

Written evidence from UNISON

Introduction

1. UNISON is the UK's largest trade union, with 1.4 million members working across public services. We have 3,000 members in the Probation Service in England and Wales; half work for the National Probation Service (NPS) and half for a Community Rehabilitation Company (CRC). We are submitting this evidence as part of our role to represent the interests of our Probation members, to improve their conditions at work and thereby to enhance the services which they provide.
2. UNISON is one of three unions recognised by the NPS and the CRCs.
3. Our members work across all probation roles.
4. In order to respond to key questions asked by the Justice Select Committee in its Inquiry into the future of the probation service, UNISON surveyed our probation members. 122 NPS members and 109 CRC members responded to the survey giving us an even split in responses across both employers.
5. We set out their combined responses below, separating out the NPS and CRC members' responses when it is instructive to do so. The responses do not cover all the questions asked by the Committee, as we have concentrated on those most relevant to our members.

Executive Summary

6. A big majority of UNISON members in the NPS and CRCs support the re-unification of probation, but a minority will miss some of the flexibility they were given by their private sector CRC employers.
7. Nearly half of UNISON members believe that the unified model will address the issue of confidence in community sentences, but 40% don't know whether this will be the case or not.
8. Just over half of UNISON members believe that the unified model will strengthen integration between prisons and probation, but 38% don't know whether this will be the case or not.
9. Nearly 40% of UNISON members oppose the proposals to re-let contracts to private/voluntary sector Dynamic Framework Providers, but 42% don't know what their position is on this issue.
10. The 'them and us' divide which Transforming Rehabilitation created by splitting the probation workforce and then part privatizing it, remains a persistent and deep-seated feature in the probation landscape which threatens the success of the unified model.

11. 37% of members believe that there is time to re-unify the service by June 2021, but 25% don't share this view and 38% say that they don't know whether this ambition is realistic or not.
12. 88% of members say that better pay and conditions will be needed to attract and retain sufficient staff of the right calibre to solve the on-going staff and workloads crisis in probation, which was caused by Transforming Rehabilitation.
13. Home working has proved very popular for those probation staff able to work from home during the covid19 pandemic. It has improved productivity and well-being for many and reduced sickness absence rates.

UNISON Responses to Justice Committee Questions

Q1: What are your views on the decision to end the competition for Probation Delivery Partners, and bring those services back into NPS delivery?

14. 86% of members support the decision to move to the unified model. A slightly higher proportion of NPS members responded positively (91%) than CRC members (81%).
15. The reasons given for supporting the reunification of the service can be summarized as follows: putting right the mistake of privatisation, an end to inappropriate commercial priorities, the chance for better communication, co-ordination and public accountability in probation work, a better experience for service users, the opportunity to regain the professionalism and reputation of the service, and a more cost effective organisation going forward.
16. A small minority of CRC respondents expressed concerns that the innovative practices and flexibilities of some CRCs might be lost in the transfer of work to the NPS.

Q4: Does the new model address the issue of confidence in community sentence options?

17. Members responded to this question as follows:
 - 48% said yes
 - 11% said no
 - 41% don't know
18. There was very little difference in these response rates between NPS and CRC respondents. What is striking in the responses is the large minority of NPS and CRC members (41%) who responded with 'don't know'. The high

level of 'don't knows' raises a question mark over the effectiveness of the work to date on communicating the unified model to staff.

19. In the verbatim comments supporting members' answers to this question, the following key themes emerge: the need for government to promote the probation service more positively to the public and to the media, the problem of the general public's lack of confidence in the justice system and the need for staffing shortages and unmanageable workloads to be addressed first.
20. Here is a small selection of these comments:

'Confidence comes from the media portrayal of probation and experiences of the public. The public are not interested in corporate organisational models, but in outcomes. There needs to be an increase in publicity of success stories.'

'The general public have no idea what we do. We need more publicity, more programmes featuring our work like the recent programme on Channel 4.'

'The problem with the judiciary is that ...the judiciary has lost confidence in community sentence options. This will be hard to reverse, I fear.'

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?

21. Asked whether the new unified model will strengthen integration between prisons and probation members responded as follows:
 - 54% answered yes
 - 8% answered no
 - 38% said that they did not know
22. A very significant minority of respondents do not know whether the unified model will strengthen integration between probation and prisons, or not. The themes which emerge in the verbatim remarks which support members' answers to this question include: concerns that prison/probation communication has never been effective in the past, the view that only linked IT systems will improve collaboration and the need for simpler processes for through the gate.
23. Here are some of the verbatim comments sent in support of the responses to this question, showing the range of opinions:

'Whilst it may link Probation and Prisons the actual end product - debt finance, benefits and accommodation ...will be just ripened up for the

private sector to profit from under the Dynamic Framework, which will inevitably mean fewer staff doing more work, and that is not a good long-term approach.'

'Only linked IT systems can improve the Through the Gate service. Whilst this doesn't exist, information cannot be shared quickly enough to support the service user in the critical hours and days following release.'

'Through the Gate is a great idea, but it doesn't take into account the lack of available housing in deprived areas.'

'One service - WORKING TOGETHER - will increase communication and produce better risk management plans.'

'I think in our CRC we have really strengthened the Through the Gate process and don't really see how this will be improved by the unified model.'

Q9: What is the anticipated effect of procuring resettlement and rehabilitative services using a dynamic framework?

- Do you foresee any problems with this model?**

- To respond to this question, we asked our members whether they agree with the proposal to continue the outsourcing of resettlement and rehabilitative services using the Dynamic Framework?
- Members responded as follows:
 - 19% answered yes
 - 39% answered no
 - 42% said that they did not know.
- Whilst twice as many members oppose continued outsourcing than support it, a large minority do not feel that they have the facts to answer this question. The themes which emerge in the verbatim comments in support of responses to this question include: a lack of understanding of what exactly the Dynamic Framework Provider proposals are, opposition to further outsourcing, difficulties in communicating with, and holding to account, external providers, the danger of potential employers of service users losing faith with profit making organisations, the benefit of external organisations with specialist knowledge, the fact that outsourcing has not worked over the last 5 years and concern that risk management by third parties will not be successful.
- Verbatim comments made in support of the answers given to this question, include:

'What are Dynamic Framework Providers?'

'Outsourcing, using the Dynamic Framework will see our normal providers entering in to deals with the usual suspects from the private sector who will need to generate a premium for their shareholders. The deficit will be seen in service provision and staff welfare in what used to be effective partnerships.'

'There is a need to ensure that the Dynamic Framework Providers have the necessary availability to fulfil the needs of the new Probation Services. Delays in services have a massive impact on sentence delivery.'

'I believe that all services need to come back under one organisation, this will assist in improving the services on offer, unify practice and increase public confidence.'

'We have some fantastic local services which need to be given the opportunity to bid for work and become part of our sentencing options and support services.'

'Dynamic Framework Providers will be CRC's that have lost their contracts. If they have a reputation and track record for failing to deliver, why support repeated failure?'

'I have insufficient information to evaluate this. I have little confidence that the detail has been worked through - managing risk by third parties, sharing information etc.'

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

28. To answer this question, we asked our members to highlight what issues were raised for them by CRC and NPS staff being brought together under the new unified model.
29. The verbatim responses which our members made to this question divided very clearly along NPS and CRC lines.
30. CRC members expressed concerns over their perceived second-class status in the eyes of some NPS colleagues, their demonisation as private sector employees, their inferior pay and conditions since privatisation, concerns over future job roles, worries over future favoritism for NPS colleagues, fears over the lack of formal qualifications, concerns over the lack of a job match in the NPS and the potential for redeployment and relocation.
31. CRC members' comments highlight the 'them and us' culture which has grown up between the CRCs and NPS as a direct result of the split and part privatisation of Probation in 2014/15:

'Since the split, both myself and my employer have been demonised and criticised. I have been lambasted and ridiculed for working for the Private sector providers and the worst of it is, most of that was from my NPS'

"colleagues". I do not relish working with the people who left me behind and treated me like their poor cousin.'

'Rebuilding relationships with NPS staff, especially with some presenting themselves as being more superior. I want to be accepted by them for the work that I have been doing and I want to continue with this.'

'The attitudes of the NPS towards the CRCs over the years has been abhorrent and will be very difficult to fix.'

'It has become an 'us' and 'them' situation, there appears to be less respect for the work of CRCs however CRC workload is a lot bigger and complex. I think both sides will initially struggle to adjust however with time, it will be better for all.'

'I'm in a corporate support role which does not align to the NPS divisional structure. As of yet, no one has had a conversation with me as to what my future is in the NPS, if any.'

32. For their part, NPS members express concerns over the perceived difference in professional training and experience of CRC staff, poor working relationships between NPS and CRC colleagues, the problem of pay differentials and the cost of putting them right and worries about how the training needs of CRC staff will be met:

'My workload will increase due to the lack of training and knowledge base of CRC staff, their lack of experience of working with Very High and High Risk of Harm offenders, lack of experience in training and the ability to deliver high quality professional reports.'

'The CRC probation staff will require training to bring their skills up to the required level to manage high risk service users. They will not be on the same level as NPS staff and may require more time to complete tasks'.

'As a CRC member of staff who was brought back across to the NPS in Wales I have witnessed negativity towards on-boarding staff. This negativity was due to people feeling that CRC staff were not capable of working with high risk cases.'

'It will be good to welcome back colleagues who were cast off into the CRC.'

'My concern is our local CRC has hired offenders to work within the CRC as PSOs etc. My worry is they are not skilled enough to work with our offenders and their convictions aren't spent.'

'We worked very well together before and we were all singing from the same hymn sheet as opposed to two different ways of working. In essence I think we can learn from each other since the split.'

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?

- 37% of members said yes. CRC members were slightly more optimistic at 42%.
 - 25% of members said no. This was the same figure for both NPS and CRC respondents.
 - 38% of members said that they did not know. NPS members were more likely to record 'don't know' with 44% of NPS respondents giving this response.
33. As with the responses to questions 4, 5 & 9, there was a large minority of members who were not able to answer this question one way or another. The predominant themes in the verbatim comments submitted to support answers to this question can be summarised as follows: the Covid-19 pandemic has seriously disrupted the work of both NPS and CRCs and will impact negatively on the merger process and timetable, concern that the merger will take resources away from dealing with work backlogs caused by Covid-19, worries that there will be insufficient resources to fund the merger, concerns over the complexity of combining working methods and IT, the experience of the split and privatisation of probation in 2014/15 telling staff that there will not be a return to a steady state for some time after June 2021, the challenge of migrating CRC staff into the NPS operating model/job functions, concerns over the lack of time for staff consultation and engagement and worries over the suitability of joint accommodation.
34. Here are some relevant verbatim responses on these subjects:
- 'It is now August 2020, so less than 1 year [to unification] and there has been little information about the merger and some of the logistics around where staff will be assigned from CRC, buildings, re-training etc.'*
- 'It took 6 years to destroy an efficient public service. I think It will take much longer to reinvent it and double the financial investment.'*
- 'I do not feel that we have been involved in discussions about how the reunification will look, or what this will means for anybody working for, or with, the NPS or CRCs. I feel that the current focus remains on COVID-19 and recovery, further limiting resources for this issue.'*

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

35. UNISON asked members to say what they would like to see put in place in the unified model to address workload issues. Members responded as follows:
- 88% said that there should be better pay and conditions to attract and retain employees
 - 77% wanted to have supportive managers
 - 73% asked for better staff wellbeing provisions
 - 70% wanted an improved workload management tool
 - 67% support a major recruitment drive to fill vacant posts
36. We invited members to add any additional measures which they would like to see to support staff. Some of the answers included: a commitment to diversity at all levels of the organisation, better training and career progression, reduced workloads and better training for managers.

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

37. The overwhelming theme of the responses from our members to this question, whether NPS or CRC employees, is that working from home during the covid19 exceptional delivery models has been effective and productive.
38. Here is a small selection of the positive comments received regarding home working:

'Not everyone needs to be in the office all day every day. The Covid-19 lockdown has proven that we can function effectively with home working and only a small amount of staff in the office. This is significant, as there will be a huge increase in staff from the CRC's and in some areas, not the space to accommodate them if the CRC buildings close.'

'More home working. A recognition that BAME staff may need to be treated differently to be treated fairly. This includes recruitment to management level. The organisation needs to be more transparent, how many BAME staff go for senior roles and fail. Why? Perhaps the process needs to be looked at.'

'Staff sickness has reduced significantly as working from home, even a couple of days a week, can make very real differences to the resilience of staff.'

'My mental and physical health have also been positively affected by being able to work from home. I am available to my family when needed (I have caring and parental responsibilities) and the eliminated commute has greatly alleviated back ache issues meaning I have been able to take less pain killers. I have been able to complete task and project work much more efficiently having the ability to work later/longer to complete work all in one go, rather than over a week.'

39. Not all staff were of the same view, as one member responded:

'Home working has violated my home. Isolation and the accumulation of other peoples' problems, vulnerability and distress are not good. My house does not belong to my employer!'

Conclusion

40. The responses to UNISON's member survey of NPS and CRC members in support of the Committee's Inquiry into the Future of the Probation Service show that while the vast majority of members support the unified model (as does UNISON) the following issues will need to be addressed by HMPPS to make the model a success:

- Better communication and consultation with the workforce over the aims and objectives of the unified model to address the information deficit among many staff
- A majority of UNISON members who expressed a preference oppose the outsourcing of work via the Dynamic Framework. If it goes ahead, it will need far more effective contract design and management of providers than was ever the case with the CRCs. The HMPPS track record in this respect is poor.
- A major initiative to address the 'them and us' culture which has grown up between NPS and CRC staff, to create a unified and mutually supportive workforce going forward
- Major and on-going investment in staff pay and conditions to recruit and retain the skilled and experienced workforce which will be needed to make the unified service a success.
- A more flexible and agile approach to home working which will benefit both productivity and staff well-being.

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