

Justice Committee

Oral evidence: [HM Inspectorate of Probation Annual Report](#), HC 2171

Tuesday 14 May 2019

Ordered by the House of Commons to be published on 14 May 2019.

[Watch the meeting](#)

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

Questions 1 - 68

Witness

[I](#): Dame Glenys Stacey, HM Chief Inspector of Probation.

Examination of witness

Witness: Dame Glenys Stacey.

Chair: Good morning, everyone. Welcome, Dame Glenys, and thank you very much for coming to give evidence to us.

We will deal with the normal formality of declarations of interest. I am a non-practising barrister and consultant to a law firm.

Victoria Prentis: I am a non-practising barrister.

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.

Andy Slaughter: This is my first Committee, Chair, so I draw attention to my entry in the Register of Members' Interests. I am also a non-practising barrister.

Q1 **Chair:** Thank you very much, Mr Slaughter, and welcome to the Committee. We are delighted to see you.

Dame Glenys, thank you very much for coming to see us. We have appreciated the evidence that you have given to us in the past, and perhaps more about that later.

This is going to be your last annual report. At the end of the day, the report is pretty damning. You conclude that the current model for delivering probation is "irredeemably flawed".

Dame Glenys Stacey: That is right. The report is evidence-based. We know that last year Government announced an intended move to better funded and better structured contracts, a reduction in CRC numbers and an arrangement with coterminous boundaries. My conclusion from that was that, if Government proceeded in that way, it would, most definitely, improve matters. It would improve a good number of things, but in my view it will not be enough because there are systemic issues that I highlight in the report.

It is not just that, on the evidence, we have a two-tier service at the moment with different levels of quality that are notable on almost every measure we have. There are also some deep-seated systemic issues that I cannot see will be readily resolved if part of the service is still delivered in the way it is.

Q2 **Chair:** Is one of those systemic issues the fact that there is an attempt to reduce the probation service, which is essentially dealing with individuals in particular circumstances, to a set of contractual requirements, as you put it?

Dame Glenys Stacey: What we have found in recent years is that it is remarkably difficult to condense a complex social service like probation into a set of contractual measures. As a result of the attempt to do that,



we have seen the profession diminished and the nature of probation moving away from an established evidence base. The arrangements were to encourage innovation. Innovation can be a good thing, but not at the cost of an established evidence base. I hope that one thing we can see—whatever the future model—is greater regard, recognition and adherence to the established evidence base, and the building of that evidence base over time. I think that is sorely needed now.

Q3 Chair: When you talk about some of the changes that need to be made, you are concerned, for example, about it being virtually impossible to deal with the flaws if most supervision continues to be provided by different organisations under contract arrangements. Is there still scope for innovation within a more unified system?

Dame Glenys Stacey: I certainly hope so. There is no reason why you cannot carve out scope. Indeed what you would want to see, if I may say so, is a set of expectations, hopefully, based on the evidence, as our own standards are within HMI Probation. You would want to have those as your benchmark, guide and expectation. You would also want to carve out space for innovation and for trialling new things—say, new types of offence, or types of offence that are becoming much more worrisome and prevalent such as knife crime.

You would want that space, but equally you would want any developments there to be properly evaluated. Some of that innovation and evaluation is happening out there, but nowhere near enough. Of course, the current model does not encourage widespread promulgation of something that is found to work.

We have an accredited programme process. There can be other ways to evaluate as well, but you would certainly want space for that. You would want it open, public, recognised, trialled, evaluated and then, if it works, promulgated widely.

Q4 Chair: I got the sense that the constraints of the current contractual framework almost acted against the dissemination of good practice.

Dame Glenys Stacey: There are two things. I do not see that the current framework rewards innovation. It provides scope for innovation. It does not contain practice in a way that would prevent it, but there is no specific reward or incentive for innovation, interestingly.

Secondly, a model where companies are in different ownership hardly suggests that you are going to be openly sharing best practice. I know of no mechanism at the moment for that. Sodexo owns a good number of CRCs, and good practice can promulgate in that company, within that ownership arrangement, but it might not cross a boundary into Interserve or whatever.

Q5 Chair: I understand that. We have had your report, which paints a very clear picture. If I may say so, it is not a million miles away in its conclusions from this Committee's report.



HOUSE OF COMMONS

Dame Glenys Stacey: There is a great deal of similarity.

Q6 **Chair:** A couple of weeks ago, we had the Public Accounts Committee report, which again seems remarkably similar. Did that surprise you at all, Dame Glenys?

Dame Glenys Stacey: No. I found the Public Accounts Committee report, and indeed your report, clear, concise and evidence-based. We have enough evidence now. We are not speculating. We can see how things have played out in practice, so in a way it would be surprising if we came to different conclusions.

Q7 **Chair:** Three independent bodies coming to three very similar conclusions might indicate that the evidence all goes one way.

Dame Glenys Stacey: Yes.

Q8 **Chair:** Finally, before I move on, one particular thing that we were concerned about—you refer to it as well—is the division by risk. What do you think are the upsides and the downsides of that split? We were unconvinced about the split, as you recall, and whether that was the right way to do it. What is your take on that?

Dame Glenys Stacey: Were I to design a probation system, I would start with a set of design principles. At the heart of that would be the relationship with the offender and whether the offender is assessed as high, medium or low risk.

My understanding is that high-risk offenders were left in the arms of the state, if you like, because of sensitivity about handing the highest-risk offenders over to the private sector. But we know that medium and low-risk offenders are often the ones who go on to commit a series of further offences. We know that medium-risk category offenders can be volatile and change as their circumstances change.

We know in any event that risk changes over time in response to whatever your initial category is. One might argue that offenders who have committed the most serious offences are often a more stable bunch of folk than those who are prolific offenders and respond to circumstances, particularly when they are homeless. I am not sure that the split makes design sense.

Q9 **Chair:** It seems to be rather arbitrary and a snapshot at one moment in time.

Dame Glenys Stacey: It creates a boundary that has to be managed day in, day out, which is difficult but it might have made political sense at the time.

Q10 **David Hanson:** When did you first bring that to the attention of the Secretary of State, or have you?



HOUSE OF COMMONS

Dame Glenys Stacey: There have been a number of Secretaries of State. I am not sure I have brought it particularly to the attention of this Secretary of State, other than in the reports that I have produced.

- Q11 **David Hanson:** I am generally interested in how and when the reports you have produced have impacted on the Secretary of State, given the fact that it was raised during the passage of the Bill that the split would be very difficult. I want to get some sense of when and how various Secretaries of State have had that drawn to their attention, and what action they have taken in response.

Dame Glenys Stacey: I recollect meeting the Secretary of State in December 2017, immediately before the publication of my last annual report. I talked with the Secretary of State about my own view.

- Q12 **David Hanson:** Which Secretary of State was that?

Dame Glenys Stacey: That would have been David Gauke, I think. They blur a bit, but I think it was him. It was definitely December 2017. I said to the Secretary of State that in my view the service was split the wrong way, and that splitting it by way of risk rather than service did not make design sense to me. I was talking at that stage of the outline design principles that I would expect to see in the design of a probation service.

- Q13 **Bambos Charalambous:** Dame Glenys, given your view that a "widespread move away from good probation practice" is "chiefly due to the impact of commerce", what role is there for the private sector in delivering probation?

Dame Glenys Stacey: We know that commerce in recent years has brought benefits to the service which we, at HMI Probation, have recognised. We were quick to welcome the new ICT developments that we saw. They enabled mobile working for probation staff, which is quite important when you want the service delivered locally. We find as well that they have invested in premises that are light, airy, modern and welcoming, whereas NPS premises tend to be rather dispiriting places when you visit, and some of them are vermin infested as well. You can see a difference there.

Some of the CRC operating models have been innovative. They have provided probation services in rural areas, sometimes through community hubs, or perhaps an afternoon a week in a Sally Army hall or whatever. We have seen commercial developments work.

The Government have said to the Public Accounts Committee that they can see a future model that has public, private and voluntary services working together. It is all really in how that is designed. For example, I have long made the point that many of the specialist services needed for individuals subject to probation are delivered locally. They are delivered predominantly by the voluntary sector or by other organisations, and those services need to be provided, guaranteed and assured in the



system. At the moment, it is a bit in the lap of the gods whether those services are actually provided or not.

If I am asked what sort of role commercial services could play as opposed to voluntary services, there are aspects of probation that I think need to be absolutely secured in the new model. If you think of the value chain for probation, you need a tight and secure relationship with the offender. You need specialist services and a range of other strategic arrangements as well, which provide accommodation and that sort of thing.

There are aspects of any big organisation or system that can be delivered commercially—for example, IT support and training. There is a desperate need for good training and development in both the NPS and CRCs. That is not simply the province of the private sector. My own approach, were I a Secretary of State, would be to get the design principles and look at what was viable and affordable. I would not split it by risk. If I was hiving something off, I would be hiving off aspects that are not central to the service.

Q14 Bambos Charalambous: We saw a diminishing of the specialist services as part of the CRC's commercial contracts with the Government. In order to save money, there was a reduction in the provision for some of the voluntary sector providers, especially for resettlement. There is an issue about the model.

Dame Glenys Stacey: Yes, there is an issue about the current model, most certainly. When we reported on the specialist services last year, there were a number of things leading to the reduction we had seen. One was, yes, CRCs making difficult choices about how to spend their money.

Secondly, voluntary sector providers told us that they had often been put off by the complexity of the contractual arrangements they had to enter into. We had a rather elaborate contract requirement that they had to enter into. It was many pages and quite off-putting. Some CRCs were trying to commission a smaller service than the voluntary sector was comfortable offering, so that put them off as well. In the current model, we have found the NPS reluctant to buy services from CRCs. It puts the services at risk if not enough are being purchased. There is a number of things all taking that in one direction.

Q15 Bambos Charalambous: I want to turn to the transforming rehabilitation reforms for extending post-sentence supervision to offenders serving short-term custodial sentences. How do you think the probation system has coped with that change?

Dame Glenys Stacey: There are 38,000 people a year under post-sentence supervision who were not before. I made the point in my March report that this has changed the nature of probation. It has made it more complex—that and the fact that there are more longer sentences. The nature of those under post-sentence supervision has changed materially



in recent years. I hope it is understood that the work has become more complex.

Next week, we will be publishing our report on a thematic inspection of post-release supervision—short sentence supervision—so you will have a lot of information available to you then. The headline findings are, first of all, that many in our sample of 128 cases were sentenced to custody without the court having the benefit of a pre-sentence report.

I was taken aback to find that pre-sentence reports had been completed in less than a quarter of our inspected cases. One of my recommendations will be to address that. It does not seem at all acceptable that courts should be sentencing to prison without knowing the circumstances of the offender, even whether or not they are a parent, for example.

Q16 Bambos Charalambous: Do you have a sense of what the reasons for that might be?

Dame Glenys Stacey: I have some notion. First of all, we know that the NPS can rely on an existing report if it is less than a certain age, but I have discounted that in the figures. That is quite acceptable. This is really, so I am told by my inspectors, about people appearing before the court who may be rough sleepers and appear regularly. There is an informal exchange between the NPS person in court and the Bench sometimes, but sometimes there is nothing. A looseness of practice has developed that needs to be tightened up. That is the first finding.

You will know that we find inconsistencies in how people are prepared for release. In our through the gate ratings over the last 12 months, there have been minor improvements since our through the gate report, especially when it comes to mental health¹ needs where there is a tiny improvement. Overall, the service is very varied indeed. We are rating from good to inadequate. We have a wide variation of through the gate services, but they are mainly on the poor side.

Interestingly, we know all the barriers for people who are in that particular cohort, or most of them. Substance misuse was a factor in four out of five cases in our sample. That is a real issue for that group. I hope that something is done about that.

We found that just under a third of our sample were released to no fixed abode. Our aggregated data for the whole of through the gate suggests that one in five are released with no fixed abode, so that group is particularly affected. It looks like one in three. We then found that those individuals are supervised by CRCs in very much the same way as others are supervised. They are not different in the way they go through the

¹ Note by the witness: The witness has clarified that the slight improvements were in finance and debt rather than mental health.



HOUSE OF COMMONS

probation system. The same critique I would make, or praise I would give CRCs for their supervision in general, I would apply there.

There is an interesting thing. In a good number of cases, the CRC was focused just on staying in contact with the individuals rather than supporting and challenging them to address their offending behaviour. Staying in contact with those individuals is quite a job. I know that Government have signalled their intention that they would wish to move away from short sentences—I hope there is a debate about what a short sentence is, incidentally. The evidence is that, if we want to turn a number of those people away from crime, there need to be alternatives to custody that provide a more intensive and holistic supervisory experience. You probably need to look at supported accommodation, and mental health and substance misuse treatment, with maybe the use of appropriate modern monitoring technologies.

For judges and magistrates to have confidence that prison is not the right option, you need an effective alternative, and it is difficult to see that standard supervision could do it, given the nature of a good number of those people. It is not all of them. There is a small cadre who do not need supervision at all, but there is a particularly troublesome group within that 38,000.

Q17 Bambos Charalambous: Having stability of accommodation and a less chaotic lifestyle would make it easier for them to be supervised.

Dame Glenys Stacey: I agree with you. Again, my lead inspector there has given me enough examples to say—to use an analogy—that you need to hold both hands of those individuals. If you really want to make a difference, they need support. We provide that support in approved premises for high-risk offenders for the most part. From what I have seen there, a lot of work goes into just stabilising the individual and getting them used to a routine—simple things like cooking a meal. There are the same needs for a good number of individuals, but the accommodation is not there.

Q18 Ms Marie Rimmer: Your knowledge and understanding of the service and its requirements is unquestionable. You are to be commended for that. I note that in your report you talk about the critical level of vacancy rates, high workloads and low morale. Has the Ministry of Justice consulted you on its probation workforce strategy?

Dame Glenys Stacey: Not directly, no. Ministers have expressed an intention to develop a national workforce strategy, but last year they were inhibited by the sparsity of reliable data and information, if you remember, when they published the consultation paper on the future of probation. There was a need to make sure they had more data to support that. They are very well aware, of course, of the ratings we have given in relation to the management of staff. Our ratings include issues with the number and grade of probation professionals.



HOUSE OF COMMONS

Q19 Ms Marie Rimmer: I am quite shocked to hear that answer. You have read the strategy now. How far do you think it will be able to address your concerns about the critical lack of staff and unmanageable case loads? The relationship between the probation officer and the client is crucial to probation. How far do you think the strategy will go to enable them to build the relationships that are so necessary to help turn people around?

Dame Glenys Stacey: That is a very difficult question. It goes to the heart of where we are at the moment in terms of the probation model. We know that there is now a national shortage of probation professionals. Many have left the profession altogether, which is terribly regrettable. We know that the NPS is understaffed, particularly at probation officer level. We can see that from their own workload tool, which measures if an individual is 100% used up in terms of allocation. We are seeing figures of between 120% and 160% allocation for probation officers, so we have an issue there.

The position in CRCs varies widely. In Dorset, Devon and Cornwall, we had staff with 168 cases, or even staff with 12 cases. It was quite bizarre. Yet in other areas, such as Durham and Tees Valley, for example, the workload is stable and quite manageable.

NPS staff tell us that they are overworked in 41% of cases; CRC staff in 56% of cases. We would expect some complaint, but that is a noticeable difference. The Government have said that they intend producing a workforce strategy that will secure staff. I am hopeful that they will, but I find it difficult to see how that is done in the current model. The issue is not just about the number of professional staff; it is about the grade of professional staff and how they are developed and trained. It is also about the allocation of work. The model, to a greater or lesser extent in CRCs, has allowed for work to be differentiated, with so-called low-risk work being allocated to junior staff in fairly large numbers, leaving probation officers with the most difficult work.

It is very difficult to see how you would develop a workforce strategy and implement it across 21 CRCs, or even 10, as is proposed. One of the arguments I put in the report was to look again. One of my four design principles is that it is a professional service. It needs to be suitably staffed with engaged, capable and skilled professional staff who are at the right level in terms of grade, and with enough of them nationally and locally in each area, where they are needed. It is difficult to see how that distribution can work in the current model, in my view.

Q20 Ms Marie Rimmer: You said you had not been consulted. Have you been asked for comments on the strategy?

Dame Glenys Stacey: The senior officials and Ministers I have spoken to are quite aware of the difficulty. I should say that my report from March is fully accepted by the Secretary of State and by Rory Stewart, although he is no longer the Minister. No one has said to me that the report is in



HOUSE OF COMMONS

any way ill-informed or wrong. The issues are understood and, in large part, accepted. The question is where we go from here.

Q21 **Chair:** The evidence is there. It is a question of what action is now taken on it.

Dame Glenys Stacey: Yes.

Q22 **Ms Marie Rimmer:** Can you tell us about your recommendation for an independent professional body to regulate the profession, and why that is important in your view?

Dame Glenys Stacey: Of course. We talk about the probation profession. Most other professions that I am aware of have a professional body, such as the General Medical Council—social workers, teachers or whatever. A profession should, in my view, have three key tenets.

First of all, there should be a requirement for registration; who is and is not in the profession is important. Secondly, there should be a requirement for continuing professional development. That is so critical. If we want to get on top of dealing with sexual offenders, domestic abuse or other areas of specific expertise, continuing professional development and the chance to specialise in those sort of areas is so important. A professional body would have that sewn up.

Thirdly, a professional body generally self-regulates. It has fitness to practise panels and its own way of identifying its bad eggs, and dealing fairly and proportionately with them, with the interests of the public at heart. Those things are missing from this profession and the profession is the poorer for it. As a member of the public, I would expect all of those things.

The last SFO review I did, of Leroy Campbell, was a classic example. I would have expected some sort of self-regulatory action, which had not happened. It is in the interest of the profession and the public that we have a strong regulatory body, especially where we are now. We need to build this profession again.

Q23 **Ms Marie Rimmer:** What feedback, if any, have you had on the proposal for a professional body?

Dame Glenys Stacey: I understand that it has been well received.

Q24 **Chair:** By the profession or by Government?

Dame Glenys Stacey: By Government, and by the profession as well. Of course, all of these things have money attached, but I am hopeful that it will happen, and I am certainly voicing my expectations strongly.

Q25 **Ellie Reeves:** I want to pick up on a couple of those points. Trade unions representing probation workers, particularly Unison and the National Association of Probation Officers, have done quite a lot of work surveying their members on how they feel about the profession.



HOUSE OF COMMONS

One of the things that has come out of that work is that people enter probation as a vocation. They see it as a caring profession and they really want to make a difference, but a lot of the reforms have reduced their role to a tick-box exercise, with limited engagement with those they are seeking to help.

In reaching your conclusions and your recommendations about the professional body and what can be done to support probation professionals, what engagement, if any, have you had with the trade unions representing those who work in the probation profession?

Dame Glenys Stacey: I have met NAPO but not the other union you mentioned. Of course, their views are well known. What I am basing my recommendation on is being a professional myself. I am a solicitor and I have managed other professionals, such as vets, for example, where the professional body was so helpful to them during one animal crisis or another. It is standard fare for a profession. I argue that it is particularly needed now, given the dissipation of the profession in recent years.

Probation professionals have, in the main, made heroic efforts to do their level best over a very difficult period. As you say, we have seen from my own reports that probation has been allowed to drift away from the evidence base, and that is so regrettable. It seems to me blindingly obvious that something needs to be done to address that, and it is safest in the hands of a professional body.

Chair: That is very helpful.

Q26 **Victoria Prentis:** I was meant to be asking you about through the gate, Dame Glenys, but you have already touched on that in large part in answer to Mr Charalambous, so I want to give you the opportunity to say any more that you want to say. In particular, I wondered about something that has been noted in relation to CRCs doing little more than signposting or form-filling. Is that something you would like to enlarge on?

Dame Glenys Stacey: Certainly. You will know perhaps that we now look at through the gate services on every CRC inspection we do. It has become mainstreamed in our inspection and we have a set of standards for it as well.

What we see from that is a mixed picture overall. It is quite a dispiriting picture with, I think, three organisations rated as inadequate and the majority—seven, I think—requiring improvement so far. What is notable is the considerable variation across them. Their delivery models are different as well. I have already mentioned that there have been small improvements since 2017. Managing debt, for example, has got a little bit better.

There are main issues that stand out. So far as the level of service is concerned, the failure to deal with public protection is quite interesting. We are seeing four in 10 cases where that happens sufficiently well. That



HOUSE OF COMMONS

is obviously concerning to us all. The biggest single issue is accommodation.

Q27 Victoria Prentis: Absolutely. You said that we are up to one in five who do not have somewhere to sleep on the night they leave prison.

Dame Glenys Stacey: In general, what we find, if we aggregate all our through the gate data, is that it is one in five. As I say, in our most recent inspection of short sentence release, it is one in three.

The issue is not just whether there is accommodation or not, but whether enough co-ordinated effort is made to try to find it. That is where we are finding difficulty. There is not sufficient effort being made. This is where the form-filling aspect and the box-ticking come in. We often see an email to the local authority, but we know that is not going to achieve anything.

Q28 Victoria Prentis: Has granular evidence-based research been done on the recidivism rates of that particular cohort—the short-term sentence people who do not have anywhere to go and for whom sufficient efforts have not been made to find sensible accommodation?

Dame Glenys Stacey: Yes. More than three-quarters of prisoners, 79%, who reported being homeless before custody were reconvicted in the first year after their release. It is less than half, 47%, for those who did not report being homeless before custody. The homeless status of an individual is very indicative of the offending rate.

Q29 Victoria Prentis: Whether or not they are going to reoffend.

Dame Glenys Stacey: Yes.

Q30 Victoria Prentis: You tantalisingly said in an earlier answer that we could have a discussion about what a short sentence means. What do you think a short sentence means? I would love to have that discussion.

Dame Glenys Stacey: You are getting a particular reputation for asking very difficult questions indeed.

Victoria Prentis: Sorry.

Dame Glenys Stacey: The Scottish Government initially had three months in mind and have now consulted on 12 months. The research we have seen so far on three months shows moderate positive changes. Twelve months might be different again.

I think, when David Gauke was speaking, he was talking about six months. It is a moot point. When we look at post-sentence supervision, as defined with TR, we have 12 months as a cut-off point. We were looking at that in our thematic inspection. Our data is around that.

I am not aware of any research that will enable politicians to decide whether three months, six months or 12 months is the cut-off point, except that the Scottish experience is that three months has made a



HOUSE OF COMMONS

moderate difference and they think that on balance they should move to 12. That is interesting.

Victoria Prentis: Yes, very interesting.

Q31 **Chair:** One of the great objections to short sentences is that they disrupt precisely things like accommodation, if people have it. If you are imposing a supervision system where you cannot guarantee that they get accommodation at the end of it, you are almost ripping it apart on both sides of the paper.

Dame Glenys Stacey: That is right. If we are asked to think what the solutions are to accommodation, minimising the use of short sentences is one of the solutions; it really is. Being in prison for a few weeks can be so disruptive. Providing the right support in custody during any custodial period is so important as well. You can hang on to a tenancy for a period if you have some help.

Q32 **Victoria Prentis:** Have you looked at the position with regard in particular to women prisoners?

Dame Glenys Stacey: In what sense?

Q33 **Victoria Prentis:** In the short sentence sphere.

Dame Glenys Stacey: There are women in our post-sentence supervision sample that we will be reporting on next week. You will know, as I know, that they are particularly affected by short sentences, and by post-sentence supervision, as it happens.

Q34 **Chair:** Does the system adequately reflect that particular level of burden?

Dame Glenys Stacey: The system does not differentiate post-sentence supervision, or recall.

Q35 **Chair:** That is another potential failing.

Dame Glenys Stacey: Yes.

Q36 **David Hanson:** The key to short sentences is very often an alternative non-custodial sentence, and robust community alternatives. In your report, you noted that the number of community sentences ordered has fallen by more than half in recent years. You have called on the Government to pilot alternatives for short-term custody alternatives.

Dame Glenys Stacey: Yes.

Q37 **David Hanson:** What is your assessment of where we are on that?

Dame Glenys Stacey: There are opportunities now as the model for probation develops. I demonstrate in my report that the number of times, and the proportion of cases, when an accredited programme is ordered has reduced alarmingly. I do not believe that was the intention of Government. It is an adverse consequence of a number of changes,



HOUSE OF COMMONS

including the drive to speedy justice in courts. It is laudable in its way, but sometimes the NPS is not recommending an accredited programme when it should.

The NPS has recently issued guidance to that effect. When an accredited programme is appropriate, it should be ordered, rather than the rehabilitation activity requirement, which has become the default order. There are 82,000. We only want RARs when nothing else suits. The first thing is reinstating the evidence base and accredited programmes where they should be ordered.

Unpaid work is relatively untapped and unappreciated. I think it has great rehabilitative potential if it is done well, and if we could see a real policy drive behind it. Again, it is a large-scale order. It is ordered about as often as RAR. It could be really useful.

Q38 David Hanson: Have you any evidence that there is a policy drive on that aspect of short-term sentences? The Secretary of State has said that he wants to see short-term sentences abolished, but I think he needs to have a positive drive on the other side.

Dame Glenys Stacey: I agree.

Q39 David Hanson: Is it your assessment that there is one?

Dame Glenys Stacey: I know that unpaid work will be in the mix of considerations as to what the future model might be. There will be some philosophical debates within probation about how that is best done. Is it co-joined with offender management or is it best as a specialist service? Those considerations are in play at the moment. Certainly it has rehabilitative potential that may not be fully exploited now and it ought to be.

Q40 David Hanson: What is your assessment of magistrate and judicial confidence in giving those sentences currently, and potentially? How do we build it in the future?

Dame Glenys Stacey: On page 54 of my last report, I showed the dissonance between recommendations and sentencing by magistrates. It shows that in 21% of cases the actual sentence was more severe than the recommendation, and in 5% of cases it was more lenient than the recommendation. There is a little bit of dissonance, which is telling us something.

Although sentences run their course in two thirds of cases, our own evidence shows that magistrates lack confidence in CRCs, in the sense that they will take enforcement proceedings when they are required. That lack of confidence is, to some extent, well founded. We can see that on the evidence we have from inspections.

Survey data from the Magistrates Association shows us that those who respond to the survey confirm that they believe in community sentences



HOUSE OF COMMONS

in principle but lack confidence in the quality of work that will be delivered. They are mistrustful of rehabilitation activity requirement provisions. I think I understand that. Part of the central role of a magistrate is to mete out justice. If you are not sure what is going to happen, it undermines confidence.

Q41 David Hanson: Did the Government changes in the probation service improve or make worse the situation with regard to the availability and quality of community sentences?

Dame Glenys Stacey: As I recollect, the Government made no specific changes to community sentences, other than the creation of RAR as one of the provisions you could have in a community sentence. What has happened in practice though is that community sentences are being ordered less and less often over time.

Of course, one of the issues is that the nature of cases coming before the court has changed as well, with the focus on more serious offences that may, rightly, attract custodial sentences. The evidence is that magistrates' confidence—they do the majority of that sentencing—in community sentences has reduced over the period that TR has been running. It is not satisfactory.

Q42 David Hanson: That's a yes then.

Dame Glenys Stacey: Yes.

Q43 Chair: It has been said to us on a number of occasions that one of the problems about the confidence of magistrates and other sentencers is that the people who are delivering the rehabilitation requirement are not the people who have actually produced the report to them in court. There is a dissonance in the idea that you get a report from one person who says, "This is the requirement and this is what it should achieve," but they are not the people who are tasked with making sure that it happens in practice. Is that a problem?

Dame Glenys Stacey: I do not know how big a problem it is. It is a fact that, generally speaking, CRCs are not in court. We looked at court reporting, and we did a report on it last year. In the main, written reports are solid and serve the needs of the court. The issue, certainly on oral reports, is that it is a report on the day. Certain checks have to be made if you want to order an accredited programme, for example, and you may not get the time, or you may not get the answer from the relevant authority where you are seeking information. Pressure of time is quite a significant feature.

Chair: That is very helpful; thank you.

Q44 Ms Marie Rimmer: I have been checking the evidence in the "Prison Population 2022" report. Witnesses to the Committee told us that the impact of transforming rehabilitation had been "devastating", particularly in the women's section. What observations do you have?



HOUSE OF COMMONS

Dame Glenys Stacey: In relation to women in prison?

Q45 **Ms Marie Rimmer:** The transforming rehabilitation reforms on the female sector. Did you notice any difference in the impact on females and males?

Dame Glenys Stacey: Generally speaking, we find that probation professionals tend to pull out the stops for women. One in 10 people under probation supervision is a woman. You tend to see people making the best effort they can. That is the first thing.

Secondly, women under probation supervision can be particularly troubled. There are particular reasons why they offend, and it is quite difficult for them to get out of that. We are very reliant on the female offender strategy working. We need more supported accommodation for women and more Women's centre type accommodation.

In response to suggestions we made, we find that the NPS has a recognised lead for women in all divisions. We find that a good number of CRCs have that as well. Both in CRCs and in the NPS some special efforts have been made in relation to women, but still we find that in general things do not work as well as they should.

In a way, it is the same for women as it is for men. We find that there is some effort to assess the individual. Some of that is quite good. There will be a sentence plan, which may be good or may not. We then see a fall-off in actual delivery and implementation of probation supervision. That is where it falls down. It falls down for women as it does for men.

Q46 **Ms Marie Rimmer:** It is not the work being put in; it is the delivery.

Dame Glenys Stacey: Yes, it is. As I say, we might find that in an individual CRC there is a person responsible for women and there is a strategy for women, but, when it comes to delivery, sometimes the other pressures prevail.

Q47 **Ms Marie Rimmer:** What are the other pressures?

Dame Glenys Stacey: If you have 162 cases, you have a few pressures. The workloads are very significant for some people. Contract targets must be met. The contractual provisions for women are fairly thin.

Q48 **Ms Marie Rimmer:** Meeting that contract is a cost of the service. The actual delivery to women is ticking the boxes.

Dame Glenys Stacey: Probation professionals do their best, but the contractual provisions simply require you to offer, if you can, unpaid work that is not alongside men and to have meetings with women and group sessions that are not alongside men. It is not about the wider quality of provision for that woman.

Q49 **Ms Marie Rimmer:** The needs of the individual are very difficult to meet while meeting the contract on paper. What do you think about last year's



MOJ female offender strategy?

Dame Glenys Stacey: I think it is definitely pointing in the right direction. There are concerns about how well funded it might be. No one is going to argue with early intervention, which is what it suggests. Diversion sounds sensible as well, with custody as a last resort; I hope so. Better custody, when it happens, seems quite important, and then yes, some comprehensive rehabilitative support. The proposals there were really impressive. I would like to see them for other groups of offenders as well.

The issue is to what extent it is going to be delivered. We have pilots running for five residential centres for women, but that is only five, whereas there are over 100 approved premises. You need to look at the scale. I know that the Ministry of Justice is mapping the provision of services for women, so it will be interesting to see what there actually is.

Certainly from discussions at HMI Probation, I expect and hope that we will be inspecting the implementation of the women offender strategy in 2020. Lord Farmer's review is due soon. I expect a recommendation in it that will suggest that we inspect the female offender strategy and the resettlement of women. I look forward to reading that report.

Q50 **Ms Marie Rimmer:** The strategy looks good. It is about getting the resources behind it and making sure that you have the assets to do it.

Dame Glenys Stacey: Yes.

Q51 **Victoria Prentis:** Another report you will be interested in reading is the one we are about to produce in the all-party group that deals with women in the penal system, on diversion away from arrest of women in the first place. That isn't what I was going to ask you about.

I want to ask about black and minority ethnic offenders. Your report does not go into any detail about that group in particular, but I wondered if you had observed anything specific to that group in the last three years in regard to their treatment under probation services.

Dame Glenys Stacey: There are three things. One is that we look to see that an individual's characteristics are recognised and taken into account, whatever those characteristics are, and BAME would be one of them. We look at that, and we report in general terms as to what extent services are personalised and take into account the individual, but I accept that is general in the way we report.

Secondly, an interesting issue is developing in our youth offending service inspections. We do not often have much chance to talk about youth, but it is not insignificant that six of the 11 youth offending services we have inspected over the last year have specifically identified BAME disproportionality as a problem.

Q52 **Victoria Prentis:** Over half of youth offenders have BAME characteristics, so you would expect that to be a big issue in the youth



offender discussion.

Dame Glenys Stacey: That is right. We have found some good practice. We often do find it in YOSs. For example, in Essex we saw a really solid analysis of the problem. That is what is required. It is not just recognition but a real analysis of what the problem is, and then a co-ordinated strategy to improve sentencer and practitioner awareness. I would advocate that for any YOS.

We do not see that good practice everywhere. In fact, in one or two youth offending inspections, it has been the inspectorate that has identified the disproportionality. That is a bit troubling. We want people to be more aware of that.

The other thing is that we have been discussing it in the joint chief inspectors group—the criminal justice chief inspectors. We have announced that we are doing a joint inspection next year on ethnic disproportionality in the CJS.

Victoria Prentis: Good.

Dame Glenys Stacey: The reason we have been discussing it for a while is to make sure that we can scope it in the way that will be most beneficial. It is a big subject, so we want to make sure that we get the scope right. We have been doing some desk-based research to inform that scoping.

Q53 **Victoria Prentis:** Do you worry about the dwindling role of voluntary sector organisations in probation? There were some excellent BAME-focused voluntary sector organisations that I am concerned are no longer playing a full part. Is that something you have noticed?

Dame Glenys Stacey: It is a concern. It is a subset of the wider issue. In my experience, they are usually small organisations and quite local, so they are disproportionately affected by the nature of the contractual provisions that they would have to enter. They are not mainstream per se, so they are not always the first that a company would go to. Yes, it is most definitely a concern.

Q54 **Chair:** You might say it is another unintended consequence of the nature of the contracts and the financial backing required for them. It is squeezing out the diversity of service that transforming rehabilitation was supposed to achieve. It seems to have done the reverse.

Dame Glenys Stacey: Yes.

Q55 **Andy Slaughter:** There are two areas that I want to ask about, which are perhaps of particular concern to the public. One is sex offenders and the other is serious further offences.

You did a joint report with the prison inspectorate recently on sex offenders. I think the position is pretty dire; there are very poor outcomes and increasing demand. Most of that falls on the NPS, being a



HOUSE OF COMMONS

substantial proportion of their case load, but there is very little in the way of risk management. People are coming out without us really having much confidence in them not reoffending. Where do you see that going in terms of protection of the public and tackling reoffending?

Dame Glenys Stacey: It was an alarming situation. It looked as though the NPS had been caught short, with the number of sexual offenders increasing exponentially over time and really not catching up with it. They were probably not assisted by the fact that one of the main intervention programmes had been discredited, but there is no excuse for not keeping right on top of it. It was most dispiriting to see that four in 10 sexual offenders under supervision were not given an opportunity to do any work to address their sexual offending behaviour. I am pleased to say that the report was taken very seriously indeed by Ministers and by senior folk in the NPS as well. We have an action plan and I am very certain that we will see much better work from now on.

It seems to me that if the probation service, whatever its shape in the future, can deliver well in sexual offending cases, in domestic abuse cases and in relation to those released after a short sentence, whatever that might be, those three groups of people are so significant in terms of numbers that it could have a big impact on society. It will be for the benefit of us all if that work is done well on an evidence basis. That is what I will be looking for.

Q56 **Andy Slaughter:** When are you expecting to hear something? It will be your successor now, but this is quite urgent. Obviously you do not have to respond to it, but what sort of timescale are we looking at for new proposals to come forward?

Dame Glenys Stacey: That is a difficult question for me to answer now, but I will come back to you. I can see what the timescales are in our action plan.

Q57 **Andy Slaughter:** The other area is serious further offences, not currently part of your work but a growing area because more offences are coming into scope. In 2018, 500 reviews were done, which is a lot. The area gets a lot of publicity, but for good reason, because it implies both a failure in the system and high levels of risk and consequence. There is a suggestion from your successor that it could become a bigger part of the role of the inspectorate. Do you agree with that? How do you think the inspector could be further involved?

Dame Glenys Stacey: I have argued in the past that two things are required for public confidence in the arrangements for the review of serious further offences. The first is centralisation. The arrangements are dispersed at the moment, which means that expertise is not shared. In centralised arrangements you would have lawyers there, you would be promulgating the learning and so on. In all sorts of ways, centralisation makes a good deal of sense for 500 cases a year. Secondly, I argued for



independence. It is not that independence would necessarily build trust, but it is very difficult to build trust in the arrangements without it.

The way these cases are reviewed needs to be modernised as well. There has been some work in the last couple of years to try to get it on a better footing. I still maintain that the best arrangements are centralised and independent. A good home for that would be at HMI Probation. Put it this way: I do not know of a better home for it.

Q58 Robert Courts: I want to ask you about the Domestic Abuse Bill introduced in January 2019, which of course is a landmark Government action on that critical issue. Could you share your views on it with us, please?

Dame Glenys Stacey: I appeared before a scrutiny Committee last week, so I think my views are already on the record to a large extent. To summarise, I am rather confused about the DAPO order. No doubt the scrutiny will flesh out some of the issues there, but I am not quite sure who is monitoring that or what enforcement might look like.

My own interest is in good-quality probation work for those under probation who are domestic abusers. We estimate that almost half of all people under probation are domestic abusers, so for me the biggest difference can be made if good-quality evidence-based work is done with those individuals. That is what I am interested in.

Q59 Robert Courts: You published a thematic review on CRCs in September 2018, where you said that they were “nowhere near effective enough in this critical area of work” and that “individuals were drifting through their supervision period without being challenged or supported to change their predilection for domestic violence, and that simply won’t do.” What else would you see as necessary to address the problem?

Dame Glenys Stacey: There is an accredited programme called “Building Better Relationships”. I think it is the only recognised programme, or it is at least at the top of the tree. The number of starts for that programme has reduced by 13% in the last year. As we know, not only is it not ordered in all cases, because it is not recommended to the court when it should be, but, if it is not ordered, there is no incentive at all on the CRC to deliver it. They are not paid to deliver it. We have a systemic blockage there. We have a programme and it is suitable for a large cadre of male domestic abusers. It ought to be used much more commonly, in my view.

It also needs to be evaluated. At the moment, the Government’s commitment is to evaluate it—to work out how to do that in the year 2019-20, and then evaluate it. Evaluation is not necessarily straightforward because you may need to rely on the self-reporting of abuse, but it needs to be evaluated. It comes back to the main point, Chairman. It is a professional service. It is evidence-based. We want to know what works and we want to promulgate it.



HOUSE OF COMMONS

Thirdly, “Building Better Relationships” is not the only thing. There will be some people who are abusers who are not suited to that programme. It is not designed for women, for example, but there is a good number of women abusers. There need to be more domestic abuse pathways—common ways in which we can deal with individuals who have a propensity to do that, often without challenging their own behaviour. We want to see those pathways promulgated and adhered to, where they are suitable.

At the moment, what we found in our domestic abuse inspection was that a good number of people were just letting offenders drift through their sentence, or they were doing things that they thought might work, on instinct. That is not satisfactory for them or for the abuser. We want a professional service delivered for those people. Left unchallenged and unassisted, domestic abusers pose a particular threat, and there are things that can be done.

Q60 Chair: Dame Glenys, I want to ask about the inspectorate itself. You have been very blunt and frank with us about the state of the probation service. How do you assess the health of the inspectorate?

Dame Glenys Stacey: As I have been chief inspector for three years, I am obviously going to think it is in very good health indeed.

Q61 Chair: You have been very frank in other areas where you found that things were wanting. I am sure you would apply the same standard to yourself. Compared with where it was three years ago, where do you think you are now?

Dame Glenys Stacey: The inspectorate has certainly grown. It had to in order to do the volume of work that it has done. It has taken pride in getting a grip on what good probation looks like and in developing a set of standards, involving the profession, academics and policymakers to do that. I think we filled a very significant gap there. I hope that is a good grounding. It is a profession. We know what good looks like. Let’s all deliver it.

We have a very good cadre of HMIs and now we have good throughput. We have about 25 assistant inspectors at any one time coming to us, staying for two years and then going back to probation or youth offending. They are taking all that knowledge back, so I think there is a very healthy exchange now.

I hope that our methodology stands the test of time. I think it is capable of working with any model of probation that is designed. If the model changes materially, our methodology can move with it. I am hoping it is in a good state, thank you, Chairman.

Q62 Chair: There is no reason to doubt it. One of the things we are interested in is joint work with other inspectorates. You have talked about that yourself and done some work on it. That is something you have been interested in, so how do you assess the advances or otherwise that have



HOUSE OF COMMONS

been made around that?

Dame Glenys Stacey: We are all doing our level best. We have an interesting programme of work that we published about a month ago, so it is going ahead.

The issue for us is that it is not separately resourced. It always comes back to resources. We are carving out resources in order to do joint inspections, but I think they are going well. As you know, we have an intention to produce a joint report on the criminal justice system as a whole. That is not quite there yet, I am afraid. I am sure that my successor will be discussing it with criminal justice colleagues when the inspectors next meet.

Q63 **Chair:** Do you have any ballpark sense as to when that might be ready?

Dame Glenys Stacey: I think the discussion, to be blunt, Chairman, is about how big it is.

Q64 **Chair:** It is still about scope at the moment.

Dame Glenys Stacey: Yes. We have a proposal, but it is daunting. The question is what would be of value to the system; that is the discussion.

Q65 **Chair:** You currently chair the criminal justice inspectorate group. I assume that will be handed on to someone else, not necessarily your successor.

Dame Glenys Stacey: I have handed it on to Kevin McGinty, the chief inspector of the CPS.

Q66 **Chair:** You have set out very fairly to us some of the things that have been done with the inspectorate and the reports you have done, Dame Glenys. What do you think are the most significant achievements at the end of this three-year term? Is it the cadre of inspectors or is it the evidence-based methodology?

Dame Glenys Stacey: I hope I can lay claim to taking every opportunity to stress the importance of probation services and to explain to the public what they deliver for society as a whole. They are not something to be hidden away. They deal with a quarter of a million people a year, and, if they are supervised well, society benefits in so many ways; it not just about reoffending. Positioning probation in that way has been a very important goal of mine.

Presenting credible and valid evidence—not predetermined views—of how the system is working, which can, hopefully, influence Ministers, is something else I am proud of doing.

Q67 **Chair:** I suspect that is ongoing business.

Dame Glenys Stacey: I suspect it is. Don't you?

Q68 **Victoria Prentis:** What could David Gauke say about changing the



HOUSE OF COMMONS

system that would make you most happy? We get the impression that there is about to be change.

Dame Glenys Stacey: I think the Government said to the Public Accounts Committee recently that they see a future model to be a mix of public, private and voluntary provision. That is good, but what we want to see is how that is developed. For me, there is compelling evidence to suggest that offender management should be in the arms of the state. That is not going back to probation trusts. We have learned since then. If he can commit to that, and an evidence-based service, I will be opening a bottle of champagne.

Victoria Prentis: Brilliant. I'll share it.

Chair: Dame Glenys, thank you very much for the work you have done over the last three years as chief inspector. It has been very significant indeed and I think we all appreciate that. We also thank you for the candour, frankness and courtesy that you have always shown us as a Committee in our dealings with you. We wish you the very best of success for the future, whatever that holds.

Dame Glenys Stacey: Thank you very much, Chairman.