

## Justice Committee

Oral evidence: [The future of the probation service](#),  
HC 285

Tuesday 8 December 2020

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Members present: Sir Robert Neill (Chair); Paula Barker; Richard Burgon; Rob Butler; James Daly; Maria Eagle; John Howell; Kenny MacAskill; Dr Kieran Mullan.

Questions 105 - 221

### Witnesses

**I:** Phil, Service user, Revolving Doors; Eden-Rose, Service user, Revolving Doors; Nadia, Service user, Revolving Doors; and Andy Williams, Head of Involvement, Revolving Doors.

**II:** Lucy Frazer QC MP, Minister of State for Justice, Ministry of Justice; Amy Rees, Director General of Probation and Wales, HM Prison and Probation Service; and Jim Barton, Executive Director, Probation Reform Programme, HM Prison and Probation Service.

## Examination of witnesses

Witnesses: Phil, Eden-Rose, Nadia and Andy Williams.

**Chair:** Welcome to this session of the Justice Committee. We are continuing our inquiry into the future of the probation service. For our first panel, we are pleased that a number of probation service users have been able to join us. Thank you very much for making the time to come and talk to us about your experiences. We will move on to that very shortly.

First of all, we have to go through some boring formal business, where each of the Members at the start of every meeting has to declare their interests for the record. It is just a formality, but we have to do it. I am a non-practising barrister and a consultant to a law firm.

**Rob Butler:** Prior to my election, I was a non-executive director of HM Prison and Probation Service, and a magistrate member of the Sentencing Council.

**James Daly:** I am a practising solicitor.

**John Howell:** I am an associate of the Chartered Institute of Arbitrators.

Q105 **Chair:** Maria Eagle is not with us yet; she is a non-practising solicitor, as is Richard Burgon, who will be joining us later as well. It is just so that nobody thinks we have any particular interest in the topics that we are discussing that we have not been up front about.

Much more important are our guests today. To explain to everybody else, we have four service users who have current or past experience of working with and being supervised by the probation service. I think you are all involved with the Revolving Doors agency. I am very grateful to Revolving Doors, as they have helped us with a focus group on service user experience. We appreciate that. Andy Williams is here to back everybody up. I am very grateful to you, Andy, and to Revolving Doors for having done the facilitation. It is much appreciated. Our four guests are Phil, Liam—

**Andy Williams:** I think Liam is having a few technical problems joining. I am just going to call him.

**Chair:** I will leave you to sort that out, Andy, and we will say hello to Liam when he is here. Nadia and Eden-Rose are here. It is great to see you all. Thank you very much for joining us.

I hope we have set out what we would like to do. We would like to get your experience as to your own individual engagement and what you found as to how the probation service did or did not help—the things that went well and the things that did not go so well. We would be very grateful for your take on that.

My colleague James Daly will start off with the first set of topics that we would like to talk about. Just raise your hand and let me know if you want to come in on any of the topics.



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Q106 **James Daly:** I cannot see the witnesses on my screen, Chair, so I will talk to you as you are the person I can see. Thank you Phil, Nadia and Eden-Rose for coming today.

Before I became a Member of Parliament, I was a criminal defence solicitor for many years, so I have some experience of working with the probation service and I am really interested in what is happening. I will ask a very general question to start with, to all of you. What does the probation service do for you personally? What is your experience of it? Is it positive or negative?

**Nadia:** I have had some quite good experiences as well as bad with probation. I will start with the good. They put me on to the St Giles Trust. They put me on a few courses, but it was towards the end of my supervision, so I didn't get very far with it.

Q107 **Chair:** Out of interest, Nadia, how long was your supervision?

**Nadia:** I had a whole year, and then I had another 18 months. I have done two and a half years in total. Most of that two and a half years was more of a "Hi" and "Bye" system for me. I used to go in many a time—obviously, I understand that they have different case loads and are highly stretched—but I never had the same support all the way through. It was only towards the last eight months of my licence that they started to help me. The woman went over and beyond what her role and responsibilities were.

Q108 **James Daly:** Nadia, I am very sorry to interrupt. I will come to the other witnesses in a second, but while we are talking about this, because it is very important—you do not have to share it with us—can I ask what your offence was?

**Nadia:** My last offence, believe it or not, was shoplifting. That was just because I was being lazy. Before that my main one—what I stayed on licence for—was assault.

Q109 **James Daly:** In terms of the supervision, what were the issues that were identified as to the help and assistance that you needed; and did you get that? Was it substance abuse? What was it?

**Nadia:** I had quite a lot. I had alcohol and substance misuse. They knew that. Obviously, you have to be ready in yourself as well to want to accept some of the probation services. At the same time, the woman I was with to start with did not offer me a lot. Then I got a man, then another woman and then a man.

Towards the end, they identified what I needed and put me on to St Giles Trust, and I moved my way forward. Services like User Voice and Revolving Doors, which I am highly involved with, I sought out myself. They did not really put me on to things that could help me progress in the future, to help me. I now want a career in this sector. I obviously probably won't get as high as you guys, but I would love to be in this sector and do some things. I have done that all through Revolving Doors.



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If it were not for them, probation could not have met my needs on their own.

Q110 **James Daly:** You said something very interesting. For many years, I have been representing and supporting clients. They have all said to me—whether it is a probation order, supervision or whatever it may be—that, especially in relation to substance issues, unless you are ready, the order is reasonably pointless. The easiest sentencing exercise in the world is to say, “Nadia, or whoever it is, has committed an offence due to drug abuse,” but if Nadia is not in a position to face up to the many issues—

**Nadia:** Can I jump in?

**James Daly:** Of course you can.

**Nadia:** I wish that someone, or some sort of peer support, had been there and said, “Actually, Nadia has already been on a year’s probation, so how about we give her a CSTR?”, or something like that, instead of trying to support me and give me little courses. A mental health treatment requirement or a drug and alcohol rehabilitation requirement would have helped me. If I had had some peer support after that year of probation, I think I would have got further.

Q111 **James Daly:** When you say CSTR, what is the full title, for the benefit of everybody?

**Nadia:** Community sentence treatment requirement.

Q112 **James Daly:** Can I ask Phil the same question?

**Chair:** Eden-Rose is here. Eden-Rose, do you want to answer first, while Phil is getting comfortable?

**Eden-Rose:** I had a similar experience. I was on probation only once for 12 months. Without the support I got elsewhere, I do not think that probation would have helped or worked. They signposted me to one agency that helped a lot. However, that was all they could offer me. I had to grab community support wherever I could.

I got live-in support from an ex-pastor and his wife. They allowed me to live in their home while they supported and counselled me. They made me be accountable; they were someone to be answerable to while they supported me with the trauma side of things—from the mental health side of things.

I also had the Church, which I got involved with through them. The reverend there had a history of alcohol abuse in her life, so she understood the addiction side of things and bolstered me to continue with my probation and the other stuff that I had put in place.

Q113 **James Daly:** Thank you so much for that, Eden-Rose. I think you have answered this question, but if I was to ask you if the probation service was able to meet your needs as a service user, I take it the answer to



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that is no, but that third-party agencies were.

**Eden-Rose:** Not by itself. Third, fourth and fifth-party agencies definitely were.

Q114 **James Daly:** From what you have just said—I am sorry to pry—was substance abuse linked to your offending and led to the order, or was it something else?

**Eden-Rose:** It is a bit difficult to say because the charge was not for substance abuse; it was for having a knife, which I handed in to the police. I got arrested with somebody else who was with me who was committing a crime. I had to say that I had a weapon, and then I gave it to them.

Q115 **James Daly:** Probation only serves a purpose if it is linked to the reason as to why somebody is before the court, so that you can address the underlying criminality, shall we say. I am sure that it might not be that in your case. When the court made the order, did they identify what needs they thought you had that a probation order could support you with?

**Eden-Rose:** No. I gave them the reason. There had been a previous assault that had happened to me. I was in the process of pressing charges, and that is why I had the knife; I was afraid. They did not address that. The judge said to me that she wished she did not have to charge me, but she had to charge me because knife crime was very high in Brent. That was it, and nothing else was said.

Q116 **James Daly:** But you have had a very positive experience with your Church and with other agencies, who were great.

**Eden-Rose:** Absolutely, yes. I needed all of that wrap-around support. I had to get it for myself though—that is the only thing—and I had to pay for it out of my benefits too. I was paying £100 a week to live in with somebody. For my therapy I am paying £45 an hour out of benefits, but it is worth it.

Q117 **James Daly:** Thank you, Eden-Rose. Phil, can I ask you the same question?

**Phil:** I am really sorry. We have had a power cut here. I know how important this is.

**James Daly:** It is really good of you, Phil. Thank you.

**Phil:** I was released on tag in November 2018. When you are released on tag, you also have to complete probation. You are on tag for four and a half months. During that four and a half months, I saw my probation officer, say, five or six times. Straight away, the numbers did not add up with the amount of probation that you are supposed to have in that four and a half months.

On top of that, after my tag period, it did not improve for the 12 months that I then had to carry out on probation. If I am honest, the time on



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probation helped me in no way, shape or form. If it was not for Revolving Doors and a couple of other people in other agencies—namely, Liaison and Diversion and a Changing Futures project in Birmingham—I would either be back in prison or dead right now. That is the reality.

Q118 **James Daly:** Obviously, that is not what we want to hear, but it is great that you have been getting some support from Revolving Doors. Phil, was your offending related to substance abuse? Was that the underlying reason as to why you were getting into trouble?

**Phil:** A lot of it was around substance abuse, but the main issue was never having a settled place and that sort of thing. Always being in environments that were not great led to me continuing my drug abuse. I could never get a clean period anywhere, because I was never set up to get a clean period anywhere. If I had been given the first couple of rungs on the ladder, I might have actually made it halfway up, but I was never given that chance. This time, through the help of others, I have been given that chance. I am now in 2020 and I am still out, I am still clean and now I have got my own little flat. I am seeing my son regularly. None of that has been through anything probation did for me, although they were in my life for the best part of 15 months.

Q119 **James Daly:** Phil, I want to ask two questions just to bring my questions to an end. One of the other witnesses said this, and I have some experience of it so I think it is probably correct. When we impose probation orders for substance abuse, is it your feeling that they are only successful if the person is ready to be able to take advantage of the order, whether it is a drug treatment order or an alcohol order? With probation, do you think that if we have the substance abuse linked to the offending, no matter how bad the drug problem is, we should always keep trying and trying with probation orders?

**Phil:** No one is ready to get clean. I have not met an addict—I have met quite a few hundred with going to some of the events—who is ready to get clean. Sometimes we need a little push to step out there in the big, wide world and do it. Sometimes the push comes from the right person. Unfortunately, there are not enough of the right people in that area at the moment.

My argument has always been case loads with probation officers. How can a probation officer be effective in their job if they are constantly under pressure with all these clients? The prison population is going up. The people on probation orders and other orders are going up, but the number of probation officers is falling or staying steady.

Q120 **James Daly:** When I was a defence solicitor, I always used to say, probably naively, that one of the things you can do in a sentence is to give somebody a place to live and a job opportunity, if they were in a position to be able to do that. What is your experience of the probation service in helping people to get accommodation and to get stability in their lives? You talked about it earlier on.



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**Phil:** Listen, probation have got no oomph. They've got no clout when it comes to housing or any other service, unless you are one of the higher classed people—one of the MAPPA people or on the register, where your risk is significantly high enough that they have to put you into one of the hostels. To be fair, those places are not pretty. They can only do that.

When it comes to your local council housing, they have no oomph at all. One woman at my local council—she was actually on the phone to probation—said, "What you're saying to me isn't going to change anything. He still has to go through the due process in our local area." Probation has no clout when it comes to housing, local council services or anything like that, so there is no point going to them.

Q121 **Chair:** Nadia or Eden-Rose, do you have any observations on the last point that James raised?

**Eden-Rose:** I want to clarify that I have a substance misuse background. It just wasn't the charge that I was charged on. I wanted to add that.

**Chair:** No, understood.

**Eden-Rose:** Yes, for 13 years.

Q122 **Chair:** Nadia, did you have any experience like Phil's?

**Nadia:** I am quite lucky that I was only inside for 10 weeks, so by the skin of my teeth I actually kept my property. If I had been in there about three weeks longer, I would have lost it, and it would have been a whole different ballgame. I am quite lucky.

**Phil:** Don't get me wrong, James, there are some brilliant probation officers, but they are not sent to work in the morning with the appropriate toolbox to be able to do that.

Q123 **James Daly:** I know very many fantastic probation officers personally, who absolutely try to do the right thing, but there are challenges out there.

**Phil:** You wouldn't send a carpenter to fit a door with no chisel or hammer. It is an impossible task. He will get it done eventually, but you are setting him up for an impossible task.

Q124 **James Daly:** Chair, stop me if I am asking too many questions. My final question, Phil, is on the experience coming out of prison—supervision and what happens there. Is there anything you can point us to in the direction of how that works or what could be done better with supervision once you have been released from your sentence?

**Phil:** Personally, I think you have to give people half a chance when they come out. It is hard work out here; it really is. There is a high number of people who come out and struggle. I am lucky because I am quite open-mouthed about the way I go about doing things. I will live to the letter of the law, but at the same time I sat in a YMCA for a year to get a flat.





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That is how far I will go to do things, whereas some people will not last that long. To allow them to do that, you cannot keep reverting to recall and stuff like that. People have to be given half a chance out here. It is hard work. I am living a normal life, and I have been doing it since 2018, but imagine someone coming out fresh now with what's going on.

Q125 **James Daly:** I agree with you; people have to be given the chance of employment, accommodation and all those things.

**Nadia:** I believe there needs to be a lot more peer support when you come out, as I said previously. There needs to be more involvement in your own plan towards the end, and how you come out with that. It is having that hand-holding. That is what is needed, and they will get further.

**Phil:** It drives you crazy, because there is a peer support programme in preparation. They actually train people on probation to be peer supporters, but they do not use them. They refer them to another organisation that uses their lived experience in a different way. Why not use the people you are training up in the service you are training them up in? What was the point of the training?

**Chair:** That is really helpful.

Q126 **John Howell:** What you have just given is a very mixed picture of whether probation officers are basically any good at their job. Can I push you a bit further on that? What makes a good probation officer, from your perspective?

**Eden-Rose:** I had a good probation officer, but she could only do so much. She went over and above, and beyond. She asked me about my life. She wanted to know what happened. I think that was really key. I gave her my whole life story. Then she knew what she could do. She referred me to Advance charity, who have a section called Minerva. They helped a lot. I met Revolving Doors through them. She signposted me in a really good direction.

She even brought in her own clothes and said, "Look, here's some stuff. Have a look through it." There was not much that I could do to get myself what I needed. She did all she could, and then some, but for getting me the professional services, her hands were tied.

**Nadia:** I echo exactly what Eden-Rose said. Towards the end of my licence, I had a really good probation officer. She signposted me in the right way. I also think that probation officers, as good practice, should have some sort of trauma-informed training. When they want to hear your story and your life background, so that they can enable themselves to signpost you in the right way, they need to be able to understand you, where you have been and what you have been through. Good practice, to me, just looks like good listening, knowing and being aware of what is around them for them to be able to signpost us in the right way if their hands are tied. Swapping and changing is my bad experience—not having





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the right continuous support. Towards the end of my licence, I had a really good one and she went over and beyond.

I was pregnant on my order. I had the baby a few weeks after I finished. She put me into a women's centre so I wasn't around everyone in the probation service looking like a pregnant mum. It wasn't a very good look. She made sure I was comfortable, and I got courses out of it. I got some accredited courses through the women's centre, so that was good and positive for me.

Q127 **John Howell:** Phil, can I ask you the other side of that question? What makes a bad probation officer? Have you had experience of them?

**Phil:** The worst type of probation officers are the ones that are not willing to understand the struggles that people have upon release, or in their life, and react accordingly. A lot of that would come along with trauma-informed training. There is a mix of lived experience within probation officers. They need to understand things from the addict's perspective, especially clean addicts who have an understanding of what they have done and are able to articulate that to another person, so that they can understand that better and use it in their work. It is happening now, slowly, but unfortunately it is a bit too slow. The lived experience in those job roles should be happening a bit quicker than it is. They are there to help people in that position.

Q128 **John Howell:** Apart from the training, are we just employing the wrong sort of people to be probation officers?

**Phil:** No, I think you've got to have new and old. It is not that you are employing the wrong sort of probation officers.

**Nadia:** You need a mix, don't you?

**Phil:** Yes. Probation isn't evolving as quickly as the modern day world is.

Q129 **Chair:** Nadia, what were you saying?

**Nadia:** I was just echoing what Phil said. You need some sort of balance, some sort of mix, between them both. We, with lived experience, also want to progress in our lives. Obviously, we like the professional side and want to learn. Phil and Eden-Rose have been through a lot of trauma. It is hard for some people who have not come from trauma to try to understand. You need that lived experience to go hand in hand with the professional side, so that we can all learn from each other. That is how I see it.

Q130 **John Howell:** Eden-Rose?

**Eden-Rose:** They need to share the care with lived experience peer mentors. That would definitely be a step forward, and to share the care with other services a bit more. Remove a bit of the red tape and get cultural charities involved and Churches, whoever you know that you need. Most people have a little sense of what they need, but they are not



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always able to bring that into the probation service or have it as a shared care approach.

**John Howell:** Thank you all very much for answering those questions.

Q131 **Kenny MacAskill:** I'll go round the panel. Phil, you might have touched on this anyway in your earlier answers, but if there was one thing that you could change about the probation service, what would it be?

**Phil:** Probation officers' case loads. Each probation officer should only have a certain maximum of people, but you should mix their case loads. Don't give one probation officer all high-risk people, all medium-risk people or all low-risk people. You must mix them so that they get a marker of what is going on in the real world from all angles. If you have lower case loads, you are going to have to have more probation officers, but it is no good saying, "We'll give you 100 new probation officers by 2023." It is not in 2023 that they need them; they need them now. I don't know how you do that.

**Nadia:** I echo what Phil said, alongside what I have said from the very start. They need a bit more peer support in probation and mentoring. I am currently volunteering for that, so they have it in there. If I am allowed to say this, with my volunteering—I have been doing it for four months—I have not yet had the chance to have any proper training through the CRC. I need those skills to work with the types of people I have been working with.

Q132 **Chair:** Have you asked for that sort of training?

**Nadia:** I have asked on a couple of occasions, yes. I have had to step back a little bit because I was working with a sex offender, and still am. I am working alongside them, but there are some challenges, as in how to talk to them. I need that training now that I have used all my own initiative up. I am now starting to need that professional side of things.

Q133 **Kenny MacAskill:** Do you have any comments, Eden-Rose?

**Eden-Rose:** There are a lot of people who want to help. I definitely want to help in that way, but I don't know what avenue there is for me with lived experience. I believe the lived experience I have had should become a qualification in itself. What avenues are there for people who are willing to help but do not have the qualifications that you are supposed to have? I think lived experience qualifies you enough, and the heart to do it.

Q134 **Kenny MacAskill:** We have heard about specifics, but is there anything more generally about the culture of the organisation that you think should change, either the attitude of staff or just the general air of the organisation?

**Eden-Rose:** Yes. I think it is a little bit clinical, cold-cut and tick-box. There is lack of empathy or wanting to delve deeper. It is really, "Get them in and get them out." There is no real transformation taking place.



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**Phil:** Someone asked me what I felt it was like going to probation. I likened it to a cattle auction. You are literally herded through and given a number. You see the person you need to and then you are back out the other side of the door. It is that sort of thing, and that has to change.

I have sat in a probation office with a computer and a phone that do not work. The appointment is 10 or 15 minutes. How can you effectively help someone or support someone in the community in 10 or 15 minutes, in a room where the computer and the phone don't even work?

Q135 **Kenny MacAskill:** Nadia, do you want to come in?

**Nadia:** No, I am okay. I would just echo what they both say, which is that case loads need to come down. You need people in there with a bit more compassion and more tools under their belt, as in maybe more training or whatever. Eden is right; we are all singing from the same hymn sheet. We would all love to be there and doing the job people are doing with qualifications, but it is hard. We cannot get those qualifications with the click of a finger, like we need to. I would just say that the case loads and more peer support needs to change for me.

**Kenny MacAskill:** Thank you, Chair. The other points I had have been touched on in earlier questions.

**Chair:** That's fine. Thanks. We have covered a good bit of ground already.

Q136 **Paula Barker:** Thanks to all our witnesses for being here today; it is really appreciated. In respect of how you work and liaise with the probation service, have things changed or stayed the same due to Covid? Phil, you were talking earlier about people who are in the system and how they feel in the current climate of Covid-19. Do you want to start off with that?

**Phil:** I think the Covid situation has actually helped probation from both sides. It has given people on probation a breather, but they are still maintaining contact through phones and letters. At the same time, I think it has allowed the people in the offices to be able to catch up a little bit because they are just doing phone calls and stuff. However, I feel that there is a group of people out there who may be being missed. I know there have been a lot of issues around people losing phones and stuff like that, so then contact drops off for a little bit.

If you are on benefits and stuff, people naturally cannot just click their fingers, go to the shop, buy a new phone and then everything is hunky-dory. Probation officers need to understand that. Not so long ago, the baby broke my phone, and I didn't have any money for two weeks. Luckily, I had my laptop and I had the sense to email a few people to say, "Listen, the baby has broken my phone, but if you really need to get hold of me, here's how." Other people fresh out of prison do not have the ability to do that. I would say that people who have been out six, eight or 10 months still do not have the ability to do that because it is hard.



It is tough, and they need to understand that. Yes, they want a bit of breathing room around the probation thing, to sit back and do a little bit of work, but there is still a bit of work to do because probation need to understand those struggles for people. Unfortunately, there was another lad who was due to be on this call. There is a big thing around that with him. He is terrible with phones. He knows he is; I know he is from personally being around him. Probation are quick to jump on the fact and issue him with a warning. It is where the shared care thing comes in.

I know that that kid has to go to his doctor regularly. Why couldn't the doctor and probation be linked? It would not be probation ringing up and saying they want to know every medication he is on, but they should be able to ring the doctor and say, "Do you know something? We haven't heard from this kid for a week. We know that he sees you regularly. Have you seen him?" The doctor could go, "Yes, he has been in, he's got his prescription and he has had his medication, but he has lost his phone. He hasn't got any money for 10 days." It is a bit of common sense really.

**Q137 Paula Barker:** Phil, would you say that things have not changed with the way probation works in respect of the Covid crisis? Have any sort of new procedures been put in place so that there are no barriers for people?

**Phil:** No. Early in Covid, I did not speak to my probation officer and I got a letter through the door. I was living in a YMCA, which is the bizarre thing. The YMCA is staffed 24 hours, which means that they could ring up the reception and say, "Listen, we haven't heard from him." You have to be at that YMCA for three nights a week, otherwise you lose your space. They could have rung my support worker and said, "Listen, we haven't heard from him. What's going on?" Instead, they sent the same support worker a letter saying they were putting me on a final warning. How does that make sense? They could have rung him up and said, "Listen, what's going on? Can you get him to give us a ring?" They would have then found out that I had been ill in bed for four or five days.

**Q138 Paula Barker:** Thanks, Phil. Nadia, what is your experience? Do you think that things have changed, or have they stayed the same?

**Nadia:** I would like to comment, Paula, but my experience is now off the back end. I am now off probation and have been for a few months, so I cannot comment on the Covid situation. I would love to, but I cannot. That would be invalid.

**Q139 Paula Barker:** In terms of the work, you are staying in touch through volunteering—

**Nadia:** I was only allowed to meet my service user out in the community twice due to Covid. I have worked with him for four months now. I am allowed to go on Friday to attend court with him and to support him. I don't know if that answers a little bit of your question.

**Paula Barker:** Yes, thank you.



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**Nadia:** I am allowed to go and support him on Friday at court, but I can only call him at this moment in time, because we have only just come out of lockdown and it was pretty hard with childcare. I am doing my best to support him. I ring him twice a week and we have quite a lengthy conversation about how he is feeling in himself and at home, and how court is coming up. Yes, I still implement all the things that I guess probation officers would ask.

I know that Phil is having the experience now, so that is great because you have got his here and now. At the same time, although we want probation officers to go over and beyond, there are challenges. It is time-consuming to ring up a hostel or a doctor. That is the reality of things. There are time-consuming case loads at the moment, and how that goes ahead. For me, yes, I just get to call him twice a week.

Q140 **Paula Barker:** Eden-Rose, do you have anything to add?

**Eden-Rose:** I have been off probation for a couple of years, so no.

Q141 **Paula Barker:** Are there any lessons that you would say the probation service could learn from Covid-19? Phil, from your experience or, Nadia, as someone supporting people on probation, are there any lessons that could be learnt?

**Phil:** I think we have all learnt new lessons because of Covid. Probation is no different. However, probation seems to learn a bit slower than everyone else. I know that is not the workers' fault. I know there are a lot of hoops or, as we like to call it, red tape in certain situations. It is crazy.

We had a little focus group about that. We turned round and said, "I would happily sign a form that states that my probation officer can talk to A, B and C at any time they want if they really need to." People will do that if they are really looking to get the proper support and help to go where they need to go. We would do that. All we need is to be asked. Unfortunately, we are never asked any of those questions. Unfortunately, people literally turn round and decide, "Yes, that's what's good for them and that's what we will implement."

Q142 **Paula Barker:** Nadia, is there anything further from you?

**Nadia:** Could you ask me again? I am ever so sorry.

Q143 **Paula Barker:** It's fine. Do you think there are any lessons that could be learnt? Obviously, you are supporting someone now.

**Nadia:** I am going to go with Phil on that one; they learn slower. I believe it should be a little bit quicker. It is like my training. That is an example right there. I have asked for it a couple of times. A service user who is volunteering to do the job should not be asking for the training that is needed; it should already be there.

Q144 **Paula Barker:** What are the barriers to that, Nadia? Why are you



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asking?

**Nadia:** It has been Covid, really. Also, what I do not understand is why she could not just do it on Zoom.

Q145 **Paula Barker:** There has been no offer of online training.

**Nadia:** No. That is so frustrating, because I actually know her from her previous role in User Voice. I know that is a bit name-droppy. Although we are on a social level and a professional level, I am asking for the right training to carry out this role and how it should be carried out, rather than off my own initiative. I know how it should be as a lived experience person, but at the same time I might not be asking the right things. I believe the training and information should be a little bit quicker. There should be more tools.

**Phil:** But, Nadia, how much training have you done with other organisations because it has been offered? You have done loads. This is where it comes to probation acting slower than everyone else. If other people can do it for us, why can't probation?

**Nadia:** Yes. I am doing facilitating training. I am doing active citizenship at the moment. I am getting myself up to scratch, I suppose, just to even be able to apply for certain roles in this sector. Phil is right; I have got a lot out of Revolving Doors, and that is great because they are the third party, but they should be the first.

**Paula Barker:** Thank you so much for the information you have given today. I appreciate it.

**Chair:** That is very helpful.

Q146 **Rob Butler:** Eden-Rose and Nadia, you both said, when you were answering James's questions, that you did not think that the role the probation service played was quite right for you, or that the provision was organised as it should be.

I used to be a magistrate, so I used to do a lot of sentencing of people to probation orders. We always had a pre-sentence report, which was normally quite thorough. I am just wondering if, in your experience, you had proper conversations with the probation officers. Did they listen to you as they were compiling those reports at the early stage?

**Nadia:** No. I went to prison on my first one. I spoke to my solicitor after the offence. I then met someone at probation for, as you say, a pre-sentence report. I got a, "Hello, how are you? How has life been since you have been arrested? What services are you accessing? If not, why not?" That was pretty much it. I didn't have any awareness of what was out there for me. What they could have given me at that point in time was some intervention. They could have intervened and given me some signposting there and then.

I had consequences for my offence; I obviously needed to go away for a little while. No, I don't believe they got everything that was behind that





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offence. I was going through a domestic violence relationship. I was into substance misuse. I was drinking. I was on medication for my disorder—whatever they call it. I don't take it any more. Yes, people need tablets for a certain amount of time in their life, or maybe for ever, but for me personally, if I had just had some intervention, I think it would have helped matters for me, even in the pre-sentence report. Even though I was going away, I could have had some support from then until I came out, and that would have helped.

Q147 **Rob Butler:** Eden-Rose, did you have the opportunity to contribute much towards a pre-sentence report?

**Eden-Rose:** I spoke to a solicitor, and I gave him as much information as possible. It didn't matter.

Q148 **Rob Butler:** But not with somebody from the probation service who was actually writing the report about you to give to the judge or the magistrate.

**Eden-Rose:** No. I only spoke to a solicitor. There was no probation there. I handed myself in at the court, so they just held me, saw me and then gave me probation. That was it.

Q149 **Rob Butler:** Phil, what was your experience?

**Phil:** The thing I remember is that the reports are not compiled with us in the room. I even had one sentence hearing where they used an old report. It was five months old, from memory. I was getting sentenced in the middle of February and they used an October report. They are not compiled while we are there. They ask you a few questions and compile a bit of information, and then they write it how they see it and not how you have tried to portray it. It is not all the time; sometimes people get it right. In my last probation report they got it spot-on, for some reason. Well, it was probably because they actually asked me.

Q150 **Rob Butler:** When magistrates or judges are sentencing, ultimately what they hope probation will achieve is that people have the opportunity to be rehabilitated and have programmes, courses or help that avoid them committing crime in the future.

I think I know the answer to some extent, given everything you have said, but I would like to ask you the question explicitly. Do you think that the work of probation has made it easier for you to avoid committing crimes in the future?

**Nadia:** I would love to give you a great answer and say yes, they have, but no; it has been the third-party services all the way that helped me to stop.

**Eden-Rose:** I have thought about that. I think, if I had just had probation and not the other support, I would still be out there. However, if I had all the other support and not probation, I would not be out there any more.





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**Phil:** If I was just on probation and I was not involved with Revolving Doors and the other people, I would have been recalled by now.

Q151 **Rob Butler:** Is there anything about probation, or specifically community orders, which can involve lots of different aspects, as you have discussed, that is either a deterrent from committing crime, or that you would think is a punishment? In other words, is there anything about it that you think would put people off?

**Nadia:** No. I think offering more CSTR programmes on the whole would help people as a bit of intervention, rather than just sentencing them. Obviously, you have the guidelines. We all know that you need to stick to guidelines, and there are certain offences where you cannot just give those out, but I believe that, if you did, it would deter people from offending. I do.

**Phil:** Personally, I do not see how mowing a church lawn on a Sunday morning is going to rehabilitate me. There should be a more person-centred approach to things, and what the person needs, when it comes to any part of the probation sentence itself, or actual sentencing as a whole. You cannot ever get that in a 45-minute or an hour's meeting with a probation officer. You need to take a bigger picture outlook of the person's life, and then either pass a sentence or give a probation order in a way that is going to be effective and not destructive for them.

Someone asked me this question the other day. When I first get a probation order, I circle the probation office twice to see if there is a police car there. I know then that either myself or someone in there at that time is going to get recalled. That is not the sort of look that you want probation to have. You want probation to be a place where people want to go. They want to know that, when they walk through the door, something is going to be productive today and something is going to happen, and they are going to come out of there with something worthwhile. At the moment, if you walk out of the office, you are lucky.

Q152 **Rob Butler:** I hear what you are saying, but let me push you a little bit on that. You just said that mowing a church lawn is not going to rehabilitate you. Might mowing the church lawn not be partly punishment? You have to give up some of your time to do something you do not want to do. Might it also not be doing something to help the community that has been offended against? Surely that must be part of the sentence.

**Phil:** That's fine if it is helping the community that you either live in or offended in. Half the time you go to one of these probation officers, and they take you right out in the sticks. I am all for copping hold of first-time offenders, or people that are just at it, and getting them to do things like that, but it has to be in the community they live in. The whole point of that—how it used to look when I was a kid—is that you did not want people in the community to see you doing that, so you wouldn't do those



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things in your community, if you see what I mean. That was the whole point of it.

At the moment, it does not matter if I have to jump in a minibus. When I used to go and do community service in the minibus and mow a church lawn, half the time I would sit in the minibus watching my tablet because it was classed as rained off, but the bloke wanted to sign off his ticket to say that you had done three hours' community service. I am all for doing it in your local community, but sending people off here, there and everywhere to do random acts of whatever just does not make sense. At the same time, it pays back to the community that they are disrupting at the time, so that they can see a bit clearer what they are actually doing and the effects it has.

Q153 **Rob Butler:** Eden-Rose, I want to come to you on the particular question of whether you think probation is a deterrent or a punishment?

**Eden-Rose:** It depends on the person who is on probation, their mindset and how they are looking at it. You can look at it as a punishment, and, sometimes, the probation officer you get will make it feel like a punishment because they are just ticking boxes and there is not much care involved. Or you can use it to say, "I don't want to do this again," and then grab everything that you can and fight for your life. Self-reflection and self-awareness definitely need to be implemented somewhere. People need to talk about what they need and get what they need.

**Rob Butler:** Thank you all very much for being so honest and direct.

**Chair:** Thank you all very much. That has been really helpful to us. We have covered a lot of ground.

Q154 **Dr Mullan:** First of all, I want to say that I found the evidence from Nadia, Phil and Eden-Rose exceptionally helpful today. It is incredibly brave of you to come and talk in the way you have. It is probably one of the most helpful sessions I have had since starting my work on the Committee, so thank you for that.

I want to ask a couple of quick things. A couple of you spoke about the fact that probation's effectiveness, to some extent, has a reliance on the person in probation being willing, ready or wanting to see change. Have you had any ideas about what you think it is that gets someone to that point, and what the probation service could do with somebody who is not at that point or in that right place?

**Nadia:** It is seeing somebody's progress, Kieran, and seeing that lived experience in a role that you never thought they would be in. I saw someone outside the probation office one day who worked for User Voice. She asked me a few questions. I looked at her and, to use Eden-Rose's thought, I took everything I could and I fought for my life. I carried on and thought, "I don't want to do this again." Now I want to help the people that do not want to do it any more, and keep doing it.



**Phil:** That is true. Put them around people who have been there and done that. I was not ready, and one person put me around people that were ready and doing it, and look at me now. That is the trouble. Probation don't do that. They sit you in a reception room full of other people who are not ready and leave you there for 25 or 30 minutes sometimes, waiting for your appointment. That is why I think the Zoom calls and phone calls have given everyone a breather at the moment.

Q155 **Dr Mullan:** Eden-Rose?

**Eden-Rose:** I have forgotten the question, sorry.

**Dr Mullan:** If someone is not yet at the point where they want to engage with probation, what things do you think might encourage them into that mindset or that place?

**Eden-Rose:** Again, the lived experience support that I had. I had live-in lived experience support, and then on-tap lived experience support from my Church. It was non-judgmental and unconditional. Even though I messed up in the beginning, nobody was kicking me out. Nobody was punishing me. They were looking at the trauma and not looking at everything else that came off the back of it. That was key.

Q156 **Dr Mullan:** There is something else I want to ask you about. One of the plans is to introduce the use of sobriety tags. I do not know if you are familiar with them. They are tags you wear if alcohol has been a precipitating factor for your offending. They detect whether or not you drink. Do you think that would help you? If you are still drinking and you have one of these tags on—

**Nadia:** Can I ask, are they going to be mandatory? Are they going to be something that somebody has to adhere to?

Q157 **Dr Mullan:** I would not want to answer that question because I do not know for certain, but I believe so.

**Nadia:** In some respects, you have to have some sort of role or responsibility around that to give them one. Personally, I think that, yes, it may help. On another scale, looking at people who drink, they would probably look at it as being forced on them. It becomes a little bit harder to do something when you get forced. As a balancing thing, you are going to have to think about that.

**Phil:** It is dangerous as well. With alcoholics, it is a whole new level when it comes to medication, withdrawals and stuff. That is dangerous ground to be doing, especially if it is a mandatory thing. When you said it, I thought, "If that is a voluntary thing, what a brilliant thing to do, and wouldn't it be good if they did the same for people on drugs?" You could sign up voluntarily and they could say, "Okay, if you continue giving negative tests then we will recall you." That would be brilliant, but not to make it mandatory. You have to let the person voluntarily do it because then they are in it for themselves.



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**Nadia:** I guess, Phil, there is a little bit of conflict on that one. You have to have some sort of—

**Dr Mullan:** Push and pull.

**Nadia:** In reality, I know we would love to say it has all got to be voluntary, but at the same time to put that in place they have to have something around it to say it is mandatory, I guess. That is a hard one.

**Phil:** It is reviewing a person's medication and stuff. That is all I would be concerned about. If they are not drinking, they have to take medication, if it has got to that point. Then if they have to take medication—

**Nadia:** What you said, Phil, about having so many before they give it to you mandatorily, would help. Maybe having it voluntary and then, after they detected that they drank a few too many times, making it mandatory. I don't know; I don't make the decisions.

Q158 **Dr Mullan:** Eden-Rose, do you have any comments on that?

**Eden-Rose:** It should be something that is by choice. It is something that could definitely be used in treatment centres, when people sabotage. It could be used as something that could help somebody stop sabotaging, but there would definitely have to be a conversation between the person and whoever the provider was.

Q159 **Dr Mullan:** Thank you. Everything you three have said has been fantastic. It might be helpful if we could ask Andy very quickly if he has any reflections from an organisational perspective on what we have been told. Andy, what barriers do you see to the things these witnesses have talked about working well for them, or not always happening very quickly?

**Chair:** Are you happy to do that, Andy?

**Andy Williams:** I echo everything that has been said. I thought what people said about pre-sentence reports was really important. We hear that coming up consistently as a theme across all our regional lived experience forums. It is a missed opportunity. Phil gave an example. We have heard a lot about the information in pre-sentence reports being out of date because people are under pressure or are rushed, so they copy and paste it. As Phil said, it is not relevant and it is not up to date. People are not actually involved in creating their own pre-sentence reports.

I echo everything that people said about peer support. Often, the issue with probation is engagement. Phil mentioned quite a few times that, if people are not ready to change or engage, that is something probation seems to struggle with. Having some element of peer support to be the mediator for the individual and help them access the service would be a big positive change.

Q160 **Dr Mullan:** Andy, I assume that some of the stuff that has been



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described is commissioned as part of some probation services and some of it is not. For example, do you get commissioned to work with people by probation?

**Andy Williams:** We are not a direct service provider. We lobby for changes and make policy recommendations, but we would not deliver the service. Nadia has given some examples of doing peer support. There are some good practice examples out there, but they are very sporadic. I think it needs to be embedded in the system. Peer support needs to be seen as the norm and mainstream rather than innovative one-offs here and there.

**Dr Mullan:** Thank you. Again, thank you so much to the witnesses. I found that really helpful.

**Q161 Chair:** Thank you, Kieran, and thank you everybody. It has been really helpful, Nadia, Eden-Rose and Phil, and Andy. Thank you very much for giving up your time to come and give us your experiences. That is really useful for us. It is not always easy for us to get that sort of information directly from people who have been through the system. Thank you for what you are doing.

**Phil:** You are welcome—any time.

**Nadia:** Yes; anything to get my foot in the door as well. I will have one of your jobs one day, hopefully.

**Chair:** That's brilliant. Thank you all very much indeed, and good luck everybody. That concludes the first panel.

### Examination of witnesses

Witnesses: Lucy Frazer, Amy Rees and Jim Barton.

**Q162 Chair:** We have with us the Minister, Lucy Frazer QC MP, and two officials. Amy Rees is director of probation services. It is very good to see you. Jim Barton is executive director of the probation reform programme. Thank you very much for coming to give evidence to us.

Minister, you heard some of those comments from probation users. What was your take on that?

**Lucy Frazer:** First, it is fantastic that the Committee had the opportunity to hear that evidence. It is always important when making policy to hear the experiences of those who are using the system, something I am really keen on in the Department. At the end, they were talking about peer support, as in lived experience. I think that is absolutely critical and is something I have talked about a lot with the team.

In any event, the Ministry of Justice needs to employ more ex-offenders. I have asked the Department to look at all our contracts to see how we can employ more ex-offenders through the private providers we contract with. I have talked about it specifically with Amy and Jim. Amy has



committed to employing 150 ex-offenders in probation, which is a great start. On top of that, we will be taking forward from CRCs some fantastic programmes involving people with lived experience. We will not be losing those programmes. The more we can do to get people to be role models and support people, the better, and it is something I am absolutely committed to.

**Q163 Chair:** That is a very helpful observation. We will perhaps come back to some of those matters as we go through the session. I want to return to where we started off, in a sense. We have the reform coming through, and we are going to talk about the reform programme. The thing that strikes one immediately is that this is the second major reform, of a really significant kind, that probation has gone through in five years. What are the reasons for being confident this time that it will work and stick? Whatever the motives, it did not work last time. I think we all concede that is the case. What makes us confident that we will not go through another set of reforms this time as well?

**Lucy Frazer:** It is a very good question. It is a major reform and we need to make sure that it works. There are particular reasons why the last reform did not work. When we contracted out to private providers, they were not financially viable contracts. The reason is that we were guessing what was going to come through the system and we got it wrong.

I do not think that is going to happen in the next iteration, in the next phase of the programme we are putting forward. We are in a really positive place; it is right that the state takes control of offender management, and the opportunity to integrate high-risk offenders with low-risk offenders gives us some opportunities within the system. If we are also in control of unpaid work programmes in offender management, we can link up those two things well.

One of the exciting things about the programme is the dynamic framework, with £100 million, hopefully largely for voluntary sector organisations, although commercial companies have an opportunity to take part as well. That gives us local input into local units, with, hopefully, good-quality provision to turn people's lives around, as we have just heard.

To answer your question, I think the reason it will work is that we are not planning to do everything on day one. We are planning to make sure that the system stands up on day one, and then learn, reiterate and develop. We are confident that we will have a good, functioning system on day one, but we are even more confident that we will continue to review it and improve it as time goes on. We have flexibility in the system to do that, and that is why it will work.

**Q164 Chair:** That is very helpful. Amy, do you want to say something?





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**Amy Rees:** As you know, and as we have discussed before in this Committee, we have had a lot of feedback from stakeholders on the new model, and it has been welcomed almost universally. There is a lot to get right and I am sure we will discuss some of that today, but, overall, in terms of our approach, both staff and stakeholders have endorsed the new way of working, as have both inspectorates.

Q165 **Richard Burgon:** It is good to see the Minister again at the Committee. We need to be clear though, Minister; the great tragedy is that transforming rehabilitation was an entirely predictable and, more importantly, predicted failure. The Government's decision to proceed with it, in spite of the warnings of the damage it would cause, was driven by ideology, not evidence. Bearing in mind the scale of the damage done to the probation service, how much faith do you have that this new programme of reforms will be able to repair the damage caused by the Government's insistence on privatisation in the face of the evidence?

**Lucy Frazer:** I do not agree with the public good, private bad premise, and that it was inevitable that it would fail. What I believe, however, is that the choice we made in the circumstances where we found ourselves is a good one. What we have set up is a flexible system. The old system was not flexible. We entered into seven-year contracts and it was very difficult to flex the system. Because we entered into poor contracts at the beginning, it was difficult to amend them.

We have flexibility in the system. I am very pleased that we have a model that takes the best of the state system in a critical public service—offender management—and draws on the expertise of those who were already delivering those services, or delivering similar services in communities. We can take the best of the private sector and the voluntary community sector.

Q166 **Richard Burgon:** Thank you, Minister. You said in your answer that you do not believe in a public good, private bad analysis, but, with respect, the problem was that the Government pursued a private good, public bad analysis when it came to probation, despite the warnings. You also mentioned having come to a good position in the circumstances in which you find yourself. With respect, this is not a circumstance in which the Government find themselves. The disaster of transforming rehabilitation was a circumstance the Government created by not listening to the advice of the experts.

Over the course of the last 10 years, successive Conservative-led Governments have ploughed ahead with policies of austerity and privatisation, ignoring all the evidence of the widespread harm they would cause. The shambolic probation service reforms are just one example. If you could drill down further for the Committee, I would be grateful. What lessons do you think the Government most need to learn from the failure of probation privatisation, and what changes should be made to the Government's policy approach to make sure this never happens again? If your argument is that you are sorting out a mess that





has been caused, how do you ensure that similar messes are not caused elsewhere in the Ministry of Justice and the justice sector going forward?

**Lucy Frazer:** You raise quite a few points, which I will pick up. First, there were some advantages to the old system. We brought into probation, under supervision, thousands of people who had not been supervised before. Secondly, the CRCs provided some good innovations from which we have learnt and which we will take forward in due course.

There are things we have learnt from it. I accept and acknowledge that there were things that did not work so well, and that is why we are reforming the system. What we have learnt from it is that the integration of offender management is potentially a good move, and we think it is the right decision going forward, because it gives us flexibility as a service.

You mentioned investment. You will have seen that last year we had significant further investment in probation. Baseline, £151 million extra was added, and we have continued that into this year with an additional £70 million of capital. We are continuing to invest. We spend about £1 billion on probation, and we added to the investment in last year's spending review and in this year's.

Q167 **Richard Burgon:** Do you accept that, if the Government had listened from the start to unions in the sector and people working in probation, this whole sorry mess, with all the consequences it has caused for former offenders and other members of the public, could have been avoided?

**Lucy Frazer:** I acknowledge that there were difficulties with transforming rehabilitation. The contracts tried to predict what would happen in the justice system and the financial rewards did not match the reality. We have learnt from that. I am confident that the probation system we will bring forward in June next year will deliver that public service very well.

**Richard Burgon:** Thank you very much, Minister.

Q168 **Chair:** Jim, do you want to comment?

**Jim Barton:** The Department and Ministers have shown real pragmatism in their approach to probation reform. At the start of this calendar year, our plan was still to proceed with reasonably large-scale contracts with what we call probation delivery partners who would have provided unpaid work programmes. Faced with Covid and the uncertainty that that created in predicting future volumes, and the sense that it created the risk of a transforming rehabilitation mark 2 scenario, Department Ministers took the pragmatic course of action to abandon those competitions, and to favour instead the resilience, stability, control and flexibility that we have in bringing all of those core probation functions under the same roof. That approach of pragmatism feels like a marked departure perhaps from decisions made in the past.

Q169 **Chair:** Amy, do you want to add anything?



**Amy Rees:** We would not be where we are now on this model if we had not had TR. There have been some good things and fantastic learning from TR, and I do not want to move from this section without making that point. One is supervision for under 12 months, which was brand-new and was brought in under TR. We already have gains from that, but I think we can get even more under the new model.

The other thing is what you have just been hearing about. The CRCs have introduced some innovations and used service users a lot more than the public sector traditionally has in terms of either mentors or peer support, and there is loads of good learning to build on from that. Some of their use of technology has been good. The model we are about to embark on is not a reversion to pre-TR; it builds on lots of elements and learnings that we had during transforming rehabilitation.

Q170 **Rob Butler:** To continue from where we were, a lot of CRCs, which are also staffed by very dedicated probation officers, have concerns that some of the innovation they brought in could be lost. As Amy has just said, they introduced ideas that were not familiar or encouraged in the public sector. I remember visiting them and they said, "Look, we've been given a laptop. This may seem very simple, but in the past we were never given a laptop in the public sector. What it means is that we can spend more time with service users because we can go out and then type up our report, and we do not have to go back to the office." It is probably fair to reflect that there were those benefits. How do you make sure that those elements remain in the new service and system?

**Lucy Frazer:** That is an excellent point. Whenever you progress something, it is important to go forward but not lose everything. We have grasped this as a Department. The team has reviewed what is happening in all the CRCs to take forward that good learning. We will be taking it forward in a number of ways.

First, you will know that many of our regional directors were heads of CRCs. You mentioned the excellent staff in the CRCs. We have some of those excellent staff as our leaders, so learned knowledge will be with them and they can innovate in due course. Secondly, there are particular projects that we will definitely be taking forward. I have mentioned one of them, which is about the value of people who have been through the system. Seetec has led the way in relation to that, and we will be continuing it. Another thing I have heard when speaking to the CRCs is the value of the accommodation they have alongside their offices. One of the projects we will be taking forward is the Star housing project run by the Derbyshire, Leicestershire, Nottinghamshire and Rutland CRC.

We will do two things. We will have the people, and we will definitely be taking some programmes forward on day one, but we will not be able to take forward everything on day one. You mentioned technology. Our aim on technology is to make sure that we have a functioning service where everyone can log on and it works, and they are not duplicating passwords and reiterating stuff going forward. That is our aim on day one, but we



will continue to iterate and improve, with old and new learning, as we go forward.

Q171 **Rob Butler:** Can I pick that up a little bit with Amy? We declared our interests at the beginning, but it is probably fair for me to say that Amy and I sat on the HMPPS board at the same time.

Amy, do you feel that you will be able to empower those of your staff who are in the public sector to start having the freedoms and ability to make their own decisions? That has been the case in the private sector during TR, despite its many other problems.

**Amy Rees:** It is nice to see you again.

The Minister rightly said that we have recruited directly senior leaders from the CRCs to work with us, and they are now leading the system ready to receive them; pretty much all of the CRC staff will transfer to us and all the knowledge and learning they bring will come across to us. I think that the whole thing will enable the service to learn from what happened.

As you know, Wales has now been live with an integrated offender management system for over a year. It went live on 1 December. Almost universally, staff who were either originally in the NPS or the CRCs would say that has been a positive experience, and that is against the backdrop of the pandemic. They are really learning from one another. We will have to be in learning mode on the NPS side—for example, looking after the under 12 months group, which is something we have not done at all in the public sector before. Some CRCs have shown real innovation.

To be candid, there are some differences when operating in the public or the private sector, one of which is managing public money. We are accountable to bodies like the one I am appearing before today. That is right and proper, and it is the reality in which we live.

What we have shown as a system is that the senior leaders can grow and deliver. They have fantastic staff and we are able to innovate together. If you want a practical example, just look at the handling of the pandemic. It has been a challenge for us, as it has been for all public sector services, but we have shown, even as a big public sector organization—and indeed the CRCs—that we were able fairly swiftly to respond to the challenges. The public sector IT held up pretty well too. We now have laptops and smartphones and that has made delivery possible.

**Rob Butler:** I remember my HMPPS smartphone. I could never make it work, but maybe that is my problem, not yours.

Q172 **Kenny MacAskill:** Structural reform is to be welcomed in strengthening the probation service, but, as we heard from the earlier panel, there are other issues. What additional steps have been taken, for example, on culture, resources and personnel to improve and strengthen the service?



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**Lucy Frazer:** We are doing things under all those heads. You will have heard me say at the beginning that not only did we improve our baseline last year by £151 million, but we got an additional input this year, matching that, plus £70 million for capital. That will go on things like technology to make sure we bring our technology up to date. That will be some of our resource.

People are our main resource. As Amy said, we are bringing across expertise from the CRCs, as well as the people who have been working extremely hard in the NPS. We are using them to collaborate together. We have a buddy system in operation in Wales, whereby each can learn from the other to tackle the third point you talk about, which is culture. We want a culture that takes the best of the NPS and the public sector, and combines it with the innovation from the private sector. We want to develop something new. When I meet the regional heads of the new structure, they are very excited about that opportunity. We have a structure of 12 regions, innovation within them and very excited leaders who can take forward our programme.

Q173 **Kenny MacAskill:** Does anyone else want to comment?

**Amy Rees:** Shall I come in specifically on personnel? At the moment, we have about 460 gaps for probation officers. We already have more than that in training, and we are due to bring on another cohort of what we call PQiPs, or probation officers in training, in January. That will take us to over 1,000 probation officers in training in this financial year, the most we have ever had. Our plan is then to bring in 1,500 probation officers a year over the next three years.

You can see from the figures I have given that we are already over establishment, but that represents the change we expect in two areas. First, we expect to inherit some gaps from CRCs and we will need to fill those; and, secondly, we expect that the recruitment of 20,000 police officers means that extra work will come probation's way. In order to keep pace with that extra business, we will need to recruit that many over those years.

As I am sure you heard in the earlier session, we think that case loads are too high in some areas, and the additional recruitment is also designed to bring down case load. Our aim is to bring down case loads by 20% on average in steady state by 2024-25.

Q174 **Rob Butler:** A slightly different topic is the decision Jim talked about, which was, earlier this year, to end the competition for probation delivery partners, and skip that stage in the gradual reintegration process. The CRCs concerned were not happy at the total lack of consultation. It was a very quick decision. Minister, could you talk a little bit about the reasoning behind the lack of involvement of CRCs in that process?

**Lucy Frazer:** I read their evidence. I saw that. The position we were in was that we were rolling out the competitions. We had taken the decision



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that we would contract out that element of probation to the private sector. That was a decision we were absolutely comfortable with and were pursuing, and then the pandemic hit.

We were very conscious of the potentially significant operational impact of Covid and the uncertainty it brought with it in the middle of a big change programme, and the potential economic impacts for the whole country. We had to take a decision very quickly. Did we continue with the contracts we were in the middle of tendering for, or did we change course? We decided that, in the interests of delivering a vital public service, for certainty the appropriate decision was to change course. In order to deliver by June 2021, we had to take that decision quickly.

We engaged with the CRCs. I was in two meetings with them. The Lord Chancellor met them, and the team spoke to the CRCs as well. We engaged with them, but there was a very small window for us to take that decision, given the circumstances in which we found ourselves. We are very pleased with the work. The decision we took was not on the basis of their performance but on the basis of the circumstances we found ourselves in. We want to ensure that the private sector continues to play an important role in the delivery of justice, and there are many other opportunities for private enterprises to do that.

Q175 **Rob Butler:** On exactly that point, how can private sector organisations be confident, and trust the Ministry of Justice to stick to its word, when there was such a rapid change of heart? They had already spent a lot of their time and money preparing for the new contracts. They feel bruised and out of pocket.

**Lucy Frazer:** I get that, but we were in the middle of a pandemic. We took the decisions for no reason other than that we were in the middle of a pandemic. That is a very unusual circumstance to be in. I hope those companies and others see that our Department has an 8% increase in its budget as a result of the SR. There is capital investment of over £4 billion to build prisons. We will need to do that with the assistance of the private sector in both construction and operation. I have mentioned the investment in probation. We have the £100 million programme for the dynamic framework. We want to work hand in glove with the private sector where it is appropriate to do so. Unfortunately, circumstances meant that it was not a competition we wanted to proceed with.

Q176 **Maria Eagle:** Minister, what impact do you think the decision to end private sector involvement as you did, without any consultation, will have? You say you want continued private sector involvement, but what impact do you think that decision will have on the delivery partners you were hoping to have through those contracts? They do not really trust you any more, do they?

**Lucy Frazer:** It is not my experience that they do not trust us. I understand that they were disappointed, and that it was a commercial opportunity they were hoping to pursue and they could not. I completely



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understand that for them as individuals, and for their shareholders and the companies, it was very disappointing news. I heard that when I had those meetings with them, but, as I said in answer to an earlier question, we were in the middle of a pandemic and we had to take the right course.

As Amy mentioned, it is taxpayers' money and it is a public service, and we had to take the right course for the probation service, but we have significant funds in the Ministry of Justice for a whole range of activities that we are committed to. Do not judge us just by what we say but by what we do. We already have construction under way on two of our prison builds. We have already awarded a contract to one of our providers. We are in the planning stages for a third prison. Those contracts are going out to tender.

Q177 **Maria Eagle:** But they are different organisations. The people running the CRCs are not the same people who will perhaps be building your new prisons, are they? I wonder if you can tell me—

**Lucy Frazer:** But they may—

**Maria Eagle:** Can you tell me, Minister, what effect you think the end of competition will have on probation service delivery? Do you think it will be good or bad? What impact do you think it will have in practice in terms of the kind of provision that is going to be supplied?

**Lucy Frazer:** I am sorry I interrupted you, Maria. The point I was going to make is that the sort of services they want to provide may fall within the dynamic framework. I saw in the evidence that some of them said they might be interested in that. There are still contracts on the table of the sort they were pursuing under the current regime. Those contracts are valued at £100 million, so there are some opportunities.

I think that the service we will deliver in probation will be a good one. In fact, I think that, ultimately, it will be an improved service because we are taking the best of what is already on the table and combining it with what we provided in the NPS. We will have the opportunity and flexibility to combine offender management with unpaid work. I think you asked how we can make sure that it is not the end of a good service. I think it will be an improved service.

Q178 **Maria Eagle:** Do you think that what has happened will lead to a reduction in diversity and innovation in the nature of the kind of provision that might be forthcoming—for example, the loss of specialist expertise or specialist services that might suit some offenders and not others? Do you think the way this has happened will have any impact on that, or no impact?

**Lucy Frazer:** I hope that it will be improved. As Amy mentioned, and we have discussed, all the staff are coming with us to the new service, so we will be able to retain the diversity and innovation that already exists. What we are trying to do with the dynamic framework is ensure that we have delivery of services that is as local as possible, and, hopefully, we





will get to a position whereby the people who may feel that they were squeezed out by TR come back to the table, as well as people who have continued to supply services through the CRCs.

I hope we will get increased diversity and more localised services delivering and, therefore, that smaller charities are able to take part. Not only do we have the dynamic framework, but each regional director has a pot of money for innovation. They can use that to ensure that small local service delivery can continue to operate. I think that is quite an exciting element of our probation service.

**Q179 Maria Eagle:** Minister, when I was Prisons Minister, each regional director had such a pot of money and discretion, so we seem to be going back to the future. I am glad that you are suggesting that the privatisation of the service was a mistake, and that the service we will get now will be just as good and, you hope, much better than the service that transforming rehabilitation attempted to introduce.

As Prisons Minister, I was very keen to make sure that the provision took account of individual needs, particularly the very different needs of female offenders. There is not a one-size-fits-all solution to the issues that lead offenders to their offending behaviour. I often found as Minister that there was not as much provision for female offenders to try to keep them out of prison as perhaps there could be. Are you convinced that the new arrangements will allow enough specialist provision and places to make sure that the very diverse needs of different kinds of offenders are able to be met region by region?

**Lucy Frazer:** Before I answer your question, may I return to your summary of what I said? I certainly did not say, and do not say, that bringing in private sector providers was a mistake. I think it was a good innovation and that was the route we were going down, but, having taken the course we have taken, I am an optimist. I know the work that the team has put in and am confident that what we end up delivering will be an improved service because of the work we have done, because of the innovation we have taken on board from the private providers and because we can continue to iterate and improve it.

To answer your question about female offenders, one of the specific slots in the dynamic framework is for women. There is a specific contract for the delivery of female offender services, so I hope, given that, that we will still have good access to the excellent service that the female offender charities provide.

I know that you took some evidence from a variety of people, including in that sector. The system will not be perfect on day one. I have asked for some expert analysis of the bidding process we have already undertaken because we want to continue improving it. We are going to analyse who bid, what the problems are with the system and whether we can improve the bidding process so that we get it better for the next funding round.





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Q180 **Maria Eagle:** Will the provision for women offenders be available on day one, or are they some of the people who will have to wait until some later time when things are perhaps fully rolled out?

**Lucy Frazer:** It will be deliverable on day one.

**Maria Eagle:** I am glad to hear that.

Q181 **Chair:** Mr Barton, do you want to say something in addition?

**Jim Barton:** I apologise for taking us back slightly. On the point about the extent to which cancellation of the probation delivery partner competition created a risk of instability in the system, that was something we gave a lot of thought to. We considered it to be a risk. It is to the credit of CRC senior leadership, management and staff that that has not manifested itself. CRCs have continued to deliver through these extraordinarily complex circumstances; they have shown innovation and resilience, just as the NPS has, in the face of Covid, and they have been working with us incredibly collaboratively to plan for the transition of their staff and services to us in the dynamic framework next summer.

The Committee was absolutely right to point to that as a risk. We were focused on it. It has not manifested itself, and that is to the credit of CRC leaders.

Q182 **Chair:** Do you think that will continue to be the case?

**Jim Barton:** Yes.

Q183 **Chair:** What assurance do you have?

**Jim Barton:** There are two things. One is that many of those leaders have been in the service for their entire career, and that is where the vocational nature of probation is so important. They are committed to the probation service and are almost agnostic about the badge they happen to wear on their lapel on any given day. That is a huge strength of the service, from which we have benefited over the course of the last five to 10 years.

The second is history. If we could go through that June-July period, when for the second time in two years we made a change in strategic direction that, viewed simply from a commercial perspective, reduced the opportunity for those organisations in the future market, yet they stayed with us, continued to work with us and planned for an orderly transition, it suggests that we are set square for a safe and orderly transition next June.

Q184 **Chair:** Ms Rees, do you have a specific additional point to make?

**Amy Rees:** From an operational perspective, Maria Eagle mentioned lots of things. The first is that, when we made the decisions about the PDPs, we did not know that there would be a wave 2, or how long we would be managing this. In light of where we are right now, it feels even more like the right decision, because we feel we will be managing Covid right up



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until almost the time of transition. Trying to stand up new contracts on that scale in that time would have been extremely difficult.

The second thing is the point about capturing diversity and the small organisations that can help us. It is a tricky thing to do and it is absolutely crucial that we get it right. In my operational experience, not many of the organisations would say that TR has been a triumph in that respect. Even before that, some of them would give you mixed views about the trusts, to be perfectly honest. Some of them did it brilliantly; some of them not so well. We are all on a journey in doing that because we know how incredibly important that is in reducing reoffending, and that is why we are working so hard at the dynamic framework.

Finally, can we be assured that we will continue to get good co-operation with the leaders and managers of the CRCs? I again point to some past experience. We are managing Covid together as a system; we are making decisions across the system, and we are so grateful to all the managers and leaders, wherever they are in probation. As we continue to get ready and go forward, that will continue. A nice little example is that the other day we had a full staff event led by a CRC leader. That was not a CRC leader employed by us but a leader who remains with the CRC.

**Chair:** We have talked about the dynamic framework. Dr Mullan wants to ask some questions about it.

Q185 **Dr Mullan:** We have had a lot of discussion so far about the private sector. You have talked about the desire for a diversity of providers. The evidence we have had from people like Changing Lives, Catch22 and Clinks is that they feel the sector's ability to compete for these contracts successfully is hampered by factors like the complexity of the contracts themselves and the duration of the contracts in both directions. They feel some are too short and some too long.

Minister, how will you assess success as to how effective the dynamic framework has been in allowing for a plurality of providers and for third sector providers, which, from the evidence we have heard, the Committee probably feels have a lot to offer? It would be unfortunate if we ended up in a situation where there was not a plurality of providers, and private sector providers alone had been successful in surviving the bidding process, as opposed to their ability to offer a service.

**Lucy Frazer:** You are absolutely right; it is vital that we make sure that our contract process works for those small organisations. I have stressed to the team throughout the process that it absolutely needs to work.

There are a number of things to point out. More than 200 organisations successfully qualified for the framework, and half of those were from the voluntary sector, so we got quite a lot through the door, as it were. We liaised with them throughout the process. I and the team spoke to them on many occasions. Clinks, our umbrella organisation, liaised with them throughout about the issues they wanted to identify to us that we needed



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to change. Throughout the process, we have iterated the obligations where possible.

To give you a few examples, we tried to make the areas as small as possible, so that they were able to bid for something that just covered their geographic area. The majority of the day one contracts are at PCC level rather than regional level. We heard a lot about the burden of the requirements on some of the technology, so we only required, for example, a self-certified equivalent to ISO security certification information, in order to reduce the requirements on them. We funded, or made available free of charge in some cases, consultancy support for smaller organisations, so that they could take part in the application process.

We know there is still more to do. We hear from voluntary organisations that they still feel we have not gone far enough. As I mentioned in answer to Maria, we are instructing an independent expert to make an evaluation of how we can go further. We are liaising with the Cabinet Office because there are some issues in relation to procurement that prohibit us from doing more, as we would like to do. There is a review at Cabinet Office level of procurement, and we are feeding into that.

Ultimately, we need to recognise that we are spending taxpayers' money, so we cannot just give out grant funding. We need to check the financials of the company; we need to check that they are stable and will continue to provide the service, and that they are providing good value for money. There needs to be some level of bureaucracy, checking and form-filling, unfortunately, because the money we are spending on these services is not ours.

**Q186 Dr Mullan:** What is the timeline for the evaluation? When will it report back to you and when would you expect to implement changes as a result?

**Lucy Frazer:** We are just kicking that off at the moment, but we would like the evaluation to take place before the next round of competitions.

**Q187 Dr Mullan:** I want to ask about something we have already talked about in connection with the private sector—the end of the contracts. What feedback have you had from the third sector about the ending of the contracts for probation delivery partners?

**Lucy Frazer:** At the time, I know they were very disappointed that we ended those contracts. I was in the meeting when we told them of the decision. I know they were very disappointed with that process.

**Q188 Dr Mullan:** We rehearsed that earlier. I want to ask about the day one provision. The Department has recognised that provision is commissioned in a shorter timescale and under pressure. Are you confident that the full range of needs will be met from day one with that provision?



**Lucy Frazer:** We have ensured that the day one services we will deliver are the ones required by orders of the court. Everything that would be in an order will be delivered on day one. There is also the regional fund, but then we will be adding to the services. The day one services under way at the moment in terms of the competitions are education, training, employment, accommodation, personal wellbeing, women's services and services for young adult males in Wales.

Q189 **Dr Mullan:** What would you say is the biggest gap between what your day one services are and what you hope to see being provided six months from now?

**Lucy Frazer:** We will be providing further services. Those are the ones that we absolutely need to provide, but more will be coming through—for example, debt management and matters like that.

Q190 **Maria Eagle:** How will learning from the enhanced through-the-gate model in the old system be taken forward into the new one?

**Lucy Fraser:** We invested in the enhanced through-the-gate model with the additional £22 million for the CRC. We have improved it already, but we want to make it even better. One of the ways we will improve it is by making sure that we spend less time asking people the same questions, so that they do not have to keep repeating answers. We are streamlining our services, and we will do that through replacing the custody screening tool, which will be linked directly to NOMIS and nDelius.

The other way that we are changing is by reducing the number of people who become involved in a prisoner's journey. At the moment, a prisoner is rehabilitated through a number of people in the prison and then the probation service. We are reducing the number, so that the offender will have a prison offender manager in prison, and then we are going to bring in the probation offender manager—the community offender manager, as they are going to be called—earlier in the process than now, so that they can start resettlement earlier than at the moment. The community offender manager will come in 10 months before release, and then, hopefully, they will stay with the offender and help support them.

We are also bringing in another measure, which is one person to manage somebody who is on a short sentence. At the moment, by the time someone comes out and has a probation officer assigned, they are, unfortunately, shortly back in and they might get someone else. We will have a team based in the prison that specialises in short sentences, and that will, hopefully, reduce the number of people offenders need to liaise with.

Q191 **Maria Eagle:** That sounds like an improvement in the process. Will the new arrangements enable you to personalise the intervention more and meet the individual needs of the person rather than doing a tick-box exercise of following a process? Whether it is one probation officer who is inside the prison and another one when you get out, it is about what is



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more likely to make the good development of a personal relationship between the probation officer and the individual offender. Isn't it also about making sure that you personalise the help so that it works for that person? Is that going to happen?

**Lucy Fraser:** I absolutely agree with you. That is why I am really keen on people with lived experience coming in to support offenders, because that not only gives you a person but gives you somebody who understands you. I am very interested in mentors.

We hope to increase the provision for accommodation for people coming out. We have learned from the pilot we have on accommodation that is operating at the moment in three prisons that it is not enough just to give someone accommodation. When that accommodation falls through, and the person does not pay their rent, they are stuck again, so you need to help them back on to the accommodation ladder. The pilot gives you two years with a person. Six months before you leave prison and 18 months after you have left prison, you get wrap-around support. You not only get someone helping you get your accommodation, but you get that person as a contact to help you when you fall through the cracks as you go forward. That is a model that we are looking at with a great deal of interest, not only to help support the person with their offender manager and with services, but to help support them through the services as well.

Q192 **Maria Eagle:** Has the new resettlement model been finalised?

**Lucy Fraser:** Yes, it has.

Q193 **Maria Eagle:** How are you going to measure success in that model? We heard a little earlier some good and some not so good examples of the experience of coming out of prison and what it meant for particular individuals. It can be the difference between success and failure. How will you measure success in the new model?

**Lucy Fraser:** The first thing is that the work is being led by the former governor of HMP Liverpool, Pia, who had many plaudits from the inspector for her work in Liverpool. In a survey, 75% of prisoners in Liverpool said someone was helping them prepare for release, which was much higher than at the last inspection and at similar prisons. I hope we have the right people leading that work, and I am sure Pia will do a good job.

What I am working on at the moment—not just in probation; it is also in prisons—is accountability for outcomes. A measurement we need to look at is not only achieving success in milestones, such as whether the person is in a job and in accommodation, or whether the person got on to a health programme, but whether that person reoffended. It is quite a lot of work to measure all those tools and evaluate them and bring them into play, but it is something that we are looking at, because, I agree with you, we need to make sure that the system works.

Q194 **Maria Eagle:** Can somebody explain to me what the relationship is



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between the offender management in custody model and the new resettlement model?

**Jim Barton:** I am very happy to. You are not the only person to ask that question. There is complexity. In short, an individual in prison will be managed by a prison-based offender manager up until 10 months prior to release. That prison-based offender manager may either be a probation officer or a prison officer by background, but they will act as the offender manager regardless. At that point, 10 months prior to release, the responsibility for the individual will pass to a community-based offender manager. In the current model, you have both the community offender manager and the enhanced through-the-gate resettlement worker kind of working in unison, but with a bit of duplication.

In the future model, the community-based offender manager will be responsible for making sure that the resettlement assessment has been made and that a plan is in place to address the resettlement needs. The aim, as the Minister has pointed to, is both to simplify the system and to ensure that the individual who picks up the risk that the individual offender poses on release is focused on investing time and effort in making sure that there is the right support for the individual prior to release, so that there is a clean handover. The future model simplifies the arrangement.

Q195 **Chair:** Ms Rees, do you have anything to add?

**Amy Rees:** The Minister and Jim have covered the proper complexity, but in simple terms. OMiC is how we manage them in custody. Through-the-gate is how we manage release into the community.

Q196 **Maria Eagle:** How have you involved prisons in the development of the resettlement model? Has it been done and then they agreed to it, or have they been involved in it?

**Lucy Fraser:** They have been involved closely. As I mentioned, the governor of a prison is responsible for the strategy. She has brought her extensive experience of running a prison into our resettlement strategy.

Q197 **Chair:** The former governor of Liverpool.

**Lucy Frazer:** Sorry, I should have made it clear. She is the former governor of HMP Liverpool.

Q198 **Maria Eagle:** What resources have been allocated to the resettlement model? Has the level of resource with the new arrangement gone up?

**Lucy Fraser:** Yes, it has. As I mentioned in relation to probation as a whole, we have increased our budget both for probation and for capital expenditure. Yes, the resettlement investment has increased in that.

Q199 **Chair:** That is helpful. Ms Rees, is there anything you want to add?

**Amy Rees:** I am directly responsible for managing prisons in Wales, both public and private. It all comes under me, and I see this in practice. As





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you know, Wales was an early adopter. We are already looking at that work in Wales.

**Q200 Paula Barker:** To what extent does the workforce strategy address staffing issues in the probation service?

**Lucy Fraser:** It is a really important question, Paula, because we are nothing without our workforce. Amy highlighted this, and I alluded to it earlier; we are significantly recruiting to the probation service. We will have recruited 1,000 new recruits to probation by the end of this year. After that, we are going to recruit 1,500 a year on top of that. That is double the highest number we have ever recruited. We appreciate that we need to keep pace with demand, and we have plans to do that.

**Q201 Paula Barker:** Forgive me if I am wrong, Amy, but I thought I heard you say earlier that there are currently 460 vacancies for probation officers. Is that correct? Did I hear that right? I think I also heard you say that those 460 vacancies are included in the 1,000 target that the Minister has just mentioned. Is that also correct?

**Amy Rees:** The 464 are existing vacancies. We already have around 500 people in training, and we are due to bring on another cohort in January, in this business year, taking us to the full 1,000.

**Q202 Paula Barker:** The 464 is in addition to the 1,000 that you will recruit.

**Amy Rees:** The 464 are vacancies.

**Q203 Paula Barker:** I understand that. That is on the existing establishment.

**Amy Rees:** Exactly.

**Q204 Paula Barker:** You are recruiting 1,000 in addition to the existing establishment vacancies.

**Amy Rees:** Five hundred are already in training. We already have a group of about 500 PQiPs in training. Another 500 have been through their assessments and are due to come online in January.

**Q205 Paula Barker:** Amy, you have talked about case load being too high in some areas, and you aim to bring it down by 20% by 2024-25. Is that correct?

**Amy Rees:** That is correct.

**Q206 Paula Barker:** What is the rationale for it being so long? I appreciate that you have vacancies, but that seems an extortionate amount of time to wait to bring case loads down.

**Amy Rees:** As you can see from those figures, in theory, we are overstaffed in January already. As you know, it takes quite a while for a trainee probation officer to become a fully-fledged probation officer, and we accept that. At the same time, we expect that demand will not stay flat. In theory, if demand stays flat, we will get to the reduction in case load much sooner. If our predictions are right about how demand will





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increase, and how the 20,000 police officer recruits change things, we will stay at pace with that demand. We might at some point get ahead of it.

We might start reducing case load earlier, and that might vary geographically. It is much more likely in the north-west, for example. An inspection report released in April said that they are already fully staffed. That is not the case necessarily in the south-east. There will be geographical changes, and there will be changes over time. The only time we expect to get significantly ahead of demand is 2024-25.

**Q207 Paula Barker:** That makes sense. Given that case loads are too high in some areas, what work is being done with the trade unions to ensure that the welfare of staff is paramount?

**Amy Rees:** It is a good question, and the Minister might want to come in as well. First of all, we enjoy a productive relationship with our trade unions. As you would expect, we do not agree on everything, but I am grateful to them for the mature relationship we have developed. We have lots of discussion about all things. We have been discussing wellbeing a lot, in both underlying case load and Covid and the stresses and different ways of working it has created. We have a huge package of wellbeing ongoing at the moment to try to support our staff.

We have just had the first cut of the data from the civil service staff survey for the National Probation Service, and we have either stayed the same or gone up in every category. There is work to do. I am not trying to pretend there isn't, but it looks like we are on the right trajectory. We work closely with our unions and our managers. The workforce strategy has been warmly welcomed as a clear view of where we are trying to get to and how we will get there.

**Q208 Paula Barker:** How do you ensure that staff are providing quality supervision?

**Amy Rees:** There are a number of ways we ensure quality. First of all, we are externally examined. The inspectorate look at us. They look geographically and thematically. They have done one thematic on how we managed Covid and another on our response, in all aspects. We have an internal group called OSAG, which is not in my line but not completely external to HMPPS, and it too monitors quality. We have quality standards embedded in each region, and they look at quality and improve practice.

**Lucy Fraser:** To reiterate what Amy said, we have had a very constructive relationship with trade unions over this very challenging period. I have had the opportunity to speak to them on a number of occasions and have always been impressed with their constructive approach. I was very pleased, at their AGM, to take questions from members and to hear their concerns directly.

In relation to making sure that case loads are managed well, we will be having integrated supervision time built into the system, so you will not



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be expected to supervise on top of your case load within the day. That time will be built in. Bringing the CRC case load into the NPS case load means there is more opportunity for a varied case load, and that will vary the stress. On the whole, lower-risk offenders probably give less stress than higher-risk offenders. Next year, 2021-22, we will be using a data analytics system to bring about better workforce management and forecast of future case load.

There are all those things, together with the increase in staff. We are doing everything we can to increase the numbers of staff. There is a limit to how many we can bring on board, given the supervisory roles and the training that is required. Together with the recruitment, I hope those measures will help to improve the wellbeing of those who are in our staff.

**Q209 Paula Barker:** In regard to the NPS, they require a higher level of vetting, as I understand, than the CRCs. Are you concerned that some staff may not pass the vetting process, despite having been in post under a CRC?

**Lucy Fraser:** We have been clear with all CRCs that we will put them through minimum nationality checks. If they cannot do the full range of duties because they do not pass the vetting, they will do different duties. We will still be able to keep them on, doing work that they are vetted to do.

**Q210 Paula Barker:** Will you work with the trade unions to give people who do not pass the vetting appropriate training and support to enable them to do the full range of duties as per the job description?

**Lucy Fraser:** Yes. Either we will train them up, if that is appropriate, or if it is not appropriate, we will ensure that we still employ them, but in another capacity, in other roles.

**Q211 Paula Barker:** When you say in another capacity, do you mean a different job description that could potentially have a different salary band?

**Lucy Fraser:** It looks like Jim wants to come in.

**Chair:** Mr Barton, can you help on that?

**Jim Barton:** To build on the Minister's answer, we absolutely have designed a process to reduce any hurdle for a CRC member of staff to join us. As the Minister said, we have agreed that we will only do minimum nationality checks before transfer. All other vetting activity will happen post transfer. The message we want to send to CRC staff is, "You are welcome. You are coming into our employment. We want to reduce barriers that would in any way complicate that."

As we work through the vetting process, the answer to your question will depend very much on individual circumstances. For example, if somebody who is working as a probation service officer in an offender management team were to fail the vetting necessary to access ViSOR—the joint police



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and prison probation system used to manage violent sexual offenders—under our current policy they would no longer be able to work in offender management. That policy may change. We will need to keep it under review as we take account of the joint case load. In that circumstance, we would likely work with the individual to move them to a court team or to train them up to work as a programme facilitator, still at band 3, with no impact on their pay.

We have made a very clear commitment to the trade unions, which the Minister has endorsed, that there will be no compulsory redundancies as a result of this programme for at least two years. Two years is a very long time in the probation service. It gives us plenty of time to work through transitional issues.

Q212 **Paula Barker:** Just for clarity, Jim, are you saying that no staff member will suffer detriment to their pay, terms and conditions as a result of the transfer and the vetting process?

**Jim Barton:** Terms and conditions is a broad point. If an HR colleague was sitting at my shoulder, they would advise me not to say, “Absolutely, yes,” to your question. We have guaranteed that core pay, terms and conditions absolutely will be protected through this process. We have agreed that wherever an individual has moved into a role that is at a different grade, for whatever reason, pay protection applies for three years post transfer.

There will be individual terms and conditions. For example, some CRC staff may be in receipt of a car allowance. That is simply not something we recognise in the NPS, so we will be removing that allowance and buying it out. “No detriment” is a big, bold statement that we cannot make. It is absolutely fair to say that we have put in place protections that mean that core terms and conditions are protected for a considerable period of time. The trade unions have put that package to their membership, and it was endorsed by between 95% and 98% of the individuals who voted on it. That suggests that it is a decent set of protections.

Q213 **Paula Barker:** Amy, do you want to say something else?

**Amy Rees:** I wanted to make exactly the same point that Jim made at the end. This package has been endorsed.

Q214 **Paula Barker:** Amy, you talked about inheriting gaps from CRCs. Can you give me a ballpark figure of how many vacancies we are looking at in terms of the gaps?

**Amy Rees:** It is difficult to give you a ballpark figure because there are changes around the country; we are gathering information from the CRCs; and, most importantly, any figure I give you will be a bit misleading, as the way CRCs deploy staff is not necessarily the same way that we will deploy staff in the unified case model. To give a random figure, let’s say it is 100 in the north-west region. That would not



necessarily translate into 100 vacancies in the probation system because we might use them differently in offender management. Our predicted figure for vacancies is how many we anticipate needing in the NPS, and we continue to refine that as we go into transition. I expect to have a final figure in January or February. That is how we have made the predictions for the numbers of staff we need to recruit.

**Q215 Paula Barker:** How soon is any training going to start, to avoid backlogs and ensure that it is completed before transfer?

**Amy Rees:** We have a big programme of training. For example, with IT and laptops, our intention is to give those out before people arrive so that they can have them and work on them. There are other bits of on-the-job training where they will need a mixed case load in order to train. Our experience in Wales has been that some training was done up front, but then we had a very intense period of training after transition, and that needed to happen in order to be ready for the mixed case load. The answer is that it depends on the type of training: some before, quite a lot immediately after, and then an ongoing period of training that will last probably the best part of a year, post transition.

**Q216 Chair:** With regard to transition, in some places, you are going to be dealing with a number of different operating models coming together. The idea is that you can go live by June 2021. Is there time sufficiently to do that transition, with those different types of operating models and different numbers of operating models for different functions?

**Lucy Fraser:** It is a legitimate question and it is a big challenge, but we believe the answer is yes. The reason I say that is that we are already doing some of the work. As Amy mentioned, in February we are going to give everyone laptops and their digital systems. We are going to transfer ownership of the CRC leasehold buildings in January. We are taking steps now to make sure that the transition will be smooth, having learnt from what we did in Wales, so that staff will be ready to go in June. We are working very closely with the CRCs at the moment, and they are positively supporting us in our work.

**Q217 Chair:** Three CRCs—MTC, Reducing Reoffending Partnership and Seetec—wrote to Jo Farrar, the chief executive of HMPPS. They had a number of concerns, stating that: “In our estimation the Department is on course to repeat some of the same mistakes of the 2014 transition to the private sector.” In their letter, they asserted that it is “more hazardous” this time because there are 21 different operating models “against the background of recovery from coronavirus.” Why are they wrong about that, or have they changed their tune now?

**Lucy Fraser:** They made arguments to us some months ago as to why we should not continue with the course that we had chosen, and they told us then that it would not be possible. I have spoken in detail to the team on a number of occasions as to whether it was achievable, and they assured me at the time that it was. I believe it is still possible to do that



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by June. The IPA improved their confidence rating in the programme from amber/red to amber in October showing that, although it is a very difficult programme, we are on track to deliver it.

**Q218 Chair:** Seetec gave evidence to us about that perhaps more recently than in that correspondence. They said: "It is possible in theory and on paper to design a programme which delivers to a 12-month timeline, but in practice this cannot be assured without more detailed due diligence and analysis of the current diverse operational landscape." Has that been done?

**Lucy Fraser:** As I said at the outset, it is very complicated, but we are aiming to deliver on day one a functioning service that will operate and deliver, where everyone will be able to sign on under the system. We are confident that we will be able to deliver that. I am sure Jim has some operational points that he wants to bring in.

**Jim Barton:** Those same organisations were proposing to bid into a competitive process that would have given them five months to complete transition from current CRC delivery to their future delivery model, with no guarantee whatsoever that they would win contracts in the areas that they currently operate in. I struggle a little bit with the framing that it would be impossible for the MOJ, an organisation that has in different forms delivered probation services for many years, to complete a transition in 12 months that those organisations believed that they themselves could do in five. That is slightly curious, and I still have not quite put my finger on the point of difference they are alluding to. As the Minister pointed out, we absolutely are smoothing transition.

One of the experiences of transforming rehab was that it felt metaphorically like a big bang moment over the weekend when we transferred staff from trusts to the NPS and CRCs. As the Minister pointed out, we are, wherever possible, completing transfer activity ahead of June. That is about training, laptops, buildings and establishing the future management structure. By April, the whole tier below our regional probation directors will know which job they are taking on. We will also push some of the transition activity post June. Where it is necessary, we will—forgive the jargon—lift and shift existing CRC operating models, and run them as they are today for a period of time while we bed in post transition. For that reason, we see probation reform as a programme running for 12 months, post June next year, to complete that process.

**Q219 Chair:** The lift and shift, interestingly, is one of the things that those three providers wrote to Jo Farrar about. What engagement have you had with the three providers since that letter to try to set their minds at rest on that?

**Jim Barton:** Extensive. I meet the chief execs of all those organisations on a fortnightly basis and those conversations are positive. We have recently, in the last two weeks, written formally to all CRC parent organisations setting out in detail all the additional activity that we



require them to undertake before the contracts end. We have had very positive responses from six of those seven parent organisations. We are working with all seven collaboratively. Jo Farrar and Amy will meet those parent organisations next week to carry on that conversation. Engagement is extensive and overwhelmingly positive; everybody is focused on doing it well.

**Q220 Chair:** Is there a risk mitigation plan as part of your overall transition plan?

**Jim Barton:** There are two answers to that question, Chair. We are very clear that there is no contingency in the sense of extending CRC contracts. That is not an option available to us in strict commercial terms; nor is it an option that we think is in any way palatable or tenable. We are absolutely working to 25 June next year as being a hard deadline to complete the transfer of staff and assets from the CRCs.

Our contingency is around the balance between lift and shift: how much we replicate current service delivery and structures, as opposed to harmonising CRC staffing structures or operating models in the way we want them to operate in the NPS post that date. It is a pressure release valve in the sense of how much change we try to achieve over that weekend, as opposed to taking control of staff, supporting systems and running them as they are today for a period of time.

**Q221 Chair:** I understand. Hard deadlines have certain connotations in this building at the moment. Minister, is there anything you want to add?

**Lucy Fraser:** No. I think Jim summarised it very well.

**Chair:** Thank you very much, Minister, Ms Rees and Mr Barton for your time and your evidence. Good to see you again.