

Justice Committee

Oral evidence: [Pre-appointment hearing for HM Chief Inspector of Probation, HC 2015](#)

Tuesday 5 March 2019

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Members present: Robert Neill (Chair); Bambos Charalambous; Robert Courts; Janet Daby; David Hanson; Victoria Prentis; Ellie Reeves; Ms Marie Rimmer.

Questions 1 - 49

Witness

I: Justin Russell, Government's preferred candidate for HM Chief Inspector of Probation.

Examination of witness

Witness: Justin Russell.

Chair: Good morning, Mr Russell. Thank you very much for coming to speak to us. Before we go into some questions for you, we have to go through the formal procedures of declaring interests, as you will know, having given evidence to us before. I am a non-practising barrister and consultant to a law firm.

Victoria Prentis: I am a non-practising barrister, but I worked for the Treasury Solicitor for 17 years and did a great deal of work for the MOJ. I am a trustee of Nacro.

Robert Courts: I am a door tenant at 3 Paper Buildings.

Ellie Reeves: I am a non-practising barrister.

Bambos Charalambous: I am a non-practising solicitor.

Q1 **Chair:** Mr Russell, we have seen your CV and your experience. We know you anyway because, as I said, you have given evidence to us in the past, but would you like to formally introduce yourself?

Justin Russell: I am Justin Russell. I am currently director-general for no-deal exit planning in the Ministry of Justice. Prior to that, I was director-general for justice analysis and offender policy. I have an extensive career working on criminal justice systems, both in the Ministry of Justice and the Home Office.

Q2 **Chair:** And elsewhere. I know you have been, in a voluntary capacity, a trustee involved in the field as well.

Justin Russell: I was a trustee of Turning Point from 2005 to 2011.

Q3 **Chair:** Indeed. At various points in your career you have been with the MOJ, Downing Street and involved in policy units.

Justin Russell: Yes. I was in the Downing Street policy unit from 2001 to 2005 as the lead adviser on home affairs policy, and I worked for both Jack Straw and John Reid as a policy adviser.

Q4 **Chair:** I understand that. Nobody doubts your immersion and experience in the field, although you have never been a prison or probation practitioner.

Justin Russell: I have never been employed by either the NPS or CRCs.

Q5 **Chair:** But your work has engaged with the area for a long time.

Justin Russell: Yes.

Q6 **Chair:** Understood. Until you applied for this job and voluntarily, as you set out in your conflict of interest statement, recused yourself from involvement in these matters, you were of course the person whose



HOUSE OF COMMONS

directorate oversaw policy issues that include probation, transforming rehabilitation and other issues.

Justin Russell: I was, yes.

Q7 **Chair:** It is fair to say that you pointed out that you did not take up that role at the Ministry, and in fact did not come to the Ministry until after transforming rehabilitation had been designed and put in place.

Justin Russell: I did not take up the role until October 2016. TR was implemented in February 2015, so it was nearly two years after that.

Q8 **Chair:** You will have seen the reports on transforming rehabilitation that we published and the Government's, at least interim, response to that.

Justin Russell: I have.

Q9 **Chair:** What involvement did you have in drawing up the Government's response to the Committee's report on transforming rehabilitation?

Justin Russell: One of my key jobs over the past two years has been to provide advice—quite challenging advice sometimes—to Ministers on the problems there have been with transforming rehabilitation. I spent pretty much the whole of those two years first analysing what had gone wrong with TR and then leading a probation reform team, which published the consultation paper that came out in July last year. Our analysis internally, I think, closely mirrored what your Committee said last summer and what the National Audit Office said last week: there are some fundamental flaws with TR, and they need sorting out urgently.

As Glenys Stacey has been showing in her inspections over the last two years, we obviously have some real problems with CRC performance, although the NPS is generally perceived to be doing okay. They are busy, but they are managing; they are getting good performance inspection ratings from the inspectorate and meeting 90% of their targets. It is a big contrast with CRCs. I think they are really struggling. They have large case loads, the funding is not adequate to provide a quality service and there is a real issue around integration between the NPS and the CRCs.

Many of the policy aspirations that Government may have had in 2015 for TR simply have not proved to be the case, as your report, Glenys's reports and the NAO have pointed out. That is very much what we were saying to Ministers in the run-up to the publication of the consultation paper.

Q10 **Chair:** I understand that, and I think there will be a lot of agreement. Can you help me about one point? You are moving from being an insider advising to being the person who is outside and who scrutinises.

Justin Russell: Yes.

Q11 **Chair:** Can you comfortably do that?



HOUSE OF COMMONS

Justin Russell: I think I can. A big part of my role over the past 20 years has been about challenging performance. I have been involved in using evidence to develop strategies and action plans, but I have been very closely involved in challenging colleagues around operational performance in DWP and in the Home Office when I was in charge of the tackling knives programme. More recently in the Ministry of Justice, I have had challenging conversations with HMPPS colleagues about their record on violence. We support Ministers and the permanent secretary in challenging HMPPS on that account as well, so it is very much something where I have experience. I am looking forward to doing it in a more public-facing and visible role as the chief inspector of probation.

Q12 **Chair:** Of course, the point about being the chief inspector is that not only do you have to do it, you have to be seen to be doing it independently.

Justin Russell: Yes.

Q13 **Chair:** It might be thought, and it might be suggested by some people, that it is impossible for anybody to come from being a director-general in the Department to being the inspector of one of the Department's key arm's length bodies without at least the perception that they may not be able to be independent, whatever their intentions, and that they may not be perceived as independent by the users of the system and the general public upon whose behalf they are acting.

Justin Russell: Absolutely, and I recognise those concerns. It is very important for me to address them and to convince both you as a Committee and other stakeholders that I will genuinely be independent. Can I talk through some of the facts about how I think we can ensure that?

Q14 **Chair:** Yes. Tell us how you think you can address those concerns.

Justin Russell: First, in terms of the practical issues around potential conflicts in relation to the probation service, I have no contacts with and have never worked for CRCs, and neither have any of my family, so there is no conflict there. I will be resigning from the Department. I will be resigning altogether from the civil service and I have had no role in probation policy since November when I applied for this role. In practical terms, I have done what I can to restrict those conflicts.

The other protections come through the operating model of the inspectorate itself. If you look at how the inspectorate is set up, there are two important forms of independence in how it performs its job. First is its complete independence in relation to how it inspects, the methodology it uses, where it inspects and when it inspects. It is a very transparent methodology that is clear to everyone involved. It is an excellent methodology, which I have no plans to change.

The second key aspect of independence is the complete independence about what it publishes, how it publicises its reports and how it interacts



HOUSE OF COMMONS

with you as a Committee and with other stakeholders. I would jealously guard both those forms of independence. They are absolutely critical to the operating model of the inspectorate and they are red lines in how the inspectorate should operate going forward.

I have a track record of boosting the role of the inspectorate in the criminal justice system. One of the key things I have done over the past two years in the Ministry of Justice is to strengthen both probation inspections and prison inspections. In relation to probation, I negotiated a 50% increase in Glenys Stacey's funding so that she could introduce some tough new national standards and introduce annual inspection of every provider. I supported Peter Clarke in introducing the urgent notification process, which has not been particularly popular with HMPPS but I think was an important way of signalling the concerns he has had about some very poorly performing prisons. I have a track record, I think, of strengthening inspection and I am looking forward to leading that function going forward.

Q15 **Chair:** One of the things we have seen of course was the development of the protocol.

Justin Russell: Yes.

Q16 **Chair:** Were you involved in that or was it before your time?

Justin Russell: The protocol between HMPPS and the inspectorate?

Chair: Yes.

Justin Russell: Yes, we were involved in negotiating that and my team worked on it closely with Glenys's team.

Q17 **Chair:** Do you feel that you will be happy, if you need to revisit that protocol, pushing back on what might have been your old team?

Justin Russell: Absolutely. It will need revision from time to time, but it has the right balance between the two arms of scrutiny. There is an important role for the inspectorate in complementing HMPPS's own internal audit processes. It is an important third line of defence, not only in the management of probation services but in relation to individual cases. Where there are serious concerns about a serious further offence, the ability to bring in Glenys to look at what has happened in an individual case and to pass judgment on that is very important, as she did in the Leroy Campbell case last year and as she has done with other cases in the past. I want to strengthen that ability.

There could potentially be a really important role for the inspectorate, a bigger role in relation to serious further offences. I know there was a lot of coverage last week about the increase there has been in SFOs. It is an area where the inspectorate could increase its power. It is a discussion I have had with Glenys over the past couple of years.

Q18 **Victoria Prentis:** I know only too well that it is helpful sometimes to be



HOUSE OF COMMONS

the person who knows where the bodies are buried, as it were, but do you feel that different skills will be needed in your new role from those you used as a DG?

Justin Russell: There are new skills but also skills that have continuity. I have lots of experience of leading teams that bring together people with frontline expertise, the professional expertise, but also data analysts and people who are good at publications and policy writing. That is very much what the inspectorate does. I am used to leading very dispersed teams, dispersed around the country, and that is an important thing to do with the inspectorate when so many people are out and about on inspections or working at home.

There are new skills I will need as well. I recognise that it is a more public-facing role that involves media content. Glenys has done a great job in raising the profile of the inspectorate by getting on to the "Today" programme and "Woman's Hour" on a regular basis. That is a good base for me to build on. I am keen to have media training to make the most of those opportunities and I look forward to them. One of the attractions of the job is being able to have a voice, and to speak your mind publicly.

Q19 Victoria Prentis: Do you feel that you will be able to be truly open-minded about the way the system operates? This Committee took the view in our last report that the system was in a bad way but was not broken. Where are you on that spectrum?

Justin Russell: It is in a bad way and there are some very serious flaws with the way TR was set up. In line with some of the recommendations that you made in your report last week, we have brought the contracts to a conclusion early. That was a recommendation my team made last summer. The Department is taking action to better integrate services, to have coterminous areas so that the NPS and the CRCs at least cover the same areas. All of that will help, but funding is a fundamental issue as well. There is such a big hole in the funding that unless that is sorted going forward—there has been some improvement—it will be a critical issue for spending—

Q20 Victoria Prentis: How will you seek to address that?

Justin Russell: In terms of the current framework, the Government set out last year how they will amend the current contracts to improve the investment going into probation services by changing the PBR baseline and by changing the assumptions around the fixed costs in the contracts. That has made some additional resourcing available to CRCs and has prevented what would have been disastrous cuts to the services they offer, but it has not completely closed the gap, and that is why the contracts have had to be cancelled early.

In the original business case that the Treasury approved when TR was first implemented, the assumption was that this year we would be spending over £500 million per year on CRC contracts. We are actually spending less than £400 million per year. That is a £100 million gap. It is



HOUSE OF COMMONS

not, therefore, surprising that the quality of services has declined. As the Government go into another spending round looking to close that gap, the outcome of the spending round in relation to those contracts will be absolutely critical.

Q21 Victoria Prentis: Do you see it as your role to lobby Ministers about that?

Justin Russell: No. The role of the inspectorate is very much to point out the consequences of policy decisions that Ministers make and to bring that home to them. Glenys has done a very good job on that in the past year.

Q22 Victoria Prentis: Do you think it has been understood that TR was designed to deal with many more people than the old system and that that has been one of the problems with the funding constraints?

Justin Russell: As everyone knows, it has brought 40,000 more people into the case load, people on short prison sentences who then require follow-up support, but without the additional money to deliver that. One of the most powerful inspection reports is the joint one that Glenys's team did with Peter Clarke on through-the-gate services, which basically, I think, showed negligible impact of through the gate on outcomes for prisoners.

One of the things the Government did move to do last summer was to inject more money into through the gate—about £20 million extra a year, the equivalent of perhaps 500 more staff working on through the gate—and to link what those staff are doing to more practical outcomes for offenders, because previously, if people saw anyone at all, it was merely to signpost them to someone else. Focusing on the practical things that prisoners need before they are released, which are accommodation, a benefit claim sorted out, some secure ID and, hopefully, a job, is what through the gate should be doing and what any future reforms should be focused on.

Q23 David Hanson: I understand that you had no responsibility directly for TR at the commencement of TR, but from October 2016 until January 2019 you had the role of director-general of justice analysis and offender policy. Obviously, the 650 staff that you had under your management control had a responsibility for probation and for managing TR. The National Audit Office report last Friday was fairly damning on all of that. I want you to answer the question: what would you say to the people who said that that failure happened on your watch?

Justin Russell: I would say that the failure resulted from some contractual and very serious flaws in the way TR was originally designed, which happened before I arrived. As I said, my real focus was on identifying exactly what had gone wrong and then providing quite challenging advice to Ministers on what needed to be done to put it right.

Q24 David Hanson: Let us look at a few issues. When did you as an official



HOUSE OF COMMONS

become aware of the up to 48% lower volumes of offenders?

Justin Russell: That became evident reasonably early on. The critical thing that became evident was the failure in the PBR frequency of reoffending rate because it was so tied into the income that CRCs were assuming they would get. The point at which that started to mean real financial penalties on CRCs was, I think, January last year. There was an acceleration in the problem that the CRCs started to face from that point.

Q25 **David Hanson:** The contracts that were established before you came into post expected a profit for CRCs, a surplus of around £269 million, yet the National Audit Office showed they lost £294 million. At what point did you know about that?

Justin Russell: I think the projections of what the loss would be emerged as the new data on both frequency and binary rates of reoffending came in. In summer 2017, we realised that there was an issue with the balance of fixed costs to variable costs, and that was the amendment that was made to the contracts at that point. We were keeping a very close eye on what the reoffending data was, but it was too early to show what the impact on income would be. By early 2018, it was becoming very evident that there would be a severe impact on income, and, even if performance stayed the same as it was, you would end up with the gaps that the NAO identified. If performance gets worse, the gaps get even bigger.

Q26 **David Hanson:** The National Audit Office last week showed that there was a 22% increase in the rate of offences per offender.

Justin Russell: Yes.

Q27 **David Hanson:** At what point did you know that?

Justin Russell: As I said, it was when the quarterly frequency of reoffending data started to come in on CRCs. There is naturally a delay. Because you are measuring whether people have been reconvicted or cautioned a year to two years after they have been through supervision, there is delay in getting that data. It all proves that PBR simply is not an appropriate way to fund probation services and needs to be taken out of the system.

Q28 **David Hanson:** Yes. Obviously, there might be difficulties in answering this question, but, on the advice to Ministers about all those issues, I come back to the point that those outside the system will say that you were a senior manager for nearly three years at a time when those failures were occurring. The question people will ask is what independence you would have, given the decisions or recommendations you made to Ministers and/or the response Ministers made about the position we are in following decisions that you did not make but monitored and were responsible for managing. How in future can you revisit the great landscape that is probation, given the responsibility you had directly for managing and advising Ministers on what was, by any



HOUSE OF COMMONS

stretch of the imagination, and as shown by the National Audit Office, a failure of policy?

Justin Russell: To be clear, I was neither the line manager in the probation service nor responsible for contract management.

Q29 **David Hanson:** No, but you led a team of 650 analysts who had responsibility for analysing probation performance.

Justin Russell: My empire grew over the two years I was there, so my responsibility for the analysts did not come until April 2018. It was something that came later in the day, but the crucial point, as I have said, is that the main focus of my role was in identifying what had gone wrong with TR rather than putting it in place in the first place. Our analysis of what had gone wrong with TR was the same as in your Committee's report, and the same as Glenys's. There is consistency about where we think the programme went wrong.

In the short term, the focus had to be on stabilising the situation and finding contract variations. As I said, although my justice analysis and offender policy role in its entirety finished at the end of January, in November I handed over responsibility for probation reform and probation policy to HMPPS to ensure that there was no potential conflict of interest once I had put in the job application, so I have not been involved in any of the meetings or discussions around next steps on probation reform over the last three or four months.

Q30 **David Hanson:** But the landscape that you will potentially, if confirmed, be inspecting is a landscape that you have had an input in designing and an input on making recommendations for the problems that occurred—those from outside might say it was on your watch—and the solutions that you have come to internally in the MOJ. The question from those externally to us will be: how can you have a robust challenge to the MOJ and to the design of the CRC probation landscape when you were integrally involved in assessing that design?

Justin Russell: Because I will be leading a very robust inspectorate that has a robust set of standards against which it inspects and a robust methodology. As I said, that is a very important thing that I will defend. What you are doing is inspecting local services and picking up issues they may have and feeding that back. I see no problem in doing that going forward.

Q31 **Chair:** To what extent would you say you designed the system or responded to the situation you had inherited?

Justin Russell: When you say designed the system, what do you mean?

Q32 **Chair:** You said you weren't in post when transforming rehabilitation came in.

Justin Russell: No.

Q33 **David Hanson:** Recommendations have been made by Ministers for



HOUSE OF COMMONS

changes in the probation landscape, for example in Wales, to be managed directly, and for the merging of certain CRCs; and potentially for re-contracting in 2020. In the way that has been done, you have been responsible for advising Ministers about that.

Justin Russell: My probation reform team published the consultation paper in July last year.

David Hanson: Exactly.

Justin Russell: It was a consultation. As the Minister said yesterday, Ministers are still considering how they will move forward.

Q34 **David Hanson:** I want you to justify to the public outside how you can be independent when the changes that have already been announced—for example, in Wales—are implemented in 2020, when you had a responsibility in the design of that through your team and through the consultation make-up, which Ministers have yet to respond to but about which Ministers were presumably taking advice from you and your team during the course of the preparation of that consultation paper. Justify, not just to me but to the Committee and to the outside world, how you can be independent in 2020 when the landscape was designed by your team.

Justin Russell: Because the function of the inspectorate is to test the effectiveness of local provision based on a very clear set of standards and inspection methodology, and to provide fair and independent advice on that to Ministers, to you as a Committee and to the outside world. I will jealously guard that function going forward. Whatever the landscape that is being inspected, the role of the inspectorate is to test performance against standards and then to make recommendations on that basis. It is also incidentally to identify good practice. That is something the inspectorate could be doing more of, going forward.

Q35 **Bambos Charalambous:** You have partly touched on some of these points, Mr Russell. What do you see as the key challenges and priorities for HMI Probation over the next few years, and how do you intend to address them?

Justin Russell: There are three key challenges. The first is just the challenge of business as usual. The inspectorate has a huge inspection programme. It publishes 60 inspection reports a year, and the chief inspector has an important role as the quality controller in chief and the editor in chief. It is your name on the foreword of every single one of those reports, so you have to ensure the robust quality of every inspection. Making sure that we have a very good inspectorate team is the first thing I would want to do.

The second challenge is preparing the inspectorate for a new world as we move to different structures, with potentially fewer probation areas, and thinking about what that means for our inspection programme. For example, it provides an opportunity to inspect CRCs and the NPS at the



HOUSE OF COMMONS

same time in the same area. Looking at the interfaces between them is a useful opportunity. Preparing the inspectorate for that new world will be a critical thing, going forward.

Looking for new opportunities is an area where the inspectorate could play a bigger role. Identifying serious further offences is something I am keen to explore and where there could be a bigger role for the inspectorate, and finalising a programme of thematic inspections as well. There are some important issues that the inspectorate could be looking at in relation to, for example, accommodation or mental health or some of the big issues that we know are out there.

The third challenge is that there will always be a role for the inspectorate in identifying poor performance. I think it should be looking for what "good" looks like as well. We can publish better good practice advice on what good looks like, using all the raw material from inspections to produce that sort of advice going forward and working with the effective practice team in the NPS on that.

There are still some fundamental questions about what works in relation to probation supervision. We do not know, for example, the optimum frequency of contact an offender manager should have with an offender. We do not know the best way of staying in contact. There has been a lot of debate about telephone versus face-to-face contact. We do not actually know what the optimum size of case load should be for a probation officer. It would be helpful for there to be a standard evidence base for all of those things that everyone agrees with, and which can then form a basis for the inspectorate's standards and for HMPPS and the Department as well.

Q36 Bambos Charalambous: You see part of the role as setting the criteria by which you measure: setting a standard, for instance, and saying, "If we did an inspection, this is what we would expect to see from you."

Justin Russell: Yes, very much so. I talk to lots of probation leaders, and one of the things they have welcomed is that the inspectorate has set out some independently accredited national standards, which the probation service itself regards as the right standards, and sees them as the industry standard and is happy to be judged against them. I do not think those standards need much tweaking. They measure all the right things. They measure leadership. They measure whether the staffing and supervision are in place. They measure things like IT and estates, and whether that then translates into effective management of offenders.

Q37 Bambos Charalambous: There will be a problem with the contracts being too rigid and not flexible. People might say, "We do not have enough money to deal with these areas or sufficient staff to deal with the standards that you have set." There will be a challenge on that side of things.



Justin Russell: That is for HMPPS. You should never vary standards. You should not start aiming off. This is a conversation I often have with Peter Clarke, who operates an equally robust set of standards and is very clear that they are objective, fundamental standards that there can be no excuse for not meeting.

In the prison situation, time out of cell is a very clear prisons inspectorate standard: you spend 10 hours a day out of your cell. He will always criticise a prison that does not deliver that, and most of them do not. The Prison Service will come back and say, "Well, we can't because we haven't got enough staff." Well, tough, that is the standard. That is exactly the approach that the probation inspectorate should be taking as well.

Q38 **Bambos Charalambous:** You mentioned thematic inspections on issues like accommodation. The accommodation will be provided separately from the CRCs. How would you do your inspection on those areas?

Justin Russell: The most common issue that has been raised on my visits to probation services and prisons—I have done many over the last two years—is the sheer difficulty of getting prisoners into accommodation on release. Although there is a 90% target for people going into stable accommodation after release, around 60% are actually getting into accommodation, and it is even worse in areas like London.

I did a visit to the CRC in Lewisham. They were having to supervise people who were sleeping on buses or in church graveyards. It was an impossible situation. If you went anywhere in the service, they would say, "Our No. 1 problem is finding accommodation." You are right that their ability to find accommodation is in having effective partnerships with housing providers and local authorities. It is about making use of the new homelessness legislation to ensure that local authorities treat offenders fairly.

Your report flagged up the issue that some local authorities had been defining ex-prisoners as intentionally homeless. That cannot be acceptable. It is about looking at that partnership relationship and the investment that CRCs are putting into it, particularly in prisons, and some of the relationships they have with their own housing providers to deliver real accommodation on release and not just signpost people to additional help afterwards.

Q39 **Bambos Charalambous:** This post is for three years. How do you see HMI Probation developing in your three-year role? What would success look like in those three years?

Justin Russell: Success would look like three years of effective annual inspection of probation. We are just about to finish the first year of the new-style inspections. I look forward to sitting down with the team and looking at lessons learned from the first year and seeing whether we need to make tweaks going into years two and three. By the end of year



three, we will have developed a new methodology for potentially a new landscape with different structures and potentially different providers. We should have successfully transitioned local inspection arrangements to map what has happened with the wider probation reform agenda. That is a key thing we need to have delivered effectively.

As I said, I am keen to see the potential for expanding into new areas. I would like to have had the discussion around serious further offences and to have identified a potential additional role in relation to that. We should continue to publish hard-hitting thematics on broad areas of concern to the service. They have done some excellent work on domestic violence and sexual offenders over the past year with through the gate. There are some other areas where they could have some real impact. We need a programme of powerful thematics.

Finally, there is the point about evidence. In three years' time, we should have the answers to some of the critical questions on what the optimum case load should be, or what is the best frequency of contact.

Q40 Janet Daby: Mr Russell, many moons ago I was a trainee probation officer in Milton Keynes. It was a long time ago; I will not say how long. I am very much interested in what you were saying about case loads, almost as if you were going to connect with the grassroots of probation. Can you talk me around how you are going to do that type of evaluation or assessment of what works in probation?

Justin Russell: It is something I often talk about with frontline probation officers when I do my visits. One of the first things I ask them is, "How big is your case load? How manageable do you find it?" It is a key question that the inspectorate asks as part of its methodology. In part of what they call domain one, which is about how the services are managed, one of the quality criteria is around staffing. We ask people, "Is your workload manageable? How is your morale? Are you feeling engaged? What is your professional development like?"

One of the messages that comes back is that people do not feel they get the supervision they need from their managers. They do not feel that they get ongoing training. There is a lot of investment in the initial training—the so-called PQiP course—but not much in ongoing development; there is a big hole. They can be quite anxious. One of the interesting things about the reforms to the National Probation Service is that, because they are just handling high-risk offenders, newly qualified probation officers are put into managing some quite challenging and dangerous people. That is a lot to ask of people. You cannot just ease people in by saying, "Well, look after a minor thief for the next couple of years." They go straight into potentially managing a serious sex offender. People need support with that. That is one of the lessons that has come out of the inspections. It is one of the lessons that was identified and came out of the serious further offence reviews as well.

Q41 Janet Daby: You mentioned some challenges in terms of mental health.



HOUSE OF COMMONS

Have you considered the disproportionality in the probation service of people coming to probation from black backgrounds?

Justin Russell: It is a really important issue. One of my jobs in my Ministry of Justice role was to support David Lammy with his review of disproportionality in the criminal justice system. My team did the research and the background work for him on that. Over the last year, I have been chairing a cross-Government board to implement the recommendations in his report. We have been making progress where we can, but, as he said, there is no sign yet that the problem is getting better. If anything, it is getting worse, particularly in relation to young offenders. Something like 45% of young people in custody are now from a BAME background.

If you look at the most recent set of annual youth justice statistics, the proportion of young black males in particular who are being arrested has been going up. Although the number of young people coming into the criminal system is going down, the proportion from a BAME background has been going up. That is really worrying.

Q42 **Janet Daby:** How will that affect your new potential position? How would you use that information?

Justin Russell: I would be keen to think whether it might be a subject for a thematic, particularly in relation to the YOT inspections we do. That is something I want to explore with the team when I start. The way that YOTs both manage the young people in the formal criminal justice system and try to divert people away from that system and pick them up before they get into the system could have a crucial role in trying to tackle the more upstream disproportionality.

I did a very interesting visit to Barking and Dagenham youth offending team. They have a very interesting pilot there where two outreach workers go into a couple of schools and work intensively with people who are on the verge of gang activity to stop them getting into the formal criminal justice system. Partly because of the drop in investment, that is the sort of thing that has dried up a bit in recent years. I think the YOTs need to get back into that.

Q43 **Janet Daby:** In terms of staffing, sometimes in the probation service or in management positions there is not always necessarily a good representation of black staff. That will then have an effect on the probation and supervision of offenders.

Justin Russell: Diversity of the workforce is really important. The probation service is slightly better than the Prison Service, but it could still do better not just in getting people into the service in the first place but in promoting them through the service.

One of the things I pushed very hard on when we had the opportunity to recruit lots more prison officers, when we were recruiting 4,000 or 5,000 a year, was to say, "We have to use this opportunity to make the Prison



HOUSE OF COMMONS

Service more diverse.” We started to analyse in a lot of detail what the recruitment pipeline looked like and where people were potentially dropping out. By doing that and by tweaking the assessment process a bit, we significantly increased the proportion of new prison officers from a BAME background. There is a case for doing something similar in the probation service.

Q44 **Janet Daby:** Will your role be full time?

Justin Russell: Absolutely, yes.

Q45 **Janet Daby:** How do you consider the relationship between the inspectorate and this Committee?

Justin Russell: I am very much looking forward to coming back, hopefully, and giving evidence in your future inquiries. I know that is something you used Glenys for a lot. The inspectorate has access to a huge and rich source of data and evidence from all the inspections it does and from its thematics. I am keen to make that available to the Committee going forward.

Q46 **Chair:** One of the things you have to do with the inspections is to give ratings. Potentially, that has significant financial consequences for providers. I accept that you will be working with a team who are expert in dealing with the ratings, but previously you were dealing with the people you inspect, in effect, as their client, and with them as your contractor. Again, how can you manage to be perceived to be independent in your new role dealing with them not as a client but as an inspector?

Justin Russell: To slightly clarify, I have never been part of the contract management team at HMPPS, which is the actual client for CRCs and closely monitors their performance.

My actual role has been devising an inspection scrutiny regime to assess the performance. I have a team that is responsible for the policy sponsorship of inspectorates that agreed standards and markings. That is something they have done a lot of work on. I welcome the fact that the inspectorate has an overall marking for inspections, which Glenys borrowed from the Ofsted and CQC strategy. That is an important thing to hang on to.

The methodology that lies behind those standards is very transparent and clear; there are percentage bands that mean that you get allocated to certain bandings according to the outcome of the case reviews and the judgments around your management structures. I would like to see more data lying behind those bands. The reports are very text based at the moment. Providing a bit more information, particularly on outcomes, is the one thing I would want to see a bit more in the inspection methodology. If you compare it with the prisons inspectorate, there is much less on actual concrete outcomes for offenders.



HOUSE OF COMMONS

I would like to see a bit more user voice as well. Again, in prison inspections there is a strong emphasis on prisoner survey results, violence levels and all the other outcomes that affect prisoners. I would like to borrow some of that for the inspectorate if we can.

- Q47 **Chair:** One thing that has happened with the prison inspectorate of course is that there were resources, which you referred to—you had some input. They were given the resource to do more follow-up work. The criticism was that prisons were marking their own homework. Is that something you think appropriate, or desirable perhaps, for the probation inspectorate?

Justin Russell: I was pleased that we were able to get Peter Clarke. I know that was one of your Committee's recommendations following the Liverpool inquiry. We provided Peter Clarke with £500,000 more a year so that he could follow up his recommendations.

I think that is partly possible because there is a greater time delay sometimes between inspections. With an annual inspection cycle and the delays between the actual fieldwork and publication, your room to do a follow-up inspection in the probation regime is constrained. I would not rule it out as something we should talk about, but part of the advantage of having annual inspections is that you get regular reports on how performance is going.

Where there are particular concerns about an area—we heard about Dorset, Devon and Cornwall recently—there is a case for saying that the issues need to be raised urgently, and the inspectorate should encourage urgent action. That is exactly what Glenys did with Ministers following that inspection.

- Q48 **David Hanson:** This is not a question, Mr Russell. On reflection, I should declare an interest. My period in Downing Street as parliamentary secretary to the Prime Minister overlapped Mr Russell's period as a special adviser in Downing Street.

Justin Russell: Indeed.

David Hanson: When I was a Minister in the Home Office, Mr Russell reported to me on the tackling of knife crime action programme in 2009-10. I want to put that on the record because I think it is only fair to do so.

- Q49 **Chair:** That is very proper; thank you for that.

The final thing I want to ask, Mr Russell, is this. You may have hinted at it when you talked about media training and so on. Senior civil servants are not noted for being outspoken or speaking to the media. The job of the inspector very often specifically involves being outspoken and using the media. How are you going to make that transition, and why do you want to do it?



HOUSE OF COMMONS

Justin Russell: Because I have had a lifetime of experience of telling truth to power and using evidence to drive policy improvement, and I want to do it in a more visible way. I think I have the skills and experience to lead the inspectorate going forward.

I have experience of representing the Department in external avenues, at conferences, seminars and all the rest of it. I would welcome a chance to have a public voice. I recognise that I need to develop those skills, but I am very keen to do that and to be a strong public independent voice for both the inspectorate and for the probation service.

Chair: Thank you very much for your time and your evidence and for discussing the matter with us. We now want to take stock of what you have told us. We are very grateful to you. The public session is concluded.