some prisoners are caught in this vicious cycle, where inexperienced staff are managing inexperienced staff, who are getting fed up with things not happening as they should do and are voting with their feet. They are also not used to running a full regime, so things are just not happening in the way that they ought to. Governors are reluctant to open things up.

The only other thing I was going to mention briefly is the quality of leadership. It is nearly a year since we introduced our leadership expectations into prisons. In many ways, it confirms what we know: good leadership makes a real difference. We have seen that in a couple of really difficult to manage jails, Wandsworth and Bedford. In Bedford's case, good leaders have helped the prison to make progress, and in Wandsworth's case, it has helped a very difficult prison to run keep its head above water.

We also see the turnover of leaders is far too high. A recent really good report on Feltham YOI, which has not yet come out, is excellent news. The governor was leaving on the last day of our report. Similarly, in recent inspections that I have done over the past couple of months, the governors at Ranby, Wayland, Brixton and Elmley were all temporarily in post.

There does seem to be a slight difference there between the public and the private sector, where private sector jails seem to keep people in post for longer. Places such as Bronzefield and Parc have very long-established governors; I think Altcourse in Liverpool is similar. My other worry is on the pipeline of leadership. Where is the next generation of really good leaders? What is HMPPS doing to grow good prison officers now and turn them into leaders of the future?

Chair: That is very helpful. Dr Mullan, over to you.

Q83 Dr Mullan: I am going to delve further into that, if you don't mind, Mr Taylor. You characterised the recovery from the pandemic as "slow and inconsistent". You described it quite well there, but why do you think that that is the case?



HOUSE OF COMMONS

Charlie Taylor: It is a number of things. It has partly been that some prisons simply have not had enough staff. Wayland is a cat C training prison that should be getting prisoners into workshops and education, moving them on in their sentence and preparing them, ultimately, for release. They just do not have enough officers to do that. Then you get a prison like Winchester, which is in a wealthy bit of the country. The prison already has lots of difficulties and people simply are not staying there. There is a high turnover of staff and therefore there are not enough people to build up the consistent cadre of officer needed to build up the skillset to get people out.

There is a bit of post-covid torpor, to be frank. Some prisons are just out of the habit of opening up workshops, and education providers are not ramping up as quickly as they should be. I think there are some people who are quite comfortable with high levels of lockdown because at least prisons feel relatively quiet when that is happening. We do know that, as a result of that, 50% of male prisoners and 70% of women prisoners are saying their mental health is suffering. Ultimately, it costs 45 grand a pop to keep someone in prison for a year, and locking someone in their cell for 23 hours a day is not value for money for the taxpayer.

Q84 Dr Mullan: We were on prison visits last week and we certainly did not see activity that reflected prisoners spending 22 hours in their cell, which I think you talked about. Can you give us some sense of how recent your findings are? I get the sense that things are changing rapidly in the prison estate. There are concerning claims, but what proportion of the estate is still like that?

Charlie Taylor: I will give you some examples. The national framework was lifted last week, so the restrictions that were in place ought to improve quite quickly. However, we went to HMP Coldingley just before Christmas. That was a prison at stage 3. There were quite a lot of covid cases when we went round the prison. There was every reason for that governor to have locked down the prison, but prisoners at that jail were out of their cells for seven hours a day.

Similarly, when we were at Brixton recently, and when we did roll checks at Bristol or at Swinfen Hall in the west midlands, we have seen that around 50% of prisoners are locked up when we are doing our roll checks, so there are pretty limited amounts of time in terms of coming out of the cells. Some of the jobs they are doing are the kind of wing-cleaning jobs that keep prisoners busy but do not really build up their skillsets or set them up for when they get released.

Q85 Dr Mullan: Can you give a sense of the proportion of the estate remaining not as it should be?

Charlie Taylor: We have done, I think, seven cat C prisons since the end of last year, and the only one I have been to that feels like it is going quickly in the right direction was Coldingley. All those other prisons—Wayland, Ranby, Brixton, the Mount and Rochester—seemed to have stalled: empty workshops, empty classrooms, three or four prisoners in



them. Somewhere like Brixton is a classic case. They have a brilliant teacher, who is doing drywalling. Drywalling is a job where you could easily earn £200 or £300 a day when you come out. There is a brilliant teacher there. There are four prisoners, I think, in there every day doing that activity, and you have a big population who are just sitting around in their cells.

Q86 Dr Mullan: In terms of how you will inspect, now that there has been this change, how do you approach that? You would probably be even more concerned if that were the case in three or four weeks' time. How will you check that?

Charlie Taylor: Without a doubt, and that has been a slight worry for us. We have raised the bar in terms of our purposeful activity scores. Back during covid, when we first went back last May, prisons were still under quite high levels of lockdown. We cut them a bit of slack in our scoring then, but we have recently raised the bar on purposeful activities for prisons. We have raised our expectations. They should be getting prisoners out. They should be getting on with it and doing what they are set up to do. Prisoners will say to us, "This cat C prison actually feels like a cat B prison at the moment with the levels of time out of cell that we are getting." We have raised the bar. Let's see what happens over the next three or four months, but I think some of those staffing issues I talked about at the beginning will continue to slow things down. There is also the question of the ambition of governors. We know that ambitious governors are making progress, and some governors are not.

Q87 Dr Mullan: You have covered staffing and ambition of governors. Are there any other key reasons we are not seeing the purposeful activity and education?

Charlie Taylor: Some of the education providers aren't ramping up nearly quickly enough either, and some of the partnerships within prisons that are really critical. This is a commissioned-in service by HMPPS. I know that they are looking at how they commission those services in the future. I have always had a worry that governors are neither particularly accountable nor particularly responsible for the quality of education in their prisons. Quite honestly, governors do not lose as much sleep over a poor education rating from our colleagues at Ofsted as they do over equally important things such as security and safety. Some of the education provision is, therefore, not as good as it could be, but it also isn't as ambitious as it could be.

Q88 Dr Mullan: Some of the feedback we have had is that, in some circumstances, giving prison governors more independence and flexibility to make decisions and investment choices would enable them to improve provision in their prisons. Would you agree with that?

Charlie Taylor: When I was headteacher of an academy, I had an incredible amount of freedom. When I came into the prison system, I was amazed by how little autonomy governors have. I know that prisons and schools aren't entirely the same—there are differences—and that you need to have common standards. Nevertheless, there are all kinds of things that



HOUSE OF COMMONS

I would have made a decision on—things such as recruitment, training of staff, the way the timetable was run—over which governors often have very little control. If you give people more autonomy and you back them to do things, you will get a better cadre of leaders. One governor once said to me, “I sometimes feel more like a contract manager than a leader.” If you make the job about contract management, you’ll get people who like doing contract management, not people who like leading prisons.

Q89 Dr Mullan: To summarise your evidence, would you say that staffing is the single most important issue that we need to address?

Charlie Taylor: I think it is the biggest issue that the Prison Service has—the pipeline in and the pipeline out.

Dr Mullan: That is very helpful.

Q90 Paul Maynard: Are you confident, Mr Taylor, that Ofsted has sufficient expertise to judge the quality of education in prisons? Does it focus its own expertise on that area adequately?

Charlie Taylor: Yes. Ofsted has a huge amount of expertise. This is a specific group that do FE inspections, but that also specialise in looking at prison education. Off the back of our joint reading thematic, they are looking at the way that they inspect quality of reading in prisons and how that is being taught. We work and co-operate extremely well with our colleagues at Ofsted.

Q91 Paul Maynard: This is aimed at both you, Mr Taylor, and Mr Russell: you mentioned in your evidence the increased amounts of cell time and decreased access to educational activities, which you intuit will have consequences for rehabilitation and reoffending. What would you expect to see? To what extent will it have a causal relationship with any negative outcome, versus a correlation—if you understand what I’m getting at?

Charlie Taylor: It is difficult to make a distinction between a causal relationship and a correlation. I really worry about the idea that people can go from being locked up in their cells for long periods of time to being out, walking on the street, and make that switch between what they need to do when they are in the community compared to what they do in prison, where they are not getting the opportunity to make any decisions about their lives very often. The risk is that people will leave prisons without having had the chance to get into work or be released on temporary licence and they will just lapse back into their old ways.

Q92 Paul Maynard: Does that mean that we need to tweak the pre-release protocols that have historically been in place?

Charlie Taylor: What is important is making sure that prisoners are productive when they are in prison. We recently went to Spring Hill, which is an open prison, and we were very pleased to see that the prison was beginning to ramp up pretty well; prisoners were getting released on temporary licence, working in the local community and beginning to have a semblance of a normal working day. They are setting their own alarm and getting out of bed in the morning—the sorts of things that are



essential if they are going to be successful when they come out. It is the category C prisons that I am most worried about.

Q93 Paul Maynard: Do you think that would differ in the youth estate, Mr Russell? Would it be more or less acute?

Justin Russell: Charlie's organisation inspects the youth estate as well, but there have been serious concerns around the provision of education in YOIs. I know that Charlie has looked at that in the past year.

Charlie Taylor: Yes, we have, and we have had a number of concerns. We have a couple of jails—such as Feltham, which has made a pretty miraculous improvement, and YOI Parc, in south Wales—that are doing well. But with Cookham Wood, in Kent, and Werrington, just outside Stoke-on-Trent, we have two very worrying reports that we are about to put out quite soon.

Q94 Paul Maynard: To go back to your point about staffing, you mentioned both retention and recruitment. Is retention about conditions or salaries? Where does the balance sit there?

Charlie Taylor: I think there is a bit of both. One of the other issues that the Prison Service needs to take on is that, in the past—I am stereotyping a little bit—the sort of people who became prison officers were perhaps people who had done five or six years in the services, and therefore had quite a lot of life experience and were used to working within an institution. What we are often seeing in prisons now is much younger people coming in—people who are 18 or 19 years of age. Some of them are brilliant and will make brilliant officers, but I think they are going to need a bit more looking after and support than the lance corporal coming in aged 29 after having served in the Army would have done.

Q95 Paul Maynard: Presumably, for those like Wayland, which you mentioned, that have issues around sparsity and density of population, this must have been an historic problem. It has not been provoked by covid, as it were. What more does Government need to do to address this? There is no point just saying to Wayland, "Here is more money to recruit," because they have not got the hinterland to recruit from. What must Government start to do?

Charlie Taylor: Wayland has become what is known as a black site, which means it is at the top level of recruitment concerns, so there is the opportunity for an increased uplift in spending on individual officers. I think what is important first of all is that they recruit people who are going to stick around. I think that sometimes, because they are desperately trying to fill posts, they do not set the bar high enough and people do not understand what the job is. One governor said to me that she had someone who arrived in prison who said that her mother was fed up with her lying around on the sofa and had filled out the application form for her to be a prison officer. Not surprisingly, that person didn't last very long in the job. There is something about the way that the bar is being set, but the responsibility is also on prisons and prison governors to look after



HOUSE OF COMMONS

people when they are there. It is never going to be the best paid job in the world, but prison officers get a huge amount out of it.

I would say one other thing. Under covid restrictions the job has become very boring; it is about opening and unlocking doors and chivvying prisoners into the showers, the exercise yards and then back into their cells so that you can unlock the next group. That means that officers have not been able to do the thing they get the most out of, which is building relationships with prisoners and seeing them begin to make progress. With any luck, with the lift of restrictions at least some of that job satisfaction will come back again. That will, at least in part, help to hold on to retention.

Q96 Rob Butler: Mr Taylor, I would like you to continue a little on the youth secure estate in more detail. I know that the inspection regime is for annual inspections on the youth secure estate, whereas there are longer intervals between—

Charlie Taylor: We have changed it slightly, actually.

Q97 Rob Butler: What is the regime now, rather than the annual inspections?

Charlie Taylor: We used to do a full inspection once every year. We have recently changed it to do a full inspection every other year, and what we call an interim review of progress the year after—with the proviso that if it was terrible, we would turn it into a full inspection.

Q98 Rob Butler: Where has the impetus for that change come from?

Charlie Taylor: I was worried that we were turning up and inspecting the youth estate so often that they were permanently on an inspection footing. I thought, in the end, we were doing quality assurance of prisons, rather than inspecting them. Actually, what governors need is a bit of time and space to begin to really fix things and make progress, rather than having us turn up every year. The other thing is that our inspection cycle became incredibly predictable; once we had done Wetherby it was either going to be Werrington or Cookham Wood. We have managed to reintroduce a bit of unpredictability to our inspections, which I think will help.

Q99 Rob Butler: In terms of the recovery of the youth secure estate, can you talk in a little more detail about what you have found?

Charlie Taylor: There has been such a contrast. First of all, the numbers of children in custody are incredibly low. I think there are around 400 at the moment; when we were at the Youth Justice Board, there were about 1,200 to 1,500—something like that. There has been a huge reduction in the number of children in custody. Some jails have really taken advantage of this. I think Feltham, with low numbers and reasonable numbers of officers, has actually been able to put some really good stuff in place. That is one of the reasons why they have made progress. It also makes me potentially concerned about Feltham when the numbers go up again, as they probably will. Similarly, Parc YOI, which I think has really transformed itself, did an extraordinarily good job during covid and

actually set an example to all the public sector YOIs about what could be achieved. They kept education going and they continued to support kids, who were out of their cells for far longer than we saw anywhere else.

Generally, places like Wetherby are safer than they have been in the past. But the ones that we are worrying about most are Cookham Wood and Werrington. Werrington has high levels of violence and lots of “keep apart” lists, which ultimately is never the way to solve a growing problem. It is a short-term fix that actually tends to make things worse. There is no correlation between “keep apart” lists and low levels of violence. It doesn’t seem to work that way. Particularly in Werrington we are seeing that. In Cookham Wood, there are ongoing issues with violence and a lack of purposeful activity.

Q100 Rob Butler: I think we should take the opportunity to recognise what has changed in Feltham, because it was in really dire straits. You have not published your findings yet, but we have seen an indication of where they are going, and it is quite the remarkable turnaround, isn’t it?

Charlie Taylor: Yes. I don’t want to go into too much detail on an unpublished report, but I think the governor has done a terrific job there. She has moved to another jail, and we hope she will do an equally terrific job there.

Q101 Rob Butler: We visited it only last week. What about the STCs, though? They have been an area of massive concern. I use the plural, but it is singular now, isn’t it? There is just Oakhill, effectively.

Charlie Taylor: Yes, there is. They have been a huge concern. We don’t yet know what is going to be happening with Rainsbrook. That is up in the air at the moment. At Oakhill, we have a research team at the moment, so by the end of next week we will have a better idea of how things are going in that jail.

Q102 Rob Butler: Are you getting any glimmers of optimism?

Charlie Taylor: I wouldn’t want to stick my neck out at the moment with Oakhill.

Q103 Rob Butler: Do you feel that the progress in the youth estate and the adult estate is being made based on your report recommendations? The MOJ has adopted a slightly different approach more recently, hasn’t it, not least with the prison performance support programme? Is that an effective way of addressing the recommendations you have made?

Charlie Taylor: Yes. We are going to move away from making those direct long lists of recommendations that we used to.

Q104 Rob Butler: I want to come on to that, but in the meantime, do you feel over the last year to 18 months, despite the restrictions and restraints of covid, that there has been a greater degree of responsiveness? In the past, there was a real concern that you would produce these great, detailed reports and they would fall into an abyss.



HOUSE OF COMMONS

Charlie Taylor: I think all my predecessors have been enormously frustrated by coming back to the same prison and discovering the same issue again and again, despite having made recommendations about them.

Q105 **Rob Butler:** Do you feel there has been any improvement in that?

Charlie Taylor: I am hoping there will be some movement, and I am hoping there will be movement off the back of the changes we have made as well.

Q106 **Rob Butler:** The changes you have made that you have just alluded to—I don't want to steal your thunder entirely—are essentially to move away from making explicit, detailed recommendations and towards expressing concerns. Can you talk us through your rationale behind that and provide some reassurance that that is not letting HMPPS off the hook?

Charlie Taylor: Absolutely. Back in the day we used to give prisons up to 150 recommendations, and it felt to me like governors simply didn't have the bandwidth to deal with all of that. Peter Clarke reduced it to about 30 or so recommendations. What we still saw were two things. First, there was a bureaucratic dance between the prison, us and HMPPS, where enormously long action plans were produced. I thought the quality of many of those action plans was not good enough and didn't really focus in on the most important things. Secondly, where we made lots of recommendations, there was a temptation to cherry-pick and pick off the lower-hanging fruit to get a few things green on your chart.

We saw that that was absolutely the case. Prisons were getting recommendations from the PPO, us and their own internal mechanisms. Governors had huge spreadsheets of recommendations. I wanted to get to a place where we can leave a prison and, at the beginning of our report, say what needs to change. We will focus in on 15 overall concerns, with up to six priority concerns. We will say, "These are the things that matter most, and these are the things that we will be looking at when we come back."

Q107 **Rob Butler:** What is the difference, then, in practice for a governor and his or her staff between a "concern" and a "recommendation"? Presumably, you've got to test against something that you have put in your report.

Charlie Taylor: To use an example from a prison we visited last week, we will write something like, "There is inadequate support for the most vulnerable prisoners in this jail." Then if you turn to the body of the report, there is a long list of the things we found about the way in which the most vulnerable are being treated in that jail. To some extent, I don't want to prescribe to governors how they should fix the problem. I think prisons are complex places, and governors should understand their prisons better than we do. They should be able to work out what the right fix should be. What we want to do is inspect and, when we come back, see that there is an action plan in place and that progress has been made.



Q108 Rob Butler: But in practice, what is the difference between you expressing a concern that, to use your example, there is inadequate support for vulnerable prisoners and a recommendation that says there should be more support for vulnerable prisoners?

Charlie Taylor: I think that was the problem. You can do two things with a recommendation: either you write something very prescriptive and quite long, or you end up writing something that is simply an inversion of the concern that you found. I think it is simpler for us to do it. It is interesting that other inspectorates—I am thinking of Ofsted for children's services, for example—have moved to that model as well, whereby they said they would come back and inspect the same place, and they might have followed the recommendation, but they had not really made a difference. That was what we found and what my predecessors found as well. It is not as radical a switch as it might sound, and I think that when people understood it better, they realised that this was still going to be a very punchy, direct and in-depth inspection of standards within that prison.

Q109 Rob Butler: I think that is the reassurance that people wanted, so thank you for clarifying that.

I have one final point on prisons. Jonathan Hall QC found that there was a lack of focus on the terrorist risk in prisons. He said there was no strategic oversight and that prisoners convicted of terrorist offences held positions of real influence in prisons. He quoted an example where the terrorist prisoners had their cells cleaned by other prisoners because the terrorist prisoners were held in some kind of "perverse esteem". Do you recognise that situation as the inspectorate? If so, what steps are you taking in response to it?

Charlie Taylor: We have just inspected the separation centres, where extremist prisoners who were seen to be radicalising other prisoners are being held, and we will put out a report in the next month or so on what we found about that.

We do see that going on in prisons, but I think it is important to make the distinction here with inspection, which is a snapshot of what we find. Some of the things that Jonathan described are actually fairly low-level, ongoing things that happen in prisons, and we would not necessarily expect to be able to pick that up when we are visiting a wing for a couple of hours. I would not want to give a false assurance to the Committee that we will be able to do that, and I had a conversation with Jonathan just a couple of weeks ago about the extent to which we can realistically give assurance to you and to Ministers about things such as terrorist activity and radicalisation.

In the end, a very big part of the job of the Ministry of Justice and HMPPS is to do things like monitoring prisoners and making sure that they are being kept an eye on very directly. We will report on security and those sorts of things. We do not always get all the details on security—and we shouldn't, because some of that stuff is very high level and very secretive. But we will never go into the level of detail where—it would be something

that we might do for a thematic piece of work, rather than specifically when we are looking at, for example, a cat C prison.

Q110 Rob Butler: I completely appreciate what you say about the snapshot of being on the wing for a couple of hours, but isn't the danger that, otherwise, HMPPS is marking its own homework? I am not criticising HMPPS, but sometimes you need an external perspective. That is why all of you are in your jobs—to see what is going on. There must need to be some kind of independent monitoring and scrutiny, because this is a real concern. The suggestions that are being made about terrorist influence in prisons are extremely worrying. The police will be really concerned about it, I would imagine—seeing Mr Cooke, a former chief constable, nodding reassures me in that view.

Charlie Taylor: Yes, and we have been looking at separation centres. This is something that I think is better looked at by us as a thematic piece of work, rather than being able to do it directly with every prison that we do. Ultimately, we have a team who can do a certain amount. We get into a lot of detail when we go into prisons, but some of this stuff is under the radar and will require things like surveillance to be able to really get under the skin of it, and that will require a more thematic approach to some of these issues.

Rob Butler: Thank you.

Q111 Chair: Thank you very much; that is very helpful. Mr Cooke, do you have anything to add from the police perspective about Mr Hall's observations?

Andy Cooke: Certainly, there are issues in relation to concerns around terrorist activity within prisons and the best way of dealing with the number of terrorist prisoners—or those accused of terrorism—that we have. That is very closely watched by those within counter-terrorism and others, to ensure that safety is enhanced. But certainly, the expectation—not just from policing but from the public—would be that the highest level of supervision was there.

Q112 Chair: Are you satisfied that the arrangements are there to achieve that?

Andy Cooke: I am.

Q113 Chair: Thank you very much. Mr Cayley, you very helpfully gave us a picture of the current situation in the courts—both Crown and magistrates—and the way the CPS has been coping with that. I must say, having visited the London South area—both the magistrates court team at Bromley and the team at the Inner London Crown court—that I agree with what you said about the real efforts that are being made by people, as well as the pressures they are under.

The Government have announced a number of measures, which they say are intended to deal with this—the £250 million to HMCTS for courts recovery; the £477 million in the spending review for the system as a whole to reduce Crown court backlogs; removing the limit on the number of sitting days in the Crown court; plexiglass being rolled out; video conferencing being enhanced for the CVP; recruitment of more



HOUSE OF COMMONS

magistrates, and so on. Do you assess those as being sufficient to deal with the situation that you have found?

Andrew Cayley: Yes, I do. One of the real problems that exists in the system is that things are not really very joined up, as it were. There are a lot of different factors that affect the speed with which cases move through the system. Those different parts of the system don't always communicate very well with each other. To be concrete about this, if you look at, for example, the beginning of a case in the courts, with the PTPH—the pre-trial preparation hearing—I don't think that those hearings are very effective. Why do I say that? That is the first hearing after a case is sent from the magistrates court into the Crown court—sorry, you know this. You are a barrister yourself; you have done this yourself—you know.

Chair: Those who are watching may not.

Andrew Cayley: Communication between prosecution and defence is often quite poor. Often those hearings take place when, for example, proper disclosure hasn't been carried out. That is the hearing, as you know, where somebody pleads either not guilty or guilty, or partly guilty and partly not guilty to other charges. Oftentimes, the evidence hasn't all been disclosed to the defence, or the defence hasn't filed the defence case statement. They haven't been able to, because they haven't got the evidence. That hearing is oftentimes not very effective in the courts, so cases get put off. That is one concrete example. I think that can be managed better.

As you know, there is no inspectorate for the Courts and Tribunals Service—I raised this last time. We do have a residual discretion to inspect if it is linked to an inspection of the Crown Prosecution Service. I can't recall the last times that we inspected HMCTS. I do think an inspection of HMCTS does need to be done, particularly around listing of cases.

I know it is a very sensitive area. I have visited in the last four months every resident judge in the country, either virtually or in person, and it is a really tough job, listing a case—it is spinning 20 plates in the air at the same time. Can we get all the witnesses in? What is the availability of counsel? I really respect the work that the court staff and the resident judges do, but I think the way it is done does need to be looked at, because it is a bit old-fashioned, frankly, when we live in a digital age. I know there are many moving parts, but that is something that does need to be looked at.

The use of CVP—video conferencing—is inconsistent throughout the country. That needs to be more consistent. I visited the recorder of Sheffield in February or March. He was doing a very effective CVP hearing. There are some courts that use it very effectively, and others that don't. They could make more use of it.

If you ask the CPS—we have asked them very recently—what the reasons for the backlogs are, they will tell you the following. It is the court estate—the availability of courtrooms. It is the availability of judges—the judiciary.



HOUSE OF COMMONS

We know from talking to judges that they need more recorders. There need to be more sitting days. There needs to be more money, and more recorders need to be made available to get through the bulk work in the Crown court.

Another issue is the availability of counsel. During the pandemic, a large number of junior counsel left the criminal Bar, which means that the CPS, which historically would have instructed those people to do the bulk work—not the top-end work, which is still done very well by very good counsel, but the day-to-day work—does not have the counsel to do it. That means that you have more CPS lawyers having to do court work, and fewer counsel in the courtrooms. That is a real issue. I know that more money has gone into legal aid, but it is very hard at the junior end of the criminal Bar and many people have left, which adds to the pressures. Is that sufficient?

Q114 Chair: That gives me a very clear picture—okay, there are measures and it is doable, but with these pressures. The Government have a target of reducing the outstanding case load to 53,000 in the Crown court by March 2025. Given the pressures that you just set out and the issues that we have—more police officers will be recruited over the next few years—is that an achievable target?

Andrew Cayley: Actually, I don't think it is ambitious enough, to be completely frank. If many of the issues were sorted out in the system as a whole—I am not just talking about the CPS—you could decrease the backlog even further. It can be done. If you talk to people working in the system—judges, the CPS, court staff—they will say that it can be done, but it requires a collective effort.

Chair: Be more ambitious.

Andrew Cayley: Yes. I really do think we can do better.

Q115 Chair: Do you think the criminal justice scorecards will help our understanding or the performance?

Andrew Cayley: I have yet to analyse them. People don't like scorecards, but they are a way of seeing how organisations are performing. The problem with scorecards—I am not saying things shouldn't be assessed to see how staff are performing within the CPS, my area of responsibility—is that there are so many factors that impact on performance in particular areas and don't impact on other areas of the CPS. That is what we also find. Each area of the CPS faces unique challenges, which is why performance is different—it is poor in one area and better in another. I hope that answers your question.

Q116 Chair: Yes, I get that. Listing has not been included in the criminal justice scorecards, for all the reasons we just talked about.

Andrew Cayley: No, it hasn't. Again, coming back to that very briefly—I know other people want to speak—I genuinely don't believe it is an area that the judiciary can claim is part of judicial independence and can't be looked at. However, if we do inspect it, we need to be very careful about



HOUSE OF COMMONS

how we go about it. How they do this is extremely challenging for resident judges and their court staff, and to go in like a bull in a china shop is not going to help anybody.

Chair: We need to suspend the sitting for a bit. Let me explain why. Sometimes it happens when we have Divisions. We need a quorum of at least three people, and Mr Maynard has to go for a short but important meeting with a Minister, so I suggest, gentlemen, that we suspend for about 15 minutes. Will that do, Mr Maynard?

Paul Maynard: I will make it as fast as I can.

Chair: As soon as you are back—hopefully Ms Eagle will have joined us—we will resume. Stretch your legs for a bit, and then there will be a few more questions for Mr Cayley and then Mr Russell, and perhaps anything more that Mr Cooke wants to come back on.

Paul Maynard: It will help Mr Cayley, because it is about helping to increase capacity in Blackpool court, so you will benefit.

Sitting suspended.

On resuming—

Q117 **Chair:** We will now resume our session of the Justice Committee. I am grateful to our witnesses for their forbearance. Mr Cayley, I have just a few more questions on the Crown Prosecution Service side of things. One thing that you recommended to us the last time you came along, for your previous report, was the establishment of specialist rape courts. Have you had any response from the Government around that?

Andrew Cayley: No, I haven't, but I believe that, in some areas, there have been some courts set up—certainly talking to resident judges. I can get you that information.

Chair: That would be helpful.

Andrew Cayley: I will get you that information.

Q118 **Chair:** That is very useful. Again, this may not be something that has crossed your radar directly, but I am sure you are aware of it: the increase in the volume of fraud cases. We heard some evidence around the way that fraud is dealt with in the system, and the suggestion was that there might be merit in doing something similar with fraud cases—perhaps a specialist economic crime court of some kind or another. Is that something that, from your inspections, might be meritorious to explore, or not?

Andrew Cayley: The answer is no, we haven't considered it, but I can see the sense in looking at it. Are you suggesting judge-only courts there?

Q119 **Chair:** No, much in the same way as with rape cases, that rather than changing the tribunal—I think that would be a much more significant constitutional thing—the idea is that you sort of brigade the cases in a particular court that might have the facilities and the—



HOUSE OF COMMONS

Andrew Cayley: Yes, certainly, I cannot see any reason why you could not do that. Again, I think one of the points that was made to me about establishing these specialist additional courts is the availability of judiciary. In other words, if you are bringing in recorders, then first, a recorder has to have a rape ticket—they have to be certified and experienced enough to have done that work. Secondly, I think that even in fraud cases you need a certain amount of experience before you can do that sort of work.

I think that the vision of those courts was that they would be staffed by recorders, as well as some judges, actually. I will get you the information, because I know that in one area, there is one of these—I don't want to call it a pop-up court, because that is a bit disrespectful—which was staffed by circuit judges and was working very successfully in the country, but I need to find out where. I will get you that information and sent it to your staff.

Q120 Chair: That would be helpful; we are very grateful. You talked about the high volumes of case load generally. I think your assessment was that, by and large, the CPS was coping pretty well, but you referred to fatigue, and I have had it put to me that there is a degree of burnout, potentially, among some CPS staff. What would your assessment be on the way they are coping with it?

Andrew Cayley: Again—and I think everybody has paid tribute to the organisations that they inspect—the vast majority of people within the CPS have come up to the challenge of the pandemic extremely courageously and effectively, but case loads are very, very high. For example, as I said earlier, there is a programme of welfare, wellness and stress management within the CPS, and it is extremely effective. The feedback from the reports I have seen is that people regard it very positively, but the responsibility for that falls on the same people who are trying to manage casework, so you've got a CPS manager trying to manage a number of people's legal casework and also address these kinds of welfare issues. People only have so many hours in a day.

I anticipate that as we get back to normality, it will get easier, because I think some of the stress and welfare issues will ease as we get back to normal life, with people not trapped at home all the time behind a screen but gradually returning to the office. That programme is being addressed by the CPS very well, but it does take people away from other responsibilities, such as managing case loads.

My final comment—if I may, Chair, and if you do not have any other questions for me—is that where the problem lies with the CPS is not in the very high-level work, such as terrorism and murder. That is done extremely well: it is done extremely well by the police, with first-rate counsel and first-rate CPS people doing it. It is the bulk work in the middle where the quality is uneven. Some of it is done extremely well, and some of it is not, because that is the majority of the cases within the Crown court. It also affects the magistrates court, but not in the same way, because there is less scrutiny of cases in the magistrates court. There is a circuit judge in a Crown court, and the rules of evidence are much more strictly applied within the Crown court than they are within a magistrates



HOUSE OF COMMONS

court. I am not saying that there are lots of cases that are going through the system in the magistrates court that are flawed, but a lot more mistakes are picked up when cases end up in the Crown court.

One last example and then I will be quiet, because I know other people need to speak. One quite interesting thing that was pointed out to me by many resident judges was this offence of assault against emergency workers, which is an either-way offence. It is an offence that can be dealt with under the Police Act—assault on a constable is a summary-only offence that can only be dealt with in the magistrates court—but because this offence of assault against emergency workers was brought in, which covers firemen, ambulance workers and police, and because the policy is to charge people with that offence and it is an either-way offence, many people turn up in the magistrates court and elect for trial in the Crown court.

So you have hundreds of these cases in the Crown court, sometimes for serious matters but often for spitting at a police officer, or maybe smacking a police officer. It is something that needs to be dealt with by the justice system, but it does not need a trial in the Crown court, and often these people are self-representing. Often, they've got mental health issues, and it chokes up the system when you might have something much more serious—such as a rape—to deal with. Every judge that I spoke to made the same comment. Now, of course, they will try any case that comes before them—that is their obligation and their oath—but to me, if things like that were being dealt with in the magistrates court, it would free up a lot of time in the Crown court. Even with the extension of sentencing to 12 months in a magistrates court, people can still elect—

Chair: There are some people electing to go to—

Andrew Cayley: And these cases are a nightmare to manage for judges, because these people are not represented.

Chair: That is a helpful observation. Mr Butler, do you want to come in?

Q121 **Rob Butler:** I had a quick question based on a visit to Aylesbury Crown court in my own constituency. One observation that was shared with me was that it would be a good idea to have an in-house advocate from the CPS in every court, because they actually have the power to make decisions and would save a lot of time. Do you agree with that analysis, and how does that sit with the struggle to recruit people anyway? Would it even be feasible?

Andrew Cayley: That is an excellent point. I have visited, in person or virtually, every Crown court in the country. An observation that judges made to me is that, in some places, the CPS is excellent if a decision needs to be made in court. Counsel from the Bar are instructed in a case, and a fundamental decision needs to be made. Counsel says to the judge, "Your honour, I'm terribly sorry but I need to take instructions from my client, the CPS." Sometimes you can't find anybody within the CPS to make a decision. I heard that on a number of occasions.



HOUSE OF COMMONS

In other instances, judges say it is fantastic—"Mr So-and-So or Ms So-and-So from the CPS are always in court. He or she will make a decision." I don't think it necessarily needs to be an advocate—it can be—but, without a shadow of a doubt, there needs to be somebody from the CPS, in that particular area, in the courts, who can make that kind of decision, so that time is not wasted. I agree 100%. It does happen in many courts and is very effective, but it does not happen in other courts. There does not seem to be any reason for that. It is just inconsistent across the country.

Q122 **Rob Butler:** Presumably, I can infer from that that, if it did happen, it would speed things up, and consequently help with the backlog.

Andrew Cayley: Absolutely. No doubt it would speed things up. Yes, it would add to the decrease in the backlog.

Chair: Thank you, Mr Cayley. Mr Butler, do you wish to carry on?

Rob Butler: Yes, I can. To the CPS? Are you happy for me to go to prosecution?

Chair: And to probation.

Rob Butler: I am anticipating whether Ms Eagle might arrive.

Chair: I think we have covered most of Ms Eagle's points.

Q123 **Rob Butler:** Fine, okay. Mr Russell, you touched on the fact that the probation service was unified in 2021, at the time of the pandemic. You expressed some reservations about how things have gone so far. How well do you think the probation service is operating as a unified model?

Justin Russell: At the point of unification at the end of June last year, I said unification by itself was not a magic bullet for all the underlying problems we found with the service, and that has certainly proved to be the case since. The staff we are talking to do not feel all the problems have been solved. They say that the service seems to be operating in survival mode.

There are three crucial things we are still finding as issues. First, in relation to the assessment and management of risk of harm to the public, potentially posed by people on probation, performance is at an unacceptable level. We are finding 60% of the cases we are looking at are unsatisfactory on that key aspect of practice; 40% of domestic abuse checks are not being done where they think they should. There is an issue around risk of harm that has not gone away and, if anything, is getting worse.

The second issue is around delivery of practical support and interventions to people on probation, where we see courses not started, even by the end of a sentence. Domestic abuse perpetrators with requirements to start a course are still not completing that. At 30% to 40%, commencement is well down on that. The externally commissioned services to provide support around accommodation or education, training or employment



HOUSE OF COMMONS

activities, are again heavily over-subscribed, so we are starting to see some backlogs around that.

The third issue, which I have referred to already, is around the acute staff shortages. The great majority of staff we are speaking to are saying that staff levels are simply not sufficient, and they feel their case loads are unmanageable. That problem has definitely not gone away and, if anything, is getting worse.

Q124 Rob Butler: Have you seen any decrease in staff from the old CRCs, who did not want to join the newly unified service?

Justin Russell: We can't make a direct comparison of total staff numbers now with before unification, because we had no idea of CRC staff numbers. What has become evident, as we have seen the unification of the services, is that there were some big gaps in staffing at all grades. I certainly hear anecdotal evidence that some CRC staff are leaving. Published attrition rates have gone up in the last quarter of last year, and are particularly high in the south-east.

Q125 Rob Butler: When I spoke to CRCs prior to unification, concerns were raised about whether, in the newly unified model, they would have the freedom that they had enjoyed in the CRCs. Examples were about types of flexible working. That was pre-covid times, so that was flexible working that suited where they needed to be for their clients.

There were also things as simple as having an iPad, or similar tablet device, that they could work on while travelling, rather than have to go back to the office to get on a desktop monitor, as they had had to do previously with the former structure of the probation service. There were also concerns that some CRCs had more up-to-date software systems that gave real-time information about offenders, which were not going to migrate into the new unified model because the national probation service didn't have one. Have you been able to assess whether there has been any impact of that move to unification? Have some of the advances that were made in CRCs been lost?

Justin Russell: There are two issues. In terms of the autonomy that service leaders in particular have, because of covid there has been quite rigid control from the centre of what the delivery model should be under these exceptional delivery arrangements. When we have talked to service leaders, they have said that they have found that quite constraining, and that they are looking to acquire more freedoms as things return to normal.

In terms of the systems that the CRCs developed, I have said to this Committee before that there were some rather good case management systems in London, the Thames valley and the KSS regions that have been lost as those staff have had to migrate on to OASys and then Delius, the public sector systems. Some of the CRC staff are struggling to cope with that, as they didn't have long to get to know those systems and that learning still needs to be consolidated.

Q126 Rob Butler: What is the impact of that on the service they can provide



HOUSE OF COMMONS

and on keeping people safe? One of the aspects that I was particularly worried about in the inspectorate review that we were sent is that there were real concerns about public safety.

Justin Russell: Certainly, the scores in relation to the quality of assessments being undertaken by probation staff in some areas of Kent, Surrey and Sussex, and in the east of England, were worrying. In an inspection we published this morning on North Essex, we felt that only a quarter of the cases we looked at were satisfactory, in relation to the assessment and management of the risk of harm. That is a big concern for us. Misallocation of cases can result if you get that risk assessment wrong at the beginning of the process. If you don't do the necessary domestic abuse checks, the public can be at risk. That is still our biggest area of concern in the inspections we are doing.

Q127 Rob Butler: The number of people who have not completed their unpaid work requirements remains incredibly high. Why do you think that is, given that community restrictions have been lifted?

Justin Russell: You are right: there are about 14,000 people who have been given an unpaid work order but have still not completed it within 12 months of the order. That is clearly an impact of the pandemic. In the period between March 2020 and the end of last year, there were eight months when it was literally impossible to deliver unpaid work because of lockdown restrictions on the use of minivans or social distancing requirements around placements. They have removed those restrictions since the beginning of April, but there is a huge backlog of work to get through, and that will take quite a bit of time. They have set a target of increasing delivery to 155% of pre-covid levels by September, but that is already pushing back the original trajectory, and they are quite a long way off that level at the moment.

Q128 Rob Butler: How confident are you that they will reach that target?

Justin Russell: I think more needs to be done. If you look at what they have got in hand, they are recruiting 500 more unpaid work staff. As I said, they have suspended all the restrictions and a wider range of placements has come on stream. Those new staff don't really come on stream until June or July, but from that point you would hope to see quite a significant improvement in productivity and performance. The other thing they need to get right is compliance with unpaid work orders. They have seen a big drop-off in the proportion of people actually attending the sessions they are supposed to be doing. Merely by improving that rate of compliance, you would significantly increase the delivery of unpaid work.

Q129 Rob Butler: On that note, I read, I think only today or yesterday, that in some areas they have invented something that is essentially unpaid working a box. People were sent almost a project that they could complete at home, so they could complete their hours that way. Is that really what the courts intend?

Justin Russell: I think this was an innovation at the time of total lockdown, when it was literally impossible to run outdoor placements for



HOUSE OF COMMONS

unpaid work. Rather than not have any unpaid work happening, the alternative was, as you say, to provide projects that people could do at home. I think the focus now has to be on those outdoor placements—agreements with people like the Forestry Commission or the Canal & River Trust—to get people out and about doing visible community payback.

Q130 Rob Butler: Ultimately, do you think the unified model of probation is going to be an improvement?

Justin Russell: Yes, I think it was the right thing to do. I think people working in the service thought it was the right thing to do, but it will take at least two or three years to get to a steady state and see performance really improve. You need to fill these great staff vacancies, you need to improve the IT systems that they have, and you need to work on a credible set of programmes as well, so it is certainly some way off before we get to that point.

Q131 Rob Butler: You touched briefly earlier also on youth offending teams. I think you described two thirds of them as doing well—not least because the case loads are smaller—which is a great tribute to all the people who work in those youth offending teams up and down the country. Are you concerned that case loads might increase with the move away from lockdowns and restrictions, and also with the increase in police numbers? It is certainly a concern that I have had expressed to me locally, in my own constituency, by the police.

Justin Russell: As crime rates go up, you would expect case loads to increase as well. The interesting thing is the changing balance within case loads. We are seeing fewer and fewer court order cases, and more and more out-of-court diversion work. If police numbers do go up, the likelihood is that it will lead to more out-of-court diversions and community resolution work, which is actually now the majority of the case loads in many of the youth offending services that we are visiting.

Q132 Rob Butler: Are you content that the funding model for those youth offending services properly reflects that shift in emphasis?

Justin Russell: I think you have a combination of Youth Justice Board grants to the YOTs plus local funding coming in. They are actually reasonably well resourced at the moment. As you said, we are seeing very small case loads. It is not unusual to see a case manager with only six or seven cases on their books. If you compare that to a probation officer with 40 or 50, there is a huge gap, so I think there is an issue with where those resources are best targeted. They are quite rich in things such as adolescent mental health services, speech and language facilities, and specialist education workers. Could those workers be made available slightly further up the age range? I would like to see YOTs looking at maybe working with 18 or 19-year-olds, for example. That is something that would be worth exploring.

Rob Butler: You'd be knocking at an open door with me, but I am not the person who makes the decision. I suspect Mr Taylor would like it as well.



HOUSE OF COMMONS

Chair: Many thanks, Mr Butler. Gentlemen, thank you very much for your time. That has been very comprehensive, and we are grateful to you. The session is concluded.