

Justice Committee

Oral evidence: Transforming rehabilitation, HC 1018

Tuesday 28 March 2017

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Watch the meeting

Members present: Robert Neill (Chair); Alex Chalk; Philip Davies; Kate Green; Mr David Hanson; John Howell; Victoria Prentis; Jo Stevens; Keith Vaz.

Questions 129 - 231

Witnesses

[I](#): Professor Paul Senior, Chair, Probation Institute; and Helen Schofield, Acting Chief Executive, Probation Institute.

[II](#): Ian Lawrence, General Secretary, NAPO; and Ben Priestley, National Officer, Unison.

[III](#): Gabriel Amahwe, Director of Probation, Thames Valley Community Rehabilitation Company; Bronwen Elphick, Chief Executive Officer, Durham Tees Valley Community Rehabilitation Company; and Michael Maiden, Chair, Achieving Real Change in Communities.

Examination of witnesses

Witnesses: Professor Paul Senior and Helen Schofield.

Chair: Good morning, everyone. Welcome to our evidence session. We welcome our witnesses. Do Committee members have any relevant interests to declare to us about prisons? I am a non-practising barrister and a consultant to a law firm. I have had some prison dealings in the past.

Victoria Prentis: I am a non-practising barrister who has in the past represented the Prison Service a great deal, in particular, elements of the parole service.

Jo Stevens: I was formerly a practising solicitor representing trade unions that represent members in the Prison Service.

Chair: Professor Senior and Ms Schofield, could you introduce yourselves and your organisation? We will then get into the questions.

Professor Senior: I am Professor Paul Senior. I am emeritus professor at Sheffield Hallam University, which means I retired last year; it is a title with no work. I am chair of the Probation Institute.

Helen Schofield: Good morning. I am Helen Schofield. I am the acting chief executive of the Probation Institute.

Q129 **Chair:** To put it euphemistically, there seem to be challenges in making transforming rehabilitation work. Let's be blunt: there have been some disappointments in a number of areas, and some areas of concern. It is a complicated landscape, isn't it? There is responsibility in the Ministry, NOMS, the CRC providers, the National Probation Service and others. Where do you think responsibility for the situation we have got into lies? Who, ultimately, is responsible for where we are? Who should have responsibility going forward?

Professor Senior: If you go back to its inception, the speed with which it came in was a problem that has accelerated other problems. Such a huge change, which was unknown and untried, should have been tested. The unseemly haste with which it all came in at once has been a problem. In a sense, all the organisations have been playing catch-up since then, because the timetable was set and it was introduced.

Q130 **Chair:** That was a decision for Ministers, wasn't it?

Professor Senior: I think so. At the time, we counselled against it, simply because big changes like that have occurred before in probation and trialling things is a good way of knowing whether they will work. This was not just a cosmetic change; it was a huge change in the organisation. The potential for fragmentation with TR meant that it was a very risky operation to do in one go. Ultimately, it rests with the start.

The logic of the way in which the split occurred has caused and continues to cause issues. The splitting of risk is a big issue. People who work in

probation know that risk is not about putting a person into a category where they stay. Actually, they move category as time goes on. They can start as low risk, be medium risk and then suddenly be high risk. Therefore, the way that splitting was organised is also a little problematic, because it requires an awful lot of co-ordination between the NPS and the CRCs, and that has not been easy to set up.

Q131 **Chair:** Do you think the CRCs have been alert to that?

Professor Senior: I think they understand what the issues are, but they have had their own problems coping with the size of the operation and just getting their feet on the ground. Maybe those professional concerns have not been given the same central attention as other things such as developing their offices, their IT systems or the way in which they operate across their areas.

Helen Schofield: I agree completely. In terms of where one goes next on accountability and responsibility, it is interesting to consider that what has been created is quite a fragmented set of structures—a plural set of arrangements, with a very plural workforce. We are looking at responsibilities lying in the statutory sector—the public sector—the private sector and the voluntary sector; so, simply to look back to the National Offender Management Service or to the new national Prison and Probation Service for accountability might not be entirely the right place to go. Some of the CRCs see themselves as a little detached from the National Offender Management Service, thank you very much, and the voluntary sector is completely detached.

If you are looking to where that broader workforce goes next, clearly there needs to be some integration, helped by NPPS and NOMS, but there may need to be some more external oversight, perhaps something a little less immediate and more objective.

Q132 **Mr Hanson:** Last week, we had some pretty strong evidence from a range of individuals. All the evidence pointed to the fact that we have problems with incentive design, case load estimation and the funding of CRCs and meeting the gaps on that. Were those foreseeable challenges before the implementation in 2014? Could the CRCs themselves have pressed harder, or could the Government have set the framework more tightly?

Professor Senior: The first thing to say is that the envelope for probation services, in funding terms, was seen as the same as it was previously—about £890 million—yet they were adding 46,000 new offenders to be supervised with through-the-gate services. That alone suggests that there were going to be issues and clashes, because they were trying to develop a fairly complex new service, in conjunction with prisons, which had not had the service before either, and were going through their own crisis and set of issues. It was always going to be a pinch area.

Q133 **Mr Hanson:** Have you any evidence that CRCs potentially bidding for contracts put pressure on that issue prior to seeing the contract, or did

they just see dollar and pound signs?

Helen Schofield: We have some concerns that they were not aware of the full implications of through the gate, which did not arrive initially. It came slightly later than their first contractual responsibilities and seemed to take them somewhat by surprise, in some cases.

Q134 **Mr Hanson:** Would you say that what they are being asked to do is different from what they bid to do, and thought they were going to do?

Helen Schofield: The nature of the overall task is the same.

Q135 **Mr Hanson:** But the quantity is different.

Helen Schofield: The quantity is different. I don't know whether the fall in traditional case loads could have been foreseen. Clearly, right through the criminal justice system, there has been a change in the nature of the people coming through the system; so, the traditional case load that now goes to the CRC is smaller. It bears examination as to why. What comes to that group? Is it because there are fewer of them—because the traditional case load is falling—or is there something going on in the National Probation Service that could have been quite difficult to foresee? There was an indication that decisions about risk—what falls where—would be complex, but it could not have been foreseen absolutely which way it would go. That would bear some examination now. In fact, the whole picture of the case load would bear some examination now.

Professor Senior: Can I add one specific point? They would certainly have known that through-the-gate services were required. If you look back at the speeches of the then Justice Secretary, Chris Grayling, you find that it was the new kid on the block—the thing that was going to make the difference. It was at the front of all the speeches that we were now going to deliver services to people who were previously just thrown out of jail with £46 in their pocket and left to their own devices. They would have been under no illusion that that was not going to be a major part of it. I think Helen is right. Because it was implemented a little later, they may not quite have realised the extent of delivering it as a full service. It is not easy, but you can deliver it as a service that ticks the box when people are released and sign in. As a support service, it is a bigger enterprise.

Q136 **Mr Hanson:** My final question can have very short answers. Do you think that at the time of the contracts either the Government or the CRCs understood the level of the risk of ending up where we are now?

Professor Senior: I cannot remember where it came from, but within the MOJ there was an 80% risk assessment at a point quite close to it all happening. The Government should have been aware, because their own Department was saying that there were risks. I am sure the CRCs were aware of the risks, but I suppose that they balanced them with their getting into the market. For them, I guess it would have been a pragmatic decision about what they wanted to do.

Q137 **Kate Green:** One of the things that has happened since the programme

began is a rise in the number of recalls following breach of post-release supervision conditions. We have heard, on the one hand, that that is a consequence of the supervising of those offenders and the role of the CRCs, and, on the other, that the CRCs are disincentivised to breach people. What are your comments on that situation?

Professor Senior: There are contradictory pressures. When you have payment mechanisms that incentivise certain things, the organisations engaged in them are bound to think about how they deliver their service. If one of the incentives is successful completion of post-release supervision, you might encourage the non-reporting of minor breaches, in order to keep the figures up and get the payment at the end. On the other hand, the service is not delivering the right levels of support. This is what used to be known as the revolving-door population—a population that, traditionally, has always come out, got into trouble quickly and gone back in. The under-12-months population is the most difficult population to supervise. If you are not offering them much more than a reporting mechanism, they will get themselves into bother. Maybe the recall is related much more to reoffending, rather than just technical breaches. There are contradictory pressures. That is why it goes both ways.

Q138 **Kate Green:** Have you seen any evidence that CRCs are reluctant to breach because of the financial consequences for them?

Professor Senior: You hear of anecdotal evidence. It is very difficult to get inside the CRCs at the moment. You are dependent on the high-quality evidence that the inspectorate and other reports have given. At the moment, they do not open their doors easily to that kind of scrutiny. It is difficult to go further than the official reports, which are fairly strong in relation to this issue, particularly the inspectorate.

Helen Schofield: You would want to look at the other pressures on individuals who end up being breached. The increase in homelessness would potentially be quite a factor for that group. There are wider pressures as well, in the sense of how people fail to settle.

Q139 **Kate Green:** Should that have been anticipated?

Helen Schofield: In parallel, by the CRCs? I doubt whether there would have been the capacity to anticipate and understand it. That certainly seems to be the pattern.

Q140 **Kate Green:** Should the Government have anticipated it?

Professor Senior: There is always an underestimate of the problem of homelessness. I remember talking to one or two CRCs when they were bidders. They were talking about the projects they were going to get involved in to support accommodation. Prisons have been trying to accommodate people on release for a long time. It is always underestimated, because it is almost always done on the logic that we have X number of people and X number of places; so, we should be able to deal with it. The complex needs of some of the individuals make that much more difficult. If you are releasing more people with the expectation of support, but your mental health services, your housing

services and your benefit services are not able to support them, you will end up with problems. They are doing this in a period when public services are stretched. You could have anticipated that. Equally, what is available in any particular area remains an uncertainty as you go forward.

Chair: That is very helpful.

Q141 **Victoria Prentis:** As lawyers are fond of saying, we are where we are. What solutions would you like to suggest to us, assuming that we are starting where we are at the moment?

Professor Senior: Helen, do you want to start on registration?

Helen Schofield: We would probably say two things. One is that you have to go forward; you cannot go back, in a sense. I do not think that you can stick it all back together and make it what it was, and I am not sure that you should. We have looked forward at future models, at what the national Prison and Probation Service might help to usher in, and at what the new duty of rehabilitation may help with. You start, potentially, to look at a broader church of probation and rehabilitation services, including both the CRCs and the role of the voluntary sector, which was expected to fare well out of transforming rehabilitation but has fared very badly. It is still there—very positively so—and is very keen to engage at every level. If one has the opportunity, one needs to factor in the voluntary sector, not all of it perhaps, but certainly those contracted as tier 2 and tier 3 organisations, and think of them as part of the wider workforce.

We should think about what might be called the rehabilitative workforce in prisons and probation. There was always a lot of movement from probation into prisons, but we will start to see an increased amount of that, as well as a lot of movement of the activity of the voluntary sector into prisons. This is a big workforce. I go back to what I said earlier about the need to stand back and look for more objective, independent oversight. We have been thinking very hard and have come to the conclusion that some form of regulatory body across the workforce that is responsible for probation, rehabilitation and resettlement of offenders in the community would be very beneficial. Through that, you would have an opportunity to come at consistency and quality in regulation of practitioners across a wide church, which has never been in place. We have certainly started to look forward, rather than back.

Q142 **Victoria Prentis:** Following on from that, I have two questions. Who would be best placed to organise the voluntary sector workforce? Would it be a CRC, or would it be somebody internally in the Prison Service?

Helen Schofield: Organising it how?

Victoria Prentis: Ordering what they do and choosing who to use—the general, day-to-day running of a voluntary workforce.

Helen Schofield: At the moment, it is done through commercial contracts, effectively. I do not think that you would necessarily want to move away from a contracted set of arrangements, if you were able to

regulate and knew that you had strong contract compliance in terms of standards, qualifications, competence, continuing competence, negligence and so forth.

Q143 **Victoria Prentis:** Who would you like to see running the regulatory framework? Would it be the MOJ, NOMS or the probation service? How would it fit in with everything else?

Professor Senior: You will probably say that we would say this, but our view is that we were set up as a body to deal with registration and regulation. Importantly, the other answer to your question is that it must be independent. None of the organisations that you describe is independent. The Probation Institute is independent of all those organisations. We take no funds from any of them; we are member driven, in that sense. At the start, the registration that was there was voluntary. For reasons that everyone would understand, there has not been huge take-up of that, simply because people have been worried about their jobs, their future, their morale and so on.

The other thing that I would say about this is that it is long overdue. One of the problems that probation has had in determining its own future is that it has not had an independent professional body that can say, "This is what it is about." It has had its trade union bodies, which have been very important, and the academic world, which has been very supportive of probation, but this would be a body that would be able to combine standards, registration and regulation in a single body and would therefore offer an independent voice for the sector. Naturally, we would say that all our structures are set up to deliver such a regulatory body. We have been talking to organisations over the past year and getting a lot of support for the idea. I guess it is just a matter of hoping that the MOJ will think it is the right idea, move forward and decide to go for it.

Q144 **John Howell:** The Government are now undertaking a review of transforming rehabilitation. How do you assess the process that they are going through?

Professor Senior: Is this the probation service review?

John Howell: Yes.

Professor Senior: One of the difficulties is that it has been very difficult to contribute to that. It has not been an open inquiry, in that sense; it has been very much an in-house inquiry. We have been unable to contribute or to understand much of the detail of what is going on. We await with great interest the way forward. We contribute to discussions around qualifications and standards in a variety of forums. I hope that will feed into their review. We have not been invited directly. I do not think that many external organisations have.

Q145 **John Howell:** Is that your view as well, Ms Schofield?

Helen Schofield: Absolutely.

Q146 **John Howell:** As they are doing this review, what would you like to see

excluded or included?

Professor Senior: They need to bottom the issue of money. I know that came up in last week's session. I am not sure what the right line on that is, because it is quite complex, but they need to decide whether there is enough money in the system and whether the system's mechanism for finance is appropriate. They need to look at the payment-by-results mechanism, which may not be the incentive it was, and may actually be stopping a lot of work going on. They have to resolve that.

They have to find ways of enabling the two major organisations, the NPS and the CRCs, to work together. The fragmentation that has gone on has been very detrimental to all staff. While there has been a lot of effort by those two organisations to find ways through it, they need to be able to move on, particularly in the court setting, so that the CRCs are understood by the courts and the courts know what they are getting from the CRCs. Traditionally, it was always the case that the courts knew what probation was delivering.

They need to increase the engagement of tier 2 and tier 3 organisations—the voluntary sector Helen talked about. This was geared as an opportunity for the voluntary sector, but what we hear all the time is how frustrating it has been. I know that you had input on that last week.

Fourthly, they need to find ways of linking—not merging—with the work of the Prison Service. I put it that way because I think they are independent organisations for a reason—they are doing different jobs—but in order to make rehabilitation in a prison work it has to be linked up. That is the point that Helen was making; a rehabilitative workforce spans parts of the prison and the outside. Finally, I would like to see a regulatory body and the opportunity for us to put our case to be that body.

Helen Schofield: Can I add a couple of points? One of the things you would want to look at are the risks at the moment to what you might call professionalism, certainly outside the National Probation Service. The risk is partly because the Government decided not to specify at all what the qualifications or training of any of the practitioners or managers across the CRCs should be; so, the extent to which they continue to employ probation officers is a matter of their choice.

They have no funding dedicated to continuing to train probation officers; so there is an imbalance. Whereas the National Probation Service continues to employ only probation officers, in the role that you would expect, and fully funds those candidates coming through the higher education programme and so forth, on the CRC side, you see them struggling—trying to fund people to go through the probation officer qualification out of what we know are shrinking budgets. Consequently, they are looking elsewhere. They are looking at the new apprenticeship levy arrangements, which are very complex. We all know that they are very exciting, but slightly risky at this point in time. If the CRCs put too

many eggs in that basket at the moment, the risk is that they will go down another route that leads them into expensive situations.

Q147 **Chair:** The CRCs tend to have their own training arrangements and practice standards.

Helen Schofield: The Government decided not to regulate at all.

Q148 **Chair:** They have not come to a common level. That is the point I am getting at.

Helen Schofield: No. With the best will in the world, many of them are seeking to continue to employ and to train probation officers, but as that group of staff moves on, for obvious reasons they have to train more. They have to fund that themselves. They have to buy the places the NPS pays for, on the other side.

Q149 **Keith Vaz:** Good morning. I am very interested in the issue of radicalisation and how it is dealt with by the probation service after people come out of prison. This Committee has written a number of reports about radicalisation in prison. I do not want to ask you about that. I want you to tell me whether, as a centre of excellence, which you obviously are, you think that you have enough resources to train probation officers to deal with what is a 21st-century issue.

Helen Schofield: As the Probation Institute, we have no resources dedicated to that, other than those we find from our membership fees. We have no specific funding for that purpose. Any work that we undertake towards continuous professional development, which is essentially where this would sit, from our point of view, has to be entirely funded by the institute. Our funds are extremely limited, so the first answer to your question is no. Whether the CRCs themselves—

Q150 **Keith Vaz:** You do not get additional resources from Government to deal with the issue.

Helen Schofield: We do not get any resources from Government.

Q151 **Keith Vaz:** None at all.

Helen Schofield: None.

Q152 **Keith Vaz:** Does the training that you do for probation officers encompass the issue of dealing with and identifying those who have been radicalised?

Helen Schofield: In the institute, we do not train probation officers at all. We contribute to the setting of the programme, the curriculum, standards and so on.

Q153 **Keith Vaz:** In doing so, and in setting that curriculum, do you take into account the issue of radicalisation?

Helen Schofield: It is taken into account within the curriculum.

Q154 **Keith Vaz:** We can find a course that you are running, parameters that

you have set down or criteria that you have established that will deal with that issue. You can send us an example.

Professor Senior: I have been involved in probation training for a long time. I would not say that it is an issue that has been at the centre of the training curriculum. As Helen said, it is more likely that our influence could be in the continuing professional development area. We are in the process of writing a CPD scheme. In that, there will be areas that were not covered adequately in basic training. It strikes me that this will be one of those areas. For us, part of the reason for regulation is not just that you can root out bad practice—that is always a small part of regulation—but that you can enable people to continue to develop their practice.

Q155 **Keith Vaz:** As of now, there is nothing to show us. You would like to develop it.

Professor Senior: There is no mandatory CPD. People qualify. They do training, and there will be training courses in this area, but it is up to the individual areas. There is no mandatory requirement. We would like to change that.

Q156 **Keith Vaz:** Ms Schofield, how ethnically diverse is your organisation?

Helen Schofield: Diversity is represented through committees, if you like. I would say that it is probably similar to the service. We have members on committees from different minority ethnic groups. The central team, which is our board of directors, essentially, is not currently ethnically diverse. It was, but it is not at the moment.

Q157 **Keith Vaz:** Is it an issue that you may look at?

Helen Schofield: Yes, it is. We are currently recruiting new directors. We have two vacancies for new directors.

Q158 **Keith Vaz:** How many directors do you have?

Helen Schofield: We have seven in post at the moment. There will be nine, if we go for two.

Keith Vaz: Good.

Chair: Thank you very much for your evidence and your time. We are very grateful to you.

Examination of witnesses

Witnesses: Ian Lawrence and Ben Priestley.

Q159 **Chair:** Mr Lawrence and Mr Priestley, thanks very much for coming to assist us with the inquiry. For the record, could you introduce yourselves and your organisation?

Ian Lawrence: My name is Ian Lawrence. I am the general secretary of NAPO, which is the trade union and professional association for probation and family court workers.

Ben Priestley: Good morning. My name is Ben Priestley. I am a national officer with Unison, a public sector trade union. We represent members working in both the National Probation Service and the 21 CRCs.

Keith Vaz: Chair, may I declare an interest? I am a member of Unison.

Q160 **Chair:** Thank you for mentioning that, Mr Vaz.

Gentlemen, there is a problem with transforming rehabilitation. It seems generally accepted that things are not going as people would wish and that there are difficulties and challenges. How do you think that has come about? Where does the responsibility lie? What caused us to get into this challenging situation, and what do you think is the way out of it, in a nutshell?

Ian Lawrence: We forecast some time ago that there would be difficulties with the programme, even though we felt that there were elements of it that were useful. We asked the MOJ to look carefully at the likely impacts. We felt that our representations fell on deaf ears. It was pushed through politically and expediently. Many of the problems that you see now are because of the haste with which it was implemented.

Q161 **Chair:** Did you raise those issues when it was brought in?

Ian Lawrence: Indeed we did. Secondly, the CRC estate and the owners of CRCs have had their own difficulties. It would not be fair to blame everything on them. There are a number of things that they could have done better, but the way the contracts were predicated has not helped matters.

Q162 **Chair:** Mr Priestley, what is your take on how it has come about?

Ben Priestley: It is very clear from the way our members feel about their work and what they have been through in the last two or three years that the blame for what has happened to probation must be laid at the door of the Government of the day. There was no support anywhere, from any organisation that had anything to do with the probation service, for the transforming rehabilitation reforms. There may have been some support among some of the private companies that hoped to benefit from it, presumably financially, but you would have been hard-pressed to find any other proponents of it. Some of the voluntary and charitable bodies that hoped to get some work out of it soon became disillusioned. As we now know, the vast majority of the work was hoovered up by large multinational outsourcing companies.

Ian mentioned the haste with which it was done. As Paul mentioned, the idea that you would take the existing budget and use it to expand the service quite radically to supervision of service users leaving prison after short-term sentences, at the same time as maintaining all the existing provision and making whatever profit or cut the private companies wanted, was always going to be a real difficulty.

There was no agreement between the Ministry of Justice and the trade unions about how the service was to be split. At the 11th hour, the trade

unions were sitting around a table with the Government to sort out the split of the workforce, and the Ministry of Justice, in effect, torpedoed those talks. We ended up with a situation where an almost arbitrary 50:50 split was put in place and hurried through. That left the community rehabilitation companies with more staff than they needed, apparently, although we would probably contest that, and the National Probation Service with fewer staff. The companies that had inherited or bought the contracts then set about reducing their workforces by between 20% and 40%, centralising a lot of services. The reality was that they had to do what they did in order to make their cut, I guess, but the blame clearly has to be laid at the Government's door.

Q163 **Chair:** Was there Ministry involvement in the talks where you discussed the split and so on? Was it just Government officials?

Ian Lawrence: Yes, but not for some months. It was a very frustrating experience.

Chair: Understood.

Q164 **Mr Hanson:** Welcome, colleagues. Following on from the Chair's comments, do you think the Government were aware of the elements of risk in the proposal? You said that, in your view, the consequences are a result of Government policy and that there is some responsibility on the CRCs. The issues are about case load estimation, incentive design and through-the-gate resettlement. Was there an awareness by both parties—Government and CRCs—that there was a risk that some of those things could go wrong?

Ian Lawrence: I think the CRCs were misled, to be brutally honest with you, in terms of what the contracts were based on—the data on which they were based and the envelope in which they were expected to work financially. However, they bought the contracts in full knowledge of that. We urged the Ministry and the former Justice Secretary to run a pilot scheme before implementing it. We could have tested it thoroughly and seen what the pitfalls and the commercial aspects were. Everybody would have been better informed as a result.

Q165 **Mr Hanson:** Misled is a very strong term. Do you think they were inadvertently misled? Was it to do with the speed of the process and not thinking it through, or was there a genuine understanding that there were going to be problems, but once the contracts were signed it was up to CRCs to sort them out?

Ian Lawrence: Overwhelmingly, the view of our members, Mr Hanson, is that it was politically expedient.

Mr Hanson: Mr Priestley?

Ben Priestley: On the issue of the contracts, and what was or what wasn't in them and the discussions that took place between the client—in this case, the Ministry of Justice—and the contractors, it is of course impossible for us to know. That is commercially confidential information that you may be able to get hold of, in your capacity here, but we cannot,

because that information is denied to us, as indeed it is to the general public. That may remain a mystery forever more. What we now know is that there appears to have been a mismatch.

The difficulty that we now have—I am sure we will come back to this in relation to the probation system review—is the question of how that is to be resolved. Is it to be resolved simply by throwing more good public money after bad? I hope we get a chance to reflect on that, in particular. It would be very helpful if we were able to have a better insight into the commercial undertakings that were given, because at the moment it is a mystery.

Q166 **Mr Hanson:** Finally, do you think that the CRCs' eyes should have been slightly wider open when they went into the contracts?

Ian Lawrence: We could only do our best to warn about the consequences. They had their own commercial agendas and different reasons for getting involved in the whole process—some of them quite honourable, I am sure. There was enough of a warning sign out there for them to pause and maybe question the MOJ a bit more about what they were purchasing.

Ben Priestley: What we know, as I mentioned, is that all the small and medium-sized enterprises fell away relatively quickly during the competition, probably for the reasons that Ian mentioned. They probably saw the writing on the wall. Two big multinational companies now run half the community rehabilitation companies. They captured that. Those of us who work in the field probably have the sense that those companies were taking on the contracts as a loss leader. As you are well aware, two large companies were barred from bidding, having been involved in some difficult relationships with the MOJ—in fact, Chris Grayling had relieved them of their contracts—so the field was slightly smaller than it would otherwise have been. There was a kind of “You scratch my back, I’ll scratch yours” frame. They are companies that probably wanted to get into the field of rehabilitation. They are large companies, with very deep pockets. To that degree, they were probably willing to take the risk, even if they probably did not know at the time what the risks were.

Q167 **Kate Green:** Since transforming rehabilitation came in, we have seen a rise in the number of recalls as a result of offenders breaching supervision requirements. I wonder what your members are saying about what might be going on in the CRCs. On the one hand, are there deficiencies in the capacity to supervise properly? On the other hand, are CRCs disincentivised from breaching because of the payment-by-results model?

Ian Lawrence: There are a number of factors—far too many to cover in the time available. You have to look at a number of issues, principally case load. I may differ from previous witnesses on this, as our members say that case loads are increasing. It seems that there is an issue between the CRCs and the judiciary on the efficacy of the sentences handed out and the capacity of CRCs to undertake rehabilitation activity

requirements, for example. There is anecdotal evidence that there is some pressure on people not to recall. I have yet to see it documented. Possibly, because of the financial pressures on the CRCs, they have to focus on their principal targets.

The key thing for us is the fundamental difficulty with the payment-by-results mechanism. That has to be addressed before you will start to make a difference in how things are done locally and in the NPS. At CRC level, we need urgent review of the funding mechanism, to allow CRCs to do what they contracted to do. They tell me that many of them are suffering a 30% or 40% decrease in income at the minute.

Ben Priestley: Recently, we did a very quick survey of our members. We did it partly in order to inform our appearance here, but we would be very happy to provide it to you, Chair, and I may touch on some of it elsewhere. The answer to your question around breaches is complicated, as Ian said, but one of the things that came through very clearly from our survey is that the CRCs cannot get the breaches into court in time, because of problems with staffing, delays in administrative systems and delays in IT. Once those breaches get into the system, they are rejected because they are simply out of time. That is something the Committee may want to look at in a little more detail. I do not have the detail of how that works, but you will be able to interrogate the community rehabilitation companies around it. Ian mentioned case load, which is clearly also a problem. I do not think that it is just about disincentives for the CRCs; it is about their administrative inability to get the paperwork to the courts in due time.

Q168 **Kate Green:** Are you picking up any pressure on your members from the CRCs to behave in a particular way?

Ian Lawrence: One of the pressures members report they are under is not to take annual leave when they want it. Many of them are under such pressure that they are working their own hours; they are working weekends in order to meet targets. You can understand that, as they have pride in what they do, but it cannot go on forever. It will not get the results that the CRCs or any provider wants if staff are driven into a stress situation.

Ben Priestley: I will quote an anonymous member. He or she says, "Constant changes in systems processes that rarely work. Everything takes twice as long. Ongoing IT problems that impact on ability to manage case load effectively. Poor communication with NPS at the point of sentence results in misallocation of cases and time delays in completing initial sentence plans. The emphasis appears to be on quantity and not quality. The whole organisation feels like it operates on a crisis basis, making things up as it goes along." That is from a member working for a CRC. It goes on and on and on. That is a common refrain.

I would really like to get across to the Committee that for those who work in the service this is a heartbreaking situation. These are professionals who, in many cases, have worked for a considerable period of time in

probation and have seen their organisation torn apart, in an experiment that nobody said would work. Frankly, everyone knew at the time that it would fail. All the evidence is there for the Committee to look at, in the words of warning that NAPO, Unison and others put forward.

Staff do not feel valued. They are under pressure, both in the National Probation Service and in the community rehabilitation companies. In fact, in the survey we have just completed, over 50% of National Probation Service staff say they never feel valued at work, which is higher than the percentage of community rehabilitation company staff—about 42%—who say that. It is a desperate time for our members. They really want their voice to be heard at this time.

Chair: If you could share that survey, where appropriate, we would be very grateful to you, Mr Priestley. That is great.

Q169 **Victoria Prentis:** Where do we go from here? Mr Priestley mentioned that you would like to see the contracts, effectively, with the commercial providers. How would that help you to plot the way forward?

Ian Lawrence: There has to be some accountability and better transparency about what has gone on and what the financial position is. I wrote in my blog to members the other day that it is about time that people came clean. Unless we know what the position is—yourselves, us, the NPS and contractors—we will never make things better. We could look back, but we want to look forward. We look forward to the probation and prisons merger perhaps changing the emphasis on rehabilitation. We agree that there are too many people in prison. Unless you want them back in prison, you have to do something tangible while they are in incarceration, but it is as important not to decrease the quality of standards outside—care in the community. You have to look at that holistically. That is the key element we want to see brought forward. Payment by results must change. Through the gate, which has been an abject and total failure, has to be put right—quickly.

Q170 **Chair:** What are the key things you would do to put through the gate right?

Ian Lawrence: There should be some clarity around what is expected, and there should be some funding. It is always down to money, isn't it? As people have said, there should be a greater role for the third sector to be commissioned to provide services. That was the formula under the old trusts. You commissioned people to do things, and it worked. We want to see more of that.

Q171 **Chair:** It has been suggested that through the gate is really signposting, and not much more.

Ian Lawrence: It is £46 and a leaflet now, as opposed to 46 quid before. It is not good enough.

Ben Priestley: In relation to your question about the way forward, our concern is that the probation system review is looking at a sticking-plaster approach, in effect. It is not questioning the fundamental basis on

which the contracts were let or the architecture that is now in place. From that point of view, as I mentioned earlier, it will probably involve throwing more good public money after bad. In effect, the companies have the Government over a barrel.

It is very rare for a Government to take a service back into public control. That could be done, if contracts fail, and there are contracts on the verge of failing. As other witnesses said, the probation inspectorate has delivered some quite strong statements in relation to public protection being at risk. At some point, the Government need to consider whether some contracts are not fit for purpose and need to be brought back into the public sector. As we understand it, the plan for that is that the National Probation Service would again take over ownership of the community rehabilitation company that was taken back into public control, as was the case when TR started out. They were managed by NOMS under those circumstances.

It goes further than that. These reforms have finished a job that Governments have done over a period of time—to reduce to a point of nothing local democratic control of probation. As the probation committees became probation boards, became probation trusts and became community rehabilitation companies, all the last vestiges of local authority influence and control were withdrawn, to the point where, clearly, there is now no local interest. It is no longer a local service.

Probation is a local service; it is not a national service. Unison would encourage the Committee to interview police and crime commissioners and chief constables. A few months ago, I was at a conference of Her Majesty's inspectorate of constabulary, where I sat at a table with chief constables and police and crime commissioners. All of them, to a person, were saying that transforming rehabilitation has failed. One chief constable said, "I have just rearrested our most prolific burglar for the 50th time. What is TR doing here?"

There is a view among many police and crime commissioners that the oversight of these contracts, at least in the interim, should accrue to them. We know that Sadiq Khan, the London Mayor, has gone in on the task force that the MOJ sent into the ailing London contract, following the inspectorate's report before Christmas, but he has said, "If it can't be turned around, I want control of probation in London." That must be right. Unison's view is that we must revert to local democratic control. Probation is a local service. It has good links with local statutory providers, all of which have been totally fragmented.

Q172 John Howell: The Government are reviewing transforming rehabilitation. How would you assess the process they are going through?

Ian Lawrence: It is not as transparent as I would have hoped. NAPO provided detailed evidence to the probation service review. We have had some discussion with Ministers, which was helpful up to that point, but now, nearly two years on, we really ought to know a little more about what the Ministry is planning and what the problems are—what we have

been touching on today. There should be some indication of what we could put in place to make things better.

We have talked quite a bit about payment by results. That is just one aspect. Colleagues have talked about a licence to practise. NAPO certainly declares an interest there and supports the concept, because we are extraordinarily concerned at the erosion of professional standards, both in the NPS and in the CRCs. Whatever you put right still needs a skilled and efficient workforce to make it work. Those are areas where we think the review could do some things.

There should be transparency on the financial position of the contractors. Many of them say, "We're not going to tell you this because it is commercial and in confidence, and our competitors might get an idea." Well, many of them are in difficulty. Let's be clear about that. Let's be honest. Let's start with a clean sheet about where people are. Let's see how much money is required to make emergency resolutions and let's look at things in the medium to long term.

We had been told that the review you spoke about, Mr Howell, was due to reach some interim conclusions last October. The Minister said there weren't any. If the Minister says there aren't any, there weren't any, but I would have expected some. The review needs to report, and soon. I urge the Committee to look very carefully at its conclusions. As Ben said, we will be happy to provide further evidence in any area you choose.

Q173 John Howell: Apart from the things you have already mentioned in the course of this interview, what would you like to see included in or excluded from the review?

Ian Lawrence: There must be a fundamental look at where contracts have totally failed. Maybe I do not come at this in quite the same way as Ben. Piecing it all back together would be a mammoth task. Whether the NPS itself is capable of taking it all back is another thing. I am told by a CRC, in reliable evidence, that even if it gets through the current contract and does not get any more service credits—fines for non-delivery—it will be £15 million down at the end of the contract. That has to be cause for concern. That is just one; I do not know what the rest of them are like. I do not see that that justifies what has happened. I think something particularly important must happen in that respect.

Ben Priestley: As I mentioned before, the problem is that the focus of the probation system review is very constrained. It is looking at allocation, payment mechanisms, through the gate, performance, financial and commercial health—presumably of the CRCs—and contract management. It is looking just to mend a system that many people think is fundamentally broken. I do not think there is any chance of any of us being able to persuade the Ministry of Justice to widen the scope of the review. It is to do a very limited job of saving the contracts in the short term, to allow them to limp through—presumably until they get to the end of the seven years. At that point, we hope there will be a

fundamental re-examination by the Government of the day of how to put right the manifest failings of the system.

Q174 **Keith Vaz:** Morale must be at an all-time low for the probation service. However, in all the time that I have been in politics, morale has been very low in the service. Is it lower than ever before?

Ian Lawrence: I would say that it is now. I do not know whether it is universal, right across the estate. There will be people who could show you otherwise. I can only go on the reports we receive from our members—the feedback I get when I am out and about in the field, talking to people. It is low because they feel de-professionalised. It is also low because of something completely different, which I will mention, if I may: the lack of investment in staff. Probation practitioners are among the lowest-paid public servants, on a professional basis, that you will find anywhere.

Q175 **Keith Vaz:** Could you remind the Committee how much a newly qualified probation officer gets?

Ian Lawrence: Into the low 20,000s. Even a skilled practitioner—

Q176 **Keith Vaz:** What is the low 20,000s?

Ian Lawrence: I would need to look up the exact figure. It is about 23 or 24k.

Q177 **Keith Vaz:** That is after a university degree and training.

Ian Lawrence: Indeed.

Q178 **Keith Vaz:** Mr Priestley, don't you think the Government have a point? If you look at the figures, you would expect a service that is professional to have delivered better outcomes as far as rehabilitation is concerned. To me, the probation officer is the critical part of the criminal justice system. When people come out of prison, you want to make sure that they do not go back. Ken Clarke and other Lord Chancellors have been saying this for years and years. Do you accept that there is some responsibility on those who have had to deliver the Government's agenda over a period of time, under successive Governments, that it has not been delivered and therefore they had to do something pretty radical? I am not saying that that is my view. I am just putting the view that they had to do something, and this is what they have done.

Ben Priestley: All the evidence is that successive Governments have sought to meddle with the probation service. It is not politically influential. This would never have happened to the police service. The police service would never have been split in two, with half of it privatised.

Q179 **Keith Vaz:** If you asked the Police Federation, I am not sure that they would agree with you after what has happened in the last six years, but never mind.

Ben Priestley: Probation has always been the fall guy, because it has been a relatively small institution and it was local. It was an easy target, in a sense. All the evidence was that, pre-TR, the probation service was performing well. It needed a period of stability, after a lot of change over many years. Of course, that is exactly what we have not had over the last three or four years.

Q180 **Keith Vaz:** Yes, but Ministers want results, don't they? The figures show that people who have been on probation are going back to jail. They expect to see a decline in the number of people going to jail, because of the money that they are spending. That has not happened, has it? Something has gone wrong.

Ben Priestley: It has, but it has gone wrong in the whole system. If we were to attach performance targets to the Prison Service, it would be a manifest failure, given the fact that so much recidivism happens. All the blame for that cannot be laid at the door of the probation service, as the Government might like to do. The Prison Service itself is failing, and has failed for many years. It is a failing institution. There are plans to reform it now. Maybe those will help it to work.

In relation to your point about morale, as Ian said, it is incredibly low. Staff are desperate for a period of stability and calm, in order that they can get on and do their jobs properly.

Q181 **Keith Vaz:** How many people do you represent between you?

Ian Lawrence: Ten thousand or 11,000.

Q182 **Keith Vaz:** Do you think that there is a case for your adopting an alternative plan? There you have the professionals, as your members. Why are you waiting for Government to do things? If you have an alternative plan, why don't you put forward one that is properly costed and that will deliver for the Government what they and the public want: a reduction in the number of people going back to prison? That must be the kernel—the most important part—of the probation service. Take them into the community, get them back into civilian life and make sure that they do not go back to jail.

Ian Lawrence: We agree entirely. Our services are at your disposal in that regard. We have any number of experts who can come up with solutions.

Q183 **Keith Vaz:** Why are you waiting for us? Why don't you go off and get your plan?

Ian Lawrence: Mr Vaz, you have a position of authority here. You can order inquiries; I cannot. You can go to the Minister and say things that I would like to say, but probably cannot. You are in that position. Let's face one fact. We see 40,000 more people who have been on short-term sentences now than we saw before TR. There has been no extra money for that anywhere. That might explain why people are in the recidivism cycle. We want to stop that. We have solutions and suggestions.

Q184 **Keith Vaz:** So you can put those solutions and suggestions forward to this Committee and to the Government.

Ian Lawrence: We can certainly do that.

Q185 **Keith Vaz:** In a coherent, funded way.

Ian Lawrence: As best we can, in terms of funding, given the limited access that we have to financial figures.

Q186 **Keith Vaz:** Finally, could you pass on my thanks to the members of the probation service? Probation officers do a fantastic job, under huge pressure. They need to be commended for what they have done and what they continue to do every single day.

Ian Lawrence: That is appreciated.

Q187 **Philip Davies:** If we listened to your evidence in isolation, we would think that everything was hunky-dory in the probation service before transforming rehabilitation came to pass, and that the service was flawless before that. That was not the case, was it? You gave the illustration of a police officer's frustration at arresting a burglar for the 50th time. The police have been complaining about that for donkey's years—long before transforming rehabilitation. The probation service was a bit of a shambles before all of this, wasn't it? This has not created a shambles. The probation service had a long catalogue of failures long before this came into place, didn't it?

Ian Lawrence: You can look at the failures, as you describe them, Mr Davies, and at the failures since. It would make for interesting reading. None of us here would suggest that the probation service, as was, was utterly flawless. What it had done was reduce reoffending to the best level for 10 years. That does not mean that you would not get incidents occurring of the type that you have no doubt experienced. It goes back to our suggestion that there are too many people in the system anyway. People who ought not to be incarcerated ought to be given the opportunity of reparation that works for the community. If there is a failure, it is that things like unpaid work have not been properly supervised or funded. In many cases, it is even worse now. That goes some way towards explaining it. I do not agree with your analysis that it was a shambles before. Sorry.

Ben Priestley: I agree with Ian. I think that misrepresents the case and the hard work, skill and expertise of staff who, for not very large salaries, do a very difficult job. The problem, as I mentioned, is that the probation service has to work in the context of a criminal justice system that is not delivering. This is not just a spotlight on probation; it needs to be a spotlight on the whole criminal justice system. The evident failure of the prison system to rehabilitate offenders has been a national scandal for many years. We cannot address those issues without looking at it as a whole. There has not been a really fundamental review. Hopefully, the work that this Committee is doing around what we hope will become a formal inquiry will be very important in resetting an agenda for probation in the widest sense, taking into account the prison system as well. I have

to defend the skill, expertise and commitment of staff who work for the probation service. It was not a failure before. Unfortunately, in many respects, it is a failure now.

Q188 Philip Davies: Stephen Ayre was a convicted murderer who was released from prison and, as a result of the shambles of the probation service, abducted and raped a 10-year-old boy in my constituency. Not much skill and expertise there, was there? That was long before transforming rehabilitation. There are endless such cases. Please don't come here and give the impression that the probation service was absolutely brilliant, with all these experts, and all of a sudden it is a shambles. You are making a political point. It is not really backed up by the evidence, is it?

Ian Lawrence: Serious further offences have always occurred. They still do. It would be interesting to see an analysis comparing the horrendous types of crimes that you describe pre-TR and the similar sorts of things that are going on now. Then you could make a rational judgment about how good or bad we were. SFOs occur. Our issue around the current system is that many of the CRCs have been forced to put in place operational models that could make the incidents that you described even more frequent. That ought to be a cause of concern for all of you. One thing that the probation service review ought to do is call in those operational models, because that is an area where we can have input. It is not about a campaign of hatred against the CRCs; it is about making things work. That is what we would like you to help us to do.

Chair: Thank you very much.

Q189 Jo Stevens: We have heard from you this morning about the review that is going on and the fact that there are no interim findings yet. Last week, we heard from MTCNovo and Interserve about the fact that they had not been able to shed as many jobs as they had hoped, although we have seen a decline of between 20% and 40% in the CRCs. How concerned are you that, if the situation continues and we do not see the conclusion of the review, more jobs will be shed from CRCs during that period?

Ian Lawrence: Massively concerned. We had big issues with the number—the quantum figure—of staff cuts that were made by the CRC owners. In some cases, it was up to 40%. We have issues around the way that was discussed—or not discussed—with the unions, and the way in which some people were given voluntary redundancy payments, but some were not. There is a whole panoply of issues.

Let us look forward a little. We want to engage with the CRC owners, but as I said earlier and say again—no apologies—let us have some honesty about where they are and where we are coming from. You cannot keep reducing staff at the level it has been carried out, and with the intentions I have heard of, and have a service that is fit for purpose. You will have plenty more issues like the ones Mr Davies raised. Already people are seriously stretched. That is why funding must be uppermost in the Government's considerations, to stop the rot. We are in trouble.

Ben Priestley: We are already dealing with companies that are thinking about the second tranche of redundancies, voluntary exits and so on. I expect that an element of that is sabre rattling in advance of the commercial negotiations that they are going to have with the Government; but, as Ian said, when our members in the CRCs are telling us that workloads are currently unsustainable, we are extremely concerned by the idea that further staff can be shed. In the recent survey that we did, 41% of our members in community rehabilitation companies said that their workload was never manageable at any point during the working week; so, there has to be real concern if more staff leave.

It is not just the staff who have left; it is the fact that a lot of the admin and clerical functions were centralised by many of those companies in remote hubs in different parts of the country. That has caused administrative delays and frustrations to staff, who then have to take on responsibility themselves for carrying out some of those administrative functions. It is an added burden to someone who is trying to do his or her work as a practitioner—as a probation service officer or a probation officer—to have to do the admin work as well.

The MOJ knew that those models were in place. It signed them off. That is what we are always told. The companies say, "This is the model that we told the Government we were going to do. They were absolutely fine with it, so you have to live with it." It is a problem.

Chair: Gentlemen, thank you very much for your evidence, your time and the offer to provide further information. It is much appreciated.

Examination of witnesses

Witnesses: Gabriel Amahwe, Bronwen Elphick and Michael Maiden.

Q190 **Chair:** Good morning, everybody. Thanks for coming from various parts of the country to see us. It is appreciated. Can I ask you to introduce yourselves and your organisation, for the sake of the record?

Gabriel Amahwe: My name is Gabriel Amahwe. I am the director of probation for Thames Valley CRC.

Bronwen Elphick: Good morning. I am Bronwen Elphick. I am the chief executive of Durham Tees Valley CRC.

Michael Maiden: Good morning. I am Mike Maiden. I am chair of Durham Tees Valley CRC and of ARCC, which is the owner thereof.

Q191 **Chair:** Thank you for that. You have heard some of the discussion. Everybody gives us the sense that there is a problem with transforming rehabilitation. It is not going as was expected. Does any of you dispute that?

Bronwen Elphick: Yes.

Q192 **Chair:** How do you think it has come about?

Bronwen Elphick: DTV disputes that.

Q193 **Chair:** Why are you such an outlier?

Bronwen Elphick: I will come on to that in a second, Chair. One of the biggest issues for Durham Tees Valley, as the only not-for-profit-owned community rehabilitation company in this landscape, is that CRCs are invariably talked about as one mass entity. As you know, there are eight providers in this environment, all doing different things. I believe we are an outlier in where we are at. We are 90% of the way there with our mobilisation. We do not have the staffing issues you have just heard about from Ian and Ben. Our staff mutual wrote our delivery model, so we had a sense of buy-in from staff from the outset. The ARCC partnership is a partnership of local organisations, so the sense of local services for local people remains.

Q194 **Chair:** Who are the members, out of interest?

Bronwen Elphick: We have three local authorities: Stockton Borough Council, Redcar and Cleveland and Darlington. We have TEWV, which is a mental health trust; Thirteen housing, which is a registered social landlord charity; the Wise Group, which is a charity that runs the through-the-gate service for the Scottish Prison Service; the Vardy Foundation, which is a philanthropic charity; and the staff mutual.

Q195 **Chair:** That is your model. You think it is going pretty well, from your point of view.

Bronwen Elphick: Yes. On offender satisfaction, which each CRC is contracted to run twice a year, Durham and Tees Valley was top in the last two rounds, with an 88% and a 92% satisfaction rate. We do not have issues with staff morale, because our members wrote the model and we have built on that. We mobilised in terms of our estates well ahead of time—within the first 12 months—and saved ourselves £650,000 in estates charges that we used to pay on shared offices. We were top out of all 21 CRCs on service-level measures across the board.

One of the things that frustrates me is this. At the start, I referred to CRCs being talked about en masse. I have heard two misinterpretations of messages this morning. One was in response to Mr Vaz's point about radicalisation. All CRCs are contracted to train all staff to certain Prevent levels. Given the importance of the issue, NOMS still runs free counter-terrorism training from its local units; so all staff get trained. The other was about the professional qualification. Here I will talk about CRCs en masse, because I am involved in the project. One of the real reasons why some of the CRCs have gone away from the formal qualification is that it costs around £8,000 a head. The experience of some CRCs has been that, once those probation officers are trained, they are recruited by the NPS. In business terms, those organisations have trained them—

Q196 **Chair:** I do not want to go too far down the radicalisation route yet, if you will forgive me. Can I bring you back to the question I initially asked? Where do you think responsibility for the current difficulties elsewhere in

the country lies? If you have said what you wanted to say, I will go on to Mr Amahwe.

Gabriel Amahwe: In terms of responsibility, the important thing to note, which has been highlighted, is the introduction of TR. I absolutely accept the point about the changes that needed to happen in the probation service, in terms of pre and post TR—whether or not it was working very well in the first place, and some of the challenges that we have faced following the change.

I have been in probation for over 25 years. I started as an assistant warden, so I have gone through the ranks. I elected to go into the CRC at the point of the split. With TR, the important vision for myself and a lot of my staff was that, for the first time, we would have the professional freedom to be able to work with people in a way that would achieve the fundamental outcome we wanted to see—reducing reoffending—and reduce some of the bureaucracy that sometimes hinders that work. There was also the opportunity to come up with a case management system—a model—that could free up our staff to do the work they wanted to do. If you speak to any probation officer—I am a probation officer by training—all they want to do is come into work and work directly with offenders, to help them turn their lives around and create fewer victims. That was the vision of TR that a lot of us who went into the CRC wanted to see happen.

Over time, in trying to carry through that vision, some of the challenges around commercial and operational stability have been an issue, in terms of the impact that they have had in some of the CRCs, such as my own, when going through that transformation. You ask, “Is it a shambles? Has it all gone wrong?” For me, it is about the time and pace that are available to allow CRCs and, indeed, the Ministry of Justice to slow down and say, “We have made massive changes to how probation is delivered in England and Wales. Therefore, let us also take the time to be courageous and slow down. Some risks and issues are going to rear their head. How do we work through them?”

If you had my staff sitting here today and asked them, “Has it worked?” they would say, “I would like to have the opportunity to focus just on outcomes for the service users—the offenders—without having to worry about all the tick boxes to meet some contract obligation, and to have a case management system that is not cumbersome and allows me to track the intervention of the work I am doing and to supervise and work with offenders in the community. That is what I came into probation to do.” That is what the vision around TR and CRCs was supposed to deliver.

Q197 **Chair:** Do you think the amount of bureaucracy has reduced?

Gabriel Amahwe: On bureaucracy, the important thing, in my personal view, is this. I absolutely accept that, with the introduction of TR and the mixed economy delivering probation, there was an expectation that, where taxpayers’ money was involved, a level of scrutiny and accountability would be built into the system. Absolutely. As we have gone along, there is an opportunity for both the Ministry of Justice and

the CRCs to sit back and look at the extent to which some of that scrutiny and accountability and how we are managing the contract are enabling, rather than sometimes inhibiting, the work that we want to do going forward.

Q198 **Chair:** Let me quote to both of you what the chief inspector of probation said. Obviously, she is looking at it nationally, not in your organisations. She said that the amount of bureaucracy had not reduced significantly and that the absence of practice standards had led to a deterioration in quality of provision across the national picture. Does that seem right?

Gabriel Amahwe: From my experience of 25 years, probation service delivery is a human, capital-intensive activity. A lot of the changes you make in people's lives are often not things you can capture in some kind of quantifiable measure. When you are talking about delivery in public services, where taxpayers' money is involved, it is absolutely the case that you want to introduce some quantifiable measures. One of the challenges we face is that those quantifiable measures can sometimes measure the wrong things, in terms of inputs and outputs.

Bronwen Elphick: Some of the bureaucracy is at different levels. The bureaucracy around the contract management process, which we would feel up the chain, has taken an inordinate amount of time. The bureaucracy in the front-line practitioner process, around splitting the service in two, dealing with the NPS in court and stuff like that, is a mixed picture. We have strong relationships in the north-east with our local NPS colleagues, but there is no doubt that there are additional tasks in that process, as there were beforehand. Dame Glenys made points around standards. Earlier, the Probation Institute made interesting points around where the quality standard should sit. I would be very supportive of HMIP, because it is an independent body and is not connected to either side of the system. I think it poses a real issue.

Q199 **Mr Hanson:** You will have heard the similar points that we made to other panellists prior to your contribution this morning. I realise that you are just two of the eight. Essentially, we are interested in the position we are in now on case load estimation, incentive design and through-the-gate resettlement services. Did you anticipate the challenges before the contract was signed? Do you think that the Government anticipated some of the challenges that they are facing across the country before the contract was signed?

Michael Maiden: I do not think that the volume issue was predicted. I worked with an unsuccessful bidder for a year before working with Durham Tees Valley. There was certainly awareness that there was a risk, but I do not think there was any kind of prediction that volumes would fall through the floor. Having sat on many sides of this debate, I do not think that there was awareness by anyone; it took people by surprise.

The reasons for it take some understanding. We can see some of them, but not all. For me, the issue, which I think is being addressed now, is what we do now. The historical story is one to learn lessons from, and we

should definitely learn lessons from it, but we are where we are. For us, as ARCC and DTV, what we need is to get to the point where these things are resolving. The current situation appears to me, representing the shareholder interest, to be a great deal healthier than it was even a little time ago, because that discussion is now being had openly.

Q200 **Mr Hanson:** I appreciate that we are where we are, but part of our responsibility is to see why we were there in the first place. The aim is not to apportion blame, but to understand whether, on the one hand, the Government had done a proper risk assessment of the likely success and failure of the changes they were making in relation to speed, design and other factors, and, secondly, whether the CRCs that had taken on those responsibilities were guided by delivering a service or whether there were factors that led them to say, "We will have this, because there is a contract for us." Loss leaders have been mentioned this morning.

There is also the issue of whether the architecture of the scheme built in the concerns that we have had about case load estimation, which seems to have been the major concern of CRCs in relation to their income stream. Was that assessed, designed and thought through by both parties at the time of contract development?

Michael Maiden: There are issues we can definitely learn from. For me, there is a fundamental rift in the structure of the new system. I am sure that has been repeated many times, and it was repeated earlier. The fact that offenders have to flow through the system in a disjointed way is a fundamental issue. The speed of change was probably the greatest issue of all, because it is highly complex. It was highly complex for the MOJ, and it is highly complex for the CRCs, post contract award. It was almost inevitable that doing things at the speed they were done would result in some tensions and dislocations in the system, from which we would need to learn.

There is an issue of connection between the different parts of the system. A comment that I would make on the current review is that, although it is doing some valiant work around the payment mechanism for the CRCs, it is not yet looking at the broader, whole-system picture: the story of the offender, from the very start to the very end, whatever happens to them—if their risk rises and falls, if they go through court and certain outcomes result, and so on. At the moment, it is looking at a narrower confine of how the payment mechanism works for CRCs. That is extremely welcome. As I just said, it has led us to a position that seems to me a healthier one, provided that it works its way through to reality. But that system issue remains. It will remain, because it is inherent in the system; it is how the system works. We are making a pretty decent fist of it, but within a set of not necessarily ideal circumstances, if I can put it that way.

Bronwen Elphick: There was also a bit of miscomprehension around how flexible CRCs would be. It is a people business. While the contracts are not based on guaranteed volumes, it is very difficult just to switch off 50 people overnight, if you need to. Just last week, we had our indication

letter about fee-for-service income going forward for the remainder of the contract, which is a revision of an understanding around our CRC fixed costs. There was an expectation about CRCs' ability to flex to such fundamental change in volumes that was possibly underestimated.

Chair: Do you want to come in quickly, Mr Chalk?

Q201 **Alex Chalk:** Can I understand something? On the one hand, we are always told that there are too many people in the system, everyone is overwhelmed—disaster, disaster. On the other hand, the key message we get from the CRCs is that the problem has been that the volumes have been too low and, as a result, there has not been the revenue. I am struggling to understand those two things. Why do we suddenly have low volumes? Why is that causing a problem?

Gabriel Amahwe: I will try not to be too technical. There is a difference between raw case load and the volume that the payment methodology reflects. On the one hand, you have a payment mechanism that works on a certain type of sentencing requirement. On the other hand, what we see on the ground is case load numbers increasing. A good example in Thames Valley CRC is that we have seen an increase of about 30% in cases since 2015. That is a very different experience for my staff on the ground, in terms of the funding we get to match that. Sometimes there is confusion between the CRC volume case load and the raw volume on the ground. One reflects payment, rather than the number of cases coming through.

Bronwen Elphick: We are not paid per head for offender; we are paid per mix of the requirements they come out of court with. That mix of requirements is what has dropped. We are still getting physical bodies to supervise, which we need to fund and pay for, but they are not coming out of court with requirements that translate into the payment mechanism.

Alex Chalk: I see. Thank you.

Michael Maiden: One of the principal examples of that is through the gate. The payment attached to through the gate is extremely low, but the profile of those offenders and the complexity of their needs is very high.

Alex Chalk: I understand that.

Q202 **Kate Green:** We know that since TR came in we have seen a rise in the number of recalls to prison. It is not clear what the causality or correlation might be between that and TR, but there are speculations in both directions. One is that CRCs are struggling to supervise the large number of additional offenders being released after short custodial sentences. The other is that there is a disincentive for CRCs to breach, because of the nature of the payment-by-results model and the financial model they work to. What are your observations? What is going on in your CRCs in relation to breach?

Gabriel Amahwe: One thing I am very clear about in my CRC is that breach, whether it is recall or back to court, is an important element of

compliance, of getting people to engage properly with their sentence. It is also a very important area of managing public safety, where needs be. As director of probation at Thames Valley CRC, I am very clear that no instruction has gone out to any members of my staff not to take people back to court. Although in the CRC we talk about low and medium-risk cases sometimes as meaning cases that have few or no difficulties or challenges in the community, I think that is wrong. A lot of those low and medium-risk cases present some of the most challenging and complex needs in our community. Earlier, we talked about serious further offences. We know that a high proportion of serious further offences come from that cohort of the people we work with.

Q203 **Kate Green:** But that did not change as a result of TR, did it?

Gabriel Amahwe: No.

Q204 **Kate Green:** Was there any anticipation of, and is there any correlation between, the increase in recall, the impact on the prison population as a result and the way in which TR operates in practice?

Bronwen Elphick: It is a fairly complicated picture that involves more than just whether CRCs would apply it. I agree with Gabriel; absolutely no way would I ever give an instruction about recall. Professionally, it needs to be for the right reasons. In a sentencer meeting relatively recently, I heard something about how misunderstandings around RARs and how they are dealt with have resulted, in some areas, in more short-term prison sentences.

Q205 **Kate Green:** Could you say a bit more about that?

Bronwen Elphick: You would then have a knock-on effect, potentially, of recall. This is anecdotal, but in some areas courts are struggling around that. One easy thing for them to do, because they know that people get probation supervision, in old terms, with a short-term prison sentence, is to send somebody to custody for a short term. As CRCs, we do not have access to any sentencing data, so that is anecdotal, from a meeting I was in. Please bear that in mind.

There is a wider issue. I know that the chair of the Magistrates Association was here and touched on this. Sentencing has become much more complicated—not sentencing per se, in terms of what people can get, but the process by which you get information into court. Mike made a point around that. With two organisations, getting information into court now is more complicated than it used to be. I wonder what the knock-on effects on sentencing patterns have been around that and, therefore, whether there is a link between the increased number of short-term sentences and recalls. As Gabriel said, the so-called low and medium-harm/risk cases are actually the most chaotic ones. Yes, they were the same before, but they would have been the highest percentage of recalls before.

In Durham Tees Valley, although our case loads have gone up, they have not yet risen to the same level as in Thames Valley. Our case loads are

40 for a probation officer and 60 for a probation service officer, which is more than manageable. It is lower, actually, than we would have had in trust days.

Chair: That is very helpful.

Gabriel Amahwe: The important thing for us is to be very clear that, as Bronwen said, the cases we work with are probably a cohort of people with a huge, extensive history of poor compliance. These are people who, ordinarily, would not want to engage with probation, prior to and post TR. I have heard comments from some offenders who have said, "Gosh, it looks like I am quite prepared to be on probation for the rest of my life, because every time I fail to comply I go back to prison and back on to supervision with you." That is not what we want to see.

One of the things I would like to see as part of the probation system review, and one of the areas we are looking at, is around breach. As a CRC, we do not want to leave any notion, especially with our sentencers—the magistrates and judges—that decisions are being made around whether or not to breach because of the impact it has on funding. Going forward, I would like breaches or recall to be seen as public interest decision making. Therefore, they should not be predicated on payment.

Q206 **Kate Green:** Are you prepared to open your books in a way that would make the public confident of that?

Bronwen Elphick: Yes. We have just spent two days with Ernst & Young, as part of the probation service review, giving back all those data.

Q207 **Chair:** What about Thames Valley?

Gabriel Amahwe: The same.

Q208 **John Howell:** As you know, the Government are doing an assessment of transforming rehabilitation. How would you assess the way they are doing that?

Michael Maiden: I would repeat what I said before. There are some very encouraging developments within that process. What it lacks is the end-to-end system view. We can solve an individual problem, but that problem is a problem only in the context of a wider system. In solving the problem, we might not solve the fundamental issue. What is said to us is that it is deliberate—it is an incremental process. I can see that it is very complex and you have to start somewhere. My concern is that we start somewhere, but we do not complete the issue. The biggest issue of all is to map the flow of work from one end to the other so that it is fully understood where cases ought to be. My very first point, around what I think was wrong in the first place, is that the split makes that very complicated.

Q209 **John Howell:** You do not see it as lacking transparency.

Michael Maiden: I do not think that it necessarily lacks transparency. There are issues around certain categories of offender that need to be

looked at, to see what is appropriate for them. There were some fairly simplistic views taken, for fairly obvious reasons, because it is a complex process. The simplisticness—if there is such a word—of the splits needs to be re-examined, because there are offenders on one or other side of the process when the provision is on the opposite side. That is not efficient or effective. I want the review to pass from its current narrow confine to a wider confine. It is making progress. As Bronwen said earlier, the letter that we have just received, with an indication of the way forward, would put us in a much better position than we have been in, but it needs to go further and wider.

Q210 John Howell: We do not have all morning to discuss this, so could you summarise your opinion on what you would like to see included and excluded?

Bronwen Elphick: In terms of what is included, it needs to be a whole-system review, as Mike said. There needs to be some change around the fee-for-service weightings, particularly on through-the-gate services for women and stuff like that. There needs to be a change in contract management approach, from focusing on process to focusing on quality outcomes. We need a level of commitment to fee for use around the NPS, in terms of service volumes. I would like to see accountability functions separated from NOMS, the operational assurance group, the NPS and CRCs, because they should be overseen by an independent body. I also think that intermediate outcomes in the review need some sort of local reflection of local demographics, because obviously things are not the same up and down the country.

Gabriel Amahwe: Similarly, one of the things I would like to see is time, which is probably not something you have a lot of. Rightly, the Committee focused on how we can make the system work better. In my personal view, the biggest mistake we can make is that, to try to fix it, we rush into putting things in place. I agree with Mike. We need time to work through the whole system—to get to a point where we are looking at the whole system, rather than parts of it.

We also want to be able to drive the right behaviour in CRCs. For me, driving the right behaviour is about what matters in delivering a probation service: outcomes for offenders. That is what motivates, drives and energises our staff. That is what a lot of the staff who came into CRCs wanted to do—to move away from some of the input measures. That is one of the things we would like to see.

It is not all about money—absolutely; but it is about money. We need commercial stability. We cannot reduce reoffending if the system is in chaos, for want of a better word, if it is one where there are insecurities and uncertainties. We cannot reduce reoffending in such a landscape. We are talking not about ideal circumstances but about a landscape that gives us relative stability, to deliver on our transformation.

We touched on shared accountability of outcomes in the whole system—prison, the NPS and CRCs. Lastly, there is the interface. Given the

fragmentation, the way in which the whole system interconnects must be a lot better. It requires a whole-system review. Hopefully, that will be the next step going forward.

Q211 **Keith Vaz:** I have very quick questions to all three of you. First, how much is the contract worth to each of your companies? How much do you get from the Government for your work?

Bronwen Elphick: For Durham Tees Valley, for the whole life of the contract, it will be about £60 million.

Q212 **Keith Vaz:** It is £60 million for you. Mr Maiden?

Michael Maiden: It is the same.

Chair: You are the same company.

Q213 **Keith Vaz:** Mr Amahwe?

Gabriel Amahwe: It about £13 million or £14 million a year.

Q214 **Keith Vaz:** Forty million?

Gabriel Amahwe: Fourteen.

Q215 **Keith Vaz:** There is quite a difference in size between the two of you.

Bronwen Elphick: Gabriel's figure was for a year, so that is times seven.

Gabriel Amahwe: Yes.

Michael Maiden: Our figure is over the length of the contract.

Gabriel Amahwe: Over the seven years.

Q216 **Keith Vaz:** Let us have the figure over the length of the contract. It is £60 million for Durham Tees Valley. What is it for you, Mr Amahwe?

Gabriel Amahwe: It is roughly between £80 million and £85 million.

Q217 **Keith Vaz:** Mr Maiden, we heard from Ian Lawrence and Ben Priestley that this crisis goes beyond the current Government, with probation being undervalued for many years. Do you agree with that?

Michael Maiden: I do. I would depart a little from your previous evidence, in that I think there was a phase when that was true. There have been other phases when it was not true. There has been great investment in probation over the years. That is shown, not least, by the budget, but also by investment in degree-level training and so on. I do not think it is a stark picture, but I think that latterly there was some scapegoating going on for a problem that did not lie—at least not entirely, by any means—at the door of the probation service.

Q218 **Keith Vaz:** How much responsibility do you take? Were you not the deputy director at the Ministry of Justice dealing with this issue? You were the man in charge of it. Are you saying that the good bits happened

when you were there?

Michael Maiden: No, not at all. I am talking in my previous incarnation, as chief executive of probation since 2001, before I went to the Ministry of Justice. Over that period, there was investment in the service, in training and so on. I am saying that latterly there was political interest in what were poor reoffending figures. Those were placed at the door of the probation service when actually at that time probation was not supervising a significant tranche of the offenders who were reoffending—namely, the under-12-month prisoners. They are by far at the highest risk of reoffending, and the probation service had no responsibility for them.

Q219 **Keith Vaz:** Neither you nor Mrs Elphick are former probation officers. Is that right?

Michael Maiden: We are both former probation officers.

Q220 **Keith Vaz:** Mr Amahwe, you have a passion, having spent 24 years in the service. Do you think that we are putting too many expectations on probation officers and the probation service to deliver something that they simply cannot deliver, so we are always going to be disappointed, no matter how much money we spend on this? Or is the issue, as Mr Lawrence and Mr Priestley said, demotivated staff paid relatively low starting salaries? Obviously, we do not pay probation officers as much as we invest in paying Jamie Vardy, although some may feel that, in the long term, a good probation officer is more effective than a star football player.

Gabriel Amahwe: My staff probably won't thank me for saying this, but they do not do the job because of the money. My probation staff work very hard. They do not just work hard for the sake of it; it is about the skills, knowledge and commitment that they show day in, day out. If I had any of my probation staff sitting alongside me, they would want me to say—or they would be saying—that they need resources, tools and a collective approach to support the reduction of reoffending in our community.

Q221 **Keith Vaz:** That sounds like management-speak. On the practicalities, are we expecting too much? Is it time that Parliament said, "Look, it is not going to happen through the probation service. We will have to find some other mechanism for delivering the reduction in reoffending rates"?

Gabriel Amahwe: I will use an analogy to answer your question, if you will permit me.

Q222 **Keith Vaz:** Is it a long one?

Gabriel Amahwe: No, it is a very short one. I will make it short. If you walk into a hospital tomorrow with any ailment, 90% of the time you will probably get cured. You will be given medicine, or whatever, to get cured. If you walk into a probation office today with some of the complex needs we work with, you will not suddenly turn your life around. The services that we require to do that are out there in the community,

through either our local authority partners or other agencies. We are not asking too much of probation officers. They know what they need to do.

Q223 **Keith Vaz:** No, are we asking too much? Is Parliament asking too much?

Gabriel Amahwe: I do not think so. What I would say to the Committee is that, whether it is delivering accommodation, employment, substance misuse services or health, we need a whole interdepartmental relationship, with collaboration and co-operation, to make it happen locally.

Q224 **Keith Vaz:** Mrs Elphick? Thank you for answering my question on radicalisation before I asked it.

Bronwen Elphick: That's okay. My passion is only three years behind Gabriel's. He is absolutely right. One of the dangers with the intermediate outcomes is that there seems to be a sense building that CRCs will be able to solve offender accommodation and employment problems, which we all know have been around for donkey's years. While probation officers absolutely have a role to play in that, we are dealing with people who are embroiled in a whole range of social systems. Without some co-operation or partnership between those systems, the CRC will not be able to resolve those issues on its own.

Are we asking too much of probation officers? Absolutely not. I do not know any probation officer who goes into the job for money. That is a good thing, because their passion is about wanting to help people to change their lives. That is fundamentally what we are about. Through these reforms, some of the smaller CRCs are still able to retain that focus.

Q225 **Chair:** Forgive me for interrupting. How much overtime does each of your officers work? What is the average overtime level?

Bronwen Elphick: The only members of my staff who work weekends are the contracted ones: the unpaid work supervisors. My staff do not do overtime.

Gabriel Amahwe: It is the same with us—unpaid work.

Q226 **Chair:** So the issues raised by some of our previous witnesses do not apply to you.

Bronwen Elphick: Not across the board.

Q227 **Keith Vaz:** In respect of these reforms, you like the idea of Mr Amahwe's pause. Do we need to pause on what has been proposed—to pause, take stock and have a look at what has gone on?

Gabriel Amahwe: I beg your pardon, Mr Vaz. I did not say "pause". I meant slow down—slow the pace.

Q228 **Keith Vaz:** Slow the pace.

Gabriel Amahwe: Yes. Slow the pace, to get it right.

Q229 **Keith Vaz:** By how long?

Gabriel Amahwe: How long is a piece of string?

Q230 **Keith Vaz:** Well, you said it.

Gabriel Amahwe: I absolutely accept that. When I say that we should slow the pace, it is not to create another system, or one where we are still talking about the same challenges we are talking about today. It is about making sure that we get the commercials absolutely right and that the whole system is integrated, rather than creating a system that is independent of what we have.

Q231 **Keith Vaz:** Mr Maiden, should we slow down? What should be the timetable?

Michael Maiden: I think I know what Gabriel means, but, for me, there are issues that are absolutely urgent. They must be addressed. If they are not, we are in real difficulty. As I said earlier, the indications are that they are now being addressed. I do not think that they were, but they are now.

I think I know what Gabriel means. If the idea was to do another wholesale restructure, it would be singularly bad news. Having been in change programmes over many years, I think there was an inevitability that, at this point, there would be something that needed to be looked at, because this was highly complex and done at speed, as I said earlier. There would have been something. We could not have predicted whether it was this set of issues or a different set of issues, but there was a point of review that was inevitable. That is what is happening.

I have some criticisms of the way it is happening, and I have articulated those, but we are getting on with it and we should press on with all speed, while not jumping into wholesale restructure. Having been a chief executive since 2001, I think that would be about the sixth major restructure I had been through in probation. Staff cannot do the job, and whoever is the owner, or the governor, of the probation delivery system cannot make progress and innovation, if all they are doing is firefighting the latest change. On that, I certainly agree with Gabriel that we should slow down, but not on the fragmentation issue.

Chair: We have got the picture pretty clearly. Thank you very much for the evidence. It was very clear, very useful to us and very helpful. Thanks for coming quite a distance.