

Justice Committee

Oral evidence: The future of the Probation Service, HC 285

Tuesday 22 September 2020

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[Watch the meeting](#)

Members present: Sir Robert Neill (Chair); Paula Barker; Richard Burgon; Rob Butler; Miss Sarah Dines; Maria Eagle; Dr Kieran Mullan; Andy Slaughter.

Questions 1 - 69

Witnesses

I: Justin Russell, HM Chief Inspector of Probation, HM Inspectorate of Probation.

II: Suki Binning, Chief Executive Officer, Kent, Surrey and Sussex CRC (Seetec); David Hood, Vice President of International Business, MTC; Adam Hart, Chief Executive Officer, The Reducing Reoffending Partnership; and Trevor Shortt, Director of Operations – Community, Sodexo.

Written evidence from witnesses:

- [HM Chief Inspector of Probation](#)
- [Seetec](#)
- [Sodexo](#)



Examination of witness

Witness: Justin Russell.

Chair: Welcome to this meeting of the Justice Select Committee. We are continuing our inquiry into the future of the probation service and I will come to our witnesses very shortly. First, as always, we have to go through the formality of making a declaration of interests. I am, as per my entry in the register, a non-practising barrister and a consultant to a law firm.

Miss Dines: I am a barrister, but I have not taken any work since my election.

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

Maria Eagle: I am a non-practising solicitor. I have not practised since before I was elected, many years ago.

Q1 **Chair:** I do not think we have anybody else with us at the moment, though I know that Mr Burgon and Mr Slaughter are coming. They would declare that Mr Burgon is a non-practising solicitor and Mr Slaughter a non-practising barrister. I will get that in for them just in case we forget.

Our first witness, who is with us in the room, is Justin Russell, Her Majesty's chief inspector of probation. Welcome, and it is very good to see you again, Mr Russell.

Justin Russell: Thank you and thanks for having me.

Chair: Thank you very much for coming to help us. Perhaps we can cut to the chase because we have seen a good deal of written evidence, of course, about the inquiry, and your work is familiar to us in any event.

What a lot of people might be thinking is this: the probation service now is going through its second major reform in five years. The first was pretty substantial, with the CRCs and so on—a major reform; and now another major reform is going in the opposite direction. I suppose people might ask what confidence we can have that the new model will stick and that we are going to get a lasting solution that we can deliver on. As the person who is charged with inspecting the service, what is your take on that?

Justin Russell: You are right to say that a lot of people hope that this new model will stick. It is the fourth major restructuring in over 20 years, following previous restructurings, so it is very important for everyone working in the service that they get some stability going forward.

I do not think structural reform by itself will necessarily bring that stability. It is very important that it is backed up with real resources, strong leadership and the right performance framework. All of those



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elements have to be in place. Merely shifting boundaries around while changing the structures will not by themselves necessarily bring substantial improvements in quality.

Q2 Chair: Some of the Committee's findings and reports were quite critical of the previous structure and the fragmentation. Did that fit with the evidence that the inspectorate found?

Justin Russell: It did, and I think the findings from the inspectorate over the five years of Transforming Rehabilitation matched what your Committee and the National Audit Office have been saying. From quite early on in our inspections, we were finding, as you say, a fragmented and two-tier service with some quite serious flaws in the way the structure had been set up.

The most serious flaw of all was the commercial contractual mechanism, and the way that that meant some very serious underfunding of the CRCs. I think the Lord Chancellor came to your Committee and said that potentially there was a £700 million underspend on CRCs compared with what was expected to be spent on them over the seven years of the contract. That gap in funding has had a deleterious effect on the quality of service that they have been able to deliver.

Q3 Chair: That is something you were able to pick up from your inspections.

Justin Russell: It certainly is, and we have been picking it up since we started doing inspections after TR. There are some areas of good practice: some services have done well. We have seen some areas of improvement. London CRC, for example, has improved over the years, and South Yorkshire has scored well over the years.

In our most recent round of inspections, we re-inspected nine CRCs and compared our results with our previous set of standards; three of them we now rate as good, so there have been some signs of improvement. The remainder are still in need of some improvement, particularly around the basics of offender management and managing risk to the community.

Q4 Chair: That is very helpful. When you said, as you fairly did, that there are other things beyond purely reunification that were required, are there particular areas of the topics you highlighted to us that you think should be given the most focus?

Justin Russell: In terms of what our inspections have found over the last two or three years, it is the focus on public protection. Actually, the CRCs have not been bad at looking at desistance and at reoffending. That has been very much where their focus has been, and they have introduced some interesting innovations around that; they have introduced new rehabilitation programmes and some quite sophisticated data tools to see what the needs of offenders are.

We consistently score them down on the management of risk. Over half the cases we inspect in CRCs are not satisfactory in relation to protecting



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the public—assessing risk, planning for it and then reviewing it. That needs to be a key focus going forward.

It is not just CRCs. It is the weakest area of performance for the National Probation Service as well. They score a bit better than CRCs, but it is still bringing their scores down. They all need to improve in that really critical area of public protection.

Q5 **Chair:** System wide.

Justin Russell: Yes.

Q6 **Dr Mullan:** I want to pick up on a couple of those points. It is a really difficult thing to weigh up the extent to which you might attribute the factors, but would you say that the reorganisation was a small factor or a big factor versus the other things you talked about?

Justin Russell: A big factor in terms of the poor performance?

Dr Mullan: Fragmentation in terms of performance.

Justin Russell: It was a big factor, but it was not necessarily the split, although that was a factor. The under-resourcing was a critical factor because so much of the probation budget goes on staff; that is the biggest element. It had a real impact on case loads and on the manageability of what staff were doing. We were consistently finding staff saying, "I've got too big a case load. I can't manage that." We were finding probation officers with 70 or 80 cases, and you cannot manage risk effectively or do a good job by the people you are supervising if you are managing that many people. That was a direct result of the lack of resources, and that, in turn, was a reflection of the failure of the funding mechanism.

Q7 **Dr Mullan:** I assume that the funding mechanism is the same funding mechanism for the three that you found to be good performers versus the ones that were not. What do you think is the difference within the same framework and budget, the same contracts, for those to be good when others are struggling?

Justin Russell: The overall shape of the contracts is similar, but they all went in with different bids and different tenders. Some of the providers were more ambitious in their assumptions about what they would get from payment by results in the later years of the contract, and those are the ones that are really suffering now and have the biggest holes in their budgets.

What we actually see now is almost a three-tier probation system, where we have the National Probation Service, we have maybe three or four decently performing CRCs and then some that are really struggling because of the holes in their budgets. As we have gone back into those CRCs in the last year, they are still having to cut budgets; they are still cutting probation numbers. Particularly, Purple Futures and the RRP



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services in the east and west midlands are where we see those real issues very much at play.

Q8 Dr Mullan: Did you notice any difference between whether they were perhaps a private sector provider or a non-profit provider? Did you see any pattern in that regard?

Justin Russell: Not necessarily. There are good providers, both private and of a more mutual arrangement. Durham and Tees Valley is the best-known example of the more mutual arrangement. MTC is the provider for Thames Valley, and we have rated them good. Sodexo is the provider for South Yorkshire and we have rated them well.

Private providers can do a decent job, but they are in a very different position financially and there are risks. Once you start to outsource something and you have large providers moving into the market—large parent companies—you are also at risk of what is happening to the owning company as well. If they get into trouble, the justice subsidiaries may struggle as well. We had that issue with Working Links at the beginning of last year when they went into administration. That caused all sorts of problems in the south-west and Wales.

Q9 Chair: That is very helpful. We have the new model; it is still in draft form, of course, at the moment. February 2021 is the time when I understand the final model is expected.

Justin Russell: We are still waiting for the detail in the target operating model, and the detail behind the transition plans.

Q10 Chair: We are about four months before it goes live at the moment. Do you have initial views as to the progress on that? Are you concerned that we are that close to going live?

Justin Russell: It is an ambitious timetable. The clock is ticking, and they have eight months to go till June next year. My own experience of leading big transition programmes is that there is an awful lot of detail that you have to get right. If you do not get it right, you have people turning up to work on day one whose IT systems are not working, who maybe cannot even get through the door and who do not have half the cases they are supposed to be bringing with them.

The critical things are that you need to make sure the people are coming across, that you have everyone in scope, and that you have sorted out terms and conditions, pensions and vetting and all the rest of it. You need to make sure that the IT and the data systems are right, because we are talking about 130,000 cases transferring into the National Probation Service, and you do not want to lose any of them on the way.¹

You need to make sure that you have sorted all the buildings and the accommodation. Purely sorting out the leases on tens or hundreds of

¹ Note by witness: This figure should read 113,000



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buildings is a detailed and difficult task. There are some big things that need to happen between now and June. We are going to do our own inspection of transition planning and readiness, starting at the end of November, and we hope to report in the new year on how we think that is going.

Chair: That is useful, thank you.

Q11 **Rob Butler:** I would like to continue talking about transition, if I may. Let us get to the nub of it: do you think there is enough time to transfer successfully by June 2021?

Justin Russell: Potentially. It partly depends on how much you can de-risk what you have to do and the mitigations you have if things aren't right. If you are trying to do everything on one day, there are huge risks attached to that. It is how much you can mitigate.

Some of the obvious things are being done. They are lifting and shifting people's case loads, so probation officers will move into the new structure with their existing case load, and will carry on supervising that so that people do not get lost in the process. They will carry on having the same line management.

Ironically, one of the failures of TR was around encouraging innovation in IT systems, because that did not really work out, quite a few of the CRCs are still using the NPS case management system, so they will not have to transfer that, although London and Thames Valley have their own case management, so that will be an issue.

Q12 **Rob Butler:** That is a very pertinent point. I happened to visit Thames Valley CRC a couple of weeks ago and they are very proud of their IT system, which they would say is rather more sophisticated than that of NPS, particularly, for example, in being able to track their service users, as they call them, in real time, which the NPS system apparently does not. They are not going to be able to use that system, so they expressed concern that there is almost going to be a backwards step in some elements of supervising offenders once they go back to the unified model. Do you have concerns about that? How are you going to inspect it?

Justin Russell: Yes. I have been to the Bicester office for MTC and looked at that case management system, which is called Omnia. I sat with a probation officer and they were really pleased with it. We have had very positive feedback from probation staff in both Thames Valley and London about that new system; it feels much more intuitive, and it is quicker to do assessments. I hope there are elements that can be transposed.

That is an issue you need to talk to the Department and HMPPS about, but it is those sorts of innovations that TR was all about in some ways, and you need to make sure that some of the learning is brought along. It is not just IT: there are other things that they have been doing around community hubs and service user engagement as well.



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Q13 **Rob Butler:** If I quote you correctly, I think you said that you encouraged the NPS to capture what works in CRCs and transfer initiatives or ideas to the new service once it is a unified model. Will an element of your inspections be monitoring that to make sure that the advances that have been made, in an albeit flawed system, are not lost?

Justin Russell: We will keep inspecting against our core standards around quality and management services and facilities; where we spot good practice, we will continue to flag that. We have been doing that with CRCs, and we will be looking to see whether they have brought that in with them. I have written to the Minister to talk about what I see as some of the positive things that CRCs have been doing. When we do a report, we flag up those initiatives as well. It is important to bring those over where they can, yes.

Q14 **Rob Butler:** But do you have confidence that the transition can take place by June 2021, and that that is not overly ambitious?

Justin Russell: Until we have done our national inspection in December, we will not have the evidence one way or the other, so I am happy to come back to you early in the new year and report on what that shows.

Q15 **Andy Slaughter:** On transition, what effect is it going to have in relation to the existing workforce? I think you also have an ambition to recruit 1,000 new officers by January next year.

Justin Russell: HMPPS have that ambition, yes. We will be holding them to account on whether they meet it as part of our inspection.

Q16 **Andy Slaughter:** Yes. Do you think it is realistic?

Justin Russell: I spoke to the director of the workforce programme last week, and we are very carefully monitoring what is happening with staffing numbers. We see signs on the ground that probation officer numbers, in the NPS at least, are starting to increase. We inspected the north-west NPS at the beginning of this year and were pleased to see that they have had 153 new trainees come into the north-west. I hear similar things from other regional directors.

The last published figures showed that probation officer numbers had gone up by about 200, by about 6%, and the gap in the number of unfilled probation officer vacancies is coming down. It is still above 400, so they still have some way to go. I think the number of trainees, on the latest published figures for the end of June, was above 500, so there is a gap between that and 1,000. I am told that there were 9,000 applications for the most recent round of PQiP recruitment—the new trainees—so there is a pipeline, and obviously, as the job situation starts to tighten and people are looking for opportunities, that, to some extent, may help them to get bigger application fields as well.

Q17 **Andy Slaughter:** It is perhaps not surprising in the current climate that there are a lot of applications for jobs, but this is becoming quite a



familiar story. You could say the same thing with prison officers or indeed police officers, where the service has been cut back to the bone and there have been huge reductions over 10 years. Now some compensation is being made for that, but you have the situation where you are trying to recruit people, who perhaps have no background, and train them. In some cases that makes it worse for a period of time, because the existing service has to switch its resources to that sort of induction process. Given that we have very high case loads anyway, are you concerned about that process? What do you think can be done to mitigate the problems with it?

Justin Russell: You are right to say that in the short term there are certainly pressures that come with recruiting new trainees: they have to have a reduced case load while they are training; you have to have someone mentoring them; and you have to have a trained assessor who is assessing them as well. All of that affects productivity, although in the long run, once they have the hang of the job, it goes back up again. They need to keep the numbers coming in; they need to keep recruiting.

The other factor is that you have potentially 20,000 extra police officers coming downstream who will be putting more business into the courts and on to the probation service, and they will need to keep recruiting to meet that requirement as well. They will need to go beyond 1,000, I would have thought, to start to meet those extra demands as well.

Q18 **Andy Slaughter:** It is a perfect storm in a way. We are transitioning from one system to another because the previous system failed; the service is trying to make up for the lack of numbers and deal with what are perceived to be the current problems of excess case load, which have caused some pretty distressing events to happen. Obviously, you are aware of all that, and it is your job to monitor, criticise and so on, but, going beyond that, do you have any insight into how the service should be operating? Do you have any advice, or do you not see that as your role?

Justin Russell: I have been talking to quite a few regional directors over the past few weeks. They have to balance both recovery planning from Covid and preparing for this major transition next year. That is a big demand on them. They need support teams around them; they need support from the centre to be able to do that, and they need resources. I was encouraged that an extra £150 million went into the probation service this financial year. It is really important that that gets baked into the baseline going forward, and that they have a decent settlement in the spending review to support all of that work going forward. It will be very challenging for those leaders, particularly those who may be new to the NPS.

Q19 **Andy Slaughter:** We all know that the MOJ has received probably the highest cuts of any Government Department, and this is only mitigating that to some extent. Do you see there being a risk to the public in what is happening at the moment, and do you think any steps should be taken on safeguarding in terms of the way that the service operates during the



transitional period?

Justin Russell: As I said, our biggest areas of concern in our quality standards are around risk of harm and whether they are getting the risk assessments and the planning and reviewing right. That has consistently been unsatisfactory. We will continue to focus on that in all of our inspections relentlessly and check that lessons are being learned.

There are some signs for encouragement, in that some of the scores have started to improve a bit. What I hope is that they do not start to go down again as we get nearer to transition. Keeping the service's eye on the ball of delivery, as they also prepare it, is really important. As the CRCs head towards the exit door, it may become more difficult for them, particularly for their parent companies, to stay focused on delivery. A lot of CRCs are starting to lose their leaders, as senior leaders are now moving into regional director and heads of operation jobs in the NPS and leaving the CRCs, so there are real vulnerabilities around that which the service needs to look out for.

Q20 **Paula Barker:** There is just one question from me. In respect of the workforce strategy and the transition, do you know whether the trade unions will be fully engaged, on behalf of their members, in the whole process?

Justin Russell: I don't know. I certainly hope they have been, and we will be checking on that in our transition planning inspection when we start it in November. That is certainly one of the questions we will be looking at.

In the Wales example, where Wales went through the transition a bit earlier, there was, certainly in the offender management function, a lot of negotiation and liaison with the trade unions. I think that is still going on. I am not sure that they have yet settled the terms and conditions around the Welsh probation service, so there are lessons from that exercise for the rest of the country as well.

Paula Barker: Great. Thanks very much.

Q21 **Dr Mullan:** I have a couple of questions. In terms of the 1,000 figure—although this might already have been covered—as the companies are wound down and we move back to a single model and their staff transfer over, I assume it is clear that that 1,000 will be on top of any people who transfer in, because you are not really creating a bigger workforce if you are just bringing in-house existing people. Is that part of how you understand it?

Justin Russell: The big problem we have is that there are no national figures on the CRC workforce; we do not know how many probation officers or PSOs they recruit, so it is very difficult to know how big the hole is that needs to be filled as they transfer over. We have been collecting that data as we do inspections. The data from the services that we have inspected shows that probation officer numbers have come down



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by about 10% across those we inspected over the last financial year, as resources have got tighter, so that is increasing the hole that needs to be filled.

There are very few CRCs, if any at all, that are now starting to train new probation officers—it is not in their interests—so it is very much on the NPS to make good that gap. I am sure they take account of what the potential gaps in the CRCs are, as well as the NPS gaps, when they decide how big the recruitment cohorts should be going forward.

Q22 Dr Mullan: I guess what I am getting at is how you are going to be able to draw a firm conclusion as to whether the overall workforce of people working on behalf of Government in probation has gone up by 1,000, versus people who have just come in from the companies. How will you know?

Justin Russell: That is a very good point, and I will be asking the very same question as they continue to pass statistical bulletins, because the statistical bulletin, as you have probably seen, is purely NPS staff. We have never had a bulletin on CRC staff. There will at some point be a number of people who are in scope for the transition to CRCs and we will know that number, but, as you say, we will not necessarily know what the gap in that number is.

Q23 Dr Mullan: I am interested in the vacancies in the sense that it is all very well to talk about lack of budgets, lack of money to hire people, and so on, but when you cannot hire people within existing budgets, it demonstrates that it is not just a matter of the overall money available to the services. Why do you think they are struggling to recruit? Are there not suitable people? Is it salary, or work environment? What do you think means that they struggle?

Justin Russell: As you might expect, the biggest struggle with vacancies is in London and the south-east; and in the south-east it is the bits of Kent and the home counties that are closest to London. That has been a real issue. In our Joseph McCann review, we found staff shortages in the Hertfordshire office that had been supervising him. Some of our inspections have shown vacancy rates in the NPS of up to about 20%. They are being plugged with agency staff at the moment.

What I am often told is that agency staff are quite happy to do long-term placements; they do not particularly want to go for permanent probation officer jobs because they find that reduces their flexibility. There needs to be some combination of thinking about what flexibility or work-life balance they can offer within the service, or if it is the salary. There was some language in the workforce strategy about looking at pay and conditions, which I hope indicated that they are considering what might need to be done on that, in particular in areas of high vacancy.

Dr Mullan: It is interesting what you say about the number of applications and what they are applying to do, so maybe there is a more



positive future. Thank you.

- Q24 **Maria Eagle:** Briefly, before I move on to Covid, there is one thing that strikes me about the reason why the CRCs were set up and split away from the NPS. They were going to deal more with minor offenders who could be turned away from repeat offending more readily perhaps, and the NPS was going to stick with dealing with some of the very serious and dangerous offenders. Have you any view about all these challenges coming at once—the high case loads, the organisational change as the two organisations are put together, the lack of staff and the recovery from Covid—and what impact they are going to have, if any, on the ability of the service as a whole to deal with the high end, more serious and dangerous offenders? If they are not supervised properly and if they are not properly dealt with, the consequences of things going wrong can be much greater for those who end up being victims of perhaps further offending. Do you have any handle on that, and whether or not during this transition there is going to be an issue in dealing with the serious and dangerous offenders at the toughest end of the scale?

Justin Russell: What we are finding is that supervision of the higher risk offenders who are in the case loads of the NPS has been rather better than the lower and medium risk offenders. Because those offenders will stay with their NPS probation officers as they go through transition, there should be continuity of supervision through that process and, hopefully, people's eye will stay on the ball with them.

Interestingly, when we did our study of serious further offences, two thirds of homicides committed by people on probation were people who had been assessed as low or medium risk, so it is not people at the high end who are offending. What we find as we look at CRC case loads is that they are pretty chaotic people: they are quite likely to have a drugs problem, and 40% of them are domestic abuse perpetrators. Calling them low risk is not necessarily always the case; they might be homeless and, quite typically, have issues with accommodation.

We find that that population has huge needs. They are quite chaotic and need particular interventions and support, maybe different from supervising a lifer coming out of prison or someone convicted of a serious sex offence. They need the right sort of supervision and services going forward. It is important to make sure that that happens as they move over to the NPS caseload next summer.

- Q25 **Maria Eagle:** Can you let us know what your initial findings are on the inspection of probation services during the Covid-19 period? Obviously, that has changed how everybody does things, so do you have any initial findings from your inspections?

Justin Russell: Yes. We have finished the fieldwork and have been writing up our findings. We looked at six local services, and in detail at 60 cases, in June, and we interviewed some service users about their experience and interviewed probation officers.



We found that the probation service had done, in some ways, a remarkable job at completely changing their operating model overnight to one of remote supervision, so that 80% to 90% of people were receiving phone supervision rather than face to face. Some critical services had to be stopped altogether. They had to stop doing unpaid work; they stopped doing accredited programme delivery, or at least the new programmes. They necessarily, I think, focused on risk, on doing risk assessment, and on people's welfare. In general, looking at the cases we inspected, they did a reasonable job of that. We did not have to raise any urgent alerts about people who had gone missing or were not properly being managed. It was by phone, but it was reasonably consistent contact; 75% of them had had a contact every week from their probation officer by phone.

There were a variety of views from staff about having to work from home. The majority welcomed the flexibility it gave them and the savings in travel costs and all the rest of it. Some of them struggled a bit to find the space to work at home. In the probation service, there are some pretty challenging conversations with some difficult people; in front of your kids in your living room, that is quite a tricky thing to be doing, and people felt a bit stressed by that sometimes.

We also talked to some service users. Where they were in a stable situation—a stable family life and somewhere to live—some of them preferred being remotely supervised; they preferred phone contact. It meant that they did not have to sort out childcare and worry about going on public transport. They said they felt they could be more open sometimes with their probation officer when they were doing interventions. With service users who were more vulnerable and might have a mental health problem and other welfare needs, some of them really struggled quite a bit and missed personal face-to-face contact with their probation officer, who could be quite an important person in their life sometimes.

Q26 Maria Eagle: Having done some of that work, what is your sense of how the Covid-19 challenge and this period has changed priorities for the probation service?

Justin Russell: One of the positives is that it has given the CRCs more experience of particularly focusing on risk, on risk assessment and getting that right. They have done a reasonable job of that, so those staff will be taking that into the new arrangements next year. People have got the hang of doing other forms of remote supervision, and, longer term, there will probably be a move towards some supervision continuing to be online or over the phone, but in a mix with face to face.

One of the interesting things is improved multi-agency relationships. Probation officers have struck up good relationships with the police in particular and with social services. They are communicating more; they have daily conversations about who may have been arrested or flagged on social service systems, and more people are turning up for multi-agency meetings—MAPPA meetings and MARAC meetings. Because it is



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much easier to dial into a virtual meeting, they are getting quite good attendance, and that is a positive. I would expect that maybe some of those will continue to operate like that going forward.

Q27 Maria Eagle: Do you think that new priorities for the service will come out of this period that will continue, or will there be a shift back to old ways of doing things?

Justin Russell: I think the priorities will remain reoffending, desistance and steering people away from crime, and the public protection role. Those are not going to change. The way they deliver those services may change to reflect the use of new technology. Necessarily under Covid, the focus was very much on risk and public protection. There was less delivery being done on offending behaviour programmes or interventions. Those are now being switched back on and people are starting to come in. That is the gap at the moment that will need to be filled; there are far fewer people doing accredited programmes at the moment than there were before Covid, and that number will need to go up.

Unpaid work is quite interesting as well. The old model of doing unpaid work was that you put a lot of people in a minibus and took them off to do litter-picking or other work. It is quite difficult to keep social distancing, so they are having to find different ways of doing it. People are having to make their own way to work placements. There are fewer people on placements and there is more focus on individual placements. There are some quite big challenges around that as well.

Q28 Maria Eagle: You recently launched a consultation on the future of adult inspections. Do you have any initial findings in respect of that work?

Justin Russell: We are just going through our consultation responses at the moment and we will publish our way forward on that. There is broad support, I think, for two or three of the key things that we are going to do.

One is that, as CRCs and the NPS come together, we will no longer need separate inspection teams for the two different sorts of service, so there will be single inspection teams. They will be able to look end to end at every case they look at, right from the point when the initial court report is done through to planning assessment and on to review and through-the-gate release. Then we will aggregate all that data.

A key thing we are going to do is start looking at a much more local level. Our inspections will look at local delivery units, which might be a single city, a unitary authority or a single county. That will give the probation service itself much more granular detail, so you will know how probation is performing in Newcastle, Leeds or Bristol, and not just the whole of the south-west or the whole of the north-east. That will be important to the public, so there will be more transparency to the public. I will be able to go on the radio and tell Radio Leeds listeners, "Here is how your local probation service is operating." I find that difficult to do at the moment



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when I am reporting on the whole of Yorkshire and Humberside. That is important.

Another key thing is that I have always been keen to look at the outcomes of the probation service. Is it making a real difference to the people being supervised? Are they getting into accommodation? Are they getting off drugs? Are they getting into employment and training? Is their health improving? We will be looking at how we can measure those outcomes, as well as process, in our inspections. We are doing some pilots in Wales this autumn to see how we can measure those sorts of things in practice in a local service.

Maria Eagle: Thank you very much.

Q29 **Dr Mullan:** While we have you here, I want to ask you about the proposals in the new White Paper around probation, particularly the use of more tagging and home detention. I don't know if you have seen anything about them and I know it is perhaps not strictly under this remit, but have you had any initial thoughts as to whether you think that is going to work and what you think the challenges might be? Do you think the probation services will be in a position to monitor and go after people who breach their tagging, in collaboration with the police? Do you think it is going to make a difference to people's compliance? What would your thoughts be?

Justin Russell: There was a whole range of proposals in the White Paper around community supervision, many of which I think the probation service will welcome. There is obviously the tagging stuff. There is improving the quality of pre-sentence reports, community sentence treatment requirements and the courts to supervise people—problem-solving courts. There is plenty there.

On electronic monitoring, I think the GPS technology is potentially a game changer in being able to monitor people's movements, as well as whether they are just at home or not. We will need to see what difference that makes. There has been a new systematic review of the evidence on electronic monitoring published, and I was reading it last night. It varies according to who is being supervised, so there is good evidence that sex offender reoffending rates reduce under electronic monitoring, and there are certain other groups of offender where it has a positive effect. For others, it may not have such a positive effect.

It partly depends on how you manage it, but there are signs that it has an impact on reoffending rates, and that is a positive thing, but it needs to be used in the right way. When it is used for people coming out of prison for home detention curfew, you have a very strong stick for people to stick to their curfew because they will be called back to prison if they do not. If it is a condition of a community sentence, the breach proceedings may be a bit longer, so part of the success of it will be how quickly you can act on that, and people realise that there are real consequences from breaking the tag.



The longer you have someone on a tag, the more, potentially, they could breach and, therefore, the implications on the Prison Service downstream start to flow from that, but I am sure they will have done the modelling on that going forward.

Q30 Dr Mullan: Do you think people being in their homes and confined in that way is going to make it easier for probation supervisors to meet them and engage with them, or does that not tend to be a challenge in their engagement with the people they are supervising?

Justin Russell: At the moment, the static electronic monitoring tends to be about curfewing people at night-time, which is not when you would be having an appointment anyway. One of the interesting proposals in the White Paper is that you would have variable curfew hours, maybe longer at weekends than during the week, and that probation would have more control, potentially. There is some very interesting language in the White Paper about giving the probation service more discretion, and more flexibility to vary the conditions and requirements relating to supervision. I would certainly welcome that and think it would be a positive development.

Chair: Mr Russell, thank you very much indeed. It has been very helpful and informative, as always. We look forward to hearing from you again with the updates that you so helpfully give us. Thank you for your time and for your evidence to us today. We are grateful to you.

Examination of witnesses

Witnesses: Suki Binning, David Hood, Adam Hart and Trevor Shortt.

Q31 Chair: Let us move to our second panel, all of whom are appearing virtually for us. Lady and gentlemen, thank you very much for coming to help us and give evidence to us today. As there are four of you, I will ask you each to introduce yourselves.

Suki Binning: I am Suki Binning, chief executive of the Seetec-run CRCs covering the south-west, Wales and the south-east.

David Hood: I am David Hood. I am the vice-president of international business for MTC. I was the MD for MTC in the UK. We run London and Thames Valley CRCs.

Chair: Yes. We met, I think, in the London context.

David Hood: Yes, we did.

Chair: It is nice to see you.

Adam Hart: I am Adam Hart, the CEO of the Reducing Reoffending Partnership. We operate the two CRCs across the midlands.

Trevor Shortt: I am Trevor Shortt. I run six of the CRCs in the east of England and across the north for Sodexo.



Q32 **Chair:** Thank you all very much for the introductions.

Obviously, we saw from the things you said at the time that you were not best pleased when the decision was taken to end the probation delivery partnership contracts. How much of that do you think was a result of a bit of hard cheese sort of thing—"We lost these contracts. We have to defend our professional reputation"? Were you surprised when they were brought to an end? The decision was taken, rightly or wrongly.

David Hood: I think that, yes, we were disappointed; there is no doubt about that. We had put in a lot of time and investment, and our staff had put a lot of time and investment into the work that happened over the last few years in the PDP competition. We thought we had something to offer the system going forward.

Our primary concern now is that we are going to lose some of the innovations that were introduced over the last couple of years that have made a difference and helped the system. We also lose the prospect of the future innovation that would have come out of a mixed economy model, with private sector providers operating with the public sector. I think we lose that and it is not a good thing. For us, that was part of the disappointment.

Q33 **Chair:** Can you give me an example of some of the innovations that you think might be lost?

David Hood: From our perspective, I heard Justin Russell refer to our case management system, Omnia, which we introduced in MTC. We think that is a fundamental shift forward from the systems that are currently used in the NPS—nDelius and OASys. I agree with the point he was reflecting that was made by our staff. It is a backward step. For us, it is a fundamental tool in delivering the service, and that will be gone.

Suki Binning: To echo some of what David said, when the decision was made to unify case management I and my staff understood the rationale behind that, particularly in light of the inspection reports that we had seen. We had also seen some very positive comments about the innovation in the CRCs in relation to behavioural change programmes. Yes, there is acknowledgment that the CRCs did not necessarily do as well on public protection, but certainly when it came to community payback programmes, my staff particularly were really enthusiastic about the probation delivery partners and the role that a mixed economy could take in probation. That was something that staff were really looking forward to. It was a significant disappointment that there was a U-turn on the probation delivery partners.

In Wales, where we only deliver those services now, we did a poll survey the following day; 78% of staff said that they were really disappointed at the news.

Trevor Shortt: I echo what has already been said. We were both surprised and disappointed by the decision, particularly coming just 12



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months after the decision not to re-let the CRCs. Like Suki, we understood some of the backcloth to the initial decision, but our view on this was that it was a fairly uncontroversial outsourcing of some particular pieces of probation work that we had had, as CRCs, some direct experience of delivering over the past five years.

On the second point, I echo what David said. It is ensuring that we do not lose some of the really good work that has been done over the past five years. We have somehow failed to grasp the breadth of that, particularly around the grassroots work that has been done in multidisciplinary and multi-agency ways at local level across the country.

Q34 **Chair:** Mr Hart, what about you?

Adam Hart: Incredibly disappointed is the best description, not least of all because I felt it very much played to the strengths that the CRCs have demonstrated, and indeed what the HMIP had called out as being in good shape for the most part across CRCs, or indeed excellent in some. I felt that that was the sweet spot; the PDP and the separation of case management was really playing to everybody's strengths. We had invested a lot of time, energy and effort. Our staff are incredibly disappointed. Yes, we are incredibly disappointed with the outcome.

Q35 **Chair:** What was the level of consultation you had?

Adam Hart: I suggest that we had engagement as opposed to consultation. I think we were engaged pretty late down the line. Indeed, we were still very much turning up and participating in active procurement meetings the week before the announcements were set to be made. The disappointment came a little bit from that, but was also in terms of the engagement. It was not the very detailed suite of engagements that one might have expected would lead into consultation. It was very much an opportunity, almost singular in nature perhaps, to voice our thoughts around that eventuality, should it happen. Subsequently, it has happened.

Q36 **Chair:** Are there any other views, or is it a similar picture for everybody? When the Secretary of State made the announcement, he appeared to be framing it quite substantially in terms of the disruption caused by Covid-19 making delivery of the plans more complex, so they needed flexibility to deliver a national response. To what extent do you think that Covid-19 was a driver, or did it go deeper?

Suki Binning: That is a question I am regularly asked by my staff: "Suki, can you explain how the decision was made?" I struggle to give a narrative to staff around the role that Covid played. What we would have thought would be ideal would be a period of stability, where those who are providing services at the moment—particularly around unpaid work programmes—continue to do that. We are now under huge pressure to deliver a transition plan with the backdrop of a pandemic. That is quite difficult for us.



David Hood: I echo Suki's point. It is a question that often gets asked. I would have thought, and many of the people who work with me think, that the best situation in the Covid environment—probably emphasised by today's announcements—is to try to keep things in all other respects as consistent as possible. If we accept the principle that the service moves back, let's give ourselves enough time to make sure that that is done safely.

Q37 **Andy Slaughter:** Could I pursue that point? You have been very frank, both in the comments that your companies made when the announcement was made and indeed in your comments to the Chair just now, which is refreshing. On the Covid point, the logic, if the Secretary of State were right, and the reason you have been excised from the services is that you could not cope effectively with a crisis, that would not say very much about your competence generally. If you disagree with that reason given for the change of service, why do you think the change has been made?

David Hood: Probably the simple answer is that I am not sure. At the time the announcement was made, that was the explanation given. We have not been given any other explanation. At the time the announcement was made—this was partly reflected in some of Justin Russell's comments—we were working exceptionally well with the Department to deal with the Covid circumstances.

In very rapid time, we had deployed a new operating model. That was done with exceptional collaboration across the system and with the Department. We have continued to be flexible in meeting the needs and the demands of the current environment and the customer, the Ministry of Justice, as we have gone on. I am not sure why they would have thought that we could not deal with the Covid circumstances because, demonstrably, we were dealing with the Covid circumstances.

Q38 **Andy Slaughter:** Could I ask the others to comment as well, because it is a crucial point? Either the Secretary of State is right and you were not up to coping with running the service during a time of crisis, or he is wrong, in which case there must be another reason. Which is it, and what is the answer? It cannot be that you do not know.

Adam Hart: The first three months of the Covid crisis were very telling, in the fact that I think we rose to the challenge incredibly well. We spun on a sixpence in terms of the continuity arrangements that we had ready to go. I think the data bears out the performance across the CRCs, which was just slightly ahead of the NPS's own performance when it came to the offender management contacts that we were able to continue with. I think in Mr Russell's statements he was giving figures of 75% and 80% of contacts being retained, which is a pretty high figure in the very early period.

I can only say that I think it is a question for the Secretary of State, but from my vantage point, running a couple of the CRCs in the system, we



responded incredibly well in a very collaborative space. HMPPS and NPS were incredibly collaborative in those first few months as well. I believe it worked very well. I cite it as a very good example of co-operation and good working practice.

Trevor Shortt: I won't repeat what has already been said; I agree with both the previous witnesses. The only other comment I would make is that there is some rationale in the decision around the issue of volumes playing into the future competition. Our view as an organisation is that those volumes could have been dealt with commercially, but it was a risk in relation to Covid. That was something new and needed to be factored into the competition.

Q39 **Andy Slaughter:** We seem to agree that Covid is an excuse perhaps for the reason for taking the services back in-house. Surely, it must be that the current Government formed the view that this was not a model that was working, which was a lot of people's view at the time the experiment was set up. There is nothing inherently good or bad about a mixed economy model, but a lot of people had concerns that the probation service had moved over to that model. That now appears to be a concern that the current Government share.

I can understand that you would not share that, but what do you think of the new model? What do you think is the future for any private sector role in the probation service?

Adam Hart: I do not agree with that particular side of the jigsaw. However, it would be remiss of me not to acknowledge the significant challenges in the first few years of the CRCs; we did not get everything right.

The biggest frustration that we have, and my teams have, is that a lot of those things have been corrected, including by the Ministry of Justice in terms of the funding parameters. There is demonstrable improvement. Again, I cite the HMIP reports that came out over the last six months. They have seen an improving trajectory, with some CRCs moving from a lower rating to a good rating, and the overall score actually increasing. There is a little frustration that we have bedded in a system and overcome immense challenges. The MOJ recognised the structural underfunding and addressed that from December this year. We have seen improvements across CRCs. There is much more work to go, but that is what I would like to start us off with, if I may, because that is the backdrop that I see.

In moving that forward into the future, it is important to take stock of all the challenges and innovations that have been overcome and embedded in the CRC structure and system. We are potentially in danger of losing all that good groundwork. I invite others to come in on that.

Suki Binning: With regard to the new model, we have spoken about the strengths of the mixed market in terms of unpaid work. The other issue



we had was that the first set of reforms, which I was party to, having worked in the public sector for two decades, was rushed. It again appears that we are rushing into another set of reforms without taking the time to look at alternative models.

We had a moment in time when, as a system, we could have looked at alternative models that were best for those serving custodial sentences and community orders, and linking into local governance such as PCCs. I think that was a missed opportunity. I do not think we took the time to look at alternative models. We reacted to the issues with the current contracts and put in a solution too quickly.

Q40 **Andy Slaughter:** For those of you who came from a public sector background—I suspect many of the Members here have had dealings with their local probation services over many years—there was no real demand, I felt, coming from within the probation service that the solution was to externalise, privatise or introduce a mixed economy. Do you think with hindsight that that was done in the wrong way or too hastily? Again, a number of us have had involvement with your private organisations in other roles, which have not been entirely successful. What would you say was wrong about that, and what would you do differently?

Suki Binning: On the original reforms, we have rehearsed that the issues were around funding and volumes. Justin mentioned that as well.

Q41 **Andy Slaughter:** But, to interrupt, you knew about the funding situation. It is all right with hindsight to say that it was because the funding was wrong, but you knew about that at the time.

Suki Binning: But having been in the public sector for 20 years, what we thought worked really well was the mixed economy and having an approach that brought in innovation. Certainly, I saw investment from my parent company in terms of IT, estates strategy and the ability to respond very quickly to local needs. For instance, when my local criminal justice board and my police forces started to see a rise in stalking offences, we put in place a programme, which was the first of its kind in the UK, to deal with stalking. We were able to do that because we were fleet of foot. For me, those were some of the advantages of moving from the public sector to the mixed economy sector.

Q42 **Richard Burgon:** I have two questions. First of all, I want to turn to some comments made by the former chief inspector of probation, who concluded in 2019 that the model for the part-privatisation of probation was, in her words, “irredeemably flawed”. She also identified, crucially, that it was not possible to reduce probation work to a series of contractual requirements.

I would like to ask each member of the panel whether you agree with this assessment or do you think that the previous chief inspector got it wrong?



David Hood: On the first point, the point that Justin Russell made in his evidence is important: the expectation around the level of investment available through the period of the contracts was significantly greater than turned out to be the case. If the expectation had been met, I think we would have seen very different outcomes from the model. As we got towards the back end of the contracts, the improvements as things became more stable reflect that fact. We cannot underplay the significance of the commercial and funding environment.

On whether you can reduce these types of services to contracts, I would accept that there are challenges around that. You need to work hard at it, but it is possible. In London, for example, we came to arrangements with the Department around delivering our services according to a series of quality metrics that were not reflected in the original contract. That was in the end us taking a position that said the Department was going to have to make some inevitably subjective judgments around what quality meant. We were prepared to accept that, because we all felt that in the end we could get to the same place on what good looked like. I accept that it is difficult, but I do not accept that it is impossible.

Adam Hart: I will not repeat what David said, but I echo it. There was the benefit of knowing the levels of improvement within the CRCs, as indicated from subsequent HMIP reports, and the addressing of the funding model and indeed the additional funding that has gone into enhanced through-the-gate services, among other services. I am not sure all of that was prevalent at the time the report was written, so with the benefit of hindsight perhaps some of those factors would be included in the report.

In terms of the contracts, measurement of a real-life situation is always difficult to contractualise. I and others have seen successful implementations of that pan-Government, in many of the Government Departments that have managed to do something not too dissimilar. It takes a great deal of trust and flexibility on both the commissioner and the provider parts to come up with the right types of measures, especially around quality, to be able to suggest that it can be measured, and that outcomes can equally be measured, as well as quality.

I think it is possible to place relevant measures in a contractual setting that works and gives the public the protection requirement, first and foremost. It requires an amount of energy and an amount of rehabilitative activity towards an individual. I believe that both can be achieved through a contract.

Q43 **Richard Burgon:** Secondly, I obviously understand that people from CRCs are going to defend their organisations. It is part of their remit as part of those organisations. We need to be clear that the Government were forced into the embarrassing U-turn to bring probation back into public hands after the part-privatisation was found to have left the public less safe. It also racked up hundreds of millions of pounds-worth of public



money in bail-outs to the outsourced companies. What are you doing to ensure that the public are not further ripped off or endangered before this part-privatisation, which has been a disaster, is finally brought to an end?

Chair: Who wants to respond to that? You do not have to agree with all the propositions.

Suki Binning: When the south-west and Wales CRCs went into administration, the Department undertook a process to look at what would be the best way to ensure that services did not fall down. I understand that proposals were put in by the public sector and by us as a current provider. The decision was made for us as an organisation to step into those areas and provide a service.

We have stabilised the service in Wales and the south-west. I have spoken with the staff who have gone through that process and can now start to see that we are protecting the public. We have invested resources to bring the organisation back to a steady state. We have definitely played our part in protecting the public and giving taxpayers value for money.

David Hood: On the second point, we are committed to make sure that services are transferred back in a safe way. In the meantime, we will continue to ensure that they are delivered as best they can be.

On the first point, it is not quite right to characterise what the Department did as in all respects a bail-out. What I am talking about is separate from the Working Links situation. What the Department did over recent years was to make sensible adjustments to the contract and in doing so was able to return some of the expected funding back to the service. That is part of the reason why, as we move towards the end of the contracts, the environment has been more stable; there has been an ability for us to plan financially year on year in a way that we had not been able to do previously.

Q44 **Chair:** Mr Hart, do you want to add anything?

Adam Hart: It is very much akin to what David Hood was saying. The proof of the pudding is in the fact that there was a very substantial underspend when it came to the services that were originally procured for the CRCs. That would intimate to me that there has not been a mass bail-out. I do not recognise bail-out, so I would like to say for the record that I do not believe we have received any bail-out. We have managed to adjust to a system that now has the potential to work. The previous system did not in terms of its funding mechanisms.

Trevor Shortt: I echo what the others have said. The structural underfunding at the beginning was a critical factor in where we got to mid-term. It is worth saying that the cost of a CRC place is significantly less than a place in the NPS. As we look to the future, that will be levelled up.



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The issue now, as David said, is that as we look to the future we can ensure that our services are handed across in a way that ensures the confidence of the public on the one hand, critically, but also that we do not lose some of the really good work that has been going on, in the rapid transition that we are now facing against the context of the uncertainty of Covid.

Q45 Dr Mullan: We heard from the probation inspectorate that two of the providers are rated as good. You have all talked about some of the positive work that you think you do. We are all keen to make sure that is carried across in some way.

There are two things. The dynamic framework obviously sets out, just for resettlement services, that other people will be involved in providing services out of house. If the dynamic framework could be adjusted, and if there was an ability for providers like yourselves, on a non-geographical basis or even a smaller basis, to get involved in providing some of the intervention services that, for example, at the moment are going to go in-house, would that work for you? Would you be able to respond to that market approach, where you did not have a whole contract but could come in and help deliver some of the services that you may have a good track record of delivering?

Trevor Shortt: There are some really good principles underpinning the dynamic framework. It gives local commissioners real opportunity to commission services that make sense in their patch. The wash-out on it, if you like, is that the procurement of those services is now under way, but not all of them will be in place for 26 June next year. The question we need to deal with is what happens to services that are not part of the day one services, and what happens to the organisations that are currently providing some of those, and indeed the people who were involved in some often small and bespoke organisations and local services that we need to look after through the transition.

Q46 Dr Mullan: Let me pick up on that answer. I get from that that you perhaps think there is a wider scope. Our current interpretation is that the dynamic framework just allows for the resettlement services and not the broader interventions that you might undertake with a probationer. Do you have a different interpretation?

Trevor Shortt: I think we see it as being both. From a Sodexo perspective, we are interested in what we might be able to provide in the dynamic framework. To answer your original question, we are looking at each of the call-offs in their own right, but it is not something we are seeing as a substitute for what might have been under the PDP.

Suki Binning: The employee owners of Seetec are very much interested in continuing to provide services in this space, including the dynamic framework. Some of the concerns we have are that it appears that some services that we currently provide will fall between the cracks. For instance, at the moment we do not quite know where restorative justice



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sits. We have dedicated teams that provide restorative justice and mentoring services. From some of the initiatives that we have seen up and down the country with other CRCs it is not really clear where they sit. That is our concern. Certainly, the employee owners are interested to continue contributing in this field.

David Hood: The first question was on whether we would be interested in providing services that at the moment are going to be taken in-house—the intervention type services. Of course, we would be interested in exploring that. We have some very capable people in our organisation. That was part of our PDP approach, so the answer to that is yes, we would be interested in exploring that.

It is important to echo Suki's point, because it applies to us as we look at the current dynamic framework and what appears to be in scope for day one. There are services, including in London in particular, that are not currently in scope for day one of the dynamic framework. A question arises as to staff, but also what about the needs of service users currently receiving those services?

Adam Hart: I would echo but not repeat the points that have been made. My understanding of the day one services is that they include employment, training, education, personal wellbeing and accommodation types of services. There is a reasonable spectrum with, hopefully, more to follow. We think we have a great deal to offer in all those spaces. That is of interest to us, but, as Suki articulated, there is a potential gap that we need to make sure is filled. Suki cited restorative justice. I would cite mentoring, specifically peer mentoring.

Within my organisation—others do something similar—I now have over 40, either voluntary or employee, ex-service users. They have been on our case load and have shown a desire to come and work with us, and we have provided employment for those individuals. It is important because they are the ones with real lived experience. We place them in a peer mentoring programme. At the moment, we cannot position that anywhere in the framework or, indeed, potentially in the services that are going to the NPS. The dynamic framework has some very good aspects, but it would be even healthier if it could be widened a little bit further.

Q47 **Dr Mullan:** Would you agree with me that there is perhaps a bit of tension? You currently have people working in this field and you currently hold those contracts. Then there will be a switchover, but probably ideally what would happen is that the people you are working with transition over time to a different provider. You are holding people that we might want to recruit directly in-house to deliver some of the stuff that you are doing at the moment.

Trevor Shortt: There is no doubt that we are facing a challenge as we head into the end of these contracts for that reason. A number of our staff sit very comfortably in the new arrangements in the national service, but that does not capture everyone, particularly staff who fall



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into the dynamic framework arrangements where those services are not competed and settled this side of June. They face some uncertainty, and there may be disruption to service that we will need to manage as part of that.

David Hood: Because it is an important point, I echo Trevor's point. We need to resolve the position quickly in relation to those staff. Some of those staff are some of the best staff in the service, and the most capable. Losing them elsewhere would be a tragedy and not in anyone's interest, where they decide that the uncertainty means they need to look elsewhere.

Q48 **Dr Mullan:** I will move on and ask Suki in particular about how the changes to the model affect Wales. Obviously, the arrangements are different in Wales.

Suki Binning: The Wales transfer of case management took place in December. The transition went quite smoothly. We had reservations that maybe post the transfer we might see a drop in referrals for programmes because we would have two organisations, but I am really pleased that that has not happened. The number of referrals for the behaviour change programmes has continued.

We have a group of staff who were really motivated to take on the unpaid programmes work and be solely dedicated to do that, and they are quite disappointed now. In terms of the transfer, we were transferring case management which, on the whole, nationally is quite similar. There are only so many ways you can do case management of probation. Where we have differences is in how across the CRCs we deliver our unpaid work programmes, and we are transferring a very different thing. That is where it gets more complicated.

Q49 **Dr Mullan:** Can I ask all of you about the impact of Covid-19 on the delivery of services?

Adam Hart: Obviously, there is no getting away from the fact that there has been substantial impact on the service. I repeat a little bit of what I said earlier about the way people have managed to approach that. Organisations have stood up their best available people, plans and technology capabilities to rise to the challenge. What we are seeing now is the real impact of local lockdowns and the need to be incredibly flexible. We are literally monitoring the situation daily, if not hourly, to respond to that position.

It is having a huge bearing on the way we operate. It is also of course increasing backlogs where they exist in the system. They exist in many places, so the pandemic is obviously a very long-lasting situation for all of us in the system. We are very mindful about how we hand that system back to the National Probation Service. We want it to be in the best possible space it can be.



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It is right to say that there have been some elements of the pandemic that have forced the system, and us as organisations, to react and respond slightly differently. There have been some benefits. I would cite the ability to work flexibly and remotely. Our capability has increased as a response to the pandemic. Also, some of what we do and how we do it has fundamentally shifted. It would be good if we did not lose that good-quality change, and if we embedded it in the new system. Overall, it is obviously a very significant and challenging time across the piece for us.

Q50 Chair: Does anybody disagree or have anything to add?

David Hood: I entirely agree. Adam has just made a good summary from our perspective. It would be remiss not to make the very clear and important point that heroic through this process have been the staff. Our staff have been quite remarkable in their adaptability, resilience and willingness to work together and with the Department to do something that is very different from what they are normally used to doing. I think we would all pay tribute to the staff within our organisations for that. They have been exceptional.

Chair: Fair point.

Q51 Rob Butler: I would like to talk, if I may, about some of the specifics of transition. I will pick up where Mr Hood left off in paying tribute to your staff. In my previous role as non-executive director of HMPPS, I met staff from all your companies, and was always incredibly impressed by their dedication, their commitment and their absolute determination to do the best by the service users. It is important that we do not lose sight of that when having discussions about the bigger picture. I am sure that view is shared by other members of the Committee. We would probably all wish you to pass on our thanks to them for working through an incredibly difficult period, not just because of Covid but because of the added uncertainty that the transition is creating for them, none of which has been brought on by themselves.

With that in mind, I am clear that they are working incredibly hard to try to hand over as effectively as they can. Some are going to move into the new unified model by next June. I would like to hear a little bit from each of you about how you see the transition going. If I may, I would like to start with Mr Hood, simply because I was in one of your hubs—the Bicester hub—a couple of weeks ago. It happens to deal with offenders from my constituency. I know there are particular concerns there about the case management system. Could you kick us off by talking through where you see us with transition, please?

David Hood: Transition is incredibly difficult. If I can go back again to the points that Justin Russell made, he made the point that as with any transition of this dimension there are many moving parts. It is exceptionally complex. You are trying to take 21 CRCs, many of which have different operating models, and combine them with NPS regions. You are trying to deliver a dynamic framework and do all of it in the



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context of Covid, and within a period of less than a year. That is incredibly hard.

The approach the Department is trying to take, as I understand it, is to do what they refer to as lift and shift and, rightly, try to deliver a new model with as little disruption on day one as possible. The reality is that, when you look at our CRCs, they are not delivering a lift and shift. The case management system is a good example, because it is a fundamental tool that our staff use. It is very different from what the NPS uses. It took us well over six months just to roll it out and train staff on that new tool. It sits within a suite of other technologies that support operations and are delivering operations in the context of reduced staff numbers over the years. Combining all those things together, we are presented with a very difficult proposition to get all of it working in June 2021.

Q52 Rob Butler: Do you think there is any risk to public safety as a result of those difficulties?

David Hood: In June 2021, if we have not effectively transitioned and we end up with something a bit chaotic, inevitably there must be some risk to public safety. The goal and the aim of all of us must be to make sure that that is not the case. That is certainly our goal. I acknowledge that it is also the Department's goal, but they have really taken on a difficult task.

Q53 Rob Butler: Do you feel that you have sufficient input to the Department to flag warnings when they are appropriate, and that they are being heeded?

David Hood: Initially, when it started off, I think we were probably kept a little bit at arm's length in terms of the planning. That has improved. We have a reasonable amount of input at the centre, and that seems to be increasing—necessarily so. At regional level, we have a lot of input in London and in the Thames Valley. Both those regions are served, I must say, exceptionally well by two very exceptional regional directors, who are very collaborative, as are their teams. That picture has improved, but it does not take away from the fact that this is an incredibly complex and challenging exercise.

Q54 Rob Butler: Ms Binning, from your CRC's perspective, how would you assess the process of transition?

Suki Binning: Similarly to what David said. The timetable is very ambitious. It is not helped by the Covid situation. Locally, relationships with the regional transition boards are positive and very collaborative. That is all very good. I would, however, welcome a pause and a reflection on the timetable for transition in the light of Covid.

Q55 Rob Butler: What would feel a more realistic timeframe to you?

Suki Binning: I would look for a pause to look at where we are now and, in light of today's news about further restrictions, take that into account



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and say, "Is June 2021 now a reasonable date to transfer?" The staff you have spoken about are very committed and are working very hard on making sure that we continue to provide a service that serves our communities, at the same time as doing the transition. I would like some time to have a look at that date and say, "Is that realistic now because of the pandemic?"

Q56 Rob Butler: I infer from what you are suggesting that you do not think it is realistic.

Suki Binning: I think it is really ambitious. It is putting a huge amount of stress on the operational delivery of services.

Q57 Rob Butler: Mr Shortt, what is your assessment of the transition process, and would you share similar concerns to those we have already heard?

Trevor Shortt: Yes, I share the concerns that have already been expressed. This is a complex transaction. We have the added complexities of Covid and the speed at which it is being done, all of which are stressors. Doubtless, there is a real will to deliver it both on this side and on the side of the Department. There is a huge amount of resource, time and energy going into that.

As David said, at the beginning we felt perhaps a little distant from it. That position has improved at national and regional level. We also have some incredibly good regional directors across the NPS working with our own regional chief executives across some quite complex programme lines on the project to deliver it, but there is likely to be a chunk of outstanding work post transfer that will take some time to pack down and for the system to be performing again in the way we would all like it to be.

Q58 Rob Butler: Mr Hart, do you want to add anything to what has been said about the generalities of transition planning? I would be particularly keen to hear your views on risks that are associated with it, and what you are doing to mitigate them.

Adam Hart: I have a couple of points to add. First and foremost, it is right for me to say that I believe we have had very good engagement from the Department, especially over latter weeks and months. They are to be commended for the efforts that they are undertaking. It is a challenge. It is incredibly ambitious. I think that is recognised.

It feels, however, that, because of that engagement, we are able to shine a spotlight on the areas of deficiency at this moment in time. We have to recognise that we are three months in, since the Lord Chancellor's announcement. I would articulate that it perhaps does not quite feel like three months into a 12-month programme. I think we are still getting off the blocks. We need to expedite in order to safely deliver a transition in June 2021.



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It feels like we are trying to do a 12 to 18-month programme in the remaining nine months. That would be my best descriptor. I say that because of the complexities of the programme itself, which is, effectively, taking 20 or 21 unique models and moving them into a unified model, whether that is technology, training requirements or staffing. The second reason I say that is that operating in the pandemic is, quite rightly, draining resources away to the frontline service that we need to provide and giving less management time to something as important as the successful transition. That can only heighten the risk.

We are looking to mitigate as a CRC provider. I know that the MOJ is always seeking to mitigate risks, but for me those are the risks that we are currently facing. Having continued open and frank dialogue is a big risk mitigator. I am encouraged that that is there, but I think the way to best mitigate the risk is to slow things down a little bit and take stock. We should make sure that we have all the attributes of the system understood, known and planned for. We should have a single detailed plan. At the moment, we have a relatively high-level milestone-based plan. We need something of real rigour that sits underneath that milestone plan. I have no doubt that is being worked up, but, three months in, it would be good for all of us to be working to that.

Another way of de-risking is to make sure we have clear dependencies between what is a donor recipient arrangement between the CRCs and the National Probation Service, and indeed the DF providers, and to understand the critical path to try to head off some of the risks that we have not even identified yet, because we do not have detailed analysis. If we could determine that critical path, we could head off quite a few of the risks of the future.

I am sure some of those things will be available, hopefully in the near future. Some of them link to having a detailed target operating model for us all to share as the end state, the goal. As was mentioned in the previous evidence session, I do not believe that is due until early in the new year. Along with other materials, those are the types of things that will de-risk the approach and make it a success, which we all want, regardless of what our individual thoughts are about the good and the bad of undertaking the change. The change is going to happen; it needs to happen safely.

Q59 **Rob Butler:** Briefly on that last point, do you share any of the concerns that Mr Hood expressed that there could potentially be a risk to public protection and public safety?

Adam Hart: Given the statement that I just made, running what feels like a 12 to 18-month programme in a nine-month window has to heighten the risk to public safety. We are duty-bound to attempt to mitigate that.

Q60 **Rob Butler:** Mr Shortt and Ms Binning, would you share those concerns?



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Suki Binning: Yes. The risks increase when you are trying to rush the transition through.

Trevor Shortt: Any structural change brings its risks. I support what has been said, and we will obviously do everything we possibly can, together with the Department, to ensure that we mitigate those risks.

Q61 **Maria Eagle:** You have all just expressed varying levels of concern about the risks of transition to the capability of the system and to public safety. Do you think there has been enough consideration of the needs of those who are being supervised by the system in the design of the new arrangements and the implementation of the transition?

David Hood: I will leave one of those points to Suki. In terms of the transition, it feels to me that the best outcome for service users will be that the transition is carried out and completed smoothly, so that the services, as far as service users are concerned, feel very much the same moving from one to the other.

That must be at risk if we are rushing a transition that is in danger on day one of being in a difficult position. It will inevitably therefore have an effect on the quality of service to service users. Coming back to the point made earlier, we need to be very careful that the transition is done effectively in the best interests of service users.

Q62 **Maria Eagle:** Does anybody else want to come in on that point?

Suki Binning: We have a service user council with representation from our service users, and they have been involved. We are also inviting the National Probation Service to seek representation from our service user council on the transition boards, which will ensure that they are part of the plans and can highlight concerns from a service user perspective.

Adam Hart: Every major service I have ever run has always benefited from having service users in the design process. We are about to undertake a substantial change. To my knowledge, service users are not directly involved in the design of the future state solution. It is a little bit difficult because we do not have the TOM in the underlying plan to fully understand whether it is planned to engage with service users. I do not believe that service users across our communities have been engaged. I think that is one of the ways we will mitigate the residual risks.

Where we have managed to engage with service users as groups and as communities, we have always taken stock and managed to improve services. Like Suki, we have something similar where we listen to the concerns and the positives that come from service users. We tailor our services on a regular basis. That would feel a totally appropriate thing to do.

Trevor Shortt: I echo that. I do not think there has been, to my knowledge anyway, any input from service users in the overall design. However, we have service user councils, which are quite mature, running



across all our services. Since the initial change in direction 12 months ago, when it was clear that CRCs were not going to be part of the landscape, we have been working quite closely with NPS regional directors as they have come into post to extend those service user arrangements and join them up, with User Voice as the VCS organisation sitting behind that and helping us to operate those services.

I echo one other previous point. Critically in this transition, we want to ensure that some of the small bespoke and local arrangements that are of real benefit to service users are able to be picked up and carried on.

Q63 Maria Eagle: How are the probation service users or offenders who are being managed by the system being supported during the transition? Are there plans in place? What are some of the risks, if any, associated with the transition for those who are being managed at present by your organisations and by the NPS separately?

Trevor Shortt: Our expectation, which was set out by Justin Russell in evidence earlier this afternoon, is that, as case loads move, the staff working on those case loads move together with them. There should be a fundamental underpinning continuity that helps in the transition. As I said a moment ago, it is some of the other services that are placed in and around the interventions that we particularly need to secure.

David Hood: Agreeing with Trevor's point, I reiterate a point I made earlier. Continuity is critical. We know what our services and needs are. You can predict them looking forward. At the moment, many of those needs are met by the additional services that we receive and benefit from, delivered in particular by third sector providers. It is critical that those are available on day one of the new world. It is not clear to us that all of them will be either the type of service or the volume of service to meet the need.

Adam Hart: The only thing I would add is that every CRC is relatively unique in its delivery model to some extent. In the CRCs in which we are involved, we have a model where approximately one in two, or one in three, of our staff are probation practitioners offering supervisory and other services. The other staff provide wrap-around services. Some provide interventions, but quite a lot provide services that do not readily appear in the user manual. Some of them are peer mentors or are in other services that we provide outside the norm. It is important in terms of the day one service in June 2021 to recognise that those wrap-around services are really important to the transition process itself, not only the safety of that process but the quality of the process.

Q64 Andy Slaughter: I am reflecting on this discussion as we get towards the end of it. It has a bit of a feeling of after the Lord Mayor's show about it. You are all concerned that there are risks in the transition or at least in the timetable for the transition. A lot of other people were concerned, including the Government, that it is a model that has not worked and that is why it is being abandoned after a short period of time. Whichever



perspective you come from, it is a traumatic process and perhaps an unusual process for the public sector to go through.

It affects the public and it affects users. I want to go back and look at staff again. As Mr Butler said, staff are at the heart of this. It is the quality of staff and the morale of staff that will deliver a decent service. Without being too personal about it, what is going to happen to all of you? Some of you come from a public sector background. Are you going back to that, or are you going to manage other parts of your private company's organisation? What is happening to the senior management, and what is happening to the staff on the ground?

Suki Binning: Senior managers and the staff will be transferred to wherever the work is going. If it is work that is going to the NPS—unpaid work programmes and case management—they will be on the list to transfer to the National Probation Service. If the work they do falls into the dynamic framework, they will move to those services. That includes staff across the spectrum.

Q65 **Andy Slaughter:** I think you said you had a probation service background. Are you going back to that, or are you sticking with your company?

Suki Binning: I will be on the list for transfer. What happens in the future, I do not yet know.

Q66 **Andy Slaughter:** Does that go for the rest of you? I think some of you have more of a consultancy background, so I do not know where you are going.

Trevor Shortt: The process of assignment is happening right now for the majority of our staff. There is, in all fairness, quite a degree of clarity for people who sit in very obvious places in the national system post June next year. There is less clarity for some of the parent organisation staff and some of what we call our back-office staff—that is inelegant; they are staff who look after things like finance, HR and other services. Finally, there is a group of staff who perhaps sit across different service areas. The balance of that is not quite clear yet in the new model. Some of them are disproportionately represented in the VCS partnerships we have. There is still some degree of uncertainty for a section of our staff, albeit with clarity for the majority.

Q67 **Andy Slaughter:** That must add another layer of uncertainty on top of what must be a very traumatic period for the staff in any event. I do not know whether any other panellists want to comment on that, particularly with an eye to the fact that perhaps a high proportion of your staff will not have worked for the National Probation Service previously. For them, it will not be going back to something; it will be something fresh. How are you supporting them, and how is that transfer being managed?

Adam Hart: We are very much at the start of that assignment process. It certainly has not completed yet. What we are already experiencing are probably more questions than the answers we are able to provide at this



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moment at time. Where that leads us is having very regular dialogue with our staff, who, in some respects, fall into at least two categories: those who have certainty about their future and those who do not. Those who do still have a huge number of questions that remain to be answered; hence my points about the target operating model and so on. That would immensely help with being able to answer those questions. The second group, however, are the people I and Mr Shortt mentioned in terms of the support service—the back-office staff. We are awaiting those responses as we speak.

It is worth adding that various key senior members of staff have already started to transfer under agreement, where it is seen as appropriate to do so. I think that is the correct collaborative approach to take, but it applies more pressure to the CRCs in general, as we are now starting to lose quite senior managers to the NPS system, to allow the NPS to run their own programmes of change, because of course they are changing at the same time. That is a really important point.

We have also undertaken quite a few secondments in both directions to look at how we embed some of the thinking from CRCs into NPS, and NPS into CRCs, so that we can learn rapidly. There is willingness to collaborate and demonstration of that fact. However, I do not think that gets us to the point of being able to answer everybody's questions quite yet. It feels like we are a little way from knowing those answers just yet.

David Hood: Echoing Adam's point, there are a lot of opportunities for communication with staff and for staff to ask questions about the transition. Many of those opportunities are very collaborative. Last week, there was a joint session in London that involved the current MD of MTC and the London regional director. It involved CRC and NPS staff. It was focused very much on transition. The opportunities are there, but Adam is absolutely right: until we have answers to critical questions around where certain individuals will be placed and whether they have a role in the NPS, we are in a place where a lot of the answers to the questions that are being asked cannot be given. Therefore, the uncertainty cannot be addressed. The sooner we get to a place where it can be, then of course the better.

This is obviously a staff business, and we have to make sure that they are retained and looked after. The history of the last few years has seen many experienced staff depart from probation. The challenge is how we stem that and, indeed, how we bring more experienced staff back into that world. Giving them clarity around the future will be critical to that.

Q68 **Andy Slaughter:** If you are not getting answers to those questions at this stage, with only a matter of months to go, why is that happening and who are you not getting answers from?

David Hood: The answers are not coming from the Department at the moment. That reflects where they are in their transition planning. We are about to enter a process of identifying those in the CRCs who will be



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assigned. That will take place over the coming months. As Adam said, we are expecting an answer on other staff very soon. We expect the answers to come soon. From my perspective, they cannot come soon enough, but they need to come from the Department as part of their planning process.

Suki Binning: We have been working very closely with the regional probation directors on the transfer of staff, particularly from a cultural perspective. The staff in my CRCs are going from being employee owners to the civil service. We are conscious that on both sides that is going to be quite a significant change. We have been working very closely with the regional directors and having joint communications to make the transition, and ensuring that staff adapt to those changes.

Q69 **Andy Slaughter:** I will end on this point. You are not quite as garrulous as a lot of the witnesses we have in front of us.

Chair: That is a compliment.

Andy Slaughter: It is a sort of compliment. I get the feeling that you all feel rather bruised by this experience, but also a little bit reticent. I do not know whether that is because you have to continue to negotiate the transition or because your companies have other contracts with Government, but I will give you a final chance. Our role is to report and send a message to the Ministry to say what we think has gone wrong and what still needs to be got right. Can you have a final go at saying what you think are the key mistakes and what still needs to be got right?

Adam Hart: I would summarise it very succinctly: there is no contingency. To move forward with a programme as important as this and as sensitive towards public safety as this with no contingency is the area that needs to be looked at. There is no doubting that given sufficient time the risks can be mitigated, but I do not think that the nine months or so available is sufficient time to mitigate all of the risks to a highly satisfactory level.

The simple comment I would make is to try to create that space and the contingency so that nothing feels rushed, and everything feels appropriately considered before action is taken.

Chair: That is a fair observation. Thank you very much for your help and for your assistance. Although I appreciate that the circumstances cannot be easy for everybody, whatever one's views of the policy decisions that were taken, I want to thank all of you for the work that you have done in relation to the sector. I hope you will pass that on to all your staff and your colleagues. We appreciate it. If we do not have more evidence from you, we wish all of you individually well and also those who work for you. I am very grateful to you for your time and for your evidence today.