

Justice Committee

Oral evidence: [Transforming Rehabilitation](#), HC 482

Tuesday 30 January 2018

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Members present: Robert Neill (Chair); Ruth Cadbury; Alex Chalk; Bambos Charalambous; David Hanson; John Howell; Gavin Newlands; Victoria Prentis.

Questions 1 - 117

Witnesses

[I](#): Witness A; Witness B; Witness C; and Witness D.

Examination of witnesses

Witnesses: Witness A, Witness B, Witness C, and Witness D.

Q1 **Chair:** Hello, everybody. Thanks for coming in. We really appreciate it. This is the kick-off to quite a big inquiry that we are going to do into transforming rehabilitation. Just to reassure you, none of us is interested in how you got to be involved with probation or anything like that; that is not what we are concerned with. Throughout any work we do, any reports we make, everybody in this session remains anonymous and nothing goes outside here. That is why we are in private session. I wanted to reassure you all on that because I appreciate you coming in to help us.

What we are all really interested in, as I say, is not how you got to be involved in probation but what your experience was when you ended up dealing with it; whether it was good or bad, what were the bits that worked and did not work and so on. That would be really helpful to us, whichever way you want to put it. It is a conversation, it is not a formal sort of Parliament-on-the-TV type of session at all. Who would like to kick off?

Witness A: I'll go first. My involvement with probation started about 13 years ago and I don't think there has been a year gone by when I have not been involved with the probation service at some point. Compared with the national probation service, who I was with up until recently, I have to say I prefer the new set-up with the CRC. In respect of the national probation service, the offices were dated and it felt really formal when you used to go in to see your probation officer at the NPS.



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The new CRC hubs are a lot more laid-back, and the atmosphere is a lot more relaxed in the respect that you are not taken away to an office. It does not feel as though your probation officer is looking down on you and talking down to you in the way that they did with the NPS before. The only thing I can say that is negative on the CRC at the moment is the lack of communication and the lack of contact with your offender manager or your personal officer, however you want to refer to it.

I was on a thinking skills course for nine weeks when I came out of custody last year and I did not have any contact whatsoever from my probation officer during that time. It was almost like I was reporting solely to the people who were running the programme. Any issues that I had couldn't be addressed by the people who were running the thinking skills programme because they had to facilitate the programme and that was it; they were not my responsible officers. When I was trying to get through to my personal officer, she was like, "Oh, don't worry, you will have an appointment when you're finishing." I had issues that I wanted to sort out and I had to more or less beg for an appointment to see her during one week when I was having some issues.

I think that could have been handled a little bit better, especially when you are going into a programme that will last about nine or 10 weeks, so that you have some form of contact with your responsible officer during that time. That would offer reassurance to anybody who has been in the system for a long time, who is used to having that contact, or anybody who is new, serving an order or serving a licence period who has not done it before. It just offers that little bit more reassurance, because everything else at the minute seems absolutely fine; it is just the contact. I know they have a strong, heavy workload and they cannot always manage to see everybody all the time, but it doesn't take anything to pick up the phone for two minutes and just say, "Is everything all right? Do you have any issues? I know you are on the programme at the moment, but is there anything I can be doing in the background?" That would just be—

Q2 **Chair:** That would make it easier.

Witness A: Yes.

Q3 **Chair:** Was your contact on the phone rather than face to face?

Witness A: On the phone. It is just hearing that reassuring voice. It is just to be able to say, "Right, do you have anything that I could be doing while you are on this course, while you are doing this programme?" That would be something to improve the service that is being run at the minute.

Q4 **Chair:** Just broadly, what region of the country is it?

Witness A: I beg your pardon.

Q5 **Chair:** What region of the country are you?



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Witness A: I am from the north-east.

Q6 **Chair:** It is so we know roughly which CRCs. That is all we are interested in, no other reason. Witness C, do you have any thoughts?

Witness C: My experience was that I got out of prison a year ago, and even throughout prison I didn't know who my responsible officer was. I was being passed around. I had moved from London to [a city in the East of England] and I was being passed around from borough to borough. I didn't have a clue, until the day I left on tag, who my responsible officer was, but someone else there knew who the responsible officer was; they were in the same building and it happened to be the same person. She had been writing to her, but I hadn't had any communication. It is communication and continuity, because that is another thing. I have had seven responsible officers in the time up until now. I have met one of them three times since my release. I met her for five minutes then, I met her again the following week and then I was put on a course and that was it. There was no contact whatsoever. I am not faulting her as an individual, but it is the whole system.

That communication is so vital. I am lucky that I have a good background to look after me, but other people are struggling and need that support. What if they do not get that? Like I said, I have been quite fortunate, but at the same time when I have gone to them for help, again no contact. They say they are going to put me on a course that I feel I need, and nothing has come of it. They have not told me anything. I only found out in passing because I have been hired to work part time for women's probation in [a city in the East of England]. I have had two new responsible officers in that time and I have never met them.

Q7 **Ruth Cadbury:** You work for probation.

Witness C: I have been hired by them, yes, to work part time.

Q8 **Ruth Cadbury:** It is only because of that you found out.

Witness C: Yes, only in conversation with the CEO. She brought it up, saying, "You've got a new responsible officer." Nothing was said to me.

Q9 **Chair:** You started off in London and then went to [a city in the East of England].

Witness C: Yes, the offence was in London and then I moved back there when I was on tag, so that is why I was passed around, but I did not know what was going on. I was scared, I was in prison, and I didn't know what support I would be getting and what to do, because no one tells you.

Chair: I understand that.

Witness C: Your personal officer does not tell you, OMU doesn't particularly help you. You are just kind of, "Well, what's going on?" You are clueless and that is not good when you are already in a very scary



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environment. You need that support, and I don't think you can expect people to rehabilitate when they don't have that support. Continuity and communication is so vital.

Q10 **Chair:** Were you able to draw any contrast, any distinction, between the national probation service and the CRCs?

Witness C: I was only involved with CRCs.

Q11 **Chair:** Thanks. Witness D, any thoughts at your end?

Witness D: I am a representative of the north-west, covering [name of two areas in the north-west]. My journey with the criminal justice system started when I was young—really young. Basically, I kept on messing up. I had no trust in the system. There was, like Witness C was saying, no continuity, so I kept reoffending. That was with the old style. Then a couple of years ago, I ended up with a great probation officer with the CRC, and that is where my trust came in because I have had consistency with her.

Under the old system, when I entered prison I had some problems with housing that were already evident, but nothing seemed to catch that; nothing was put in place to help me on my release. When I was released, I was in more debt, I had more problems, so even if I wanted the chance to not reoffend or not do anything, I was put in a predicament that I was already struggling to get out of, which was not really through my own fault. I could have been helped in prison.

With the new-style CRCs, it seemed much better. There were courses. I have done thinking skills. I met a lovely probation officer, [name of probation officer redacted]. She seemed to see the good in me and she was consistent, as I said, so I wanted to engage with her. She gave me the desire, because there was trust there, to change. Every week I would go in, and because I knew she was going to be there I would go in to tell the truth, I would go in to continue my path. That is the best thing that ever happened to me. I didn't have the structure Witness C has had, a good background. Mine was chaotic. I have no one else, no good role model to back me up, so your last line of defence for your country, for your community, is that probation officer, to be honest with you.

Chair: Of course. I get that.

Witness D: When she switched my light on, she ended up putting me into User Voice. User Voice then ended up putting me into education. I am now in university, doing a criminal justice degree and I am not going to turn back.

Chair: That is fantastic.

Witness D: With through the gate, when I speak to everyone, there seems to be no trust there. The service users feel as though they are not getting the support that they deserve. Also, in [name of city], when people are released they are put into a band F. They are not allowed to



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get a property, or it is very, very hard to get a property, in their local authority within 12 months. You are basically put on a 12-month ban and you have to appeal. Where is the sense in that?

If you are getting out, you are meant to be engaging in your community, but you are banned from getting a property, which then forces you into hostels. You are then into an environment of drugs; you are probably surrounded by the career criminals you are trying to remove yourself from. It is not a very good start if the people you are trying to impress now, that you are trying to fix yourself for, are—that is what I call it—discriminating against you when you are trying to find a property.

Chair: That is really helpful.

- Q12 **Ruth Cadbury:** We are coming back to through the gate in a moment, but I just wanted to clarify this; the probation officer you said really helped you turn around, is she national probation service or CRC?

Witness D: CRC. That is what I mean. With the old style there was just nothing there. This new style, it is—

Chair: You found it better.

- Q13 **Ruth Cadbury:** For you, the CRC model is better than the old-style probation service.

Witness D: Much better.

- Q14 **David Hanson:** Is that just the individual or is it the approach in the system as a whole?

Witness D: The approach from the system, definitely.

- Q15 **Ruth Cadbury:** You get a weekly meeting, a face-to-face meeting with her.

Witness D: I did, yes, and there was consistency. As I said, that is everything. That is the main thing that pulled me through.

- Q16 **Ruth Cadbury:** A lot of the evidence we have is not about that consistency, it is more like Witness C and Witness A.

- Q17 **Chair:** Witness B, do you have any thoughts?

Witness B: I come from the west midlands. I sit on a council in the west midlands made up of people from User Voice and the probation services, from the chief executive to various levels, so it is an environment where we can communicate.

My experience to date is probably a little bit different from some of my colleagues, primarily because of my age. I have experience of the national probation service, and in summary I can say the bigger difference is that I considered one rather punitive and the other one I have described as more user-friendly.



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It is probably unfair to the CRC, really, because I joined them just at the transition stage, when I don't think even the probation officers, or offender management, had a very good clue about what they were expecting, so my experience with them was absolutely horrid. In a very short period of time, I had four or five different officers of various degrees of ability, so it was a pretty negative experience. As I have sat on the council and heard other people's experiences, I know that has changed.

One of the exercises I do with User Voice is to take part in an engagement practice, which allows me to visit a local probation service and conduct a questionnaire with service users when they come in. The usual cry, the consistent cry, which has been echoed by my colleagues, is lack of stability, lack of consistency and the constant change of officers. That is a recurring factor.

Another recurring thing is the lack of support. I would say that they are willing, but I do not know how successful they are in delivery. There is room for improvement, and I hope we will talk about that in due course.

Q18 Chair: Certainly, we are going to come on to that in a tick. Was it national probation that you thought was more punitive or the other way around?

Witness B: The other way round. I am saying that I considered the older version was very punitive, and this CRC is a little bit more user-friendly.

Q19 Alex Chalk: Can I go back to Witness D? Your experience, as I understand it, has been broadly positive. You credit this person, [name of probation officer redacted], for being quite good. What I wanted to get a sense of is how long you have had that continuity. How long have you had that one individual whom you credit with making such a difference?

Witness D: I am no longer on probation.

Q20 Alex Chalk: Fine. How long did you have her for?

Witness D: I had that through my sentence, but, if I could, I will give you a little example.

Chair: Yes.

Witness D: Having complete consistency with [name of probation officer redacted], I was very, very lucky because it is a rare thing, and that is what dragged me through. She ended up going off sick one week with a [medical] scare. In that week, I got a duty solicitor. I was going in and being forthright. It is a simple thing; I had an electricity bill from a previous tenant, which was £5,000. I could have buried that and let it become a problem to me, but because I was going to probation and being forthright and wanting to come through the problems, I went into my probation, not knowing that [name of probation officer redacted] was off that week, and I had the duty officer. I told the duty solicitor that I had



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an issue, that it was not my bill but I was going to sort it. I saw that lady for one and a half minutes, maybe two minutes.

The following week I was in for a review in the court, to make sure my probation was going through okay. That probation officer had done a report on me for that review, based on the one and a half to two minutes that she met me. She said I was being obstructive and not taking ownership of my electricity bill. When I went in after eight months, I was proud of what I had done, going in with all honesty; I went into the judge's chambers to be told about this report, which could have discredited me and dismantled all I had done, and I could have just been harmful to my community again.

Q21 **Alex Chalk:** Okay, I understand that. Thank you very much, but can you just give me an indication of how long you had this one individual for?

Witness D: Through the whole time.

Q22 **Alex Chalk:** Which is how long?

Witness D: It was 18 months.

Q23 **Alex Chalk:** You indicated at the beginning that you seem to have a representative role. Is your experience unusual? Is it atypical? Speaking to other people who are similarly affected, what—

Witness D: My experience is what I crave and want for everybody else.

Q24 **Alex Chalk:** Sure, but is it unusual?

Witness D: It is unusual. It is very unusual, and that is what I want to get across. That is what drives me on to become a probation officer and be there, because I know what she did for me. No one else could have done that. That is all I would say to you.

Alex Chalk: It is unusual. Thank you very much.

Q25 **Ruth Cadbury:** What we have been picking up is that the CRCs are changing how and where they meet you and contact you. Where were you meeting them? Was it in a public place, a safe space?

Witness A: It was just in the local hub for me.

Q26 **Ruth Cadbury:** The pub.

Witness A: The hub. That is what they call the offices now. They are called the hubs, not the pub.

Q27 **Ruth Cadbury:** We have heard of people meeting in cafés.

Witness A: I have never had any experience of that.

Q28 **Ruth Cadbury:** It was always in a private room.

Witness A: Yes.



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Witness C: For myself, it was in a safe space, in the women's CRC.

Q29 **Ruth Cadbury:** Witness B?

Witness B: In shared offices between the NPS and the CRC.

Q30 **Ruth Cadbury:** Was the space you were meeting in private or was it open plan?

Witness B: Private.

Witness D: Mine was private.

Q31 **Bambos Charalambous:** Witness C and Witness A, you were both on courses after you came out, but then you had virtually no contact at all with the person at the CRC. How long were the courses? Were they a few weeks?

Witness C: It was meant to be six weeks, but it was dragged over, because one week it was not there. If not enough girls turned up, they stopped the course so then you would have to wait. That drags it out for you as well, because we have to do these courses, so we have no choice but to hold on and then you are going longer without support from your responsible officer.

Q32 **Bambos Charalambous:** Were you given a number to call if you had any issues?

Witness C: It was the main switchboard number.

Q33 **Bambos Charalambous:** Did you have a person you were meant to call?

Witness C: There was the responsible officer, but she was never available. I had a panic when I was on tag once and I wasn't able to get hold of her, thinking I was going to get breached for it. It was not until someone, through User Voice, contacted her that she then got in contact.

Q34 **Bambos Charalambous:** After the course ended, what was your experience?

Witness C: I saw her once briefly after that and then that was it, basically. I was just kind of fobbed off, but because I am not considered high risk or as not having too many needs, it is green light and on your way. That is all well and good, but when I approached them to ask specifically for help, again there was nothing. They were keen to help me, but they have not told me what is going on with it. They are not saying, "There is no course yet. You might have to wait a couple of months, but we are aware that you need our help." There is nothing like that, and I work in the building.

Q35 **Bambos Charalambous:** Were they in touch with the course providers?

Witness C: It is run by them, but in the [name of city] sister women's centre.



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Q36 John Howell: I want to pick up on a point that we have already touched on, which was how useful the probation service is in stopping reoffending.

Witness C: Personally, for me, I do not think it has been a problem, but I can see it being a problem for other people because they are not getting support, especially when they have gone to ask specifically for needs in terms of housing and addiction. That is when they end up reoffending, because they have not been getting support and they are getting breaches because of that. That is from work we do in the community, speaking to the service users.

Witness A: In my personal experience, it would be wrong to blame the probation service for any reoffending that I have done over the years. I was in a very, very dark place, I was very depressed. I didn't see any way out of it. With the first offence I committed, I thought that's it; I have pretty much got my life boxed away now. It would be wrong to blame probation for that.

Currently, the CRC is working better for me than NPS did, and it would be wrong to knock the CRC. Although they have some very, very small faults, the way they are delivering programmes at the minute—thinking skills and everything like that, the resolve programme—is all absolutely fantastic, compared with what they were doing when it was run by NPS. CRC is working better for me than NPS did, but I cannot blame probation for any of my reoffending because I wholeheartedly take responsibility for that. It was my fault. I can't blame anybody but myself for that.

Witness B: The probation service has a role to play in the rehabilitation process, but I do not think it is a role solely attributed to them, so one's expectations of what they do have to be qualified. They are a support mechanism and they have a role to play. They are a support mechanism.

Q37 John Howell: How would you organise that support mechanism to provide the sort of things you need?

Witness B: It is the linkage between the theory and the delivery. What I understand and what I see is, okay, we have an employment officer. That person, within the service, is supposed to signpost, or at least direct people. You have a housing officer and you have different officers who deal with different skills. That is the theory. The practice is about actually delivering that; from having somebody whose role is to help you with housing, to actually helping you with housing. It is that transition from theory into practice, and that is where the breakdown comes. As I said earlier, it is almost like a "mind is willing, but the body is weak" type of theory; they want to do it, but it is the actual delivery.

I am not so sure that totally, in isolation, they can meet those roles. I know it is very clichéd, but we talk about the need for joined-up working. If it is probation there, police there, so-and-so there, I don't think it is working. We should get more of a combination of roles and people talking to each other and stuff like that. On a probation committee, you do not



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just need probation officers; you need the local authority housing officer; you need the jobcentre's local worker or officers, and so on and so forth. In isolation, no; but, joined up, the service can be delivered.

Q38 **John Howell:** Did the rest of you find that lack of joined-upness very obvious in your own probation?

Witness C: Yes. It is a communication thing. It is such an important factor.

Witness D: It does not exist.

Witness C: Yes, exactly. They don't have enough time. Everyone is doing something different and they are not communicating with each other when they need to.

Q39 **Chair:** Do the people that some of you have dealt with around housing know what to do about housing? They didn't, by the sound of it.

Witness B: In many instances, that is the case, yes.

Chair: How the bidding system works and all that sort of stuff.

Q40 **Victoria Prentis:** Did you all have somewhere to live when you were released?

Witness C: Yes.

Q41 **Victoria Prentis:** During the process of your release did somebody come and talk to you from probation in prison?

Witness A: No.

Witness C: No.

Q42 **Victoria Prentis:** Did anybody have any contact?

Witness D: I sent many, many apps in before my release because, like I said, I gave information regarding the fact that I have a property. Then, on my release, I was sending apps, as you do, to try to get some information. Nothing came of that. Just before, I did not even know I was being released. I was applying for tag and did not get a response. Then, with the 18-day rule, I ended up just being released.

Q43 **Victoria Prentis:** You were not on a tag.

Witness D: No.

Q44 **Victoria Prentis:** You were, weren't you, Witness C?

Witness C: Yes.

Q45 **Victoria Prentis:** How long for?

Witness C: I was on tag for three months.

Q46 **Victoria Prentis:** Is there special support during that time?



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Witness C: Not particularly, no. It is just to ring a number in case there is anything wrong, or ring the number on the box and that is it.

Q47 **Victoria Prentis:** Were you on a tag?

Witness A: I wasn't on a tag, no.

Witness B: Yes, I was on a tag for a very short period of time. There wasn't much support. On your question, one of the biggest cries that you get from users is, "I am going to be released on Tuesday and I have to be at the probation office on Tuesday at 3 o'clock. I don't even know who this probation officer person is, I have never met them. I have received a communication that says, 'Be there at 3 o'clock,' but no communication prior." When we talk about solutions or suggested solutions, it is that relationship, that pre-relationship, which is vital.

Witness D: As I said, I am not just here to represent myself, I am here to represent my whole community. That is what I am there for now. On the whole, I feel like we are failing our vulnerable citizens, our vulnerable community. I can give you an example.

There is a homeless individual in our town centre. He gets released all the time to the [name of town] area, where he is in fear of threats of violence, so he sleeps in town in a doorway and that is where he lives. Because I go round doing my outreach work in my spare time, I know all these lads. I go and see them and I know their stories. When he goes missing, I get worried for him, and find out that he has been sent back to jail. Because I have been switched on with probation—I have been volunteering thanks to User Voice—I now have the tools to find out what's going on. I speak to my voluntary co-ordinator, get the okay to speak to his offender manager and her response is, "I don't like the company he keeps. I don't see why I should have to go and find him." I speak to my voluntary co-ordinator and say, "Well, surely, if I have found him, he is engaging with me and we know that he is okay, if she doesn't want to spend the time." My co-ordinator agrees. She thinks that is technically okay and she will speak to the offender manager.

The offender manager is furious that we have even spoken like that, and two weeks later she has not come out to find him because she does not agree with his lifestyle. It is not a lifestyle choice. There could be a choice, but he is entrenched. Who is going to give him the tools to get out of that world, the band F? He is in an impossible situation, but he communicates with me, thanks to me coming out there. It should have worked, but he has been breached again and sent back to prison. He engaged with me, he told me he wanted to come with me, but she was obstructive, and was quite angry at the fact that she was shown to be not doing her job properly, to be honest.

He has been breached again, and her decision played a role. She is my peer, to be honest with you, and I should have full respect for people like her. His life is just going to be the same thing. We are paying for him to



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be released, go back to jail, be released, go back to jail. There should be a better system. He is vulnerable and, fair enough, he might be an offender, he might do things wrong, but where is his chance? As I said before, and I believe this, probation is your last line of defence. After jail, it is a continuation of rehabilitation. You should not just let someone in knowing they have a chaotic lifestyle. Doesn't it feel irresponsible to let them back out the gate and then reoffend and then find them guilty of a crime when you have not tried to fix them? You have just put them in a box and there has been nothing to—I might not be eloquent with my words, I am sorry, but you must be able to grasp that.

Chair: I get that quite strongly, yes.

Q48 **Victoria Prentis:** None of you was met at the prison gate, presumably.

Witness D: No.

Q49 **Ruth Cadbury:** Or had pre-release support.

Witness C: No.

Q50 **Victoria Prentis:** That would have been helpful.

Witness B: That is our recommended solution. It is essential. Witness A will expand on it later, if you like.

Witness A: We have spoken a lot over the last couple of days with regard to through the gate being pretty much non-existent within the custodial environment. It is not there. Nobody is made aware of it.

Q51 **Alex Chalk:** For people who have not been through the criminal justice system, can you explain what it is about meeting that person early, or indeed seeing them while in custody and having that continuity, that prevents reoffending? Is it because without them you are more likely not to have somewhere to live and therefore fall into crime? What is the key difference that continuity makes in terms of decisions about whether to reoffend?

Witness C: It gives you hope. It gives you hope and support that you can do something, with the sentence and conviction behind you. Someone is there to help you. You are not just crossed off and then left to suffer the consequences of having done something.

Q52 **Alex Chalk:** That is a really interesting answer. Do others agree with that point, that it is a morale thing, and it is about thinking, "I have a future"? Do you agree with that?

Witness D: Well, would you go on the street and speak about personal things to a stranger? Would you go and speak about your personal life to a stranger?

Q53 **Alex Chalk:** That is an interesting point. Is it about feeling that there is someone with you on the journey to rehabilitation?

Witness D: Yes.



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Q54 **Alex Chalk:** Do you agree with that, Witness B?

Witness B: Yes, to an extent I agree with that. It is that thread of the personal relationship.

Q55 **Alex Chalk:** Someone believing in you, that you have a contribution to make. This is very helpful for me, forgive me.

Witness B: You arrive in a very negative position, and, if you have consistency and you build a relationship, you are recognising somebody who has some positivity for you.

Q56 **Alex Chalk:** You have value and a future, right?

Witness B: Yes, and it puts you on a different route.

Witness A: I agree, but there isn't actually anybody there to build a personal relationship with.

Q57 **Alex Chalk:** That is why it matters. It is really helpful for me to understand that because I have not been through it, so thank you.

Witness B: It is like going to the doctor. You do not want to see a different physician every time you go to the doctor, who you then have to re-explain your ailments to every time. If you are seeing your consistent doctor, he knows your antecedents. He knows you.

Q58 **David Hanson:** Where were the prison staff prior to release? Did you have any relationship with them in relation to the probation staff outside?

Witness C: They were busy with other things, really.

Q59 **David Hanson:** Through the gate means you are in prison and you have a probation officer or CRC member of staff. You leave prison and they are supposed to be working a way through. I am just interested in whether or not any prison officer or any prison staff recognised the fact that the probation staff or CRC staff were not engaging with you in prison.

Witness C: It is out of their hands. There is nothing they can do. All you can do is put in an app to see OMU, and, if you are lucky enough, you speak to your OMU, if they are actually there. There is nothing they can do because it is out of their hands; it is with CRC, not with OMU. Everyone is passing the buck to each other, no one is taking responsibility, putting their hand up and saying, "Sorry, I have lost this paperwork," or, "Sorry I've not been in touch."

Q60 **David Hanson:** It strikes me that the rehabilitation starts inside, doesn't it? Through the gate should start where there is some continuity. If I am your GP and I am passing you on to a hospital, the GP and the hospital should be talking to each other, shouldn't they?

Witness C: Yes.

Q61 **Victoria Prentis:** Who sat down with you in prison and said, "Have you got somewhere to live the day you are released?"? Did anybody?



Witness C: No, they just go through a tick-box quickly.

Q62 **Victoria Prentis:** They go through a tick-box.

Witness C: Yes, when I first arrived, but then after that nothing comes of it. You don't know what is going on.

Witness B: If you are going on tag, it is to a residence, so that is linked. If you are a non-tagged person, it is highly unlikely that that would be addressed.

Q63 **Bambos Charalambous:** I was interested in what you had to say, Witness D, about your experience and about the homeless person you were engaging with.

Witness D: That is just one example.

Q64 **Bambos Charalambous:** Yes. It sounds to me as if the experience you get is just chance about who engages with you. Did you come across any formalised system for your offender manager to engage with you, or was it just up to them how often and how frequently they engaged with you?

Witness D: I believe they just take that decision themselves; the more you are doing better, the more they reduce the level they see you. With me, I was doing well, so my engagement started going to a month and then two months, but that is because I was doing well. I still had phone contact. She would phone me and I would phone her because, as I said, something clicked, so I wanted to make sure I did not let the lady down. I had respect for her. As I said, she was consistent and that is what it is about. I did not want to mess up, because she had shown faith in me, so I wanted to repay that faith.

Q65 **Gavin Newlands:** I am interested in the health section. Witness A, you mentioned your issues with depression, and you blamed a lot of your reoffending on that. I am just curious about whether that had been diagnosed at that point and whether you were given any support.

Witness A: I was diagnosed with depression. There were different circumstances, which I will not go into, that led me to more or less feel as low as I did, to be fair. Then, as well as the prolific offending and everything like that, and my criminal record getting bigger and bigger and bigger and bigger, the more you reflect on it, the more you think at the time, "I've got no hope here. Nobody is going to employ us; nobody is going to do this; nobody is going to do that." You get yourself into a cycle. The thing that broke the cycle this time—I hate to say it, because I am not just saying it because that is who I am representing here today—was that when I went to the CRC, even though I did not have any resettlement housing, I had a compulsory meeting with Shelter, and by chance there was a guy called [name of individual redacted] there, who is the [name of role] co-ordinator with User Voice.

He was telling us his story, he told us the stories of different people who worked for User Voice, and that was my only example of being able to



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progress past something. Even though you have a past, there is still the hope of a future, and that is why I became involved with User Voice and that is why I am here representing the people of the north-east today. Effectively, it is not the CRC that has changed my life; it is having that little insight as to what I can be, by seeing people who have been in the same situation as myself. That could probably be something you look at, to try to get people involved in organisations where they do peer mentoring, that sort of thing.

Going back to what we were saying before about not having any contact with people in prisons and stuff, through the gate is non-existent. Who is to say that in the future through the gate couldn't be peer led? It would cost you a lot less money to employ one or two people per prison than it would to recall thousands of people a week to prisons.

Q66 **Alex Chalk:** Ex-prisoners would be in the lead in terms of providing through the gate.

Witness A: Yes.

Witness C: Yes.

Q67 **Alex Chalk:** Would you have confidence in that person? If you have seen someone inside who might have done something that you take a pretty dim view of, would you really feel confident about them?

Witness B: Yes, that can work. It can work very well. We talked about peer mentoring. I am a peer model to somebody who is in prison. That person can look at me today and say, "Look at you," and I share my experience with that person. I am a peer model. That works. It is essential. It is shared lived experience. I know it is difficult to get to the transition where you are an offender and now another thing, but it works very well.

Q68 **Victoria Prentis:** Are you allowed to go into the prison?

Witness B: Yes, we are. In certain situations, we are.

Q69 **Victoria Prentis:** I know there are difficulties with former prisoners being allowed to work in voluntary institutions in prison.

Witness B: There are a number of situations with User Voice today where ex-offenders have keys to move about various institutions.

Q70 **Victoria Prentis:** Would you find that a useful thing for us to press on—the use of peer mentoring?

Witness B: Totally valuable. Absolutely necessary.

Witness C: Peer support is something we have all discussed at great length and we all agree on, because it is so much easier to talk to someone who is not ticking boxes. They know and we know. When we do our User Voice work and we speak to service users, they know that we know.



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Witness D: User Voice is in 30 prisons.

- Q71 **Ruth Cadbury:** Although you have all told the story about there being virtually no pre-release preparation, on the other hand you are a form of pre-release contact because the mentoring scheme is a form of pre-release support.

Witness A: But the mentoring scheme is only in about one or two prisons at the moment. It is not something that is rolled out nationwide yet. I have come from being an ex-prisoner and I speak to people who are in exactly the same situation as me, who have come out with no support leading up to release. I did not find out the name of my probation officer until 9 o'clock on the morning I was released. It was written on my licence in pen, because they only found out that morning. They knew what time I had to report and where I had to report to, but they didn't have a clue because they didn't have the staff to be able to chase it up in the days running up to my release. That is what could be beneficial, because you might not believe it, but, in prison, in the offices the governor runs the show, but on the wings it is the prisoners who are running the jails. They have more respect for the likes of [name of individual] and everybody else who goes into the prison because they know they have been in exactly the same situation before. It is a fact; it really is.

They have more respect for people who made something of themselves and who can say to them, "I have been here before, I have done this." Then there is a glimmer of light for the likes of [Witness D's] friend who is sleeping on the streets. It is having somebody who has been in that situation before, mentoring him while he is in prison, and preparing him for his release. If anybody is released from prison with a little bit of hope, with a tiny little bit of light at the end of the tunnel, it will push them even further to do something good with themselves. They've got to have some sort of stability when they leave prison, because if they don't they are just going to end up reoffending.

Witness B: I was self-referred. My through the gate was all self-referred. Nobody referred me to any organisation. I happened to see User Voice in action, I bought into the principles of it and I self-referred. On the point about the role of an ex-service user, imagine now that the next time I am in a situation like that I say to somebody that I, an ex-prisoner, presented to the Justice Committee of the Houses of Parliament. It is giving me some personal credit but it shows him how far we can go.

- Q72 **Alex Chalk:** It is credibility.

Witness B: The credibility works with him. He says, "No, I don't believe you." I say, "Yes, I did." From A block to the House of Commons.

- Q73 **Chair:** As long as it is not the other way round.

Witness B: There are those occasions, I have heard.



Q74 Alex Chalk: It is the idea that people are not written off. You were saying that for your first offence you might think, "That's it, I'm done, and my hopes and aspirations are shattered." It is the sense that, although things will never be completely the same again, there is a worthwhile future and there is pride, dignity and self-respect.

Witness C: That's it. We are turning our awfully negative experiences into a positive that will help other people, and reaching out to those people to use theirs to reform and rehabilitate their lives.

Witness D: Because it has brought me here now, it is where I am, and this is probably the proudest moment of my life, I am not ashamed to admit this: probably all I was known for in my city was robbing, drugs and being violent. That is all I knew because I had a violent father, silly learnt behaviour and it was my excuse. I didn't care. The only thing that changed me was consistency and then seeing the path that User Voice had. Then it continued. It wasn't just a promise, or, "Go and do this." There was actually structure, then there was more structure and then it continued, and now I am here today. With the old-style system and the failings, I got nowhere. After 18 months of something going right, I am here today.

Q75 Ruth Cadbury: There are a couple of things I do not think we have covered yet. What about the financial support you get once you leave prison, particularly recently, help with getting benefits and getting into paid work?

Witness C: It takes a long time to get your benefits to come through, six to 12 weeks, even though it is meant to be five weeks when you are released from custody. There is so much that can go wrong in that time.

Q76 Ruth Cadbury: Has it got worse recently, with universal credit and so on?

Witness C: Yes, the whole changeover is putting everyone in so much chaos. No one knows what is going on. Somebody who was released last week has been having trouble. He went in to get his ESA; it turns out it is universal credit and he has to reapply for everything all over again and wait. In that time, how on earth is he going to make any money to feed himself?

Q77 Ruth Cadbury: Are ex-prisoners having to do it themselves, or are they getting support?

Witness C: They have to go out themselves. Once they get out, they have to go in and do it themselves.

Q78 Ruth Cadbury: Apart from Witness D, what you have mainly said is that you cannot get hold of anybody in the CRC to help you with things like that.

Witness C: How could CRC help us with money? If you go to them and say, "I've got no benefits; I've got nothing," they cannot give you money



out of the petty cash. You literally have nothing and it is awful. All it takes is one meal that could change you so you do not have to go out and rob.

- Q79 **Ruth Cadbury:** I just have one more question. Apart from the statutory services—NPS and CRC—have you had help, or have ex-prisoners generally had help, from other organisations, voluntary organisations, specialist organisations that help people turn their lives around? What is the experience of organisations that support ex-prisoners?

Witness A: I was passed over to an organisation to get help with what I didn't need help with. It just seemed that for what I needed help with I couldn't get involved with the organisation I needed, and what I did not need was easy enough to access, which was Shelter. I had a house. I had somewhere to go back to. I was one of the lucky people, but I did not get help. I wanted to be referred to Mind for my mental health and stuff like that.

- Q80 **Ruth Cadbury:** You did get it or you didn't.

Witness A: No, she couldn't refer us. Up north, the waiting list is about 15 to 20 weeks for an appointment to see somebody from Mind.

- Q81 **Chair:** Do colleagues have any other questions? Is there anything else that you think we ought to know that you have not had a chance to cover, folks?

Witness A: That is it.

Witness C: Peer support, continuity and communication. Those are the key points.

- Q82 **Chair:** We have some pretty clear messages.

Witness D: I would just like to see some progression, to know that you can progress.

- Q83 **Chair:** Okay. It has been extremely helpful and I really appreciate it. A number of you have come quite a long way to talk to us, so I am really very grateful.

Witness C: Thank you for having us here.

Chair: We want to find out from people who really are on the receiving end. Thanks for all that you are doing with User Voice and other things. That makes a really great contribution, so I am really pleased and grateful that you came to help us. Thank you.

Justice Committee

Oral evidence: Transforming Rehabilitation, HC 482

Tuesday 30 January 2018

Ordered by the House of Commons to be published on 30 January 2018.

[Watch the meeting](#)

Members present: Robert Neill (Chair); Ruth Cadbury; Alex Chalk; Bambos Charalambous; David Hanson; John Howell; Gavin Newlands; Victoria Prentis.

Witnesses

I: Ian Lawrence, General Secretary, NAPO; and Ben Priestley, National Officer, UNISON.

Examination of witnesses

Witnesses: Ian Lawrence and Ben Priestley.

Chair: Mr Lawrence, Mr Priestley, good morning. Thank you very much for coming to give evidence to us. We are just going to start the formal evidence session. As part of that, first of all the members have to declare their interests. I am a non-practising barrister and consultant to a law firm.

Victoria Prentis: I am a non-practising barrister.

Bambos Charalambous: I am a non-practising solicitor and a member of UNISON.

Alex Chalk: I am a barrister married to a barrister.

Q84 **Chair:** We know you, but for the record would you like to introduce yourselves?

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

Ben Priestley: I am Ben Priestley. I am UNISON's national official, covering our members in the police and the probation service.

Q85 **Chair:** Thank you. As you know, this is part of our inquiry into transforming rehabilitation. Both of you gentlemen have given evidence to our Committee in the past on some of the topics we are going to look at. When you last came before the Committee, Mr Lawrence—probably in the last Parliament—your view was that morale in the probation service was at an all-time low. I think that was the phrase used. Mr Priestley, one of your members who came to give evidence said that morale was appalling. Since we have seen you and your organisations last, has it changed? Better, worse, the same?

Ian Lawrence: Chair and colleagues, sadly, several months on, the post-TR landscape is no better than when we were both last here. Since



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then, we have had the probation system review, which nobody has seen. That was a precursor to the huge financial bail-out made in 2017 to the CRCs, and the promise of further money, a total amount of some £304 million for the duration of the contracts.

Last week, we saw a session of the Public Accounts Committee, where most of us were left scratching our heads as to simple questions about where the money has gone. What you have is a picture of systemic failure across, most notably, the CRC estate. That is not to say that the NPS, the estate arm of the service, is in great shape, despite operational reports suggesting that it is holding its head above water. They have a number of issues around management, administration, staff shortages and appalling morale caused by lack of a pay rise for seven years. I hope we get a chance to talk about that.

Q86 **Chair:** Mr Priestley?

Ben Priestley: To back up what Ian is saying, staff morale is influenced by a whole range of factors, and I am sure we will discuss today some of the operational matters impacting on that. Ian mentioned pay; probation staff have had only a 1% pay rise since 2009. They fared much worse than other public sector workers. Prison Service staff got a 1.7% pay rise for 2017, and, as yet, as Ian said, we have had no pay offer for national probation service staff for 2017. That is for a pay rise that was due on 1 April.

We think the reason for that is that the national probation service has overspent its pay budget. One of the reasons for that is that it has had to pay a set of market forces payments to staff in certain hard-to-recruit areas. We might come back to that during the meeting, if we could, Chair, because it is significant. They are overspent. We also know that the money used to bail out the community rehabilitation companies in July had to come from existing budgets in the NPS and HMPPS.

I could go on in terms of the manifold difficulties that our members have in getting paid when working for the national probation service. They have an outsourced payroll department. Many of our members were downgraded in the national probation service, as a result of the E3 exercise, and there is a huge level of agency staff working for the national probation service; about 900 of the NPS workforce, which is about 10%, are agency staff. That creates difficulties with working relationships, with continuity and so on. Morale has got worse, if anything, and that is a real problem for the service going forward.

Q87 **Alex Chalk:** Is there a situation in the probation service, as with nurses and midwives, of banding, and is there progression pay within bandings?

Ian Lawrence: There is a progression pay system, only to the extent that people who qualify for their incremental progression receive it. People at the maximum of the pay band do not.

Q88 **Alex Chalk:** What proportion of people who are probation officers are



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getting annual incremental pay within their band?

Ian Lawrence: Somewhere between 50% and 60%.

Q89 **Alex Chalk:** They would get the 1% or whatever it is, and then the incremental pay band; is that right?

Ian Lawrence: No.

Q90 **Alex Chalk:** Can you explain what happens?

Ian Lawrence: What has happened is that people entitled to incremental progression have received it, equivalent to about 1%. We have had no pay increase for people at the pay maxima.

Q91 **Alex Chalk:** I am interested in those who are entitled to the uplift, which might be 50%. What do they get?

Ben Priestley: Every probation employee who is marching through their pay band—they are quite long pay bands—is contractually entitled to at least one pay increment a year. Since 2010, and the previous and current Government's position on public sector pay, that increment has eaten up the 1% pay pot that public sector workers have been told they are entitled to, so that is all those individuals have. As Ian said, individuals at the top of their pay band have a non-consolidated figure. Since 2010, we have had one pay rise, in about 2013, which was 1%. Apart from that, people just have a 1% pay increment every year and no pay rise, so since 2010 that is all those individuals have received.

Ian Lawrence: Chair, we can make the pay spines available to the Committee.

Chair: That would be very helpful. Thank you very much, Mr Lawrence. Obviously, this is an important issue from a morale point of view.

Q92 **Victoria Prentis:** Is there a difficulty with recruitment?

Ian Lawrence: The NPS has invested quite a lot of money recently in a new recruitment drive, which we clearly welcome. There are indications that the take-up so far has been promising, but there are still shortages across the national arm, largely because of a wastage rate running between 5% and 8% annually, as is normal.

There are, as Ben alluded to, serious issues around recruitment in a number of sites across the country. We face a very serious issue about the market forces supplement that Ben referenced. We are concerned that soon we will have a number of members who were promised things that the department cannot deliver and we will be running breach of contract claims. That is a worry. It should be a worry to everybody involved.

Ben Priestley: There are about 10 or 15 so-called red sites, most of them in the south-east of England—although Her Majesty's Prison North Sea Camp is also on the list—where the national probation service is



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paying between about £1,100 and £3,000 as an inducement, as a market forces supplement, for people to come into those areas to work. What that describes to us is a circumstance where there are staffing shortages in large parts of the south-east. It covers Bucks, Oxfordshire, Hertfordshire, Hampshire, Kent, as we have mentioned, and some areas of Essex.

Ian mentioned that the national probation service previously made a promise that no member of staff who was already in the workforce would be leapfrogged by one of the new entrants who was getting a £3,000 bonus, as it were, to join. The NPS has now reneged on that and since autumn last year, being under strictures from the Treasury, does not have the money to fulfil its promise to ensure that staff are not being leapfrogged. You can only imagine what it does to someone's morale, if they are being leapfrogged by a new member of staff to the tune of £3,000. It is a very poor set of affairs.

Ian Lawrence: It is symptomatic of the shambles that exists in the NPS in terms of producing pay data. You asked me, quite rightly, about percentages of people at different parts of the pay span, and I wish I could give you the accurate figure. I do not think even the department knows, but we will do our delving for you, sir.

There is administrative chaos. There are issues around the red site payments and people in the NPS—we reckon 2,000 people, over the course of last year—were not paid their proper allowances or overtime, and things like that. Certainly, many of them did not have their pension deductions made, resulting in problems for their taxation, and backlogs on the deductions. We were told consistently, by Ministers—I have a letter from David Lidington—that it was all going to be okay. Well, it is not okay, and some serious attention needs to be given to that quarter.

Q93 **Gavin Newlands:** I want to dig a bit deeper into the staff shortages and recruitment issue. The last time you were before us discussing a similar issue, you told the previous Committee that the CRCs had had their staff numbers cut by around 40%. How many staff, at this point, do you think need to be recruited by the CRCs and, in fact, the NPS as well?

Ian Lawrence: The average staff reduction across the piece was estimated by an independent researcher at about 26%, but we know of certain CRCs where they have cut the staff complement by up to 50%. Working Links is one of them. Incidentally, that is an employer that the unions have been in dispute with for 22-plus months, which ought to be a cause of concern as well.

It is good to ask about how many staff they need. They need staff to conduct the programmes and the contracts, but the question ought to be: where are they going to get them from? They do not have any money. You heard last week, in the PAC session, that they are not investing; they are going broke and the Government are shelling out £304 million to bail them out. Questions need to be asked.



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Ben Priestley: Once the community rehabilitation companies got their contracts under way, the majority of them began a process of redundancy, and that varied from company to company. In the first year, we estimate that about 1,000 staff from the community rehabilitation companies were made redundant, took voluntary exit or whatever. Interestingly, that was about the same number of staff that the national probation service thought that it needed and indeed is now seeking to recruit. Part of it was the problem that the cut in the service in 2014 had been done in a crude, hasty fashion. If it had been done more skilfully, there might not have been these imbalances.

As Ian said, now that those companies do not have the money, for a variety of reasons, some of which we might touch on later, they are unable to recruit and, in some cases, may not be able to match the market forces supplements that the national probation service is now introducing in the hard-to-recruit areas. What we have established, and it was a clear risk at the start, is a competition between organisations in a very small, tight employment market for a very limited range of skills, which is causing difficulties for all parties.

Q94 Gavin Newlands: On that specific issue, and notwithstanding the point you made about the money going in, and whether there is enough money behind the system, there have been calls for a probation workforce strategy. Bearing in mind the competition between the NPS and CRCs, how could such a strategy work in practice, given the split between them?

Ian Lawrence: We have serious doubts that it could work. Indeed, that is in the evidence that has been submitted to you. I have more written testimonies from people who would have liked to be here today, which I will leave with your administrators. How are we going to get to that situation, when the service itself is not joined up and communication is poor and when, particularly in ICT, as we were told at the PAC session last week, only one provider is ready to enter the portal that has been created? This is several years on, and, again, who knows how much money has been spent on creating that?

The picture is not so simple that you can suddenly just work better and smarter to join it up together. It is dysfunctional, and the CRCs themselves are in a very bad place, particularly people like Interserve, who only a few months ago were boasting they were in a good place. They have had two or three profit warnings in recent times. You have a mini Carillion developing.

Q95 Gavin Newlands: Could you tell us a bit more about your licence to practise proposal?

Ian Lawrence: Happily, UNISON is all-square with us on this: we think that a national standard is imperative for the protection of staff and the protection of clients and for raising standards against the shoddy practice that we are now seeing in some parts of the probation service. You have



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to have a licence to practise so that everyone is clear about delivery, standards, safeguards and how we can develop suitable professional training, in concert with all employers. This is not an anti-CRC campaign; it is trying to make the system better than it is, but they too must understand that you cannot deliver by shortcuts. You have to invest in training for everybody, and run a standard that means you do not have a pay war, with staff leaping across the two arms.

Ben Priestley: Chair, if I could, I will go back to Mr Newlands's question in relation to a workforce strategy. There is no contact with the unions, from any quarter, in relation to a workforce strategy across the whole of probation. We would welcome that. The difficulty, as Ian pointed out, is that one of the consequences of privatising half the service is that, in essence, the Government as the client have no interest in the workforce of the provider. The Government are interested in outcomes, so it is an outcome-set contract, and we all know that the outcomes are now not being met. That is a different story.

In essence, the Government no longer collect workforce data for the community rehabilitation companies. We know how many people worked for the CRCs in June 2014, but we would struggle now, as indeed would the Government, to tell this Committee how many staff work for community rehabilitation companies at this point in time or, indeed, what work they are doing and what qualifications they have. In a sense, that is not being monitored or measured any more, because it is not important from a contractual point of view. Therein lies the difficulty for a whole workforce strategy. It would only really be deliverable if we brought the service back together, reunited it, which is what UNISON is calling for.

Q96 **Chair:** I understand that. You said that it might have been split more skilfully. Are there examples of where it was unskilfully split? Leave aside the objection you have in principle, which I understand is to the split anyway.

Ben Priestley: There was an attempt, on the part of NOMS at the time, to reach an agreement with the unions on a methodology for the split. The rug, essentially, was pulled out from under the national negotiating body seeking to do that at the time, basically on account of time constraints.

Q97 **Chair:** How did the rug come to get pulled? Was it just time?

Ben Priestley: Essentially, an official came to the negotiating body and said, "We will no longer be seeking to reach an agreement with you on these matters." It was then done, in many cases, as crudely as numbering staff off to say ones will go there and twos will go there. It was not done with any particular rhyme or reason, and if we went back over the documentation we could show that.

Q98 **Chair:** Was it purely driven by the speed at which it was done?



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Ben Priestley: It was very much driven by the need to comply with the procurement timetable.

Ian Lawrence: As has been evidenced elsewhere, Chair, TR was a political decision. Ben talked about the split. In the early papers on transforming rehabilitation, we were led to believe that the staff split would be 30% of staff remaining in the national probation service and 70% working in the CRCs. The reality now is that our estimates are 64%¹ in the NPS and 46% in the CRCs, so those estimates were way out of line from the start, which has caused the crisis.

Q99 **Chair:** Why do you think they were way out of line, from your experience of living with it?

Ian Lawrence: It was arbitrary. The rush to push contracts through meant that the necessary research was not done properly. The need to get it on the book by February 2015 meant that, frankly, anything would do. That is what happened. Anything went, in the end. It is appalling.

Q100 **Victoria Prentis:** We have just had some evidence from people who referred to themselves as service users, who were broadly very positive about the changes that had been made. They enjoyed going to the new hubs; many of them had used both forms of the system and they were almost universally happy with what was going on at the moment. Where they did have issues, and quite significant issues, was with when probation starts. They were concerned that there was very little linkage between work inside prison and when you came through the gate. I wondered if you would both like to comment on that.

Ian Lawrence: I do not know the clients you saw. I have no idea, so I cannot comment in detail about their particular circumstances. It is true to say that many service users trust their probation practitioner, whether from a CRC or the NPS. The problem we have is that many clients in the CRC world do not see their probation officer very often. They probably talked about the long gaps between seeing someone in person. Being asked on the telephone whether you have committed an offence is, quite frankly, just unsafe anyway.

Let's go back a step. If they were people who have had a short-term custodial sentence—about 40,000 a year—the inference drawn from the political imperative about TR was, and we were with it, that people need more support when coming out into the community, but they are not getting it. Through the gate has manifestly failed, totally failed, and it has cost the taxpayer untold millions. That is from Dame Glenys Stacey's report; it is not even ours. That is the background. That needs to be remedied before you can start talking about a better working system and a better service to clients.

¹ Witness correction: Should read 54%, see written evidence [TRH0105](#)



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Our take on it is that you either need to abandon through the gate or redirect resources into communities and the NPS, where needs be, to make that step change better. I sympathise entirely with service users who are frustrated at being left for weeks without any contact. That cannot be good. If you look at the numbers of serious further offences, it spiked in England and Wales in 2016 by 26%. I think there is a correlation. If people are not being supervised and not being seen, they can slip through the cracks and go on to do some pretty dangerous things. That is my take on it.

Ben Priestley: Nothing that Ian and I are saying today should be taken in any way as a criticism of the hard work of the individuals who work for the probation service. We should make that clear at the start. What we are here to describe are the difficulties our members face, the challenges. Our members go to work every day, trying to make a difference, under very difficult circumstances. As to the way in which our members now view their relationship with service users, this is a direct quote from a UNISON member who does unpaid work: "Service users are aware of the workload pressures on offender managers and because of these pressures they are unlikely to be even pulled in for a compliance meeting, let alone be sent back to court or suspended. Because of this, service users have been given carte blanche to run their own orders, turning up when they like, behaving as they like, safe in the knowledge that there will be no substantive consequences to their actions. This has left me feeling exposed and vulnerable and without any meaningful support behind me."

There you have a very different take from a probation worker, who is working for a community rehabilitation company in unpaid work. We know, from the statistics, that unpaid work orders are now backing up in many community rehabilitation companies, to an extent where we understand that the national probation service may now be stepping in, in order to discharge those orders for the community rehabilitation companies. We are trying to find more information about that and would obviously be happy to make it available to the Committee.

Q101 **Chair:** Anything you are able to submit in due course will always be gratefully received. Thank you.

Ben Priestley: We will certainly do that. Ian mentioned the difficulties around through the gate, and we know from independent reports that it is not working. It was meant to be the flagship of the whole transforming rehabilitation process, but our members are very clear that although the theory is good, in practice, in actuality, it is non-existent on the ground. We have provided evidence—verbatim evidence—from our members that will give the Committee an insight into that.

Ian Lawrence: That is quite right. Some of the latest stuff talks in detail about unpaid work, and it is a shambles in some areas. There are pockets of good practice, let's be clear, but it is not good when clients turn up not knowing whether they themselves are going out on a work detail, or too



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many turn up, or not enough turn up and supervisors travel hundreds of miles for an aborted trip. This is going on and it is a loss to the taxpayer, and lost hours, so whatever the judiciary is trying to do is not working. That will lead to a loss of confidence by the judiciary in the tariffs that they are imposing.

Chair: That is helpful.

Q102 **Bambos Charalambous:** I want to talk about the reduced involvement of the voluntary sector and local organisations in supporting offenders. What sort of impact do you think that has had on rehabilitating offenders?

Ian Lawrence: It has been pretty disastrous. Nobody in probation would have argued against an enhanced role for the third sector, even though we had principled objections to the politics behind TR. We expected to see that market opened up in a way that would lead to real innovation. That is a word that Dame Glenys Stacey hit upon very much in her report. Where is the innovation? Where are the new ideas that are going to help people turn their lives around? It has not happened.

Effectively, what has happened is that the CRC owners have monopolised the services they offer, because, rather than spend money on programmes, delivery and partnerships, they have been cutting back and, in fact, have completely reduced them, to the extent that they are non-existent in some areas. We need to have a look at that. The third sector, as I know from our contacts, stands ready to play a positive role, and that is what used to happen well before TR came in. Commissioning—you know about that.

Ben Priestley: It is important to recognise that the structural reforms that were made as a result of the TR process, which in essence was to bring half the service under the auspices of NOMS as was, HMPPS as now is, were to drive a centralised command and control model for probation in the same way that NOMS, as it was at the time, was used to doing for the Prison Service. Of course, that top-down command and control approach militates against local contact. Local links can only really be forged over a lengthy period of time at police force area, local authority area and health trust area. All of those links were destroyed, to a large degree, by the TR process. The community rehabilitation companies are not coterminous with boundaries in the rest of the criminal justice system; one of the CRCs even crosses a Government region boundary.

The logic of the market took over in that regard and, as Ian said, all the good practice that used to obtain when local probation trusts were able to forge links with trusted local providers was affected. Probation is a local service; it worked well locally. Its partners are local, they are not national or country-wide, and therein lies the problem and it tells us where the solution lies.

Q103 **Bambos Charalambous:** If we asked your members what changes they



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want to see in relation to voluntary organisations supporting offenders, they would want more engagement with them, more commissioning with them and a closer working relationship. Is that what you or they would say?

Ian Lawrence: That is right. What also needs to happen is that the employers, the owners of the CRCs, need to listen to the skills and expertise of our practitioners. They worked in a system that worked. The commissioning model worked, and if we cannot restore that to its entirety, we can certainly listen to the experiences of people who did make it work and see how we can bring a better interface with the sector.

Q104 **Bambos Charalambous:** Can I ask a question about IT systems? You talked about the IT systems not being fit for purpose and adding to the workload of your members and probation staff. Have you seen any improvements since you made those comments?

Ian Lawrence: The national probation service is at the start of a launch of new IT, which we wish them well in. So far, the reports from our practitioner members there are quite encouraging, but we are more concerned about the interface between the various systems in the NPS—reporting systems and record systems—and the system being run by the CRCs. As I think I mentioned, one provider being ready to enter into that portal is not a good result after three years and millions of pounds of investment.

I have testimony here from people working in the Courts Service, although I cannot read it all out now. The appalling IT provision there is causing real problems for them in getting the information they need to put before sentencers. There are doubts about its accuracy, and in many cases I am told that vital information is being missed. That can often mean the judiciary reverting to type and just giving a short-term prison sentence, for example, as opposed to another tariff that might free up a prison place.

Ben Priestley: Within community rehabilitation companies—it varies from company to company—our members report that, in an average week, on maybe two or three days there will be major problems with accessing IT systems. Once those systems go down, there is obviously an immediate impact on people's workloads. There is an immediate impact on stress and an immediate impact on morale in those organisations.

Within the national probation service, there is a set of data called the national probation service ICT backlog and escalated tickets. As we are all aware, quite often when you have an IT problem, you phone a helpline or a helpdesk. That helpdesk can either be helpful or unhelpful. There was an improvement, across the latter part of last year, in the number of outstanding tickets, which are open cases referred by our members to the NPS ICT helpdesk. They were going down and then they rose quite alarmingly, and spiked at the end of last year. At the moment, it looks like they are heading back into the territory of about 2,000 unresolved



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ICT queries. That is a large number of queries in a workforce of just over 8,500, getting on for 9,000, and tells you a story about their ability to work.

One of the frustrating things we found, as a trade union, is that the antiquated nature of the NPS ICT makes it very difficult for us to contact our members or ask our members to complete surveys. The NPS ICT will not support online survey software. We find it difficult to contact our members in that regard.

Ian Lawrence: We have talked about ICT, but we did not mention technology generally and its place in the criminal justice system. More and more reports are coming in about the ineffectiveness of video linkage between courts and prisons. It is absolutely woeful in some cases, particularly if you need an interpreter, for example, and causes further delays and backlog in the courts. I mention that in passing.

Ben Priestley: One particular issue I was asked to raise by a member is the quite common occurrence that the NPS court staff cannot access records at the court on the nDelius system before entering the court. I think Ian alluded to that. What it means is that they simply do not have enough information to furnish the court with advice on appropriate sentences. It is pretty fundamental if your job is to go to the court and give advice on an appropriate sentence, and you cannot access the ICT in order to provide you with the details to do that. That is an example of our members struggling to go to work every day to do a job on behalf of communities and service users and being unable to do it.

Q105 **Chair:** That leaves the court unable to proceed, or it may take a route that might not be advantageous.

Ian Lawrence: We also have serious complaints coming in about the use of what is known as a short-format report, a condensed report to put before the judiciary, which should give the necessary information background on the client. We are getting systemic problems around that, and that raises questions about the safety of sentences when they are passed. The short-format report is not new, of course. It has been used for many years. It is an attempt to speed up the system, but, as they say, more haste, less speed. That needs a fundamental review as well.

Q106 **Chair:** I remember that, when I was in practice, sometimes you got the judge's stand down report and that could work quite well. It depended. Has it changed from that, do you think?

Ian Lawrence: Yes. What we are getting back from practitioners is that there is pressure to deliver quickly. There are problems in that the CRC may be running a case but they cannot testify in court, and the NPS reporting officer has to do it, so there is that interface as well, and lack of communication between the two. It will have changed markedly, sir, from when you were in practice.

Q107 **Alex Chalk:** As you rightly say, NPS officers are in the court, the CRC



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officers are not there and there has apparently been a breakdown in credibility as far as the magistrates are concerned. They basically say, "We don't really understand what the CRCs are doing because we only speak to the NPS. Also, we, the magistrates, are told that the CRCs sometimes aren't available to support enforcement." They also mention that the NPS sometimes produces reports that are inadequate.

One of the ways they have gone about trying to address that is through local probation sentencer forums, which you may be familiar with, in certain parts of the country. Is that part of the answer? At least the magistrates can understand, even if they do not have the CRC person in court, broadly what they are doing, and restore some sort of confidence and faith in the system.

Ian Lawrence: Yes. We have people who talk about their experiences on the probation local forums. Clearly, we welcome that. Anything that is going to improve the interface between the two is good, but, as you say, often the CRCs cannot furnish a person at the court; perhaps there are staff shortages and they themselves are stretched, so the breakdown is there.

In terms of the interface, we are being told that, as well as missing information through IT, staff report that attempts to establish responses to orders for those supervised by CRCs have become embarrassing in some cases. I have testimony here: "In some cases, officers are told that the CRC is unable to support enforcement because the case is not being supervised due to staff sickness or shortage."

Q108 **Alex Chalk:** The picture I am getting is that the magistrates say to someone from the probation service, "How is it going on this CRC contract?" The probation officer says, "It is nothing to do with us, your worship; it is to do with the CRC." I am also picking up that there is a sense of hierarchy, that they are considered to be somehow—how can I put it?—less prestigious than the NPS, so there is that slight dichotomy as well. Is that right?

Ian Lawrence: That is an unfortunate thing if it is occurring. I think our members will say that their role, be it in the NPS or the CRC, has become seriously de-professionalised as a result of all of this. Yes, it is right that the NPS will deal with high-risk clients and the detail of the work sometimes is quite intense compared with some of the CRC supervisory work, but they both perform a vital public service.

Alex Chalk: Of course.

Ian Lawrence: I am sure you do not agree that it is a two-tier system.

Q109 **Alex Chalk:** There is a danger that one might be considered the less prestigious role.

Ian Lawrence: The other problem, Mr Chalk, is that people are unable to comment when asked questions like that by the judge or the magistrates. They daren't utter a word. We have had some terrible cases



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where we have had to fight hard to get our members off disciplinary hearings, just for saying a word out of place. That is oppressive.

Ben Priestley: Mr Chalk, to respond to the question, what we are seeing as a result of the failure of TR is a set of stop-gap, sticking-plaster approaches. As Ian said, the local probation centre forums, anything that tries to help the system work better, have to be applauded. In effect, nothing other than a fundamental root and branch review and the re-establishment of a unified service will sort the problem out.

Our members are very clear; it was predicted, as any right-thinking person could have done, that splitting the service in two creates insuperable barriers to communication. People no longer work in the same offices, so they cannot just walk across the floor to speak to their colleague about a case. It does not allow for the dynamic movement of cases from high, medium to low risk. There is a bureaucracy that is set up between those two things. Fundamentally, the service needs to be reunited. Trying to establish small interventions to help a system that is fundamentally broken is probably only a stop-gap approach.

Q110 **Alex Chalk:** Just to play devil's advocate for a second, we have to be careful. It is a bit like talking about the great days of British Rail; it was not that great and it was not that great before. We have heard evidence from some service users that there are some positives. Are you saying that there are no positives that can be drawn from the split?

Ian Lawrence: No, we are not saying that, but you need to look at what the independent inspectorate is saying. There were about a dozen reports in the last 12 months—I might be wrong, but there were quite a few—and only two had something positive to say about what they found. That is not to say that there is not good practice in pockets, and we will absolutely promote that where we can. We would like to do it in partnership with the employers. You are quite right; no one would say, "Go back to the halcyon days of probation; there were never any problems." Clearly there were, but they are more manifest now than they were going back. The Chair is nodding his head because he remembers those days. They were a bit before my time. If there is good practice, we stand ready, absolutely, to work with employers, whoever they are, to promote it.

Chair: That is helpful. You have just aged me a bit, but you are probably quite accurate, Mr Lawrence.

Q111 **David Hanson:** Essentially, you said that your ideal solution is a remarriage between the two halves of the probation service. It may or may not happen; that is outside our gift. If it is not going to happen, give us two or three things that could be done by the Government now to improve performance.

Ian Lawrence: While we understand the need to fund the probation service so that it does not fall over, there are some providers, frankly, who are not fit for purpose and should not be holding a public contract. If



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this Government are serious about having a root and branch review, where providers have fallen short, they should be asked to hand the keys back. There would have to be a strict series of measures and tests, I get all of that. Much more positively, let us look encouragingly at what is being done well. Let us identify it. Let's use the HMIP reports. Let's try to work in partnership.

I am conscious that we only have a few minutes left, Chair, but we would like to turn to a few things we could do. First, we think there should be a locally accountable commissioning body set up. We talk to police and crime commissioners who know nothing about what the providers in their area are supposed to be doing. That cannot be healthy.

We should look at options that include local authorities and metropolitan mayors. The Mayor of London went on record, over a year ago, saying they would be happy to be involved in running London probation services.

Q112 **Chair:** Also in Greater Manchester.

Ian Lawrence: Indeed, so let's have that sort of discussion. Ben has talked about strong and accountable local leadership. We must have real leadership locally, so that people have a clear indicator as to what is expected, who is going to deliver it and when. There is no accountability, so that needs to be dealt with.

Q113 **Ruth Cadbury:** Would you see the police and crime commissioners having that role?

Ian Lawrence: It is an option. Some have mixed feelings about it, admittedly, although many we have spoken to seem to think there ought to be involvement. To give them a bit of a lift in terms of what they do and the purpose of what they do, that could be positive. It needs exploring.

We need unified local delivery of core services. Ben touched on that. The split has caused complexity, risk and bureaucracy, and it undermines public confidence, notwithstanding the fact that you saw some service users who generally spoke well of it.

Q114 **Ruth Cadbury:** It was a mixed picture. They each talked to many others, because of the role they play.

Ian Lawrence: There is lack of understanding out there among service users generally about what is expected and when.

Finally, and you might expect us to say this, the probation service should not be for profit. We have gone on record many times. We want it restored to public ownership. I will not use the word "re-nationalisation" because it has all sorts of connotations, and it is not that simple. You know yourselves that the split has caused infrastructure problems, and you cannot just glue it all back as it was, but there may be scope for taking over badly performing contracts in part. We want it restored to



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public ownership and control. It is a public service, paid for by the taxpayer, and the taxpayer is being fleeced badly.

Ben Priestley: I will probably echo a lot of things Ian said. Yes, invite police and crime commissioners, many of whom, across the political spectrum have said, in evidence to your own inquiry, that they have been frozen out of the commissioning contract management process. That, hopefully, could be done within the confines of the existing contractual arrangements, through some amendments that the MOJ and HMPPS could make.

There ought to be investment in the workforce. The fact that there has not been a pay rise for the last nearly nine years is having an impact on the ability of the service to recruit. We have seen those pressures. The idea of a workforce strategy crossing both the NPS and the community rehabilitation companies would be welcomed, because we are seeing the fragmentation and fracturing of the service. The potential for a two-tier system to emerge, where one party is not seen as being as important or otherwise, is clearly going to affect morale. That needs to be put right.

As Ian said, we share a common goal of bringing the service back into public ownership, appreciating that that will not happen immediately with contracts still to run, unless any are terminated forthwith, but some immediate gains could be had by some local democratic involvement in the running of the contracts, re-establishing local links and investing in the workforce.

Q115 **David Hanson:** On the financing package that was announced in July last year by the Government, can you give some indication of where you think that £200 million or £300 million went? Did it make a difference?

Ian Lawrence: Damn good question, Mr Hanson. Even Mr Spurr and Mr Heaton couldn't answer that one. It is the biggest promissory note I have ever seen in my life, for failure. That is my take on it. I can well understand the bail-out that occurred in this financial year to help them over the hump, as it were. Where has that money gone? There have been next to no decent pay offers for CRC staff going on; there were one or two around the edges. There has been failure to engage by many of the CRC people about using that money. There has been no consultation with the unions about how that money might best be spent to improve service levels. Has it gone to the shareholders? Even that one couldn't be answered, so that is another question we can pose.

As to the guarantee of a further £277 million for the life of the contracts, I cannot think any of any situation where you could get that sort of assurance for the kind of failure that has been identified by the inspectorate. I am puzzled to say the least, and I am sure you are as well.

Ben Priestley: It is a very, very important question. We are aware, as we know this Committee is, that the Public Accounts Committee is also



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doing a piece of work currently, looking at the output of the National Audit Office in relation to a really detailed investigation of the CRC bail-out. From the perspective of where the money is going, there were already questions being raised at the Public Accounts Committee about the very high administrative costs that many of the community rehabilitation companies are evidencing in their company accounts. We need to understand what these administrative costs are and, in particular, whether those administrative costs are, as it were, parent company costs that the community rehabilitation company is obliged to repay for services that remain, at the moment, opaque.

It is a possibility that some of those administrative costs are going to repay the debt of parent companies. If that is the case, and it is something I am sure the Public Accounts Committee will be looking at, it raises a very real question about the bail-out. If it were the case that some of those companies were able to turn a profit but for the fact that they were passing money back in administrative costs to parent companies, it raises a set of really quite problematic issues for contract management and so on.

Ian Lawrence: If there was a sign, an inkling, that things were being improved, I could understand the need to funnel more money in. From the MOJ's own figures last week, only two of the 21 CRCs have met the payment-by-results targets. There is no indication that they are going to put in the investment required to bring services up to standard, no indication that they are going to invest in more staff to fill the gaps and no indication that they are going to use innovative techniques to make the system better. It is a good question, Mr Hanson. Where has the money gone, and what is the taxpayer paying for? We need to know.

Chair: Are there any other questions from anybody? Ms Cadbury?

Ruth Cadbury: My questions have been answered.

Chair: You are satisfied that we covered the ground. That's great. Any other questions?

Q116 **Gavin Newlands:** Yes. It is about the pressure on the system and therefore the efficacy of it. What we are doing in Scotland, in a sense, is taking a different approach. In Scotland, we have a community sentencing model. At the moment, there is a presumption against shorter sentences of up to three months, and there is a consultation at the moment for it to be extended to 12 months. It has allowed more investment in rehabilitation, which has resulted in recidivism rates that are at something like a 16 or 17-year low. The Prisons Minister seems keen to look at that. He was in Scotland just a week or two ago looking at it. Would this more progressive approach be something that would alleviate a lot of the stress on the system that you outlined?

Ian Lawrence: Very much so. Most of our practitioners would welcome anything that allows them to work better with the clients they deal with, rather than consistently seeing a return to custodial sentences. There are



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too many people in prison; we all know that. There are certainly too many women in prison. It is absolutely appalling and something needs to be done urgently.

The problem, if I may touch on it, is that we have what is known as the offender management in custody review, which has now been launched. The idea is to do more rehabilitative work with clients inside the prison estate. We have no real fundamental problem with that, because probation staff already work in prisons, but the way it is being introduced is a worry. There are cultural differences between the prison and probation staffing sets, and work needs to be done to tackle that. If that particular project fails to deliver, we are again in the same position: what happens when someone emerges from a short-term sentence into the community? We are not against it, but it is causing concern among our members and we need a good deal of discussion and negotiation with the MOJ and HMPPS before it comes to fruition.

Ben Priestley: Mr Newlands, to follow your point, there is a very real need, when we are looking at resolving the difficulties of the transforming rehabilitation disaster, to look at other jurisdictions and the way in which they have been able to manage reoffending more effectively. The potential for probation to do more, perhaps to take some investment out of the prison system and back into the community, is a direction of travel that our members who work in probation would very much welcome. As Ian mentioned, the intention of the national probation service and HMPPS appears to be to want to move probation into prison. Although Ian said that was always part of the work of members who worked for probation, there is a real danger that the values of probation end up being corrupted by the values of the Prison Service. Maybe the traffic should be in the other direction, because prison is a very costly way of housing individuals for periods of time, only to see them released and reoffend.

Q117 **Chair:** Gentlemen, thank you both very much for your evidence. You have kindly indicated that you have additional material that you are happy to make available to us, so we are perfectly happy for that to be sent to the Committee secretariat in the usual way, as we go through the inquiry. We are very grateful to you for your time.

Ian Lawrence: You are most welcome. Thank you very much.

Chair: The evidence session is concluded.