

Written evidence from Justin Russell, HM Chief Inspector of Probation

Introduction and reason for submitting evidence

I am submitting evidence on behalf of HM Chief Inspector of Probation Justin Russell. Mr Russell is head of HM Inspectorate of Probation, the independent inspectorate of youth offending and probation services in England and Wales.

Q3: What are your views on the new model of probation?

- What do you like about the new model?
- What do you dislike?

Probation services play a crucial role in rehabilitating individuals and protecting the public. The reunification of probation services will not improve performance on its own – it is not a magic bullet.

Our inspection standards set out what we believe to be the ingredients for high-quality probation provision, and which we would like to see reflected in the new model:

- probation services need strong leadership and direction; they must be funded properly and more staff must be recruited to fill vacancies, particularly in London and the South East. Good IT and facilities should be in place to support rehabilitation activity and effective record-keeping. For example, there should be private meeting rooms for staff to hold challenging conversations with individuals, more Approved Premises beds to help individuals resettle in the community, and technology to record risks and key decisions
- probation staff must develop the skills, knowledge and experience to work with individuals under probation supervision. They must be able to assess, plan, deliver and review work with these individuals in a way that supports rehabilitation and protects the public. In order to do this work properly, managers need to provide oversight and ensure staff have appropriate workloads
- probation services should deliver the sentence of the court, for example supervise individuals to complete unpaid work hours or to access an accredited programme or other rehabilitation activity.

Q5: The new model aims to strengthen integration between prisons and probation by integrating Through the Gate roles, processes and products with sentence management. What is your view on this? Do you anticipate any gaps/challenges?

Our inspection evidence shows that the additional funding for Enhanced Through the Gate services is having a positive impact. It remains to be seen whether the new Offender Management in Custody arrangements will at least maintain, but ideally build on, these successes. We have committed to a joint thematic inspection of the OMiC arrangements, in both custody and the community, with HM Inspectorate of Prisons in the summer of 2021 (this was postponed from summer 2020 due to the impact of COVID-19 on business as usual).

Q7: How will the National Probation Service ensure that it maintains the innovation and best practice achieved during the Transforming Rehabilitation Reforms?

Transforming Rehabilitation tested probation services severely over the past five years. However, the reforms did unleash innovation in some Community Rehabilitation Companies (CRCs). It is important that positive innovations are not lost in the transition process.

- We have seen a commitment in many CRCs to involving service users in service delivery. For example, service user panels provide direct feedback to senior leaders to improve services; we have also seen positive examples of service users acting as mentors on rehabilitation programmes or becoming paid members of staff. We welcome the principle of involving people with lived experience and have adopted the same approach in the Inspectorate.
- We have reported before that the NPS has poor-quality offices and facilities (HM Inspectorate of Probation. (2020). *An inspection of central functions supporting the National Probation Service*). By comparison, many CRCs have decent, modern offices that create the right environment for probation activity to take place. Some CRC staff work from community hubs like church halls or community centres, which are geographically accessible and often provide low and medium-risk service users on probation with access to other services like mental health or accommodation support.
- The Ministry of Justice provided CRCs with an extra £22m a year to support Through the Gate services. We have seen positive signs that this investment is paying dividends. Of the nine CRCs that we have inspected so far in our current inspection round, six have been rated 'Outstanding' for the quality of their Through the Gate services. With the extra money, CRCs have been able to put significantly more staff into prisons and to strike innovative deals with voluntary sector partners to provide more specialist help with accommodation and mentoring services.

We encourage the National Probation Service to capture what works in CRCs and to transfer initiatives or ideas over to the new service.

Q11: CRCs and NPS staff are being brought back together under the new model. How is this transition being managed?

- **What support is available to staff during this time?**
- **How are service users being supported through this transition?**

We have had encouraging conversations with HMPPS about their preparatory work ahead of the transition. Some CRCs are also preparing staff well. For example, our inspection of Thames Valley CRC found senior leaders have continued to invest in staff development. In some areas, for example the West Midlands, we found that NPS and CRC leaders are working well together to plan for the transition. We will be starting a national thematic inspection into transition planning and management at the end of 2020 and will report on this in 2021.

After the transition, there will inevitably be a period of adjustment. The probation service must be funded properly. Vacancies for probation officers – particularly in London and the South East – must be filled, and staff trained for their new responsibilities.

Our inspection standards recognise the importance of the relationship between service users and their responsible officer. Wherever possible, we recommend service users retain their responsible officer to ensure continuity of support and rehabilitation.

Q14: The Ministry of Justice made the decision to end the competition for Probation Delivery Partners and bring these services into the NPS. These services are to go live in June 2021; is there sufficient time to transition probation over to the new model?

If anything, what needs to be taken into consideration during this time?

Our national thematic inspection of transition planning and preparation at the end of 2020 will give us a better indication of whether transition preparations are on track and sufficient time has been allowed.

The impact of COVID-19 on the delivery of probation services has been profound and it will be challenging for service leaders to return services to something more like normal at the same time as planning for such a major structural reform in June 2021.

Her Majesty's Prison and Probation Service has plans in place to step up the delivery of accredited programmes and unpaid work, but the backlogs are a challenge and are likely to continue well into 2021.

Q15: Does the new model address workload issues, e.g. high caseloads, recruitment/retention?

The reunification of probation services by itself is not a magic bullet for improving performance. The quality of probation supervision will not improve merely by lifting and shifting large volumes of cases from CRCs back into the NPS next year.

Our CRC inspections have found a consistent issue with what staff perceive to be unmanageable caseloads, with more than half of staff interviewed in 2019 saying this was a problem. Two-thirds of the CRC staff we interviewed had a caseload of more than 50. Forty-two percent had caseloads over 60, and significant minorities had caseloads of over 70 and into the eighties.

So, proper resourcing for the new unified structures will be vital. We welcome the government's ambition to recruit 1,000 new probation officers and the additional £155m investment in probation in this financial year but that needs to be sustained into the next spending review period. Earlier this year, we reported on the hundreds of probation officer vacancies in the NPS. The problem is especially acute in London and the South East. Staff transferring from CRCs will need specific support to manage high risk of serious harm offenders and a caseload that may include more dangerous cases. All staff need ongoing learning and development to ensure they have the skills, knowledge and experience they need to do the job effectively.

The NPS must ensure workloads are allocated in a fair and proportionate way. Staff who are new or who have less experience need the time and support to grow into their roles, and to have proper supervision and oversight from managers. More experienced staff will be able to take on higher caseloads, but they still need time to do their work thoroughly. For example, we would like probation services to conduct more home visits (when it is safe to do so) to better gauge the potential risks in the home environment.

Q17: What impact has Covid-19 had on the probation service?

COVID-19 has had a profound effect on probation services across England and Wales. The Inspectorate freed up some of our own staff to return to the frontline, to help keep these essential services going.

The Inspectorate has conducted an inspection of probation services during this period and will publish the findings in November. Initial findings are generally positive, perhaps surprisingly so, given the impact the pandemic has had on so many aspects of our lives. Probation staff had, in general, adapted well to new ways of working and relationships with key partners like the police and children's services were good.

However, the new ways of working haven't suited everyone. More vulnerable and isolated service users have seen that isolation increase and probation staff with young children and no space to work at home have found things tougher and have also felt isolated.

Q18: What lessons have been learnt from this period of Exceptional Delivery, that should be taken forward into the new model of probation delivery?

The Inspectorate has conducted an inspection on the performance of probation services during this period and will publish the findings in November.

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