

Justice Select Committee

Oral evidence: [Work of HM Chief Inspector of Probation](#), HC 1176

Tuesday 28 February 2023

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Members present: Sir Robert Neill (Chair); Janet Daby; James Daly; Edward Timpson; Karl Turner.

Questions 1 - 41

Witnesses

I: Justin Russell, HM Chief Inspector, HM Inspectorate of Probation; and Simi O'Neill, Head of Probation Inspection Programme, HM Inspectorate of Probation.

Examination of witnesses

Witnesses: Justin Russell and Simi O'Neill.

Q1 **Chair:** I welcome our second panel of witnesses from HMIP and the inspectorate. I ask them to introduce themselves.

Justin Russell: I am the chief inspector, HM Inspectorate of Probation

Simi O'Neill: I am head of the probation inspection programme for the inspectorate.

Q2 **Chair:** Thank you very much for helping us today. We wanted to look at the current status of the probation service. Mr Russell, we are grateful for the reports that you and your team have produced throughout the year.

There has been quite a lot of media and public attention about probation in recent months. What is your overall assessment of the current state of the service?

Justin Russell: I think there are many challenges for the service at the moment. If you think about it, we are 20 months on from unification of probation; we are nearly a year on from lifting the full covid restrictions, but the service is very far from operating on a business-as-usual basis.

The issues a year ago may have been about covid; they are now about chronic staffing shortages, and that is making it very difficult for the service in some areas to operate. Many parts of the country, particularly London and the south-east, are operating under what they call a red prioritisation framework, which means many routine things are not being done within the service.

We are seeing that feeding through into our inspection findings. In 10 of the 19 local inspection reports we have published we rate services as inadequate, which is very concerning. We are not seeing the quality of work being done in relation to sentence management that we would like to see.

Q3 **Chair:** Is there anything that underpins that chronic staff shortage? Is it pay levels? Is it the nature of the job? Are you able to identify that?

Justin Russell: There has been an uplifting of the target number of staffing that the service requires. Having implemented a new target operating model, they have done some bottom-up modelling of how many staff are needed to deliver manageable case loads and raised their target by 1,000 last summer, but they are still about 1,800 probation officers short and we are not seeing the numbers coming in.

There are good signs in the recruitment of trainees. Nearly 2,000 probation officers are being trained at the moment. They will start to come on stream as qualified officers in the next year or two and I hope that will make a real difference.



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Q4 Chair: Do those shortages and the scrutiny that has been going on have any impact on morale? Ms O'Neill, do you want to help us on that?

Simi O'Neill: Our inspection teams are out most weeks of the year. I join our teams and we talk to various staff across the inspected organisations at all grades. Staff want to deliver a good service. They are motivated and dedicated to doing the job. They face these challenges.

We talk to them and people on probation as well. People on probation are positive about their experience in general. Staff do talk about resourcing and their workloads and the impact they have on their morale, wellbeing, stress levels and ability to deliver a good service. It is imperative that there are the right staff in the right place to enable them to deliver a good-quality service. They will achieve good-quality public protection if they have the right support available.

Q5 Chair: Mr Russell, when your team, including Ms O'Neill, did the inspection of south Tyneside, Gateshead and so on back in December 2022, there was a reference in the report to green shoots of hope. Is that still the case? What caused the green shoots of hope, given the other problems you have told us about?

Justin Russell: There were some green shoots in the north-east probation region. We inspected two local delivery units out of seven, and Gateshead and south Tyneside received an overall score of good. We found some excellent partnerships with the police. Staff told us that their workloads were more manageable. The north-east is one of only two regions in the whole of the country where the average workload for staff is at 100% or less of what the target should be.

That was feeding through into better-quality sentence management in Gateshead. On three out of five of our quality standards, we rated them as good or outstanding, with particularly impressive work on their court reports, where they were doing a good job on the police checks that we expect. For instance, they had a strong and stable team of middle managers who were providing good oversight of staff.

All the building blocks for good sentence management were in place in Gateshead, and it shows what can be done if you have those manageable case loads.

Q6 Chair: Does the service have a sufficient means of rolling out that good practice and making it known and adopted elsewhere?

Justin Russell: We publish our local inspection reports and effective practice guides on key aspects of probation provision. There is an effective practice team within HMPPS itself that spreads guidance and good practice. People do have good access to what good looks like, and we are able to provide help with that as well, but you need the resources and manageable case loads to be able to deliver that, and you need effective management oversight as well.



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Q7 Chair: One other area that has particularly attracted some publicity and concern is the number of serious sexual violence offences committed by people under probation supervision. How worried should the public be about serious further offences?

Justin Russell: There are approximately 500 serious further offences, both sexual and violent, committed by people on probation each year. The number fluctuates up and down and it is difficult to see a long-term trend. There was a small increase last year, but it is still less than it was four or five years ago.

Having said that, I think the public are right to be worried about the quality of risk assessment and management of risk in the service that we are finding on our local inspections. Since unification, we have inspected about 1,000 cases across the country, and about two thirds are not sufficient in terms of the quality of risk assessment being done.

We consistently find some key things being missed. Checks with the police in relation to domestic abuse risks are not happening in getting on for 60% of court reports. We find that safeguarding checks for children's services where someone on probation has access to children are not happening, and getting on for 40% of home visits are not happening as much as we would like to see. We are consistently seeing these same things crop up in the cases we are inspecting.

That is a concern. If you get the assessment wrong at the beginning of the process, as we showed in our reviews of the Bendall and McSweeney cases, that error continues right the way through the case in planning and delivery of interventions.

Q8 Chair: Are these operational failings or are they things that the Government should be doing as a matter of policy to reduce the risk of SSOs? I know that it is only about 0.5% of total case load, but, as you say, it is concerning in the areas where it does happen.

Justin Russell: It is, and we made a wide range of recommendations in our recent SFO reports. There were 27 different recommendations coming out of the Bendall and McSweeney reports. The Government have accepted all of those. There has been some important progress over the past year. For example, they have introduced mandatory domestic abuse checks by the police before somebody can be given a curfew order by a court. It has become mandatory to ask the householder whether they are willing to have someone curfewed to their house before a curfew order is given.

There have been improvements to the way child safeguarding is addressed and the assessment process as well, so we are seeing some improvements. Staff are being recruited to have direct access to police systems as well.



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I am seeing signs that the right things are being done at national level. The Government are listening to our recommendations. What we are not seeing is that coming through in our local probation assessments.

Q9 Chair: Are you able to help us as to why that is, Ms O'Neill?

Simi O'Neill: We now conduct some quality assurance of the SSO reviews that are conducted by the regions. That gives independent oversight. We look at 20% overall. We have looked at about 137 since we started in April 2021 and rated up to 40% as inadequate or requiring improvement.

What we found in terms of learning for the probation service is that a number of those did not identify the correct level of learning necessary to drive the improvements required, which meant that when they were developing and creating their action plans some of the learning was missing or not included within the plans.

We often find that the review is an internal one. They do not always include a multi-agency approach looking at other agencies that have been involved in the case.

As an inspectorate, we are developing our multi-agency learning panels and working with two regions to bring in other partners to look at multi-agency learning rather than just individual learning for agencies.

In addition, the reviews themselves tend to focus internally on individuals. What was the individual involved with in that case? There is a much wider systemic learning opportunity that can drive national learning when something has gone wrong, particularly in these really horrific cases.

As Justin mentioned, they have taken on board the recommendations we have made in the two independent reviews we have recently published. In addition, they have made changes to case assessment tools being used by the probation service to have a much deeper focus on child safeguarding and the impact on children of certain behaviours and circumstances, which is positive to see.

Justin Russell: If I may mention a couple more recommendations we made in our annual report on the SFO reviews, one is that we think there would be value in having the internal reviews done by a different region in the country. At the moment, a region investigates its own SFOs.

Q10 Chair: They are marking their own homework.

Justin Russell: We also query whether there would be benefit in having a higher grade of probation staff undertaking the reviews. At the moment they are senior probation officers and they do a good job, but it can be difficult for them to challenge their senior leaders if the issue at stake is a point of broader management practice.



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- Q11 Chair:** Is there anything about the speed with which these recommendations are taken up and implemented? Ms O'Neill talked about the learning and other things that had been found. Sometimes we have found that with other inspectorates, it takes time for them to be acted upon. What is the situation in probation?

Justin Russell: My experience with our high-profile SFO reviews—the ones we have undertaken ourselves—is that the action plans are produced very quickly and action is taken. Certainly, with the Bendall review, within two or three months of my reporting to Dominic Raab at the beginning of last year on that review, they had brought in these mandatory checks around curfew orders, which was encouraging to see. We are actively recruiting extra staff to do the police checks and all the rest of it.

The worrying thing is that there are 400 or 500 of these reviews every year, but we are still finding some of these mistakes in our local inspections. Whether that learning is being adopted in frontline practice is something I query.

- Q12 Edward Timpson:** Can I take us back to case loads? You mentioned that part of the one good inspection rating you were able to give out of 19 inspections in south Tyneside and Gateshead was their ability to manage case loads. We know this is a problem with lots of other frontline services across the public sector. When I was Children's Minister, we found that with children's social workers.

One of the ways to try to deal with that, which was successful when it was tried in Hackney—I suspect I am now going back about 15 years—was the reclaimed social work model. Rather than having a specific number of cases per practitioner—within those cases there might be one that is simpler, one that is more complex, one that requires more time face to face or one that may require the involvement of more people and other professionals—they had an administrator or someone who could help them with a lot of the paperwork, desk work and pressing of buttons on the computer to enable them to do much more of that frontline casework. It provided them with the back-up that freed them up so they could manage their case load better.

Have you seen that in the probation service, particularly in places like Gateshead and south Tyneside, or is it yet to permeate through the probation service as a way of managing case workloads?

Justin Russell: There are certainly case administrators who help with some of the routine admin work around probation. Some of the CRCs experimented with central administrative hubs that could take on some of that routine work—for example, around breach proceedings and appointment letters. I think that is continuing in some parts of the country.

In general, we are seeing case loads, certainly for probation officers, perhaps coming down a bit since unification. The latest figures I have



show that only 12% of probation officers we interviewed said that they had more than 50 cases on their books. That sounds like a big amount, but it is a reduction from what it was in the TR years.

When we got our research team to look at the optimal case load size, we found that once case loads get above 50 the quality of work starts to decline quite significantly. It is probably significant that if you look at youth offending services, which we also inspect, there are much lower case loads. Typically, a case manager in a YOT may have only fewer than 10 cases to supervise, so they are seeing a lot more of them. There is a much more intensive set of actions around them and our scores are much better in the quality of work we see being done. There is a definite correlation between case load size and quality, as measured through our standards.

Simi, do you want to say something about administrative support and whether that can help?

Simi O'Neill: The arrangements across the regions are different; they are inconsistent. The administrative grade is faced with vacancies and recruitment issues.

We have seen some good examples of a pod or team system that has been developed. The administrator is absolutely integral to that team, enabling it to do some of the key tasks. That is a supportive role, whether it is a qualified probation officer or probation services officer. Together, they work as a team to support each other.

Until they have the right staff in place, it is difficult to see the effectiveness of those models and the intent in terms of how they support each other.

Q13 **Edward Timpson:** On geographical variation, 10 of the 19 areas inspected were found to be inadequate, which suggests that higher case loads are a factor. We know that in Swindon, following the HMIPS review of the Damien Bendall case, high workloads and staff shortages, funnily enough, were contributory factors. Similarly, in Leicester, Leicestershire and Rutland PDU excessive case loads have taken a toll on the organisation.

The term “not manageable” in terms of case loads was relevant in nearly two thirds of practitioners in those areas. Are there particular geographical areas of the country you are concerned about, and what can you in your respective roles do to help inject some positive change?

Justin Russell: We are finding a wide variation, not just between regions but within regions, in case load, workload and perceptions of manageability. London remains the area where case loads are biggest, so the official HMPPS workload management tool figures are well above 120% of what the target should be. When we interviewed staff in London, only 25% said that their workloads were manageable, and it was even



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less in areas like Hammersmith and Fulham, which had our lowest ratings.

In other parts of London—for example, Newham—there are much lower levels of vacancies and not the same issues around staffing.

One of the interesting things we are seeing is that even though case loads are coming down for probation officers, a majority of them still say that they perceive their workload is unmanageable. That can be because of the mixture and complexity of the cases they are dealing with, the stresses of covid and all that that implied, so it is not necessarily the case that you reduce stress just by getting the crude case load down; you also need to think about the range of work that people are being asked to do.

- Q14 **Edward Timpson:** I accept the point that within regions you will have huge variations, but are there any areas where there is a particularly consistent problem and it is proving difficult to engender any improvement?

Simi O'Neill: The probation service has introduced the prioritisation framework to manage or redress the resourcing and workload issues that exist. If there are those issues, a probation delivery unit will be rated red, amber or green. We have found a correlation with our inspection findings, in that if a PDU is rated red its findings are fairly consistent in terms of what we find. When you see in a geographical map where the reds and ambers are, you are likely to see where the main struggles are with staff, the impact and high workloads as well.

- Q15 **Janet Daby:** In relation to the case of Jordan McSweeney, why was recall to custody not considered by probation staff on 20 June 2022 following his second failure to attend an appointment with the probation service?

Justin Russell: Two key things happened in the Jordan McSweeney case in relation to recall. The first was that action was not taken after the second failure to attend. He was allowed to have a third appointment on the Wednesday after that, which again he failed to attend, while the service awaited information from the police as to his whereabouts and whether they had intelligence on him.

The second key thing that went wrong was the delay. Once it had been decided to go for the recall, there was then a delay in actioning that. It should have taken 24 hours to sign off, but it took 48 hours.

- Q16 **Janet Daby:** Why did that happen? Why was that delayed? Why did all of that take place?

Justin Russell: I think part of it goes back to the original risk allocation given to McSweeney. In our view, he clearly should have been a high-risk rather than a medium-risk case given his history of violence in prison, the nature of his previous offending and things like the restraining order against him.



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Had he been correctly assessed as high risk, there would have been more controls in place around him. He probably would have been in approved premises. We feel there were opportunities to use a GPS tag with him, and there would have been greater urgency. It is very unlikely that he would have missed a second appointment, or even a first, if he had been considered high risk, and recall would have kicked in much sooner.

There was a failure to get that risk level right in the first place, which allowed that flexibility and wiggle room around a missed second appointment.

There were also issues around the workload of the middle manager supervising the practitioner. There were two different senior probation officers involved. The actual line manager for the probation officer was not kept in the loop around the fact that he was failing to attend and was not properly consulted about whether a recall should be initiated, and then was not told about it until the Wednesday after the third appointment.

A series of things went wrong. Had they gone right, there would have been more time potentially for the police to have actioned the revocation of the licence and track down McSweeney, and that time would have been maximised to track him down and recall him to custody.

Q17 Janet Daby: In terms of that serious further offence being so wrong, how confident can the public be that this type of situation will not happen again?

Justin Russell: We make 10 recommendations in our report for improvements. I spoke to the chief probation officer earlier today to check on progress against those recommendations. She has commissioned an urgent review of the guidance around risk of serious harm to try to avoid the situation where the wrong risk level is assigned. They are putting in place a digital tool that will automatically flag if there is a danger of the 24-hour period being missed for recall and are planning to roll it out nationally from May.

The other thing is much better arrangements for quality assuring the decisions that are made about risk—regular dip sampling of cases—and checking that frontline probation officers are getting those judgments right when they assess a case.

Q18 Janet Daby: What are the barriers to the 24-hour recall target being met, and what needs to be done to overcome them? You spoke about the chronic staff shortages. You spoke about many issues to do with staffing.

Justin Russell: There is not actually any published data on what proportion of recalls happen within 24 hours. Speaking to probation leaders, I am told that the great majority of them are delivered in 24 hours. It is very much the exception rather than the rule if that does not happen in 24 hours. Putting a rigorous tracking system in place that will



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flag where there is a danger of that happening will remove the barrier of having to keep track of what is actually quite a complicated process.

It is about senior probation officer workloads as well. Senior probation officers are having to juggle the line management of a large team as well as keep tracking of various administrative processes. The headspace to be on top of recalls can be reduced.

If you look at the SPO involved in the Jordan McSweeney case, at the time that it happened I think that six of their staff were off on leave. They were having to cover for one of their own probation officers and manage their case load directly, and they told us that they felt very overloaded at the point that the email came through asking them to manage the recall.

Q19 Janet Daby: You think the barriers have been significantly reduced to doing that 24-hour recall target.

Justin Russell: It is a very high priority for them to get that target right. The digital tools certainly help to prompt people when action needs to be taken.

Simi O'Neill: On top of what Justin said, there are measures that they are putting in place. With the continued struggles in the staffing workload, when a recall is being considered it is usually because their harm cannot be managed in the community. Quick action needs to be taken to complete the paperwork, make sure managers are around to endorse and sign the paperwork, and have it submitted.

It is that time pressure of being able to make sure everything can be done correctly. It has to be done accurately because it goes through a quality assurance process, so there is no time for error. With the resourcing challenges at the moment, the SPO workload and span of control are potential barriers, but they are things that we are identifying and making recommendations that they need to be improved.

Justin Russell: The other point is about what happens after the formal recall, which is when the police have to track the person down and bring them back into custody.

McSweeney was released without any known address, he was not on a tag and he was not in a probation hostel, so it was quite difficult to find him. We have an issue with people being released from custody without stable accommodation and sometimes rough sleeping. Tracking them down can be an issue. When we looked at recall a couple of years ago, in a third of the cases the reason why they were being recalled was that probation officers had lost track of them.

Q20 Janet Daby: What is the percentage of prisoners who are released from prison without an address, a permanent place of abode or a temporary place of abode?



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Justin Russell: We have started to look at these outcomes when we do our inspections, and we have found that something like 8% of cases were released homeless. The proportion being released without permanent stable accommodation is between 25% and 30%, so it is a significant number, and it is higher in some parts of the country.

Q21 **Janet Daby:** That has a knock-on effect on your role of knowing where they are and keeping tabs on them.

Justin Russell: Yes. When we did our thematic review of accommodation for people coming out of prison, we were particularly concerned that there were high-risk offenders being released street homeless.

Part of the answer to that is making sure there are enough approved premises places. I know the service is trying to bring on stream some more places, and new approved premises have been opening in recent months. It is a key issue that needs to be solved.

Q22 **Janet Daby:** It sounds like a very serious issue. If they are being released and they have nowhere to live, yet they are tagged or they need to report to their probation officers or probation officers need to know where they are, there are serious failings going on there.

Justin Russell: Exactly, yes. If someone is released to be homeless, you have to ask them to report to a police station every day—

Janet Daby: Thank you very much. You have made your point.

Q23 **James Daly:** I have to agree with Ms Daby; it is an incredibly important issue. How you have answered those questions raises further questions.

I have sat on this Committee and on the Home Affairs Committee for a number of years. There are clearly very serious individual cases—I do not know how you assess this—where you or other individuals are asked to assess the conduct of the probation service and other agencies when something happens, and the individual circumstances will speak for themselves.

What I am concerned about is the nature of recall and how people are being recalled, and the relationship of that to risk to people in the community. Going back to Ms Daby's point, if you are released and you are homeless and you do not report to a police station, although you are required to do it seven days a week, there is no link between that and the fact that you are potentially going to commit a criminal offence, as far as I can see, unless there is some further evidence. Can you tell us more about whether the probation service is getting the balance right and measuring risk as compared to the breaches of conditions that are happening?

Justin Russell: On the specific issue of recall, we did a detailed look at recall policy and practice a couple of years ago in the wake of the Joseph McCann case, where this had been a big issue. We found at that point



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that, in general, probation staff were making the right judgments and were prioritising public protection in their recall practice. There had been a dip in 2016-17 when the recall rate fell. We felt it had fallen too low, but it was increasing again. The data seems to suggest that recalls have been increasing again over the past year, so there are some signs of that improving.

As I said, the critical thing is to get those risk assessments right at the beginning when you are doing the court case and the initial assessment so that the right controls are put in place around that person on probation. When we look at a case, we assess whether we think—

Q24 James Daly: I understand the point you are making. The issue of risk is so important because there are people in prison at this moment in time who may well have breached a curfew or anything else such as that, and I am sure those things have been put in place. There is no evidence that those people have committed a criminal offence or pose a risk. I just wonder whether it is the individual judgment of the officer in the case.

Would you agree that surely there should be some evidence that this person, while in the community, is going to do something that is going to cause harm to people? We should not be locking people up just because they cannot abide by conditions that are put on people in very difficult, challenging circumstances, many with mental health problems and other challenges in their lives. The prisons are full of people like that.

Justin Russell: I agree. When we did our study of recall, we found that a major reason for people being recalled was not that they had reoffended; it was for a breach of licence conditions of exactly the sort that you talk about—because people did not have accommodation and because their substance abuse problem was not being dealt with.

In other inspections that we have done, we have shown a lack of treatment for drug abuse problems and we have shown very poor provision around mental health, particularly for people leaving prison. Those things certainly need to be addressed if you are going to reduce recall rates.

Q25 James Daly: Every serious offence and every serious crime that is committed has a family, has an individual and has people whom it has affected, and they must always be at the forefront of our minds. How those matters are dealt with is extremely important.

It is a mixture of things. It is the way that the press report matters and the way politicians talk about serious offending. It has encouraged a risk-averse practice within the probation service. On a human level, I do not blame them. Nobody wants to be blamed.

We are talking about, "I was the person who recommended that X was let out, and that led to some horrible circumstances." In my view, because of that risk-averse practice which is permeating all parts of the probation service, the probation service is recommending, especially when people



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are being released from prison, wholly inappropriate conditions. People are addressing issues that do not exist because they want to be seen to be tough and to be blame-free if something happens. Is there some truth in what I am saying? Do you see that in your inspections?

Simi O'Neill: I am not going to say there is truth in what you are saying, because I do not think we have any evidence to say that that is actually happening. The critical point is the absolute need to make sure that practitioners are fully equipped and fully trained in the job that they are doing. More critical is that there are managers who are overseeing the work and the quality assurance that is needed to confirm that the right decisions are being made.

Although we have found in some cases that there has been an underestimation of risk, we are not suggesting that the probation service should increase everybody's risk. It is about making sure the right information has been correctly analysed and what that means for an individual. If they have not turned up for appointments and they are on a licence but there is an alternative, it is appropriate and it keeps the public safe, that is right to do if there is a defensible decision behind it.

I do not think we are necessarily seeing in our inspections that activity taking place, but we would really recommend and encourage a wider look at individuals on an individual basis—what information is available and what that means in terms of keeping the public safe.

Q26 **James Daly:** In relation to what we have been talking about, what are your concerns, or perhaps there are no concerns, regarding—forgive me if I get this wrong—how the OMiC system is operating in practice?

Justin Russell: OMiC stands for Offender Management in Custody, which was the new structures that were put in place to manage resettlement. They initially started being rolled out in April 2018 but were then severely impacted by covid, which meant that many probation officers were brought back out of prisons during the lockdown period. It meant that the key worker system for prison officers was not in operation during the pandemic period.

It is now back up and running, but we found significant issues with the way it is operating. It is not very well understood by staff or by prisoners, and it is not delivering very good results.

When we looked at the quality of pre-release work that was being done with prisoners—and we looked at 100 cases—in less than half of them was proper provision being put in place for their drug misuse, their mental health or their employment needs. It was slightly better on accommodation, but there were still a third of prisoners being released where there had not been proper work done around their accommodation. The handover between the probation staff in prison to the probation staff in the community was, we felt, inadequate in about 60% of the cases.



Q27 **James Daly:** What is the answer to that?

Justin Russell: Better communication. A huge lesson coming out of our serious further offence reviews was that there is no communication going on within prisons between key worker staff and probation staff or between prison security teams and probation, and there is inadequate information being exchanged between prisons and probation in relation to things like risks or needs.

There have to be better systems for exchanging that information, and I understand that there is a new system being put in place to do that.

A real focus on that transition as people come out of prison is making sure that they have accommodation sorted out, that their drug problem is being dealt with and that they are being linked up with a GP and mental health services.

Q28 **James Daly:** The shortfall in probation officers in post as of December 2022 was 29%. That was up from a shortfall of 13.4% in 2021. We clearly need more qualified probation officers to address these issues. Why are people not coming in and taking up those roles? The roles are there. The vacancies are there to do it.

Mr Turner, Mr Timpson, the Chair and I all practised many years ago in the criminal courts. The probation officers I met were some of the best people I have ever come across. They were kind, caring, embedded in their local communities and committed to criminal justice and to better outcomes for people. I am sure that must be the reason people go into it.

We have a lot of people who share that vision for their local area. We have a lot of people who want to help people and want to be able to have a career that covers all those things. Why are we not encouraging them into the profession?

Justin Russell: The probation service is. There is quite a healthy recruitment pipeline at the moment. It has set itself a target of 1,500 new trainee probation officers each year. It is on track to meet that this year, and it met it last year. There are 2,000 trainee probation officers in the pipeline at the moment who will become qualified officers shortly. It is recruiting more administration staff and probation services officers, PSOs, as well. I do not think the issue is attracting people into the service; there are people willing to join.

There is a big issue about retaining people in the service, and there are signs that it is the more experienced probation officers who are leaving. The big group who are leaving are people with five to nine years' experience, who are resigning and going to do something else big. There is a big jump in that number, which is very concerning.

The priority at the moment is not necessarily recruitment; it is retaining the good, experienced people you have, who can then mentor the new trainees who are coming through the door.



Q29 James Daly: Is that down to pay? I would not say the sector has been devalued exactly, but the changes that have happened and the way probation is delivered have had an impact on people who have been in the service for a long time. Is it a mixture of the two, or do we need to be looking at pay as a way of encouraging people to stay in the sector?

Justin Russell: The probation service has looked at pay. It is in the first year of a three-year pay deal that was agreed by union members last year, which will raise the top of the probation officer band by nearly £5,000 and give increases to probation services officers.

I think the reason is actually more about stress and burnout and people feeling they just cannot cope with the job any more. If you look at the sickness figures, it is now up to nearly 15 days on average lost each year for each probation officer. It is 17 days in London. That is quite a significant increase over the last three years. Half of the days that are lost within probation through sickness are because of mental health and stress, which shows some of the strains that people feel under in the service at the moment.

Q30 Chair: That is very helpful. Is there any issue about probation services officers being recruited to plug a gap? Is that a satisfactory way of dealing with it?

Justin Russell: Simi might want to explain in a bit what the value of PSOs is. The recruitment of PSOs is looking reasonably healthy at the moment. I think there was an 8% increase in PSO numbers in the last set of published figures. There is not a published figure on what the gap is, but we think there is still some way to go to fill those roles. They have a really important role to play in supervising some of the low and medium-risk offenders and supporting qualified officers.

Simi O'Neill: With probation services officers in place, it allows the high-risk and more complex cases to be managed by the qualified probation officer grade.

The roles that the probation services officer grade does are not just in frontline sentence management; they may deliver unpaid work services and they might be involved in accredited programmes and victim work. Through that range of experience, they absorb different skills, different ways of working with people and different ways of working with individuals. They bring a critical role in supporting the teams. They have heavier case loads. They have more than probation officers and they have more than the PQiPs who are going through training, but they have an opportunity to provide that supporting role given the resourcing challenges that we have at the moment.

Justin Russell: They are also a very important pipeline into the qualified probation officer role. Increasing numbers of them are wanting to be probation officers and are applying for those PQiP places, and I really welcome that.



Q31 Chair: That is helpful. In some of your reports, particularly the Leicester and Rutland PDU, you noted that 74% of cases were found to have insufficient, ineffective or absent management oversight. How big an issue is insufficient management oversight of the case loads, and what is the answer to that? What needs to be done?

Justin Russell: Simi, what have you found in your inspection?

Simi O'Neill: In the inspections that we have conducted so far, we rated management oversight to be ineffective in 69% of the cases that we looked at. It was worse in London, at 71%. Managers need to be available to provide that oversight, especially because there are so many new people coming through the door.

There were also fewer people with life experience, and less experience in the role. It is that not knowing what people do not know if they are new and they are coming through training.

The role of the manager is absolutely critical in enabling them to understand whether they have accessed the right information, whether that has been analysed correctly, whether it has been processed correctly, whether it has informed risk management and whether it has informed risk management plans. Too often, we are seeing that, because managers are also reporting that they are stressed and have high workloads and high spans of control, they do not have the ability always to do the role that they intend to do in terms of case oversight and supervision that is needed. They are often reporting that in supervision sessions staff are traumatised, they are dealing with wellbeing issues and they are dealing with them not being well, so their attention is directed to staff welfare and wellbeing issues as opposed to being able to focus on reflective case supervision.

Equally, there is a reliance sometimes on practitioners to bring cases to them to discuss whether there is a case of concern, but if they are new or inexperienced how do they know that that is a case of concern? They need somebody there, whether it is a peer, a senior practitioner or a manager, to help them through that learning process.

Managers often get involved in many other activities such as building issues and HR issues, so it is difficult for them to be able to accurately and openly oversee every case that comes through their doors.

Justin Russell: SPOs are an absolutely critical first line of defence in risk assessment, risk management and spotting where errors may have been made. If you look at the Bendall report, there were several failures of the managing SPO to pick up on assessments that had not been done, poor-quality court reports or other work that was not being done, and to take those cases back to court or to ask for further work to be done. That really brought out the importance of that role.

Q32 Chair: You used the phrase "concern about the span of line management



control” in the Bendall case. The senior probation officer was directly managing 16, but, actually, with cover for other colleagues, she had oversight of about 30. Is there an optimum number you think you can safely manage as a senior probation officer to maintain proper oversight?

Simi O'Neill: The HMPPS guidance has a number from one to 10, but, as you said, we found that is often not the case. Any senior probation officer can be managing in excess of 12 or 13. If a colleague goes off sick, that span of control can double, if not more. What we have found is that where the numbers are lower they are able to provide a much better level of oversight and much more support in their learning and development for staff.

Chair: As it is at the moment, they seem to be regularly going well in excess of the guidelines, twice or three times potentially in some cases.

Q33 **Karl Turner:** The recruitment process for the Professional Qualification in Probation programme currently takes eight to nine months. Why does it take so long?

Justin Russell: There are efforts being made to try to bring that down, but I agree that it takes too long. There is a risk that people leave in the meantime and take up other employment offers. In our early probation unit inspections after unification, we were certainly being told there were long vetting delays while people waited for vetting to go through. Efforts are being made.

For example, the so-called onboarding process can start as soon as a job offer has come through. People can start the training or start to do some of the tasks that do not require high levels of security vetting while they wait for that to go through, to keep them warm and keep them within the process. It is not just a probation problem; it is a Prison Service problem and a general civil service one.

Q34 **Karl Turner:** We appreciate that. Could the time limits in the vetting process be improved to ensure that potential recruits are not lost to other professions?

Justin Russell: They could, and efforts are being made to do that. Certainly, when the Prison Service was looking at the same issue, it managed to reduce that vetting period quite significantly, so it can be done. There is a limit to how far you can bring it down. There is a capacity problem on the people who do the vetting that starts to mean that backlogs build up.

The way around it is that, where certain tasks can be safely allocated to people who have been made a job offer, they should be able to get on with those while they wait for that vetting to go through, because, in practice, a pretty small proportion get knocked back at the vetting stage.

Q35 **Karl Turner:** Ms O'Neill, do you want to add anything?



Simi O'Neill: No, Justin has covered the current difficulties that are faced. Thank you.

Q36 **Karl Turner:** I think about 4,000 PQiPs have been recruited over the last three years. What is the potential impact of recruiting high numbers of trainees into the probation service in that short space of time?

Simi O'Neill: The recruitment of PQiPs is probably the start of trying to answer some of the issues and findings that we found in our inspections. Regarding the impact, as they are going through their training they have a protected case load. When they qualify, they should have a protected case load. The whole intention of recruiting them to relieve pressure on others will not be seen for a while because they need space and time to go through the training, so existing practitioners might not feel that relief straightaway.

There is also the issue of existing probation officers. If they are leaving within five to nine years, the experience for PQiPs is not necessarily there for them to learn from, so there is a greater reliance on peers who are around or their management support as well. Many of those who are newly qualified were trained and recruited during covid, so their training was online and they did not have access to peers. Some of the training continues to be online training or remote training.

The value that you pick up and learn in liaising with colleagues—the informal conversations and listening to case discussions—is not necessarily there for them to pick up on and understand how people are resolving issues or what actions they are taking. It leads to a large, inexperienced workforce. They are dedicated and committed, and they want to do a good job, but equally there is much more need for managers or peers to be available to make sure that they are getting the necessary support so that the right work or the quality of work that is necessary is being achieved.

Q37 **Karl Turner:** You would say that the shortfall in qualified probation officers is definitely affecting PQiPs' on-the-job learning experience. Would you say that is a fair statement?

Simi O'Neill: It is a different experience, and that is what we are hearing when we talk to PQiPs in doing our inspections. I have been through the training programme, so I know how it feels to go through that. I was one of the last ones to go through face-to-face education in university. It is a different experience. For many years, they have said that remote learning is different for them.

Q38 **Janet Daby:** I want to give a little historical context to do with staffing. Prior to 2014, the probation service was unified. I was a cabinet member for community safety at that time, and I remember very clearly very experienced probation officers saying to me they did not want the reorganisation to take place and they did not feel that privatisation of part of the service was going to work—and they were leaving their jobs



then. That was because of the things I have just said.

Then we have more inexperienced staff or new staff coming through, following the leaving of a huge cohort of experienced staff, into a situation where the separation of services into the CRC and the national probation service had failed. We have a unified probation service that is still struggling to deal with the staffing issues that were created by the restructuring in the first place. I want to get your comments on that, please.

Justin Russell: It is important to say we have not gone back to the days of the trusts. People talk about it as though you are going back to 2014. Actually, you are going to a system where everyone is now a civil servant as part of the Ministry of Justice and as part of the general civil service. It is a different environment that people are now working in.

Partly, what happened was that during the TR period, the CRC period, there wasn't any transparency about staffing levels. They did not have to publish any figures on how many probation officers or PSOs they had. There was no idea of what the shortfall was. As their budgets came down because of the failures of the contractual mechanisms, they reduced their target headcount so that when the workforces were lifted and shifted into a unified service, the target headcount that was shifted in was far lower than was actually needed to deliver manageable case loads.

The service has now come up with a new target operating model for this unified service. It has worked out how many probation officers it needs to deliver that, and how many probation officers it requires if it wants everyone to have a manageable case load. It is saying it is about 6,000, which is significantly more than it previously estimated. That is where the gap comes, because it has raised the aspiration about how many it needs.

Q39 **Janet Daby:** Would you agree that prior to 2014 a lot of experienced probation officers left the service?

Justin Russell: Yes, not just frontline officers but leaders of the service as well—chief officers. We recruited several. They walked away from the service.

Janet Daby: There you are. Other than staffing, what else would you need to help to strengthen the probation service?

Justin Russell: It needs strong partnerships. It needs services that it can refer people to. One of the impacts of covid was to reduce access to things like mental health, drug services or housing, and that needs to be restored.

We are seeing some improvements in some areas. There is a better housing offer now. There is investment going into purchasing accommodation, at least on a short-term basis, for people coming out of



prison. That is making a difference, but we are still seeing shortfalls in employment, drug services or mental health.

That whole infrastructure needs to be improved as well as the direct staffing of probation. It needs better digital services. There is an overhaul planned of the OASys system. That will take three or four years to deliver in practice. It is working with a very old case assessment system. There is so much you could do with an intelligent system that could prompt you and reduce the duplication of material that has to be entered.

I would like to see lessons being learned from youth offending services in terms of how they operate and the way they embed support services. A typical YOT will have a CAMHS mental health nurse. It will have an education specialist. It will have a speech and language therapist. Those are all things that many probation services could really benefit from rather than being arm's length or relying on community services that sometimes are not there.

Q40 Janet Daby: You have anticipated my next question—you have answered it already—to do with the comparison with youth offending services.

Could we just briefly go back to the issue of housing once prisoners or ex-offenders are released? You are saying there are moves towards improvements with that. What do you mean by that? What does that look like, and how is it progressing?

Justin Russell: There was very interesting learning from the initial lockdown period of the pandemic when suddenly people realised there were people coming out of prison into a total lockdown with no accommodation sorted out, and that could not be allowed, so there was direct commissioning of short-term accommodation for that group during that lockdown period.

Having learnt the lesson from that, there was then a commitment to introduce that on a longer-term basis; it is called the CAS-3 scheme. It is probably in place in five or six regions now. It has not been rolled out nationally. In the areas where CAS-3 is in place, we are seeing a reduction in the number of people being released homeless because it at least guarantees 85 days of accommodation after release.

The challenge is then what happens after that. You need a more permanent tenancy for people to go into, but it at least ensures people are not being released and are rough sleeping from prison.

Q41 Janet Daby: Surely that will continue to be reviewed.

Justin Russell: Yes, we definitely hope that should be continued and should be in place nationally as soon as possible as a priority.

Simi O'Neill: We have mentioned it in our inspection reports as a good example of things that we have seen on site as well, so hopefully they will continue.



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Justin Russell: One of the things that we are being told is that, although there is a commissioned accommodation service being provided by different organisations, it does not actually provide accommodation itself; it provides signposting or housing advice that signposts you, basically, to your local council housing office. From a personal point of view, the service needs its own commissioning budget to commission supported housing for high-risk or very vulnerable people coming out of prison or on probation. That, ultimately, is the way you would guarantee they have the support and the accommodation that they need.

Janet Daby: I do not disagree with you. Thank you very much.

Chair: Thank you. That has been very helpful, Mr Russell and Ms O'Neill. We are grateful for your time and evidence today.

Justin Russell: Thanks for having us.

Chair: We are very grateful for the work that you are doing. I think we all agree that there is a great deal of good work done in the probation service. It is right that we recognise it, but we always want to improve where we can. I am very grateful to you.