



Ministry
of Justice

Cutting Crime: Better Community Sentences

Response from the Ministry of Justice to the Justice and Home Affairs Committee

February 2024

Introduction

1. The Government is grateful to the Justice and Home Affairs Committee (JHAC) for its *Cutting Crime: Better Community Sentences* report.
2. The Ministry of Justice (MoJ) is committed to ensuring that community sentences offer a robust and rehabilitative alternative to custody, alongside other sentences such as suspended sentences with robust conditions attached. There is persuasive evidence that non-custodial sentences are, in certain circumstances, more effective than short custodial sentences in promoting rehabilitation, reducing reoffending, and driving down crime. Community sentences also deliver suitable and effective punishment for eligible offenders.
3. We are already working to improve the quality of community sentence delivery from the earliest stages of advice to court, through to the delivery of requirements and supervision.
4. The Government is confident in the steps that it has already taken, and continues to take, to better deliver robust community sentences and recognises where there is more work to be done. We have responded to each of the JHAC's conclusions and recommendations below, setting out our existing work and future direction.

Response to conclusions and recommendations

JHAC1: Community sentences can be particularly flexible. When passing a community order, judges and magistrates can select from a range of requirements. This allows them to tailor the sentence to the individual case, setting out how to punish and rehabilitate the offender. This meets the objectives of sentencers, helps the offender, and protects society.

5. The sentencing framework gives the court the flexibility to choose and balance a range of requirements, such as Unpaid Work, drug and alcohol treatment, and curfews, with the purposes of punishing the offender, providing reparation to the community and addressing any criminogenic or rehabilitative need of the offender that may otherwise increase the likelihood of their reoffending.
6. There is persuasive evidence indicating that community sentences can be more effective for reducing reoffending and rehabilitating offenders than custodial sentences. Two robust studies undertaken by the MoJ that compare reoffending outcomes when controlling for other factors that drive reoffending, such as drug use and unemployment, found that offenders given community sentences are significantly less likely to reoffend than similar offenders sentenced to short custodial sentences.^[1]
7. As set out in the response to JHAC9, this Government has also delivered a range of reforms to strengthen community sentences to encourage their use to punish offenders, help reduce reoffending and protect the public.

JHAC2: While we were conducting our inquiry, prisons reached their operational capacity. The Government is building new prisons, originally driven by the need to replace old prisons whose condition is extremely poor and which incur considerable running costs. The focus now is on expanding the number of prison places rather than replacing old prisons.

8. As the Lord Chancellor highlighted in his oral statement to Parliament in October 2023, (The Government's approach to criminal justice²) the prison population in England & Wales has been under acute pressure due to the pandemic and the Criminal Bar Association strike resulting in a surge in the remand population.
9. We will do whatever it takes to make sure there are always enough places to keep the British people safe, ensure criminals can be brought to justice, and maintain a safe and decent estate for both staff and prisoners. This is why we are delivering on our promise to build 20,000 modern prison places – the largest prison building programme since the Victorian era. As well as delivering state-of-the-art prisons, such as HMP Five Wells and HMP Fosse Way, we are undertaking major refurbishments at sites including HMP Birmingham, HMP Liverpool, and HMP Norwich. The wing-by-wing refurbishment at HMP Liverpool will see every cell renovated. Work has begun on the new HMP Millsike.

¹ MoJ (2019). The impact of short custodial sentences, community orders and suspended sentence orders on reoffending (publishing.service.gov.uk); MoJ (2015). The impact of short custodial sentences, community orders and suspended sentence orders on re-offending (publishing.service.gov.uk)

² <https://www.gov.uk/government/speeches/the-governments-approach-to-criminal-justice>

JHAC3: Custody is sometimes necessary, but it is expensive and fuels reoffending. Community orders are a sound alternative in many cases. They can take various forms, giving judges and magistrates the ability to tailor sentences to individual circumstances. They are demanding on the offender and help them stop committing crime, thereby protecting the public. Breach mechanisms mean that offenders are being held to account.

10. This Government is clear that while we are imprisoning the most dangerous offenders for longer, delivering public protection is not just about better use of custody. The independent judiciary are able to consider whether a robust community sentence would be more suitable in some cases.
11. Community sentences can, and should, be tailored to address the causes of offending, in turn reducing reoffending and rehabilitating offenders more effectively than short custodial sentences. For instance, we know that over 50% of people sentenced to custody for up to 12 months (at a cost of £47,000 per year, per prisoner) go on to reoffend within a year. Contrastingly, the rate for those on Community Orders is 36% and 24% for suspended sentence orders with requirements³.
12. For offenders serving community sentences, probation professionals use their skills and knowledge to safely oversee and manage these offenders and can take action where offenders are not doing what is required. When an Order is returned to court, then the court could make the requirements of the order more onerous, impose a fine or even sentence the person to custody.
13. We welcome the Committee's conclusion that breach mechanisms are working effectively to hold offenders to account for their actions. Breach mechanisms are an important part of the Probation Service's role in delivering community sentences and give the public confidence that any individual who disregards a lawful order or consistently fails to comply with their community order is dealt with appropriately.
14. Our response to JHAC9 sets out in detail how the Government is improving community sentence delivery.
15. **JHAC4: Being homeless makes it difficult to comply with the requirements of community order. For those sent to prison, perhaps after the breach of a community order, custody can make their situation worse. They are likely to lose their accommodation—having stable housing is crucial to being in employment, and to access support networks. Without these, it is more likely that an offender will reoffend. Community sentences do not cut offenders from their support network or employment, which may enable maintaining suitable accommodation.**
16. We agree on the importance of suitable accommodation for ensuring effective rehabilitation and that community orders, as opposed to custody, provide the best opportunity for individuals to retain their existing accommodation. A settled place to live provides a platform for individuals to access other important services such as healthcare services, substance misuse treatment, and enables offenders to hold down a job, factors which play an important role in improving successful reintegration.
17. For offenders with housing needs, we provide support through Commissioned Rehabilitative Services (CRS). These services offer a range of specialist provision and

³ [Proven reoffending statistics: January to March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

support for people in the community with housing needs. CRS provision includes providing support in the completion of applications for accommodation and benefits; helping an individual with their existing tenancy and offering practical guidance; helping the individual to manage any accommodation arrears; and access to rent deposit and advance schemes, as well as advocacy with accommodation providers to maintain accommodation.

18. As part of the work to procure the next generation of CRS Accommodation contracts, we are working with Clinks and third sector organisations and more importantly those with lived experience to ensure that the future service will provide the most effective services for offenders at the most apposite time.

JHAC5: The Department for Levelling Up, Housing and Communities should recognise the importance of housing to the success of community orders. It should be careful not to undermine the efforts of the Ministry of Justice to rehabilitate people serving community orders.

19. The Department for Levelling Up, Housing and Communities recognises the importance of housing for people serving community orders.
20. The Homelessness Reduction Act (HRA), the most ambitious reform to homelessness legislation in decades, came into force in April 2018. It places duties on local housing authorities (LAs) to take reasonable steps to try to prevent and relieve a person's homelessness. These new duties apply irrespective of whether a person has 'priority need' or may be regarded as being 'intentionally homeless'. This means many more people are now entitled to support to help address their housing needs.
21. The Act also introduced the Duty to Refer, which came into force on 1 October 2018. This Act requires that named public authorities, including the National Probation Service, refer service users who they think may be homeless or threatened with homelessness, to their chosen local housing authority. For the first time, local authorities and other public bodies must work together to actively prevent homelessness for people at risk; LAs must do so irrespective of whether they are a family or single person, the reason they are at risk, or if they have a local connection to the area.
22. The Government is committed to tackling homelessness for all groups. We are investing over £1bn through the Homelessness Prevention Grant over three years, giving councils the funding they need to prevent homelessness and help more people sooner.
23. DLUHC's dedicated team of homelessness advisers work regularly with local authorities to support them in delivering their statutory duties including working with public bodies, such as the Probation Service's Homelessness Prevention Taskforces to ensure timely and effective use of the Duty to Refer, so that offenders get early help to prevent their homelessness.

JHAC6: Increasing the use of community orders is likely to result in a decline of reoffending, which would result in long-term savings. While the most intensive types of community orders are expensive to deliver, they typically cost less than custody.

24. We believe that community orders provide the courts with a range of robust requirements to effectively punish and rehabilitate offenders. As set out in the response to JHAC3, there is persuasive evidence that community sentences, in certain circumstances, are more effective than short custodial sentences in reducing reoffending.
25. MoJ analysis of the economic and social costs of reoffending⁴ estimated that the annual cost of reoffences committed by adults who had previously received a custodial sentence of less than 12 months was £5 billion. Given the evidence that community sentences can be more effective at reducing reoffending, this could lead to considerable savings in economic and social costs.

JHAC7: We welcome problem-solving courts, including specialised pilot ‘intensive supervision courts’. By taking a holistic approach and tailoring sentences to individual circumstances, and by holding offenders accountable for their progress through regular court hearings, we believe that problem-solving approaches can be effective solutions against repeat offending.

26. The Government committed in the Sentencing White Paper (2020) to pilot Intensive Supervision Courts (ISCs) in England and Wales to assess the effectiveness of problem-solving approaches. The pilot aims to divert offenders with complex needs away from short custodial sentences and into enhanced community-based sentences. This includes regular reviews with a single judge, frequent random drug testing, and graduated incentives and sanctions in response to offender compliance and progress.
27. The Ministry of Justice began piloting ISCs in June 2023. There are currently two Substance Misuse ISCs (Teesside and Liverpool Crown Courts) and one Women’s ISC (Birmingham Magistrates’ Court) in operation. More detail on the evaluation of the pilot is set out in the response to JHAC20.

JHAC8: Despite all the advantages of community orders, their use has been declining in recent years. Various explanations were brought forward. The negative impact of the Transforming Rehabilitation reforms persists—sentencers lost confidence in the ability of Community Rehabilitation Companies (CRCs, to whom the management of low-risk offenders was outsourced) to enforce community orders. Trust in community sentences is progressively being restored after the Probation Service unified in 2021, putting an end to the Transforming Rehabilitation reforms.

28. As noted in the oral evidence session for the inquiry with the previous Minister for Prisons and Probation, there are a number of possible reasons for the decline in use of community orders.
29. We recognise that belief in the Probation Service’s capacity to deliver meaningful and effective community sentences is key; it is essential that both sentencers and the public have confidence in sentence delivery.
30. On 26 June 2021 we successfully unified the Probation Service, consolidating the offender management of all cases into a single public sector agency to provide a single

⁴ Footnote 2: MoJ (2019). Economic and social costs of reoffending (publishing.service.gov.uk) Based on a cohort of offenders identified in 2016 who subsequently went on to reoffend over a 12-month follow-up period.

point of accountability across all risk levels. The unification of the Probation Service is an important step towards increasing confidence in community sentencing as the change, and the additional investment delivering it, supports consistent supervision and enforcement practice as risk changes. That is why we continue to invest in both the probation workforce (JHAC36), and improvements in the delivery of requirements such as Unpaid Work (JHAC31) and electronic monitoring (JHAC9). This has enabled us to recruit over 4,000 trainee Probation Officers between 2020/21 and 2022/23, who, once qualified and starting to take on full caseloads, will have a significant positive impact on the Service's ability to manage demand.

31. Even with these levels of recruitment and investment, we know that there is more to do to ensure sentencers have confidence in the Probation Service's delivery of community sentences. We are building and maintaining the confidence of the judiciary. The Judicial Engagement Charter, developed in collaboration with members of the Judicial Forum, seeks to achieve this by setting structures to ensure the judiciary is aware of up-to-date information on available interventions and informed on evidence of effective practice through local regional and national transparency. Quarterly meetings are held with the Judicial Forum, providing a key national forum at senior level which brings together representatives from across the judiciary to share information about new projects and to get feedback on probation performance.

JHAC9: Community orders should be used more frequently. While it is the responsibility of the independent Judiciary to decide what sentence is appropriate in each case brought before Courts, it is the role of the Government to make sentences available to the Judiciary.

32. As set out in our response to JHAC3, we are clear that delivering public protection is not just about better use of custody and that custody should be imposed as a last resort. We have taken a number of steps to increase availability of requirements to attach to community orders.
33. This Government has over recent years delivered a range of reforms for tougher, better monitored community-based sentences. Electronic monitoring is a well-established tool available to courts and probation staff to strengthen offender management in the community. We have made sufficient funds available to increase the number of individuals tagged at any one time to 25,000 by March 2025. We have invested £93m over three years (2022/23-2024/25) to boost delivery of Unpaid Work hours ensuring offenders are delivering visible work in local placements (see JHAC31 for more information). The Intensive Supervision Court pilot (see JHAC7) is testing how we can use enhanced community sentences for certain cohorts.
34. We are taking important steps to reduce reoffending by offenders with mental health, drug, or alcohol issues. Community Sentence Treatment Requirements (CSTRs) can be imposed as part of a community-based sentence, to address the root causes of offending and offer an alternative to short prison sentences (see responses to JHAC10, 12 and 14 for more detail). Our landmark Drugs Strategy (see JHAC 14) is underpinned by a record level of additional investment, as part of this MoJ is rolling out a range of interventions to get offenders off drugs and into recovery.
35. We also recognise that as well as making these requirements available, it is important that sentencers receive the right advice, where appropriate, from probation on suitable requirements for community orders through Pre-Sentence Reports (PSRs) (further detail on this is set out in the responses to JHAC11 and JHAC44-46)

36. We are also, through the ISCs pilot, testing a new approach to community sentencing and combining both enhanced supervision with multi-agency support, as set out in more detail in our response to JHAC7.
37. This Government is also legislating, through the Sentencing Bill, to impose a duty on courts to suspend short sentences of 12 months or less. Like community orders, suspended sentences are available to the courts as a robust community-based sentencing disposal and an alternative to immediate custody. The sentencing framework enables courts to impose community requirements as part of such orders, which can be tailored to help address offending behaviour; suspended sentence orders, therefore, have similar benefits to community orders. While this is intended to increase the use of suspended sentence orders, rather than community orders, this demonstrates this government's commitment to increasing the use of supervision in the community where suitable.

JHAC10: The Government should invest in the services that underpin community orders to satisfy sentencers of their efficiency and availability. The emphasis should be put on intensive treatment, the effectiveness of which is established.

38. We are firmly committed to increasing the uptake of treatment requirements for people on community and suspended sentences. These requirements can form part of a tough and effective sentence which enables offenders to tackle the health-related causes of their offending behaviour. This can be through a Drug Rehabilitation Requirement (DRR), an Alcohol Treatment Requirement (ATR) or a Mental Health Treatment Requirement (MHTR). However, it is important to stress that, in terms of medical treatment, the intensity of a course of treatment is a matter for the judgement of clinicians.
39. We are currently evaluating our funding for core costs, and services and interventions funding, which will inform future funding plans. However, there has been significant investment to expand both drug and mental health treatment in the community. DHSC is investing £532 million into treatment and recovery provision through the first 3 years of the Drugs Strategy (See JHAC 14). This has led to the recruitment of more than 1,200 new drug and alcohol workers in 2022/23, with over 500 of these specialising in criminal justice work.
40. Through the NHS Long Term Plan, we are investing at least £2.3 billion of additional funding a year by March 2024 compared to 2018-19 to expand and transform mental health services in England so that two million more people can get the mental health support that they need.
41. We will continue to work with our partners to strengthen the services that underpin the use of community treatments and support the investment made by DHSC in drug treatment services and NHS England's funding for MHTRs (see JHAC14). This work includes the recruitment of over 50 Health and Justice Co-ordinators to improve links between probation and treatment providers and increasing probation capability to drug test people on a community order so that they can more effectively monitor compliance.
42. NHS England continue to explore ways to strengthen NHSE Liaison and Diversion services by reviewing current pathways and identifying potential areas for development. This service, which operates in all police custody suites and criminal

courts in England, plays a critical role in working with Probation to identify those who might be suitable for a treatment requirement.

43. We recognise the importance of continuing to demonstrate the effectiveness of treatment requirements as part of a robust community or suspended sentence. NHS England have commissioned the Institute for Public Safety, Crime and Justice, Northampton University to conduct the largest evaluation of the effectiveness of primary care MHTRs is currently underway and is due to be completed by mid-2025. Findings thus far have demonstrated that MHTRs lead to significant health improvements, with 80% of those completing their MHTR between July 2020 and January 2023 showing a positive and reliable change in their mental distress, anxiety, and depression.⁵

JHAC11: Pre-Sentence Reports produced by the Probation Service should include relevant information about the content, effectiveness, and availability of community sentences in the local area (see further conclusions and recommendations on Pre-Sentence Reports starting at paragraph 255 in Chapter 5). Such information should be updated regularly to keep sentencers informed.

44. We agree that it is vital that sentencers are informed on the content, effectiveness, and availability of community sentences in the local area. The Probation Service does this through judicial liaison and engagement channels, including the Brochure of Probation Interventions and quarterly newsletters which provide information on the general content of programmes available in each region.
45. We already have Probation Liaison Committees to facilitate wider information sharing. We will place greater emphasis on sharing information on the effectiveness and availability of programmes in these Committees, particularly on those programmes that are provided by third party organisations where less information tends to be made available.
46. However, we do not agree that PSRs are the most suitable place to contain this localised information as it risks lengthening the report and distracting the sentencer from other important details about the offender which must be considered for appropriate sentencing. Dependent on finding a digital hosting solution that is easily accessible by the judiciary, the Probation Service will consider providing a digital link within the PSR to the Brochure of Probation Information where this information is currently stored.

JHAC12: Many people on probation suffer from mental health issues and from addiction to alcohol or drugs, which fuels their offending behaviour. Few of them are referred to a Community Sentence Treatment Requirement (CSTR). And yet, referrals exceed the availability of treatment, which may in itself deter sentencers from making referrals.

47. There has been significant investment to increase the availability of treatment for those on community and suspended sentence orders, as we set out in response to JHAC14, and wait times are generally low for ATRs, DRRs, and primary care MHTRs. The Government is already investing in additional treatment services, as set out in detail in our response to JHAC10.

⁵ [CSTR Multisite Report Jul 20 to Jan 23.pdf \(northampton.ac.uk\)](#)

48. However, the availability of treatment is only one factor that might affect referrals and orders being made. It is vital that we continue to improve awareness and confidence amongst sentencers through activities such as those undertaken as part of the MHTR roll out, including Judicial College training, local CSTR site communication plans with awareness sessions, and judicial feedback. High quality and timely PSRs are also crucial to ensuring that suitable people are identified and referred. To facilitate this, as we have set out in response to JHAC13 and JHAC46, we are committed to improving the PSR process.

JHAC13: A greater proportion of people on probation should be served one or more treatment requirement(s). This could be achieved by implementing our recommendations on Pre-Sentence Reports (see paragraphs 255—259) and on ‘integrated’ sentences (see paragraphs 123—127), and through a greater emphasis on treatment requirements in sentencing guidelines.

49. CSTRs are available to all courts and can be imposed as part of a community sentence for offenders with a mental health, drug or alcohol need. There has been a sustained increase in the use of treatment requirements, but we are determined to go further. In April to June 2023 1,690 DRRs were commenced – an increase of 12.2% from the same period in 2022. In the same period, ATRs increased by 7.9% with 1,560 being started, and 770 MHTRs, an increase of 53.4% as the implementation of new treatment sites rolled out.

50. While sentencing is a matter for our independent judiciary, sentencers can only impose CSTRs if recommended by probation officers, as the court must be satisfied that the treatment is required and that the necessary arrangements can be made for the proposed treatment. Work is underway to improve the quality of pre-sentence advice for the judiciary in a dedicated timeframe through the Pathfinder to Improved Pre-sentence Advice (PIPA) project in the South-Central region (see JHAC43, 45, and 46). This will test a new PSR template which plans to include a prompt to consider treatment requirements, and an optimal target delivery period for the completion of adjourned PSRs in hope to ensure sufficient opportunity is available for assessing rehabilitative needs, completing relevant checks and obtaining necessary consent to make the most appropriate recommendations for sentencing option(s).

51. A new screening tool has also been introduced at the court stage to help probation identify and recommend those suitable for a substance misuse treatment order at the earliest opportunity. Probation staff can also make recommendations to sentencers for a combination of CSTRs in cases where the individual has multiple or complex needs. Given the high prevalence of coexisting mental health and substance misuse needs amongst offenders, we want to increase use of dual requirements through an awareness campaign on dual requirements with probation staff and the identification and sharing of good practice examples from treatment providers.

JHAC14: Current efforts to improve treatment services and increase their availability should be sustained. Further investment in Community Sentence Treatment Requirements is required and should be a priority. CSTRs are key to reducing reoffending, putting offenders on a path away from crime and protecting the public.

52. There has been significant investment to increase the availability of treatment for people on community and suspended sentences, including specific investment to support greater uptake of treatment requirements. As set out in the response to

JHAC10, we are currently evaluating our funding for core costs, and services and interventions funding, which will inform future funding plans.

53. The landmark Drugs Strategy sets out the ambitious cross-Government 10-year plan to address illegal drug use. It is underpinned by a record level of additional investment. As part of this, the Government committed to delivering £532 million of investment into treatment and recovery systems through the first 3 years of the strategy. This has led to the recruitment of more than 1,200 new drug and alcohol workers in 2022/23, with over 500 of these specialising in criminal justice work. The investment has increased the capacity of the system; the number of adults in treatment at September 2023 has increased 4% to over 300,000 since March 2022. This has been supported by increased referrals, with criminal justice referrals increased by 17% in this period.
54. NHS England are rolling out primary care MHTRs across England's Criminal Courts, with funding of £12 million per annum provided as continued commitment within the NHS Long Term Plan. To date coverage is 80% with 100% coverage expected by late summer of 2024. There has been a significant increase in uptake of MHTRs since NHS England first began to commission these services. The number of MHTRs sentenced has nearly tripled in the last ten years, from 760 in 2012 to 2,000 in 2022.

JHAC15: Women entering the Criminal Justice System in England and Wales are often the victims of abuse and discrimination, or suffering from trauma, addiction, and mental health issues. Many of them have caring responsibilities. These issues, acknowledged by the Government in its Female Offenders Strategy, have been explored in depth by others, notably by Baroness Corston and recently by the National Audit Office.

55. We remain committed to delivering better outcomes for women in the Criminal Justice System, including when a custodial sentence is deemed necessary due to the severity of their crimes.
56. Women entering the Criminal Justice System in England and Wales are often the victims of abuse and discrimination, or suffering from trauma, addiction, and mental health issues. Many of them have caring responsibilities. These issues, which have been explored in depth, notably by Baroness Corston in the 2007 Corston Report and recently by the National Audit Office in 2022, are being addressed through our Female Offender Strategy Delivery Plan.
57. Our Female Offender Strategy Delivery Plan 2022-2025, published last year, sets out how we plan to address the vulnerabilities of these women while ensuring they are punished for their crimes and rehabilitated to reduce reoffending. This includes investment in whole system approaches to providing gender-specific and trauma-informed care, working with the police to produce a toolkit of good practice when engaging with vulnerable women, rolling out women-specific MHTRs by Spring 2024, and raising awareness of women-specific issues with sentencers through targeted briefing materials.

JHAC16: We note that the Ministry of Justice shares these concerns and has commissioned some specialised women’s services. This model, in which offenders receive tailored, wraparound rehabilitative support from a single provider in a single location, is proving effective—it is dignified, drives down reoffending, and costs less than custody.

58. We welcome the Committee’s support for the specialised services that we commission to support women in the criminal justice system. Women’s community services, including women’s centres, provide vital wraparound support to women in or at risk of contact with the criminal justice system to divert them from a life of crime. They work collaboratively with local services and where possible, probation staff are co-located in women’s centres. A Justice Data Lab review in 2015 found a 1-9ppt reduction in reoffending for vulnerable women supported across 39 services.

59. A wide range of services commissioned by statutory bodies are already often co-located in women’s centres at a local level to create ‘one-stop shops’, which improves access to support and engagement with services. This includes services for those affected by domestic abuse and/or sexual violence, drug and alcohol treatment, and mental health provision.

60. CRS providers for the holistic women’s contracts have been appointed in every PCC area across every region. The purpose of a single women’s specific service is to ensure that the interventions are responsive to the specific needs and characteristics of women. Service delivery should be in an environment which is safe and suitable for women and by staff who are trained in trauma-informed and trauma-responsive approaches.

61. The MoJ has worked closely with other Government departments and agencies, along with external stakeholders, to produce a cross-Government Concordat on women in or at risk of contact with the criminal justice system. This includes an agreed set of actions and desired outcomes designed to ensure established partnerships deliver on this commitment. We continue to encourage statutory and voluntary services to work together as part of a local multi-agency, Whole System Approach (WSA), including through the use of co-location and pop-up services at women’s centres where possible.

JHAC17: The Government should provide additional funding for the various rehabilitative services provided by women’s centres and explore options for wraparound support to be made available to all people who would benefit from it, giving them the best opportunity to stop committing crimes. This could include the expansion of one-stop-shops and co-located services.

62. Since publication of the Female Offender Strategy in 2018 (see JHAC15 for more detail), the Ministry of Justice has invested more than £23 million to March 2025 in women’s community sector services across England and Wales, increasing sustainability and capacity in the sector by supporting core costs and new services and interventions. Through a dynamic purchasing framework, we have also awarded over £45 million to these services to deliver holistic support to women in the community and preparing for release from custody between June 2021 and March 2025.

63. We are currently evaluating our funding for core costs, and services and interventions funding, which will inform future funding plans. We will continue to work in close collaboration with other Government departments to ensure and strengthen a cross-

Government approach to supporting this sector, as well as opportunities to improve geographical coverage of services. The Changing Futures programme, which is a £77m programme to improve outcomes for adults facing multiple disadvantages including homelessness, substance misuse, mental health issues and domestic abuse, is just one example of how we will continue to explore opportunities to take a holistic approach to support and rehabilitation.

64. With regard to how we use wraparound support for other cohorts, we are already exploring options for this. A core element of the ISC model (covered in more detail in the response to JHAC7) is the tailored, multi-agency-led wraparound support delivered through probation practitioners co-locating and working with support services. The Transition to Adulthood Hub pilot in Newham (discussed more in response to JHAC25 and JHAC26) co-locates specialist services and interventions in a purpose-built space allowing young adults to access relevant support, including mental health support and substance misuse treatment, in a welcoming, trauma-informed environment. We are evaluating both pilots to understand the impact of this wraparound support.

JHAC18: The rehabilitative needs of low-level, repeat offenders are not being met. Increasing the tariff of their punishment, be it in an individual case or through a revision of sentencing guidelines, is not the solution—it would set people up to fail, further criminalising them rather than encouraging their path to rehabilitation. The solution is to increase the intensity of the rehabilitative support offered to them.

65. We are committed to meeting the rehabilitative needs of all offenders to prevent reoffending. It is right that sentences carry a punitive element. This is what victims and society at large expects. However, in many cases, particularly for lower-level offending, there is persuasive evidence that community sentences, in certain circumstances, are more effective than short custodial sentences in reducing reoffending and rehabilitating offenders. When imposing such sentences, the sentencing framework gives courts the flexibility to choose one or more of the 14 requirements available, such as Unpaid Work, drug and alcohol treatment, and curfew, with the intention of punishing the offender, providing reparation to the community, and addressing any criminogenic or rehabilitative needs of the offender.
66. We are also committed to ensuring that the most prolific and persistent neighbourhood crime offenders are managed under Integrated Offender Management, which sees joint management by probation, police, and other partnership agencies to provide cross-agency supervision and support.
67. We agree that it is important to provide the right rehabilitative support to offenders, however we do not agree that the response to this is to increase the intensity of treatment for all offenders. Instead we are focusing on ensuring that rehabilitative activities are made available to the courts (including treatment requirements, as outlined in JHAC 10, 12-14), that the needs of offenders are properly communicated (through the use of PSRs, outlined in JHAC11, and JHAC44-46), and ensuring that the necessary interventions are identified and delivered, whether specified in the sentence itself, or as part of a Rehabilitation Activity Requirement. We achieve intensive rehabilitative support through other means, such as effective wraparound support for certain cohorts, as set out with regards to women in JHAC15-17 and the ISC pilot focusing on both women and offenders with substance misuse needs (JHAC7).

JHAC19: The better approach is to incentivise offenders. Deferred sentencing can be used to encourage offenders to engage with probation, rewarding positive behaviour in the deferred sentence. Various initiatives have been or are being piloted to create incentives for low-level, repeat offenders to engage with more intensive rehabilitative activities.

68. It is right that responsibility for determining sentences in England and Wales sits with the independent judiciary. The courts have the power to defer sentencing for up to 6 months in cases close to either the community or custodial threshold. This enables courts to consider the offender's conduct after conviction before imposing a sentence.
69. We are committed to ensuring offenders complete all elements of their community sentences and engage with both the punitive and rehabilitative elements to prevent further reoffending. The ISCs pilot, described in JHAC7, involves intensive supervision with graduated incentives and sanctions, available to respond to individuals' compliance and progress with their order.
70. A more detailed response to incentivisation of offenders is covered in response to JHAC21 and 22.

JHAC20: These pilots should be properly monitored and evaluated to determine whether any of them should be made more widely available. A plan for evaluation is essential to the launch of any new pilots. Best practices should be shared and scaled up.

71. It is vital that we are able to take informed decisions on future policy based on a strong evidence base. That is why we are committed to effectively evaluating the pilots and initiatives we have underway, including the ISCs (JHAC7), and agree with the committee that this evaluation is an essential part of the pilot process.
72. The ISC pilot is subject to a comprehensive monitoring and evaluation programme which will assess various aspects of the pilot including operational effectiveness, impact on intended outcomes, and value for money. An interim process evaluation report will be published later in 2024. This will be followed by a final process evaluation report in 2025, and an impact evaluation report and value for money assessment after the conclusion of the pilot.
73. We agree that any best practices and successful programming identified in our evaluations should be shared. This evaluation will inform future decisions about how to scale up or implement elements of the pilots more widely.

JHAC21: An interesting approach is being tested in Ireland. While their efficacy remains to be confirmed, the mechanisms of the 'Integrated' Community Service Orders are intended to create incentives for people on probation to engage with rehabilitation and in a range of activities that is meaningful to them. They also save time before courts.

74. We recognise the importance of supporting offenders' elective engagement with rehabilitative measures that form part of a community sentence, so that they address the root causes of their offending.
75. Throughout the production of a PSR the probation officer may include whether the offender has expressed a willingness to engage with the options they have presented in the report. This is an important tool for informing the judiciary of an offender's

suitability and willingness to engage with measures which may form a community sentence. A PSR will also outline if the offender has had previous supervision and whether they complied with this.

76. We will monitor the developments and outcomes of the ICSO project to understand the effectiveness and will therefore consider this further.

JHAC22: The Government should create incentives for low-level, 'prolific' offenders to engage with rehabilitation. It could find inspiration in the principles underpinning 'Integrated' Community Service Order from Ireland, also addressing upfront the operational challenges identified in Ireland. Offenders should be given the opportunity to select an intensive rehabilitative activity of their choice, such as residential treatment. The Probation Service should guide them in their choice. If they complete the activity they have opted for, the length of their sentence should be reduced by up to one third, without the individual having to reappear before a court.

77. Determining the sentence ultimately sits with the independent judiciary and we believe this is an important separation. The sentencing framework enables courts to impose a combination of requirements, including those which intend to address any criminogenic and rehabilitative needs of the offender such as ill-mental health and substance misuse. This can be informed by PSRs if requested by the court, which are an important tool to help inform sentencers of the suitability of measures for an offender and the offender's willingness to take part in any individual measures (See JHAC11 and JHAC44-45). This is why we are running projects which seek to increase the number and quality of PSRs being prepared, as set out in JHAC13 and JHAC46.

78. The Probation Service does not have the power to decide when an order is complete or to reduce sentence length. The Probation Service can however apply to the court, responsible for determining the sentence, to have the community order revoked or have the offender re-sentenced in certain circumstances, including where the offender has made good progress or is responding satisfactorily to supervision or treatment. We will monitor the developments and outcomes of the ICSO project to understand the effectiveness.

JHAC23: Initiatives for mentoring should be scaled up. Mentors can be people who have previously been on probation themselves or volunteers from the community. The Government should launch a national campaign to recruit mentors from the community. Charitable organisations should be commissioned to train and manage large numbers of mentors. Offenders should be offered the opportunity to be matched with a mentor, who would guide them through their sentence.

79. We agree that peer mentoring can play an important role in rehabilitation and ultimately reducing the likelihood of reoffending. Peer mentoring is currently delivered in prisons and across the community by the Probation Service, third sector organisations and Commissioned Rehabilitative Services.

80. The peer mentoring schemes, run by the Probation Service, are organised at regional level by the Engaging People on Probation Manager, who reports to a Probation Delivery Unit head or equivalent, with strategic oversight for engaging people on probation. It is currently operating, at differing scales, in seven probation regions with an estimated 200 volunteer mentors. The aim is to have in-house schemes available in all parts of the country with mentors with lived experience to support people being

supervised by probation. The scheme is proving to be beneficial for mentors, mentees and probation staff, particularly in supporting the delivery of Unpaid Work and structured interventions. There are also several examples of volunteer mentors successfully applying for jobs in the Probation Service in roles such as Unpaid Work Supervisor and Programme Facilitator. We will continue to monitor the scheme and identify improvements.

JHAC24: There is a ‘cliff edge’ in the response to offending when a young person transitions from Youth Justice Services to the adult Probation Service. Moving the age at which an offender undergoes this transition is unlikely, in itself, to bear positive results.

81. We are committed to supporting young people through the transition from the youth to the adult system, so that they have the best opportunity to desist from criminal behaviour as they move into adulthood.
82. All offenders are legally treated as adults from the age of 18, at which point a young person will transition from child-centred services (delivered by Youth Offending Teams, YOTs) to the Probation Service. We are focusing on how this transition is managed for young adults.
83. We recognise that this process is a very important stage for young people whether they be transitioning from YOT to probation or from youth custody to adult custody - all transitions should be managed carefully with time allowed to ensure young people can adjust and adapt to the transition. It may be challenging for some young people, as it will inevitably lead to a change in approach and may bring new challenges. This includes being required to advocate for themselves and navigate their own housing, employment and relationships. The Transition to Adulthood Pilot, covered in JHAC26 aims to address these challenges.
84. Youth Offending Teams and the Probation Service use a practice guide called ‘Next Steps’ to support practitioners to ensure the transition from Youth Justice to Probation is gradual, planned and managed with the right care and support.
85. However, it is important that a balance is struck between supporting vulnerable young adults and allowing them independence to engage with adult services so that a young person does not experience another change in services after the age of 25.

JHAC25: However, lessons can be learnt from Youth Offending Services about the management of the probation population in general, and of young adults in particular. YOSs do not only work with smaller caseloads and with more experienced staff, but are also embedded in local communities and more effective at communicating with offenders.

86. The youth justice system is a distinct approach for children aged between 10 (the age of criminal responsibility) and 17 years old. A key part of the youth justice system are YOTs (which are multi-disciplinary statutory partnerships, bringing together key operational partners to deal with all the needs of the child. They are required to have support from local authority social care and education services, the Police, the Probation Service and local health services.
87. We agree that some elements utilised in the youth system could be beneficial for young adults, given that the transition to adulthood and process of maturity continues

well into the mid-twenties. That is why we have piloted similar approaches in the Transition to Adulthood Hub in Newham, situated and led by the London Probation Region and the London Mayor's Office for Policing and Crime (MOPAC). More detail on the Hub is covered in the response to JHAC26.

88. There are already opportunities for continuous learning and sharing of good practice between YOTs and probation, given that the services already work closely together.
89. However, we view that there is a limit to how much can be adapted from YOTs into the Probation Service as there are a number of structural elements which affect the way the services can operate. The caseloads are not comparable not only due to volume, but the makeup of them. For YOTs, the majority of their work is on out of court disposals and focused on prevention and diversion. Probation on the other hand only supervise adults who have been sentenced. They are also structured and funded differently. Probation is a national service, whereas YOTs sit within Local Authorities. These differences in focus, statutory requirements, and structure limits what lessons probation can take from the youth system.

JHAC26: The Probation Service should learn best practices from Youth Offending Services, especially about how to communicate with offenders to ensure they understand the sentences that are imposed on them. It should also encourage the local delivery of rehabilitative services and multiagency cooperation.

90. All offenders are legally treated as adults from the age of 18, however there is powerful evidence which shows that young adults continue their psychosocial maturity development well into their mid-twenties. Recognising this evidence, the Ministry of Justice and HMPPS is committed to developing approaches and support to meet young adults' distinctive maturity and developmental needs while ensuring public protection.
91. Youth Offending Teams are designed to meet the needs of children through a Child First approach. We accept that lessons can be learnt from Youth Offending Services, which is why we have adopted a similar approach in the Transition 2 Adulthood (T2A) Hub Pilot within the Probation Service. There are also examples of young adult teams and specialist practitioners in other parts of the Probation Service.
92. Located in Newham and commissioned in collaboration with the London Mayor's Office for Policing and Crime (MOPAC) and various other providers, the T2A Hub is trialling a specialist multi-disciplinary team to encourage compliance and reducing reoffending amongst young adults by co-locating locally commissioned services in purpose-built space.
93. The services in the T2A Hub are specifically tailored to these needs of young adults. For example, every young adult is screened when they join the T2A Hub to identify if they have any speech, language or communication needs, and all the communications within the hub are made accessible. All the staff have undergone specialist training in trauma-informed practices, neurodiversity and maturity. They also work in a 'young adult first' approach which is an extension of the 'child first' approach from youth justice services.
94. A full evaluation report is due to be published in Spring 2024 which will allow the Ministry of Justice to consider the insights and how work can be taken forward.

95. Detail on how we are improving local delivery of rehabilitative services is set out at JHAC28 and 29, and examples of how we are using multi-agency delivery at JHAC7 and 16.

JHAC27: Age-appropriate solutions should be found to smooth the transition of those moving from Youth Offending Services to the adult Probation Service. These solutions should be made available to all young adults on probation.

96. We recognise that young adults have distinctive needs relating to their maturity and development. We are committed to supporting these young people so that they have the best opportunity to desist from criminal behaviour as they move into adulthood to drive down reoffending.

97. It is important to strike a balance between supporting vulnerable young people whilst allowing them the independence to engage in services as adults. This will ensure that young people do not experience an additional change in approach and provision at the age of 25.

98. In June 2021, the Youth Justice Board in partnership with Her Majesty's Prisons and Probation Service published the Joint National Protocol for Transitions in England⁶ (and Wales) for both Youth Offending Teams and the Probation Service. This document provides guidance to both organisations supporting the transition of children to adult services, once they turn 17 years.

99. The Transition to Adulthood Hub pilot, covered in the response to JHAC26, focuses specifically on young adults moving into the adult system. Once the final evaluation report is published in Spring 2024, the MoJ will be able to determine if any of the practices can be taken to support young adults nationally.

JHAC28: Community sentences are more effective when the Probation Service is a fully engaged member of local partnerships, be it through the collocation of services or through cooperation forums, allowing information to circulate. This benefits offenders and there is also a public interest, for instance in making unpaid work placements more punitive and reparative.

100. We agree that that probation governance and delivery should be connected to locality, place, and the people in it. The organisational structures put in place when the Probation Service was unified in June 2021 and the more recent changes through the OneHMPS Programme seek to reflect this.

101. Delivery of all core Probation Services are rooted in Probation Delivery Units (PDU), of which there are 109 across England and Wales. PDUs collaborate with a wide range of local statutory agencies and other organisations in their local area.

102. PDUs are empowered to expand and strengthen their networks of local partnerships and promote multi-agency cooperation and delivery. For example, in London, rehabilitative services for women are co-commissioned with MOPAC and in Greater Manchester, a comprehensive suite of rehabilitative services are co-commissioned with the Greater Manchester Combined Authority. This means that the

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001347/Joint_National_Protocol_for_Transitions_in_England.pdf

Probation Service can better co-ordinate the delivery of services (mental health treatment, drug treatment, housing, and benefits) through local partnership meetings.

103. This local approach to service commissioning encourages the participation of a range of talented and expert suppliers in the private, voluntary and public sectors to work together effectively to cut reoffending and protect the public.
104. OneHMPPS has also introduced the Area Model, which replicated the existing successful model used in Wales, bringing prison groups and probation regions together into 6 HMPPS areas across England, and Wales. Our aim is that this further strengthens the relationship between regional services and promotes multi-agency cooperation to support delivery across all services. Due to their existing strong connections with local partners, we see Probation as taking the lead for HMPPS in being a fully engaged member of local partnerships.
105. We will continue to foster local partners' relationships with probation, allowing for probation to be responsive to diverse and dynamic local concerns.
106. We agree that local partnerships are important for the successful delivery of Unpaid Work, this is addressed in our response to JHAC31.

JHAC29: We encourage the Probation Service to empower regional directors further, ensuring that a greater proportion of rehabilitative services are commissioned locally. They should be granted further autonomy to develop partnerships with local organisations and public agencies. Co-commissioning should be encouraged.

107. We recognise the importance of local commissioning. We have empowered Regional Probation Directors (RPDs) to commission and co-commission local specialist services. We can also commission third parties through new and innovative ways of working to provide activity to support an individual's rehabilitation and desistance journey, and services in custody to support people to prepare for release and resettlement but which are not directly delivering the order of the court.
108. We are learning lessons from this process to ensure that future services can be effectively aligned with local needs. We are always keen to ensure that we improve our processes to ensure our systems enable this and will continue to see how this can be achieved as part of our future work in this area.

JHAC30: Commissioned rehabilitative services are a key component of community sentences. The delivery partners of the Probation Service provide valuable services. The most recent commissioning wave, while imperfect, is considered by all parties as a step in the right direction.

109. The purpose of CRS is to provide enforceable services to help people to address their offending-related rehabilitative needs. They are available to people on community and suspended sentence orders with Rehabilitation Activity Requirements, as well as those on licence and subject to post-sentence supervision.
110. We are undertaking extensive evaluation of the existing CRS to ensure lessons are learned, more detail on this is set out in response to JHAC33.

JHAC31: Partnerships with a range of local organisations, outside formal commissioning processes for rehabilitative services, are also key to securing meaningful unpaid work placements that foster public support for community sentences.

111. Unpaid Work (UPW) is mainly delivered in large groups or via placement with third party organisations (Beneficiaries) and the Probation Service works closely with a range of local partners such as charities, churches, and local authorities to ensure a diversity of visible and meaningful placements can be offered. Bespoke placements are provided for women through agreements with the network of women's centres across the country. National Partnerships with large charities and organisations such as the Guinness Partnership and Canal & River Trust have been developed so that meaningful Unpaid Work can be delivered at scale in local areas. These include projects to support reparative visible work, such as canal and river clearance, grounds maintenance in local parks, beach cleans, and litter picking around local communities.
112. The Probation Service is doing more to ensure that local people have a say in how and where UPW hours should be used. We introduced a statutory duty via the Police, Sentencing and Courts Act (2022) for Probation to consult with key community stakeholders – including Police and Crime Commissioners, Community Safety Partnerships and Voluntary, Community and Social Enterprises and Victims organisations – to inform the delivery of Community Payback in their local area. In addition, we have relaunched the nominations [website](#) on Gov.uk to make it easier and more accessible for the public and community organisations to suggest potential Unpaid Work placements that address local needs.
113. To further local involvement in delivering UPW, Community Payback teams are working in partnership with 11 Local Authorities to ensure that people can see justice being done as part of the Government's Anti-Social Behaviour (ASB) Action plan. The 'Rapid Deployment' pilots see teams of people on probation deployed to complete reparative work cleaning up visible ASB in their community within 48-hours of notification from the local authority. The pilots are currently being evaluated with plans for expansion to other Local Authorities with high instances of ASB this year.

JHAC32: The Probation Service, however, is not making the most out of these partnerships. Referrals do not always contain sufficient information, risk assessments are not always produced and shared in a timely manner, and commissioned partners find it difficult to feed-back information to the Probation Service.

114. We are continually improving the way referrals and information are shared with CRS providers. Probation practitioners are required to share information with CRS providers to enable providers to engage with people on their caseloads appropriately and be responsive to individual risks and need. The digital service, Refer and Monitor (R&M), is available to both CRS providers and to Probation Service staff. R&M facilitates a speedy and effective referral process, with easy access to information about the services offered by CRS providers, and allows information sharing between probation practitioners and providers to ensure progress is managed robustly.
115. Several enhancements have been made to the R&M digital tool since CRS services commenced in 2021, and we continue to explore ways to make improvements, for example so that probation and CRS supplier staff are better able to understand what

information is required in referrals and session feedback. We will be considering further developments to support recommissioning.

116. We are working to improve training and guidance, for probation practitioners on CRS referrals and information sharing, focussing on making a good CRS referral and how to ensure appropriate information is shared and sensitive information is excluded from CRS referrals. We are also working in collaboration with CRS providers, to support CRS staff to meet contractual requirements to a good standard.

JHAC33: The Ministry of Justice should seize the upcoming wave of commissioning as an opportunity to apply lessons from the past two years. More funding should be allocated, especially to women’s centres and for housing. Contracts should be longer to protect the Probation Service’s partners, but subject to termination clauses to protect the taxpayer. More flexibility should be built in, perhaps through regular reviews, to allow partners to innovate.

117. We agree that the next round of commissioning is a good opportunity to implement any best practice, or lessons learned. We are undertaking extensive evaluation of the existing CRS to enable this, and are engaging with interested parties, including the third sector, prison and probation staff and people in prison and on probation, to ensure contributions can be made to the design of future services. A formal CRS evaluation has been commissioned from June 2023 to March 2025, looking at process, implementation, impact, and value for money. Findings from this evaluation will be built into the new contracts where appropriate. A strong evidence base for future commissioning is being developed to inform future design decisions.

118. We are aware that different providers have a range of diverse needs for future contracts whilst balancing all feedback with value for money considerations.

119. We are actively engaging with current and potential suppliers and have a market engagement strategy in place as we prepare to commission new services. We will consider all feedback from current suppliers and the wider potential market and continue to engage on various aspects of service and commissioning design as we develop our proposals.

JHAC34: The Ministry of Justice should ensure that smaller organisations are enabled to bid for contracts. Smaller organisations should be offered administrative support. They should be permitted to apply jointly, or in partnership with larger organisations. Requirements should be adapted to the size of the contract.

120. We recognise the importance of ensuring all organisations are able to bid for contracts, regardless of size, to ensure the services provided are the best value for money and fit for purpose. In response to initial feedback from suppliers, Clinks and Richard Oldfield’s independent review, we have simplified the contracting processes by refining the documentation and process. In addition, we specifically focused on contract processes for lower value services making them more proportionate, and as such easier for third sector organisations to compete for these services.

121. We continue to support and upskill the sector to have the ability to bid for our opportunities and wider public sector contracts, through 1-2-1 support, bidding workshops, and supporting guidance with how to videos. We will continue to encourage and facilitate voluntary, community and social enterprises (VCSE) involvement, and continue to listen to sector feedback to ensure we facilitate

involvement of smaller VCSE; for instance, providing support to meet cyber-security requirements and consulting with the sector on how best to use grant funding.

122. Following Richard Oldfield's recommendation in his independent review of the Dynamic Framework of the Probation Service and Clinks' recommendation in their review of the experiences of the voluntary sector of probation reform, we have created a dedicated Grants Probation Portal to support smaller organisations through the delivery of grants within Probation⁷. The portal is specifically for not-for-profit, non-statutory organisations (e.g., charities or Community Interest Companies) and where opportunities are advertised, support and guidance are continually available through 1-2-1 meetings and wider engagement events for each grant.

JHAC35: The Probation Service should improve communications with its partners. This could include guidance on what can, or cannot, be shared under data protection legislation. It should consider granting them direct access to its databases, as used to be the case prior to unification.

123. Prior to unification of the Probation Service, Community Rehabilitation Companies (CRC's) had access to authority Case Management Systems and risk tools. This is because CRC's delivered Probation Services to predominantly low and medium risk offenders under probation/custodial supervision, whilst CRS support specific identified rehabilitative needs in support of the Probation Service and commissioned by a probation practitioner who has access to all the relevant information.

124. CRS providers do not have access to nDelius (the Probation Service's case management system), OASys (the tool for assessing risks and needs), NOMIS (the Prison Service's case management system) or an equivalent system in place in privately contracted prisons. These systems contain sensitive information relating to people in prison and under probation supervision that is not required by CRS providers to deliver their services, therefore are unable to give providers access to it. Instead, a digital service called Refer and Monitor (R&M) is available to both CRS providers and to Probation Service staff. Details on R&M and the work we are undertaking to improve referrals and information sharing is set out in more detail in JHAC32.

JHAC36: The Probation Service found itself understaffed when it unified in 2021. This results in unmanageable caseloads and the profession being unattractive. Despite impressive recruitment campaigns in recent years, vacancy rates remain high. New recruits are inexperienced.

125. The Probation Service is working to attract and retain a strong and diverse workforce: supporting every individual to continually build their skills, whilst ensuring they feel valued for their work.

126. We have injected extra funding of more than £155 million a year to deliver more robust supervision, recruit more staff, and reduce caseloads to keep the public safer and we are beginning to see the results of our focus on recruitment and retention. The Probation Service saw an increase of 9.8% across all Probation grades in the last 12 months, including for Senior Probation Officers (9.2%) and Probation Officers (6.3%), following centrally run recruitment for key grades supporting frontline staff.

⁷ [Review of the Dynamic Framework of the National Probation Service - Richard Oldfield.pdf \(clinks.org\)](#) and [The voluntary sector's experience of the probation reform programme - the commissioning of day one services_0.pdf \(clinks.org\)](#)

127. We continue to focus efforts on targeted recruitment to key operational roles, demonstrated by having recruited over 4,000 trainee Probation Officers between 2020-21 and 2022-23. We anticipate this will start to directly impact on the reduction of caseloads.

128. In September 2023, we also launched a new brand campaign across HMPPS to promote the different roles available and to highlight the nature of the work undertaken across HMPPS. Its overall aim is to improve recruitment and retention by increasing awareness and boosting consideration of these roles, particularly in challenging areas. The campaign was targeted around ten specific locations in Greater London predominantly, plus Oxfordshire and Northamptonshire. There are positive indications that we are building greater 'front of mind' awareness and consideration of our probation roles as;

- Website searches for probation jobs rose almost fivefold from 3,206 before the campaign to 16,000 during the duration of the campaign.
- There were also significant uplifts in people applying for our roles. Job applications for Probation Services officers were up 76% in the areas receiving brand campaign support.

129. We recognise that in many areas, workloads remain too high. It is a priority for the MoJ to address this and ensure practitioners have manageable workloads. Furthermore, we are scoping other pay measures to support increased demands in probation both in terms of availability of existing staff through incentivisation and to enhance recruitment and retention.

130. An updated Recruitment and Retention Strategy for the Probation Service was published internally in May 2023. The strategy champions recruitment and retention equally and profiles initiatives being delivered across Probation to increase recruitment, improve retention, and reduce workload pressures.

131. Efforts include encouraging agency staff and leavers to return to the Probation Service on permanent terms, offering financial support to incentivise staff to move permanently to areas with the most significant staffing challenges, and launching a Probation Alumni scheme in January 2024 to encourage recent leavers back into the service.

132. We recognise that while the steps taken to boost recruitment are positive, this has brought in a large group of inexperienced new staff. This is why we are also focusing on improving the training offer available to practitioners, as set out in our response to JHAC37.

JHAC37: An offender's relationship with their probation officer can be instrumental to their path away from criminal activity. It is recognised as one of the most important factors, and people who have previously been on probation told us about the influence that good probation officers have had on their lives. Probation staff can only build constructive relationships with offenders if they are appropriately trained and have manageable caseloads; this in turn requires adequate staffing levels and minimal vacancy rates.

133. We agree that the relationship between a probation practitioner and the person they are supervising is a significant factor in rehabilitation. There is good evidence about

the impact the right kind of relationship – combining constructive challenge with support – between the probation practitioner and the person serving the community order can have both in completing the requirements of their order and in desisting from offending. The HMIP research and analysis bulletin, *The role of engagement for positive outcomes in probation*, released in 2023 concluded that, where the probation practitioner engages fully with an individual and can identify and remove barriers, there is a greater likelihood of the person successfully completing their sentence and making positive progress⁸. In another bulletin, HMIP found that when supervision is implemented effectively, with a focus on engaging the individual, inspectors found that reoffending was significantly reduced⁹.

134. That is why we are investing in unprecedented recruitment and supporting staff learning and development, so that we can bring average caseloads down and help staff have the time to develop relationships that have the right mix of challenge and constructive support. We are beginning to see the results of our focus on recruitment and retention, as set out in detail in the response to JHAC36. As well as recruitment efforts, it is vital that both new recruits and existing practitioners have access to the right learning and development to ensure they can deliver effective supervision.
135. The learning strategy for the Probation Service launched in 2022 set out our strategic objectives to improve the learning offer for the service. The strategy will be reviewed mid-2024 to assess progress made against the strategic learning priorities and to determine our priorities for 2024-2026.
136. To ensure we are providing new staff with the skills they need, we have undertaken a wholesale review of our current PQIP qualification to ensure our qualification is meeting current business needs, with the academic and vocational curricula now being in place and a refresh of the Probation Service Officer and PQIP learning curriculum on target for implementation in March 2024.
137. For existing practitioners to build on and develop their skills, Learning is delivered by a centralised learning services learning delivery team which is responsive to demand resulting from recruitment and regional requests for learning, based on quality improvement focus, or the need for staff to complete learning required. Having a centralised learning delivery team has the benefit of ensuring we have a responsive and flexible staff group who can respond in a timely way to requests from regions to deliver learning as and when it is required.
138. We are also launching a new learning offer for senior probation officers from Spring 2024, covering core leadership and management skills. This will be further supplemented by pilot apprenticeships for our administrative staff and Senior Probation Officers.
139. The new Probation Services Officer qualification has been confirmed as a level 3 Apprenticeship which will be available for staff in Autumn 2024. This new qualification framework will enable us to address the circa 2000k backlog in Probation Service Officers completing a qualification post appointment in role.

⁸ [The role of engagement for positive outcomes \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

⁹ [Examining the links between probation supervision and positive outcomes - completion and proven reoffending 2023 04 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

140. We are developing an internal Probation Professional Register which will provide assurance that those in critical public protection roles have and maintain the required knowledge and skills, as well as providing recognition to staff for their expertise.

JHAC38: Recent recruitment and training waves should be sustained until vacancies are filled and the service effective. Efforts should be targeted at those areas where recent recruitment waves have been least successful.

141. We agree that despite the success of recent recruitment campaigns, we need to maintain focus on getting staff in place with the right training available to them. The Probation Service remains under significant pressure, and there continues to be a variance between staff in post and target staffing, specifically in our key operational grades. We are, however, beginning to see the results of our focus on recruitment and retention (see JHAC36 for more detail on how we are continuing and improving our recruitment efforts).

142. This year (2023/24), we are recruiting PQiP (Professional Qualification in Probation) learners through a more concentrated recruitment approach, enabling us to prioritise recruitment of learners in hard to recruit areas and build on the recruitment success we have seen in other regions (see JHAC37 for more detail on the PQiP qualification and curriculum). This will allow us forecast Probation Officer demand whilst smoothing allocation of learners. We continue to run centralised recruitment campaigns in priority regions to help bolster the number of applications and improve time to hire for other key operational roles.

JHAC39: The Probation Service is going through an identity crisis. The role of a probation officer has changed in recent years—the increased focus on public protection distracts the attention of probation staff away from least-serious offenders. Moreover, the expectation that they refer offenders to services provided by others, and the quantity of administrative tasks they are expected to perform, often on flawed IT systems, transforms their mission into an unfulfilling job and means that they have reduced capacity to support low-level offenders on community sentences.

143. The Probation Service has a unique position in the criminal justice system, spanning courts, prisons and the community. As a result, probation practitioners need to deal with offenders of every level of risk and need. As the Committee notes, the relationship that a practitioner has with the person they are supervising is critical to assessing those risks and needs, to spotting the signs that risk may be changing, and to motivating and challenging an offender to change. It is also a key part of what makes roles in probation a fulfilling job and vocation, and why (as set out in the response to JHAC38) we are focusing on supporting staff to work in this way. It is also why we are working to make probation a more distinctive profession that is seen as an expert in its field, by enhancing the continuous professional development of probation practitioners, supported through creating a professional register.

144. It is right that more time is spent with higher risk offenders. However, this does not mean that practitioners do not give proper attention and supervision to lower risk cases. The tiering framework introduced at unification in 2021 – the means through which practitioners' time is allocated to different cases – is based on both risk of serious harm and complexity of need, so that for example a low-risk but high-need offender would still be prioritised. Probation's National Standards set out expectations for staff on assessment and frequency of supervision, amongst other things, and we

have introduced for the first time a detailed policy framework on sentence management to provide clarity over expectations in Probation's largest area of work.

145. The Probation Service has always worked within communities calling on other agencies to manage risk and finding support for people on probation through the third sector and various commissioning routes. The unification of the Probation Service has provided the opportunity to simplify this process to ensure practitioners have easy access to required services that complement their own focussed work to manage risk and change lives.
146. The use of CRS provision is an important part of the delivery model. These services to provide enforceable activities to help people to address their offending-related rehabilitative needs. Although the Probation Service does utilise external organisations to deliver specialised services for offenders, practitioners are still required to deliver supervision and rehabilitation activity.
147. The Probation Service is responsible for the delivery of most interventions and has dedicated interventions staff for the oversight and delivery of Unpaid Work, Accredited Programmes and Structured Interventions. Embedded in Accredited Programmes are oversight roles specifically to ensure the integrity and effectiveness of delivery and ensure they are delivered in accordance with strict evidence-based methods.
148. We agree that better IT systems and processes will support practitioners to do their jobs and spend more time with individuals they supervise. We address the issue relating to IT systems fully in response to JHAC43.

JHAC40: The Probation Service's court teams are highly regarded by sentencers, but there are concerns about how their role is perceived by offenders. Due in part to the regularity with which sentencers accept the recommendations in the PSR, court teams themselves are sometimes seen by offenders as sentencing or even as prosecuting, which can undermine the trust of offenders in the Probation Service and lead to proceedings being perceived as unfair. Sentencers might consider being more explicit in the way they take ownership of their sentencing decisions when it aligns with a recommendation made by the Probation Service. Demonstrating that sentences are determined by the judiciary alone could reduce misconceptions.

149. We agree it is vital that offenders understand what the Probation Service's role is in court, so this does not then negatively affect their perception of probation in general. Sentencing determinations are an independent function of the judiciary. However, the Probation Service play an essential role by providing an expert assessment of the nature and causes of the offender's behaviour, the risk the offender poses and to whom, as well as an independent recommendation of the options available to the court. We will consider how to make probation's role in court clearer, for example through highlighting within both an offender information leaflet and the PSR template, that a PSR is an objective assessment, and the Probation Service is independent from the court.

JHAC41: Our impression throughout our inquiry was that Government and senior management seems to have lost sight of low-level offenders and to be preoccupied with the size of the prison population and post-release supervision, perhaps because of recent institutional reorganisations. Supervising low-level offenders on community sentences is central to the mission of the Probation Service.

150. We are committed to delivering our priorities across the criminal justice system. The prison population in England & Wales is greater than it has ever been, and so it is right that we must do whatever it takes to make sure there are always enough places to keep the public safe, ensure criminals can be brought to justice, and maintain a safe and decent estate. We must also ensure we are delivering on one of our core missions to protect the public from serious offenders.
151. However, this should not, and does not, come at the expense of community sentences. We agree that ensuring that more lower-level offenders get tough community sentences that also address their rehabilitative needs should be and is a key element of this Government's approach to the justice system.
152. We recognise the harm that repeat, low-level offenders cause in/for their local communities. For the most persistent and problematic offenders in the community, Integrated Offender Management (IOM) has received a 3-year investment of up to £30m to ensure those that commit burglary, robbery, and theft offences receive robust cross-agency supervision by Police and Probation and to commission services that will seek to support and address risks and needs of this cohort. The introduction of targeted cohorts through the 2020 revamped strategy allows IOM to focus on the most prolific neighbourhood offenders. The scheme is currently undergoing an evaluation to test its effectiveness with initial findings from the process evaluation expected in spring 2024.
153. Unification of the Probation Service in 2021 has brought together management of offenders of different levels of risk into a single agency, together with key operational functions teams that operate with offenders serving community sentences. Unpaid Work teams, in particular, are one of the probation roles that is most public-facing and which works exclusively with those serving community orders and suspended sentence orders. Our investment in Unpaid Work since 2021 has supported significant projects that bring benefits to the public while also supporting offenders to develop new skills (see JHAC31 for more details).
154. Our response to JHAC9 sets out in further detail our commitment to improving the delivery of community sentencing through increased use of EM, CSTRs (see JHAC 10,12,14) and PSRs (see JHAC11, and JHAC 44-6), and testing new approaches such as through the ISC pilots (See JHAC7).

JHAC42: The Probation Service should not undergo any further large-scale restructuring in the coming few years, to allow time for recent reorganisations to settle down, for more staff to be recruited, and for new recruits to gain experience, enabling them to supervise further recruits.

155. The restructuring that we delivered in 2021 to unify the Probation Service was significant, involving the transfer of more than 7,000 staff and 191 buildings, procurement of 110 contracts, and introduction of new ways working across most probation functions. Our priorities since unification have been increasing staff numbers, setting unified standards for performance and quality, and on improving operational delivery from the baseline we inherited. To strengthen the service, we need to focus on capability and professionalisation within the structures now in place, rather than on further significant structural changes.

JHAC43: HMPPS should continue investing in its IT systems, such that Probation staff can dedicate more time to people on probation (see also section starting at paragraph 166 on “making the most out of partnerships” on the partners of the Probation Service being able to access IT systems).

156. To increase the efficiency of practitioners, Probation Digital is investing on various fronts, from supporting Probation staff in court with a better system to improve the quality of advice provided in court, to providing a new system to assess offender risks, needs and strengths and to produce a new sentence plan after sentence.

157. We improved the Prepare a Case for Sentence service that supports Probation Staff in court with:

- Preparing for a case in court - Creating a system for aggregating information needed to prepare a case for court, saving time by reducing the need to access multiple systems.
- Capturing court information - Creating an efficient and robust information capturing tool. Currently this is a manual process, where it's easy to delete and lose data, as well as this causing duplicated effort by copying and pasting data across systems.
- Resulting case outcome - Court admin can manage their work and see all information against a case in a single place, allowing them to confidently and quickly take the next step in resulting outcomes.

158. Following considerable work to improve the current service, we are re-launching the service at a national level in alignment with the PIPA (See JHAC43, 45 and 46). We are also replacing an old legacy system that currently hosts PRSs, with new technology that will make it easier and faster for Probation staff writing PRSs.

159. One of the workstreams that will support practitioners in building better relationships with people under their supervision is the Assess Risk Needs and Strengths project. This is a key project, supported by a new digital tool that will provide practitioners with a more effective and efficient Assessment and Planning service with two key benefits:

- Improved quality of assessment and management of risks and needs, reflecting best practice and enabling positive engagement with the individual. The current tool is seen as a place for recording activity rather than something that facilitates healthy interaction with people on probation/in prison.
- Improved productivity which will be reinvested into maintaining service and supervision standards, additional time will allow operational staff to spend longer with people under their supervision, growing relationships which will positively impact reoffending rates.

160. This project is scheduled for three years from July 2023 to the summer of 2026 with an overall investment of £27 million. We are preparing to test a live version of the assessment and planning service in summer 2024 with the ambition of replacing the business processes currently undertaken in OASys (the legacy system) by the end of the project. This will be one of the first digital services to interact with the person being

supervised directly as we look to engage them to co-produce some aspects of their assessment or plan.

JHAC44: Pre-Sentence Reports (PSRs) are an essential part of the sentencing process. They allow courts to tailor sentences to individual circumstances and give sentencers confidence that specific requirements are suitable and available in their area (see paragraph 67).

161. We agree. PSRs are probation's assessment of the nature and causes of an offender's behaviour, their rehabilitative needs, the risk they pose and to whom, as well as an independent recommendation of the sentencing option(s) available to the court (see responses to JHAC11, and JHAC44-46 for more detail on PSRs). The Effective Proposal Framework (EPF) tool is used by probation when preparing PSRs and supports with localising recommendations by identifying appropriate requirements and interventions available in an individual's area (See JHAC46).

JHAC45: The number of PSRs prepared by the Probation Service, and the quality of these PSRs, have been declining dramatically in recent years. This is the outcome of an effort to save court time but comes at the expense of the quality of sentencing. It also means that offenders are unable to give consent in an informed and systematic way to treatment requirements for which consent is necessary.

162. We recognise the importance of PSRs as part of the sentencing process, including understanding whether an offender will engage with treatment requirements, and are working to improve the quantity and quality of advice. Our response to JHAC46 outlines some of the steps we are taking to increase the quantity and quality of PSRs being prepared whilst avoiding wasting court time.

JHAC46: We support ongoing efforts that should result in more PSRs being prepared, of a higher standard, avoiding wasting court time. New PSR templates should include a prompt for probation officers to consider whether a treatment requirement would be appropriate, to encourage increased use of such requirements.

163. There should be more higher quality reports (whilst avoiding unnecessary additional court time) and probation practitioners should be further encouraged to consider treatment requirements.

164. The PIPA project is testing new ways of working in the South-Central region to produce quality advice for the judiciary in a dedicated timeframe. This includes the development of an improved PSR template which plans to include a prompt to consider treatment requirements, and a concise 'verification report' providing factual information on-the-day to support swift sentencing. The PIPA project seeks to increase the number of PSRs being prepared whilst recognising the current demand on probation resources by targeting pre-sentence advice on priority cohorts. The project will be subject to ongoing monitoring which will help to assess the effectiveness of and feasibility of adopting this Alternative Delivery Model nationally.

165. Additionally, PSRs are prepared using the EPF - a national digital tool which supports probation staff to identify appropriate requirements and interventions based on the risk and need profile of the person and their eligibility for available services in their area. This includes treatment requirements such as DRRs and AITRs when eligible and there is a question within the tool which requires PSR authors to actively

consider them when a substance misuse need has been identified. The decision on the suitability of the requirement for the offender, and therefore whether to recommend them in the PSR, remains with the Probation Officer authoring the report.

JHAC47: The Probation Service, offenders, and their representatives should be given more opportunity to request Pre-Sentence Reports. Pre-Sentence Reports should be conducted in a way that makes offenders feel that they are being heard.

166. Defence representatives can already request PSRs during the court hearing. Probation Service would welcome more defence representatives requesting PSRs Before Plea (recognised as good practice nationally as outlined in the Better Case Management Handbook) in the magistrates' courts. This would require both the defendant to engage with their legal representative and CPS to provide prompt case information before the hearing.
167. Unrepresented offenders can already request the court to order a PSR at the hearing. However, there have been concerns raised about this process. A previous Senior Presiding Judge raised concerns about unrepresented offenders indicating a guilty plea through the PSR Before Plea protocol without the opportunity to seek duty solicitor legal advice at the court hearing. Additionally, unrepresented offenders may not have a comprehensive understanding of sentencing guidelines and would therefore be at risk of pitching themselves for an inappropriate disposal by requesting a PSR.
168. Granting the Probation Service the ability to request PSRs, risks further perpetuating the perception raised in the conclusion of JHAC40 that Probation court teams are sometimes seen by offenders as sentencing or even as prosecuting. It may also require Probation to consider this for all cases, with resource implications, or risk potential criticism where this power was not exercised.
169. We will consider how Probation Service could improve offender perceptions that their voice has been heard regarding their rehabilitative needs and reflections of this within the PSR.
170. Whilst a PSR should consider the ability of an offender to undertake particular punitive requirements, concern may be raised by the judiciary if a PSR takes into account an offender's preference on their punishment. A PSR's purpose is not to provide mitigation to the court; the offender or their legal representative have the opportunity to present mitigation at the hearing. Guidance could be improved to ensure that an offender understands the recommendation being proposed in the PSR before the sentence hearing.

JHAC48: The imposition of rehabilitative requirements should be guided by the individual circumstances of the case so as to ensure maximum efficiency of sentences. PSRs should provide the opportunity for rehabilitative needs to be assessed and for consent to be sought, in an informed and systematic way.

171. We agree. The Probation Service seeks to ensure efficiency of sentences by both maximising use of court time and considering individual circumstances to recommend the most appropriate sentencing option(s) in PSRs. Our response to JHAC44 outlines steps that are taken by the Probation Service to tailor sentence recommendations to individual circumstances, and our response to JHAC45 outlines the steps taken to improve the PSR process to ensure sufficient opportunity is available for assessing

rehabilitative needs, completing relevant checks and obtaining consent where necessary whilst avoiding wasting court time.

Conclusion

172. The Government is grateful to the JHAC for its report. As outlined in this response, we are already undertaking work across many different areas to support better community sentence delivery.

173. We are committed to continuing with and improving this work and thank the committee for their recommendations in this area.