

Napo; Trade Union and Professional Association for Probation and Family Court Staff – Written evidence (JCS0021)

Evidence submitted by Napo; Trade Union and Professional Association for Probation and Family Court Staff. We represent staff working in probation and supervising clients on community orders and custodial sentences.

3. What are the attitudes of sentencers towards community sentences? How have these attitudes evolved over time and what shapes them?

1. Prior to Transforming Rehabilitation (TR) in 2014, probation trusts had very positive and frequent engagement with sentencers. This ranged from regular meetings with Magistrates and joint training events, to Crown Court judges holding sentencing exercises with court report authors. These enabled both parties to be fully up to speed with probation practice, interventions that are available and sentencing guidelines and attitudes.

2. Once TR was implemented the service was much more fragmented and as such engagement with courts and sentencers became inconsistent around England and Wales. The private sector, Community Rehabilitation Companies (CRC's) were not allowed to engage directly with the courts as this could only be done by the public sector, National Probation Service (NPS). CRC's offered different interventions and had very different operating models. This made it difficult for the NPS to update sentencers as they were one step removed from how many community sentences would be delivered and many NPS staff at the time felt they were never really sure what their local CRC actually had available. This, coupled with reports that over time many CRC's were cutting services to the bone led to an increased lack of trust between courts and probation. The long standing relationship probation have historically always had with courts was much reduced over the TR period.

3. Since reunification, efforts have been made to rebuild this relationship and trust. However, the service has continued, in Napo's view, to reduce the level of services to Courts. By that Napo means that there has been greater focus on same day reports, short format reports, less staff in Court and the majority of staff being Probation Service Officers (PSO's, staff that do not hold a Probation Officer qualification) rather than Probation Officers. This means that advice to Courts may vary depending on experience of staff, their confidence to address and advise courts on complex cases they may not be trained or experienced in managing. This is not to undermine the role of the court PSO's nor undervalue them professionally but simply to highlight that the changing approach in court services by probation.

4. The mandatory target of delivering the majority of court reports as same day or short format also significantly limits the amount of information given to the court regarding the case and individual. Napo holds the view that the type of report should be down to the report author's professional judgement and that all reports for women, black, Asian and ethnic minority clients should be full pre-sentence reports that are adjourned for up to 3 weeks. These much more

detailed reports provide sentencers with all the information they may need to pass sentence and highlight any discrimination or other underlying factors to offending behavior in a way that short format reports simply cannot. Many sentencers have said that the probation court reports offer very little in detail now and therefore all the factors of someone's offending behavior cannot be taken into account. It also increases the risk of an inappropriate sentence being passed. There has also been an increase in sentences being passed without a court report which indicates a loss of confidence in probation's views and advice at court.

4. What are the main obstacles to the effective delivery of community sentences? What are the best practices for the delivery of community sentences?

5. The probation service is currently in its worst staffing and workload crisis of all time. Chronic staff shortages mean workloads are dangerously high and unmanageable for the majority of staff. Napo's evidence from workloads surveys shows that on average staff are on 150% of the workloads management tool. The service's own figures are lower as they are an average of the region and do not take into account cases being temporarily being looked after by colleagues when someone is on short term sick, that some offices in a region are much more under staffed than others (which brings the regional average down) and cases that cannot be allocated at all but still need to be seen by duty officers. HMIP have themselves identified that little or no meaningful rehabilitative work is being carried out in offices where the situation is severe. Staff confirm this anecdotally to Napo with some reporting that they only spend about 10 – 15 minutes with a client.

6. The service has been further hampered in its effective delivery by a constant programme of change and restructuring. This has further reduced staff morale, increased stress and anxiety and, in Napo's view, many of these changes are not evidenced based policy but rather ideology. The plans to restructure interventions (those delivering accredited offender behavior programmes) are a clear example of this. As a result of this one change programme, staff have chosen to leave the service all together and as such some regions are struggling to deliver programmes such as Horizon which is the sex offender programme.

7. Policy drawn up by civil servants rather than practitioners that is not evidence based, further reduces the quality and effectiveness of the delivery of community sentences. An example of this is the current plans to disband the Regional Sex Offender Units (RSOU's). These are specialist, highly skilled teams that deliver the sex offender programme, provide consultation to probation staff on complex cases, provide expert witness evidence to courts and external stakeholders. Their input is particularly valuable given the current high numbers of inexperienced workforce. The decision to disband this unit is vehemently opposed by Napo. Given it has previously been identified by HMIP as one of the service's strengths, this policy appears to be very much about ideology (although it should be noted no rationale for the decision has been provided to date) rather than evidence based and in Napo's view poses a risk of harm to the public.

8. The decision to take away professional judgement in deciding what type of court report is delivered is another example but also replacing professional judgement in managing cases and replacing it with bureaucratic processes has also had an impact. Staff spend longer in front of their computer than they do with clients and are under constant pressure to meet targets.

9. Napo has also repeatedly called for a significant review of the Professional Qualification in Probation (PQiP) that trains probation officers. Napo believes that this is currently unfit for purpose as it has not been cut to the bone in both content and length of time it takes to qualify. On 15th June 2023 HMIP published a report of their review of Serious Further Offences. This shows significant different data to previous reviews and highlights inaccurate risk assessments as being a significant factor. This indicates that in a very inexperienced work force (due to the recent increases in recruitment but poor retention of experienced staff) that there are notable gaps in the training programme. Many newly qualified staff have reported to Napo that they do not feel confident in doing the job they have trained to do. There are many reporting that it wasn't the job they thought it was and are considering leaving. Those still in training are also not staying in the service for very long and see it as a means to getting a qualification before moving on. This poor quality training and poor retention has left the service in a very unstable position going forward.

10. Napo is calling for a fully independent review of the probation service. Napo believes that Ministers and senior leaders need to fully understand how probation has got into its current state in order to develop a long term strategy going forward. In the shorter term Napo is calling on the HMPPS to halt the continuous change programmes and restructuring to allow the service and its staff time to breath. The service needs to focus on going back to basics to ensure that clients, victims and public protection is at the heart of what it does. The continual de-professionalising of the service needs to stop and investment should be made to ensure that all staff receive the highest quality of training possible to carry out their duties safely and confidently. This means:

- restoring autonomy at court report stage so that professionals can decide what type of report should be written then given adequate time to write it
- trainee probation officers should be given the highest quality of training so that they are fully prepared to carry out their role
- more focus should be given to retaining experienced staff to help support new staff in their practice
- Staff are paid at a rate that is reflective of the work that they do
- That workloads are manageable so that appropriate time can be spent with clients to carry out rehabilitative that is meaningful
- Reduce the number of duplicate tasks so that work is more streamlined and frees up staff time to focus on the individual.

11. Napo strongly believes that best practice must be embedded in the community. That means taking probation out of the civil service and re-establishing its place in local communities and have the autonomy it needs to deliver and meet those needs.

5. How effective is cooperation between the Probation Service, on one hand, and the NHS and private or third-sector organisations, on the other? How successful are they at meeting the demand for all 16 requirements?

12. Napo and its members are clear that establishing good working relationships is vital to our role in the community in terms of rehabilitation and public protection. While there are some formal approaches to mandate cooperation between agencies, such as the Multi Agency Public Protection Arrangements (MAPPA), too often this is lacking in most cases. The primary causes of this are the excessive workload and staff shortages faced by so many public sector bodies due to over a decade of budget cuts imposed on them. There is also a huge variance between levels of cooperation between agencies to support delivery across England and Wales, to such a degree that it is difficult to give a wider comment as to the general position.

13. In many respects it is unfortunately the case that the starkest evidence for the (lack of) effectiveness of cooperation between agencies are the outcomes of various statutory and other reviews which are conducted after serious harm is caused to an individual or group of people.

6. What practical activities are available as community sentences? Are there any disparities in the availability of activities across England and Wales and, if so, why? We welcome local insights and reviews of activities on offer in various areas.

14. Similar to the issue addressed above, the variance in availability of services and activities between Probation Regions, and indeed individual Probation Delivery Units, is significant. A recurring general issue in the delivery of activities is the deeply prescriptive approach undertaken by HMPPS and the Probation Services across a range of our work with the people we are responsible for supervising, which inhibits the ability of staff to work in the most effective way. Despite claims to the contrary it is apparent that the 'One HMPPS' project will only further entrench this problem.

7. Taking into account their respective impact on reoffending behaviour, which of community sentences and short-term custodial sentences is more cost-effective? Please explain.

15. It is widely reported that community sentences are generally cheaper than custodial in terms basic costs of provision. However, short custodial sentences also have many hidden cost. Many people given a short custodial will experience issues with accommodation such as losing their tenancy. There is then the cost of re-housing people or providing services to assist them with securing housing.

16. Those who are primary carers are likely to have their children taken into care. This adds not only a financial cost to the state but also a significant emotional cost to both the parent and the children concerned. This disproportionately impacts on women who are more likely to be a primary carer but also more likely to receive a short custodial sentence than men.

17. Custody whether a short or long sentence is a traumatic experience for many. There is a significant number of prisoners in both male and female estates that have already experienced adverse childhood experiences, abuse and trauma before entering the prison system. This can have a long term impact on a person's health both physical and mental health. This cost is then picked up by the NHS and local third sector providers as well as the emotional cost on the individual.

10. What are the attitudes of the public, in general, and victims, in particular, towards community sentences?

18. For the majority of the time probation and the work it does stays very much out of the public eye. It generally only reaches the media when something has gone wrong which gives a distorted view to the public on not only it's work but also how effective it is. There is also often a distorted view of how sentencing works and what sentencing guidelines are. This is often exacerbated by reporting by the media. Greater understanding of the guidelines but also what a community sentence involves would enable the public and victims to not only understand why a sentence was handed down but may go some way to offering reassurances.

19. Napo's view is that there should be much more transparency about the justice system as a whole. The parole board documentary broadcast earlier this year was a good example of how justice can be presented to the public and increase public awareness and understanding of the system.

20. Victim Liaison Officers in probation play a vital role in assisting victims through the whole process. For many it is an alien experience and can be extremely difficult to navigate. It also ensure that they are kept informed and have a voice in a process that should be about them just as much as the person who committed the offence.

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