



## Speech

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**Dame Glenys Stacey**

**2017 Portal Lecture - Institute of Probation**

**2nd Annual Practitioners Conference**

Sheffield, 13 June 2017

### **'Probation services - getting back on track'**

Thank you for the invitation to speak today. It is a privilege to have the opportunity to speak with so many practitioners. And it is a privilege most especially for me, someone not steeped in probation, but still learning.

I will talk about what we should expect of probation services. By 'we' I mean not just those of us in this room, but also those commissioning services; service users, victims and potential victims, and the wider public.

Then I will reflect on how probation services stand at the moment. Many of you know first-hand how they stand of course, in the sense that you have your own experiences and those of your colleagues to rely on. I hope that you will welcome a national perspective on the strengths and weaknesses in the system as it stands today.

And then I would like to finish by speaking of what can be done to improve the prospects of the expectations of probation services being met more often, more regularly and more consistently across England and Wales, so that more is done to change the life chances of some of the most needy and challenging individuals in society today.

But first let us first remind ourselves briefly of the scale, the importance of probation services. 267,000 offenders were being supervised in the community in England and Wales at the end of last year: 165,000 by CRCs and 102,000 by the NPS.<sup>1</sup> Overall case numbers increased from 217,000 at the end of 2014 (to 267,000 some two years later), in large part due to those now subject to pre and post release supervision.

You know as well as I do, the value of good quality probation services. You know what can be achieved for some of the most troubled and troubling people in the areas in which you work. You will each have your own examples of real achievement, often against the odds. And it is so important for wider society (as well as for individuals) that probation work is done well, and delivers well day after day.

You will know as well that we comment frequently, and carefully on the dedicated and hard working staff we frequently encounter, on inspection. Thank you, for that dedication and hard work.

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<sup>1</sup> Source: *Offender Management statistics quarterly, Oct 16 to Dec 16 - MoJ*



## So, what do we expect?

The expectations we all have of probation services are less clear than they perhaps once were. They are multi-layered, and in some respects, conflicting. I have questioned before whether we have a common, clear and stated set of expectations of probation services, because I am not sure that we do. We at HMI Probation expect to see that the public are protected, the sentence of the court is served, and individuals are rehabilitated so as to reduce the risk of reoffending. These are enduring expectations, are they not? And we expect to see that probation services are well led and well run, so that these enduring expectations are most likely to be met.

With *Transforming Rehabilitation* came new expectations: that the voluntary sector would play a key role in delivering probation services, and also that providers would innovate, finding new ways to achieve the more enduring aims of probation, presumably alongside tried and tested interventions.

It was also expected that probation supervision would extend for the first time to offenders released from prison sentences of under twelve months (over 40,000 people each year<sup>2</sup>). In addition, since May 2015, probation services must provide offenders with resettlement services while they are in prison, in anticipation of their release.

And the enduring expectations I mentioned earlier are now over-layered for CRCs with more immediate, task-related expectations set by contract and monitored closely, and so the place of more traditional probation standards and expectations has become less clear, less immediate, less pressing.

CRCs are so often the focus of attention, but for those working in the National Probation Service, expectations have also changed, and are changing again. An increasing proportion of NPS professional staff are working in prisons, and new Offender Management arrangements will tip the balance still further. With those arrangements set to change significantly, proposed new Prison Offender Managers (who may be from NPS staff) and a Senior Probation Officer – who will be part of the prison senior management team - will be pivotal, in prisons. They will be responsible for risk and needs assessments, sequencing and coordinating the plan, delivering structured supervision and coordinating the handover to another prison or community.

We at HMI Probation welcome the more intensive and more integrated work proposed for those in prison, well ahead of their release. But no doubt it will be very challenging work, and more change, this time for NPS staff.

So to sum up, our expectations of probation services have grown, with more expected of both CRCs and the NPS. And alongside stated and new expectations sit those central, enduring expectations of probation services, those that remain of central interest to HMI Probation.

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<sup>2</sup> Figures relate to releases from determinate sentences of less than 12 months during 2015 (excluding 15-17 year olds). Source: Offender Management Statistics, Ministry of Justice, October 2016



## Let us turn now to how things stand.

On field inspections we are finding a mixed and troubling picture, as we consider and report on the extent to which the more enduring and indeed more recent expectations are being met. Our inspection findings over the last twelve months show the quality of NPS work is generally acceptable but it varies from place to place, and there are some recurring issues as well.

CRCs are responsible for the bulk of cases of course, and are not generally delivering well, although again there are exceptions. The picture is increasingly mixed, as between CRCs and as between CRCs in common ownership as well.

Let us take a look at some of the data and information we are able to collate, data drawn from our Q&I series of inspections, and some evidence and findings from our series of thematic inspections<sup>3</sup>.

I should say straightaway that the case assessment data I am using are just a tiny sample. And although we will soon complete and report on inspections in each division of the NPS and the twenty-one CRCs that together now deliver probation services, the data presented here is drawn from most but not all NPS divisions and CRCs. They are collated from our first 12 Q&I inspections (from Durham in April/May 2016 to Gloucestershire in May 2017).

We inspect the present of course, rather than compare with the past, and indeed it is not possible for us to produce valid comparisons with the past. Our methodology has changed, and so much else has changed, in the field. And change continues. Things will improve or worsen in individual areas as time passes between inspections. In the words of L.P. Hartley, the past is foreign country. They do things differently there.

We have assessed 756 cases:

- 493 (65%) were CRC cases
- 263 (35%) were NPS cases
- 105 (14%) involved female service users
- 327 (43%) were licence cases
- 123 (16%) were high or very high Risk of Serious Harm cases.

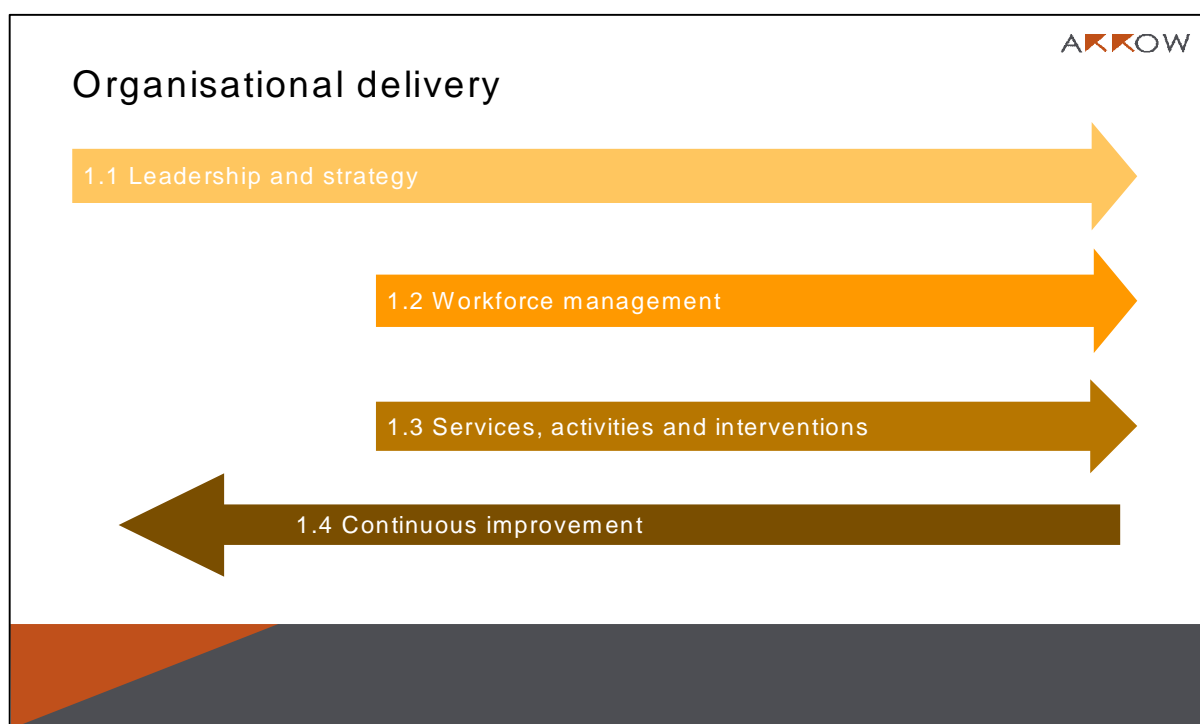
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<sup>3</sup> For those reading this speech, the slides have been inserted in the relevant positions in the text.



This slide shows one way in which we can consider and evaluate how probation is organised, in the NPS and CRCs and how it is delivering. It is just one way in which we can brigade and organise data and information.

I want to look at three measures of workforce management – that second strand, below – and one measure of available interventions for services, activities and interventions, the third strand.



### *Workforce management*

In 40% of NPS cases, staff told us that management oversight in the case was supportive, and this is re-enforced by figures showing staff thought management oversight had had a positive impact in more than half of all cases. CRC staff held different views: they found management oversight supportive in less than one in four cases, and thought it had had a positive impact in about 25% of cases.

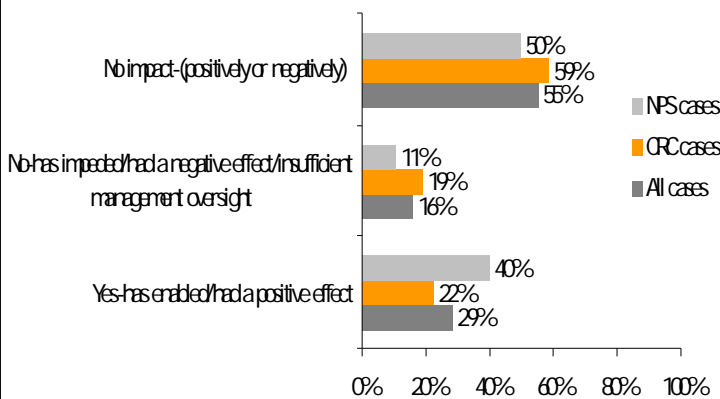


It is easy to focus on the difference, of course. But the question I pose is this: what proportion of cases is a good enough proportion? In other words, what does good look like, and can we all agree what good looks like?

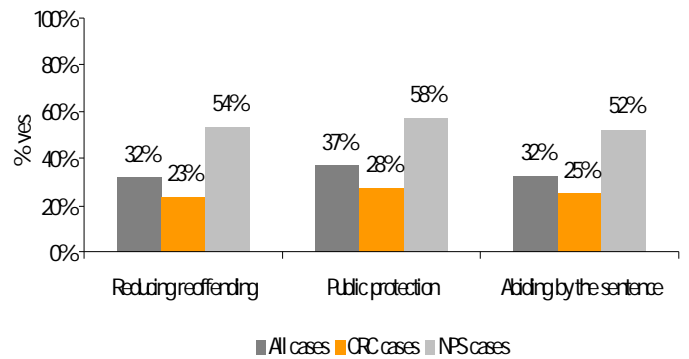
1.1 Leadership and strategy

Strategic leadership is provided by senior managers, with a focus upon the quality of service delivery and achievement of key outcomes.

Has management oversight of the work supported you to assist this service user to achieve outcomes?



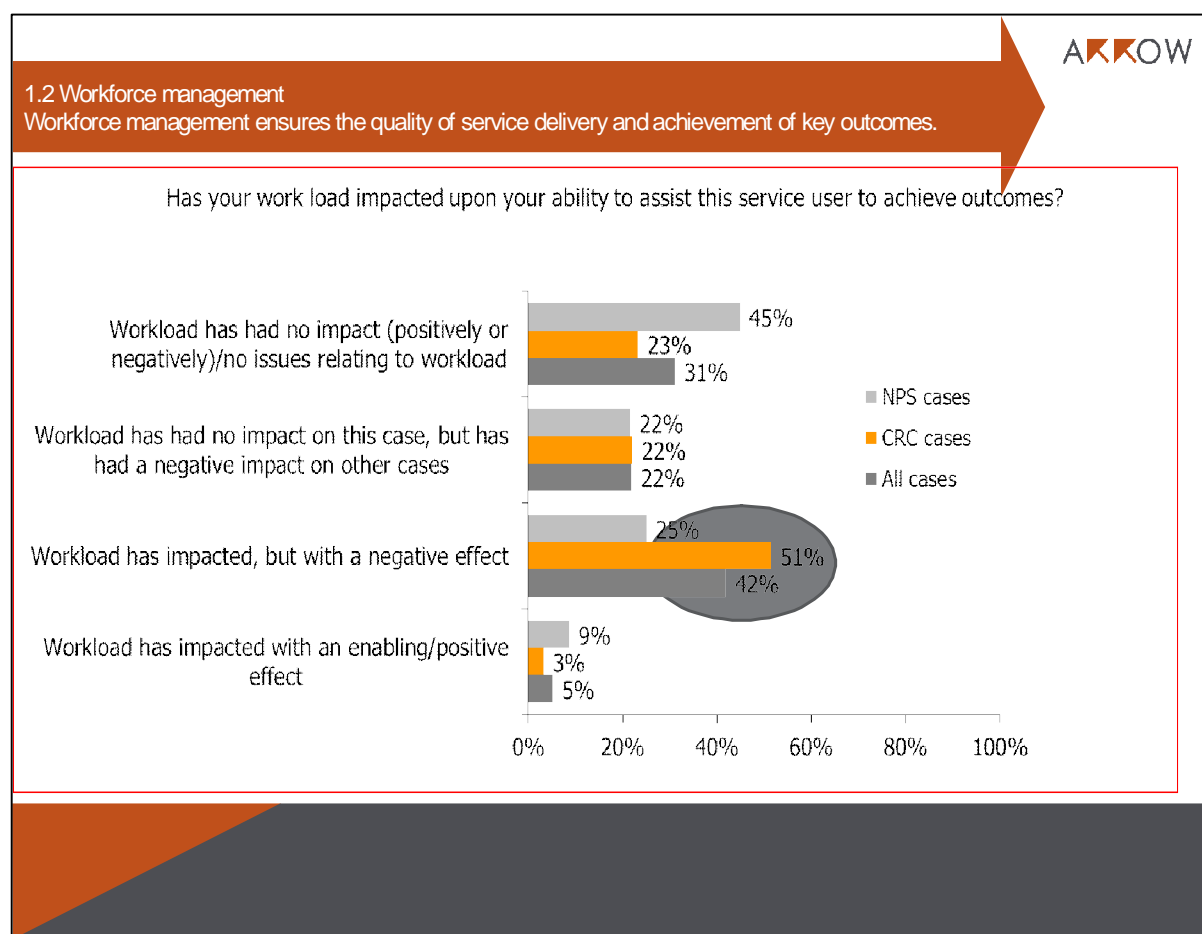
Did management oversight have a positive impact on the management of this case?





Here (below) we are looking at the vexed question of workload.

In 51% of cases, CRC staff told us that work load had affected their ability to assist the service user to achieve outcomes. The proportion is lower for NPS staff – 25% – and notably, in nine per cent of cases, NPS staff told us that workload had had a positive impact. In short, they had breathing space.





### Interventions

Turning now to interventions, and the range available, we find a truly mixed picture. Of course it reflects in part the differences in work types as between the NPS and CRCs. The gang membership line can be discounted by the way, as we have seen precious few cases. But the availability of drug and alcohol misuse interventions is particularly interesting.

### 1.3 Services, activities and interventions

A comprehensive range of provision is available to support effective service delivery, enabling tailoring to the individual characteristics of all service users, and the achievement of key outcomes.

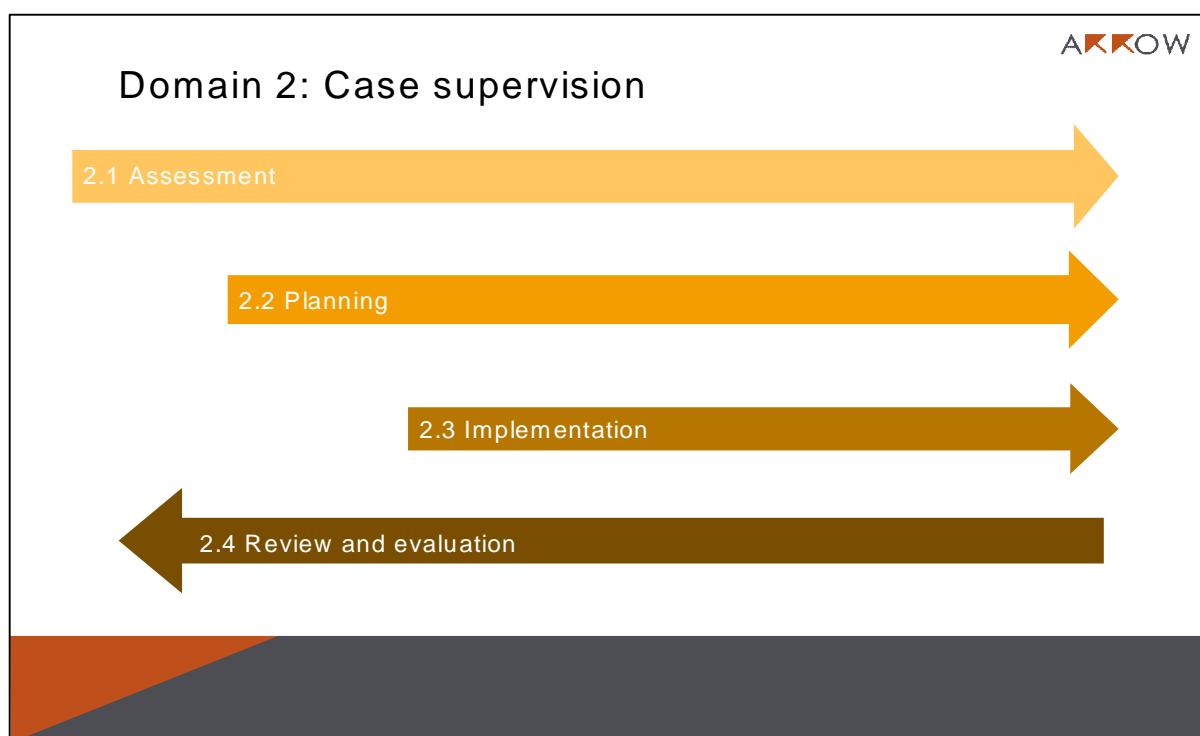
**Case Assessment Data**

Were there any gaps in the availability of interventions for this service user?	% yes		
	All cases	CRC cases	NPS cases
a) Accommodation	28%	29%	27%
b) Employment, training and education	21%	18%	24%
c) Financial management	21%	19%	33%
d) Relationships (including domestic abuse)	16%	20%	9%
e) Lifestyle & associates	13%	14%	13%
f) Gang membership*	40%	67%	0%
g) Drug misuse	13%	14%	7%
h) Alcohol misuse	9%	10%	7%
i) Emotional well-being (including mental health and behavioural issues)	17%	16%	19%
j) Thinking & behaviour	13%	14%	13%
k) Attitudes to offending	14%	13%	16%
l) Discriminatory attitudes	25%	31%	13%
m) Other	25%	29%	0%



### Case supervision

Many of you will know that this is the way we at HMI Probation look at, and report on case supervision:



Starting then with assessment, performance is better, and the risk of harm assessment figures are more comparable, but with CRC cases performing less strongly. Again the question arises – what does good look like?

It is interesting incidentally that the greatest difference in performance is in the assessment of risk of harm to children, as we can see in the following slide.



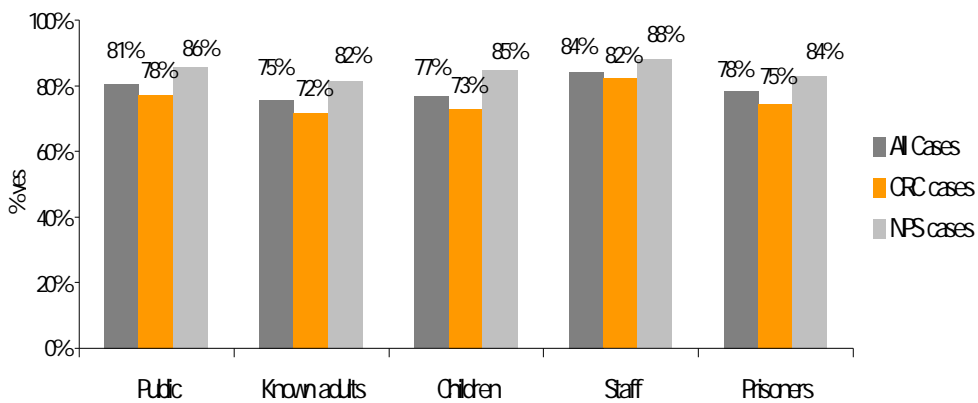
## Domain 2: Case Supervision

AKKOW

### 2.1 Assessment:

Comprehensive assessments are completed to inform and tailor the management and supervision of each service user.

Was there sufficient assessment of the risk of harm that this service user posed to:



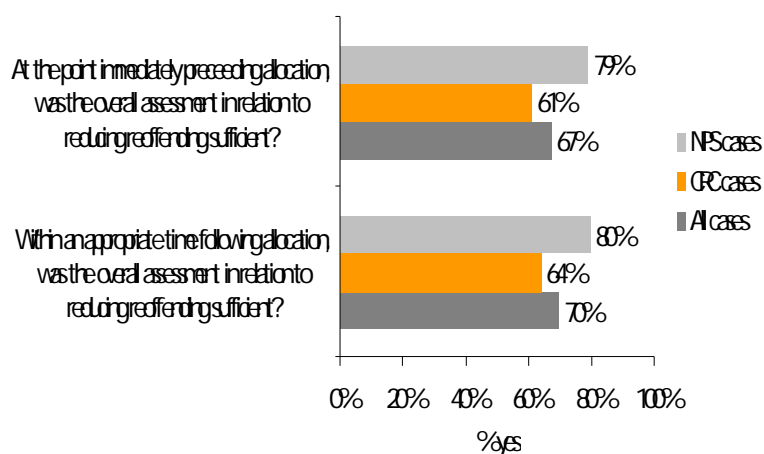
We find assessments relating to the risk of reoffending a little less impressive, and the difference between CRC and NPS cases more noticeable, as we can see in the following slide.

## 2.1 Assessment:

Comprehensive assessments are completed to inform and tailor the management and supervision of each service user.

AKKOW

Assessments related to Reducing Reoffending



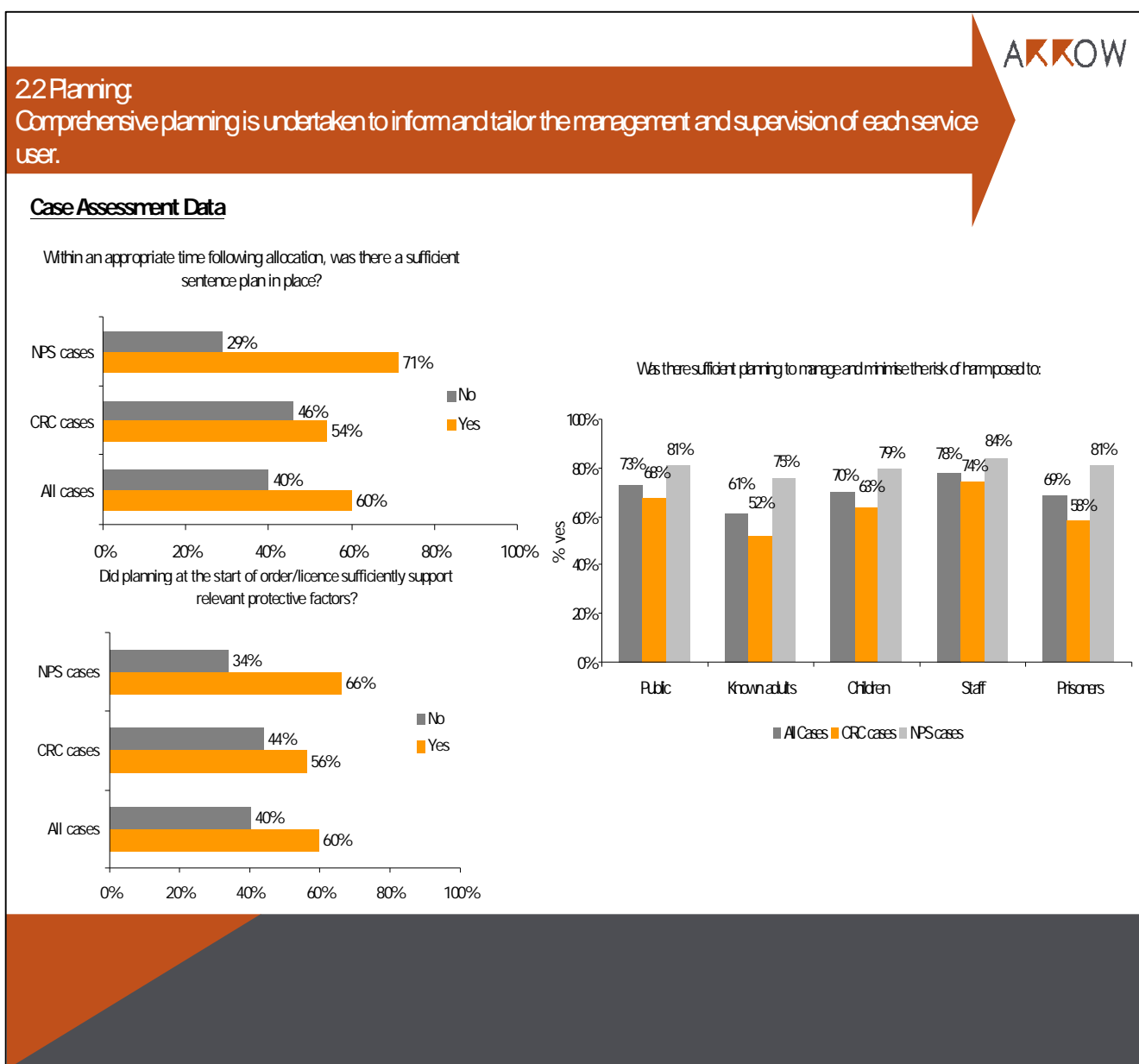
## Planning

For planning, we can turn to national performance measures to see that on the last reported figures, providers are generally failing to meet challenging plan completion targets, although performance has improved and target achievement may not be far off. Certainly, reaching target is important for CRCs. This is perhaps the most significant measure for them, given the financial penalties incurred for late completion.



But what of the quality of these plans? We find just over two in three are sufficient in NPS cases, and just over half sufficient in CRC cases. I don't find those figures 'good' enough. We can agree I hope that whatever good looks like, it is better than that.

Whenever standards fall short my thinking turns to risk of harm, where we see notable differences, most especially in relation to planning to manage the risk of harm to known adults and children:

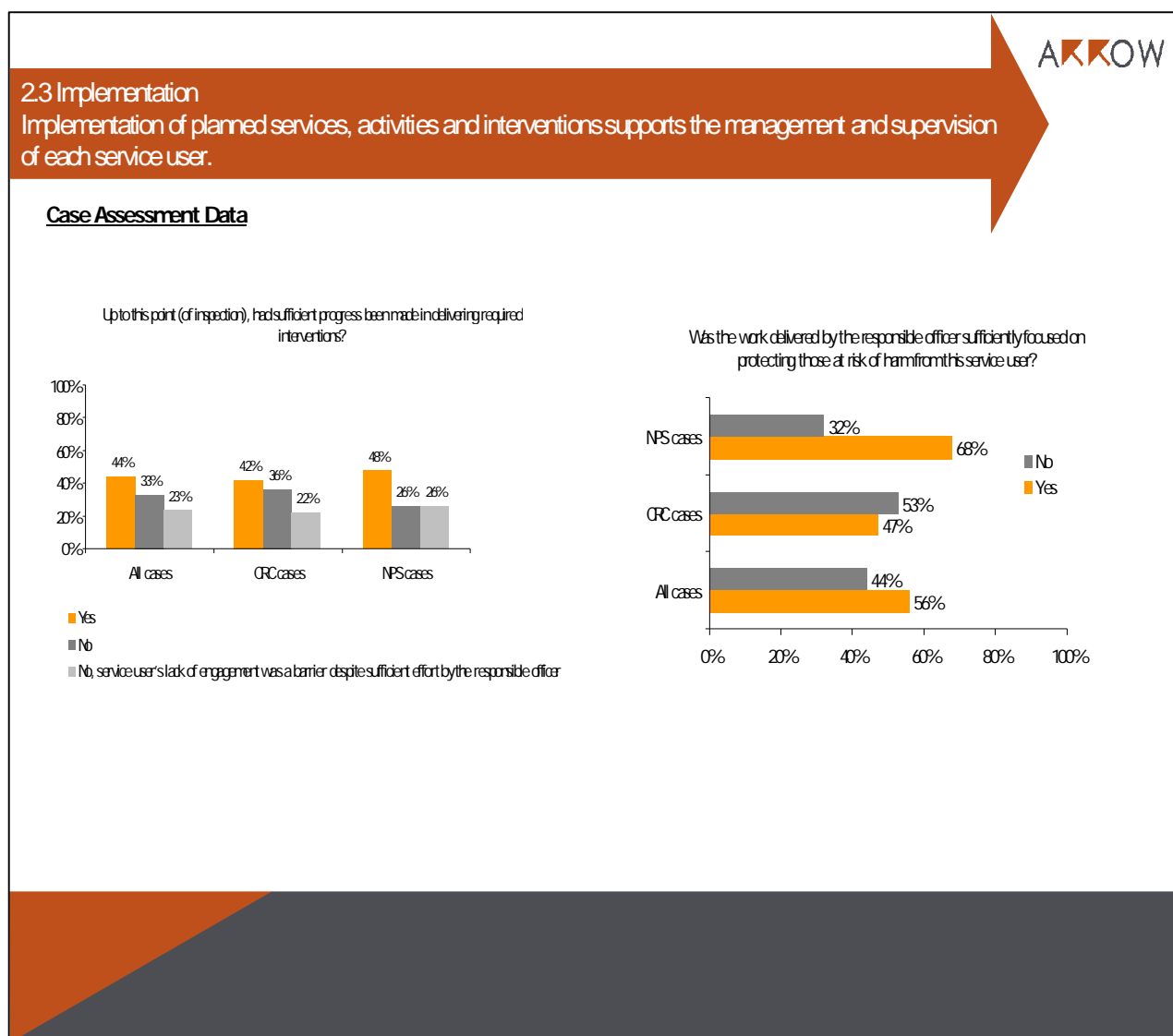




### Implementation

Looking at the implementation of plans, we can start again with the reported national data. We find completion a mixed picture, but with CRCs performing better overall than the NPS. Of course, we recognise that completion (as measured) is necessarily a limited concept. So what do we find on the ground?

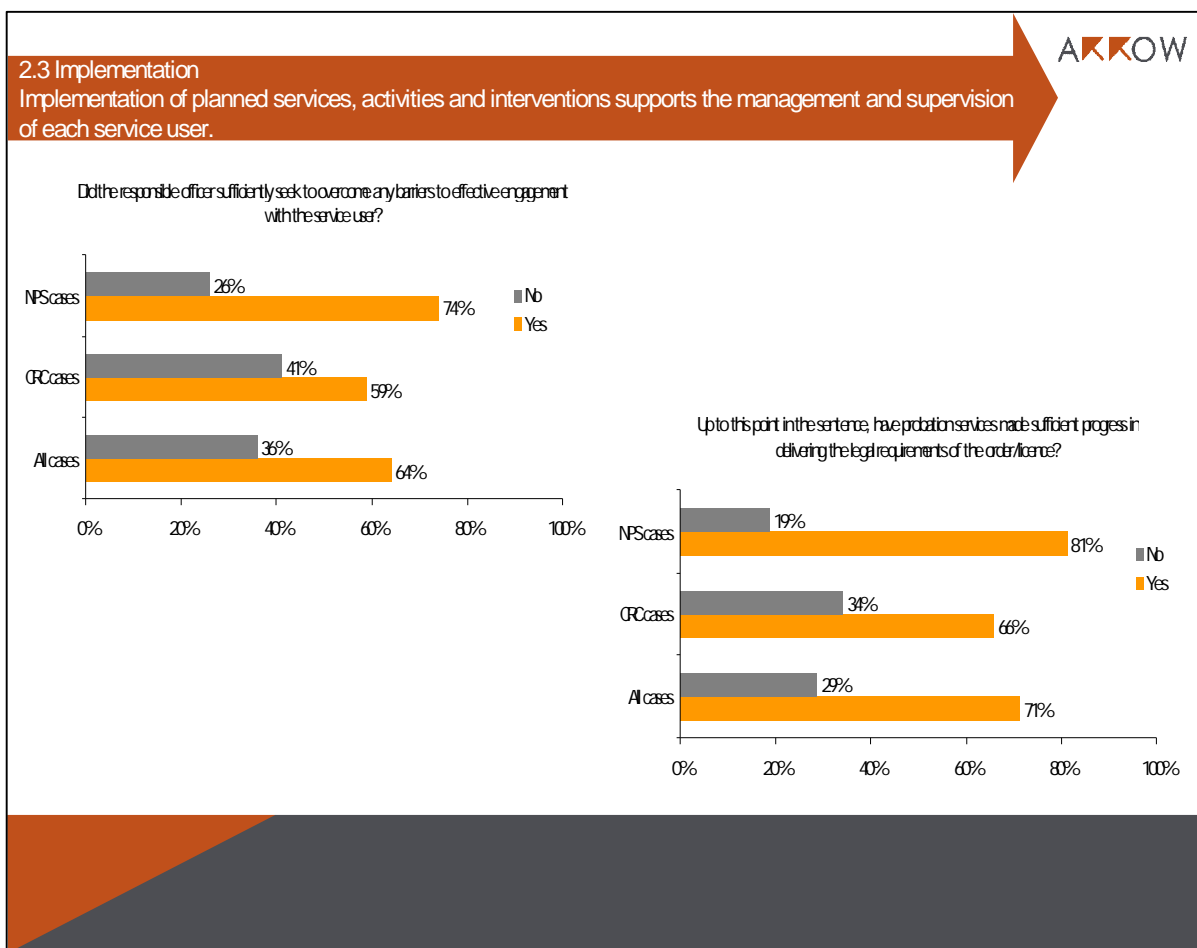
We find insufficient progress in delivering the required interventions in over half of all cases, and the picture is not vastly different as between NPS and CRC cases. We find responsible officers focused on the risk of harm more often in NPS cases, as you might well expect. But still, performance could be better and again, I ask, is this good enough – given the enduring expectations we all have of probation services?





Other measures of implementation again show a mixed picture. Again, the NPS is doing better, and again the question is whether this is good enough. In one in four cases, we find the NPS not doing enough to overcome barriers to effective engagement, and in one in five cases we find the NPS has not made sufficient progress in delivering the legal requirements of the order.

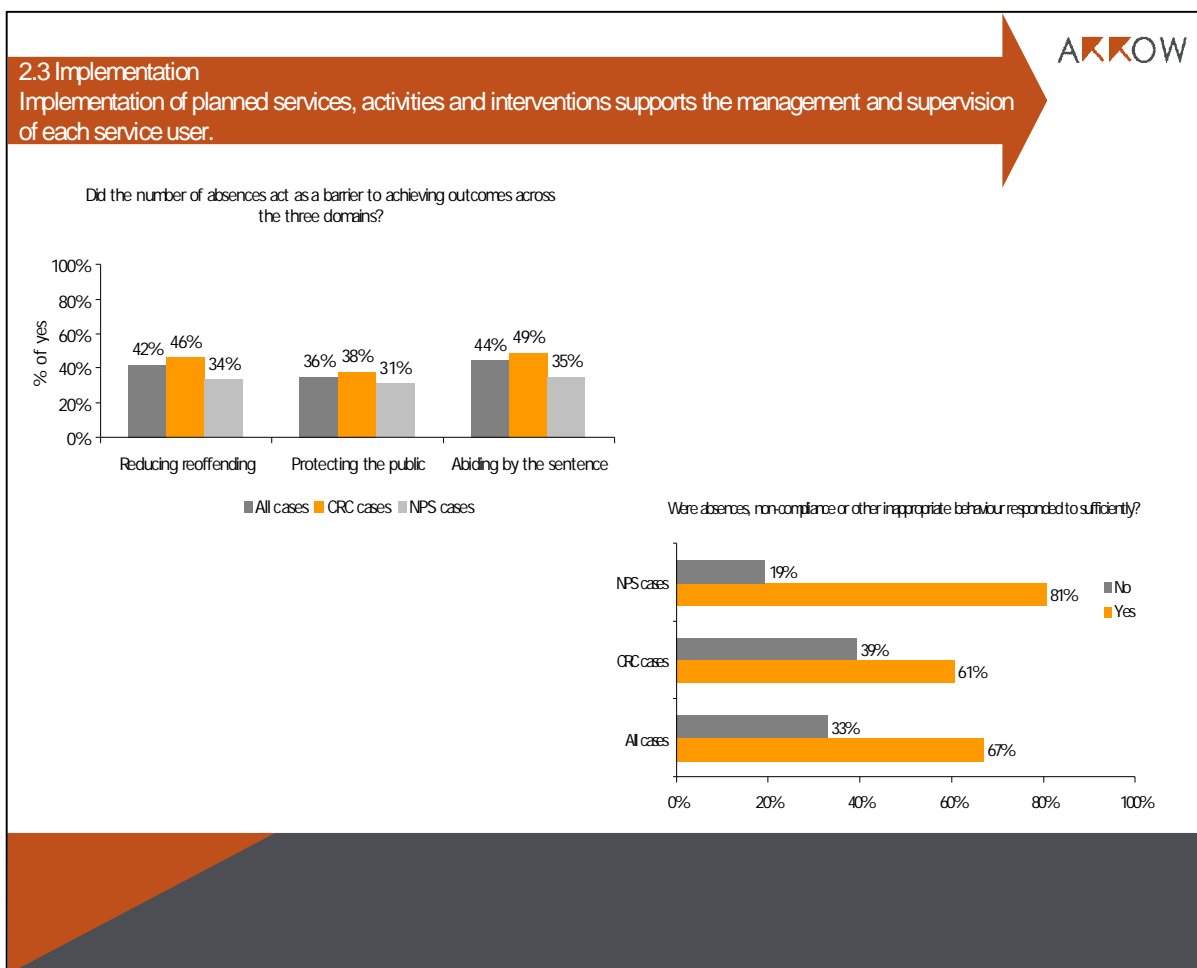
I point those figures out in particular because they exemplify the dilemma: is that good enough? Is it better than good – outstanding – or else not good enough, but requiring improvement?





Magistrates and others have expressed concern about enforcement. There is a prevailing view that things are not what they used to be. Here on this slide, we can see that we find as expected that the number of absences can be an issue of itself, in both NPS and CRC cases. And although we find absences, non-compliance and other inappropriate behaviour responded to well enough in the majority of cases, it is by no means all cases, and the picture differs as between NPS and CRC cases.

You will know that there is more to this than meets the eye. Later this year we will be conducting a thematic inspection of enforcement and recall, to get to the root of things.





By now you will be getting a general picture. In relation to case review incidentally, we find the NPS are performing better, albeit the picture is mixed within the NPS and indeed I am aware of at least one area where review requirements have been reduced, in order to manage workload.

Let us stop looking at data for now, and conclude – I suggest – that the emerging picture is mixed, and troubling. Looking just at these cases, CRCs are generally performing noticeably less well, and sometimes badly when it comes to meeting the enduring expectations we have of probation services. The NPS is not performing consistently well. The question remains: what standards to we expect?

### **What are the reasons for these shortcomings?**

If we ask ourselves why the CRC picture is so troubling, we can identify some of the underlying reasons.

*The new expectations of probation providers are demanding.*

Providing services to a new cohort – those who serve sentences of less than twelve months - has not been straightforward. Their needs are complex, and meeting them is not always within the grasp of the CRC. They tend to be the more prolific and troubled offenders, less receptive to rehabilitation. Recall rates are notable.

Similarly, Through the Gate services require persistence and good joint working.

*The transition to the mixed economy model has been challenging.*

Some longstanding difficulties were not addressed before *Transforming Rehabilitation*, most pressing the poor standard of the IT. CRCs inherited legacy systems that are dated and lack functionality. As they invest in new systems alongside managing other aspects of transformation, CRCs find themselves struggling with the Ministry of Justice's data protection and other system requirements. Implementing modern day systems is taking longer than intended, with the long promised strategic (IT) gateway still not up and running, I understand.

Some of the new operating models have proved challenging and some are testing for staff – new ways of working are not always welcome, most particularly when reducing numbers or changing the roles of professional staff. Teething problems have sometimes endured, and CRCs can find themselves changing their model before it has bedded in fully, because in practice they find difficulties with it *or* because of new financial pressures.



### *Contract pressures and the range of expectations*

CRCs are focused necessarily on meeting their contractual requirements. You know that those requirements are generally task orientated, rather than more qualitative in nature. The available data provides some necessary assurance to funders that tasks are being done, but as a consequence and given other pressures and constraints, we generally find that CRC immediate focus is often enough focused on measured tasks, with staff supervision, training and quality assurance often taking a back seat.

Government is reviewing the contract measures in an attempt to redress the balance. But of course, as contract expectations need to be sufficiently specific, demonstrable and measurable, this is not straightforward, and tensions arise as between what can be measured and what we may reasonably expect of the quality of work, and the standards that should underpin quality services.

### *Work volumes and income*

NPS caseloads are higher than expected. CRC caseloads are different and less rewarding than anticipated, with a consequential effect on CRC income and, until very recently, a high level of uncertainty about immediate and future funding. This has been destabilising for CRCs.

### *The age we are in*

We live in an age of austerity. As CRCs develop, so other public services they might rely on recede. Accommodation for example is so hard to attain for service users. And some of the complex social problems of our age are intractable, and require joined up solutions --when that is not getting any easier.

## **Getting back on track**

So what can be done to improve matters? Government would like improvements across the board: earlier and more effective work with offenders, improved quality, more effective supervision and rehabilitation of offenders in the community, a more integrated approach to offender management in prisons, and services to help prisoners find accommodation and employment on release delivered better. What can be done to increase the prospects of these things being delivered, and the enduring expectations of probation service met more often, in more cases, in both the CRCs and the NPS?

### *Financial certainty for CRCs*

Changes to the contract have been very recently agreed. They will ease day to day financial pressures to some extent, and they provide greater certainty, enabling CRCs to plan ahead. We have yet to see what effect that may have on staff numbers and on the quality of service. I am acutely aware that some owners have lost considerable amounts of money already, and owners may well take different stances now about their aims for the remainder of the contract term.





### *Changes to performance measures*

What gets measured gets done, to quote an old adage. There is an opportunity to look again at what is measured. Government was considering this prior to the election and I hope that work will progress, post-election. Lying between the longer term measures of reduced re-offending and the most immediate and pressing measures of task completion, there is middle ground.

### *Agreeing what good looks like*

I have asked many times today what good looks like, and whether what we inspectors see and find is good enough. I appreciate that with *Transforming Rehabilitation* came a relaxation of established standards, and that in any event some of those established standards had become too process-orientated. None of us want that. Instead, probation providers were to be liberated, and were encouraged to innovate and find new ways of delivering probation services and new ways to improve the life chances of service users, and reduce reoffending.

The majority of CRCs are introducing new operating models, with (so far) varying degrees of success. I have expressed concern, reservations about some aspects of some models, and will continue to do whenever I find that ways of working of themselves reduce the prospects of good probation outcomes. That said, some of the innovations we have seen are impressive.

So for example, the investment in modern-day IT, both hardware and software. Yes, I know of the real issues with implementation, but nevertheless this is such a significant investment, and real and welcome step forward, in my view. Others have interesting and potentially promising models for delivery in the community. Some are doing exceptional work for women, often with committed partners. In Kent, we found an impressive service-user mentoring service built on, and expanding early provision by the legacy trust.

Innovations are happening, yes, but not to the extent anticipated.

Meanwhile, some tried and tested interventions are withering on the vine. We will shortly publish our thematic inspection of court work. There we found a significant reduction in the number of accredited programmes being recommended in individual cases, and not all of those recommendations were followed by sentencers, so even fewer are ordered.

As far as I can see, this was not the intention of government. Instead it is a vicious circle: the fewer ordered, the more likely service users have to wait to start the intervention, the less effective those interventions may be. And less money is paid to CRCs, as these interventions attract particular payment. And so the harder it gets for CRCs to maintain competence and capacity for these valuable, evidence-based programmes.

As we inspect in the field, we find that liberating providers in this way, freeing them up from established standards has not had the positive effect anticipated, for all the reasons I outlined earlier. Yes, there are some positive innovations, but in my view they are outweighed by other real shortcomings.



So for example, in our thematic inspection of Rehabilitation Activity Requirements we found much confusion about what is expected, about how to record what is done, about how many days of purposeful activity should be provided. Moreover, we found a dearth of meaningful activity in a good number of cases, and very slow progress overall in delivering the orders of the court.

In our first Through the Gate inspection, focused on those who had served less than twelve months, we found CRCs' efforts pedestrian at best. We found CRCs often hampered and frustrated by ineffective early screening of prisoners. And in our view they are not sufficiently incentivised under their contract arrangements to give priority to this work.

In our second Through the Gate inspection we focused on those who have served longer prison sentences. I am sorry to say that I will do not report better news, this time around.

Rehabilitation Activity Requirements, Through the Gate, Enforcement and Recall, Court work, Offender Management, Unpaid Work, Services for Women – these are all critical, bread and butter expectations where what is good enough, what good looks like is less than clear. That is in part because we do not have a comprehensive set of probation standards, applicable to the NPS and CRCs, reached by consensus and drawing on the best of available standards and experience, nationally and internationally. That is a gap that I wish to see filled.

Let me start bringing this talk to a close by talking about that, and our other plans that we think together may change the balance of effort in some or all CRCs, and drive improvement where it is needed on both the NPS and CRCs.

### **Developing the way we inspect**

Learning from our experience to date and learning from others, we will be changing the way we inspect, starting in spring 2018.

We will inspect whole CRCs in individual inspections, and NPS divisions in separate, individual inspections. By inspecting the organisations separately in this way, we will be more able to make detailed comparisons between one NPS division and another, to drive improvements where needed, and we should be more able to spot NPS national and divisional trends. CRCs have suggested before that it is unhelpful to inspect and report on the NPS and a CRC at one and the same time.

By inspecting a whole CRC, we will get a more comprehensive and potentially more helpful picture, for leaders, managers and professional CRC staff.

We will increase our case sample, so as to give greater confidence that it is a truly representative sample. There is always a balance to be struck of course. We will aim for an 80% confidence level, across the board, while continuing to triangulate our findings.

With the help of your colleagues, we will develop and agree underpinning standards. While we appreciate that providers were liberated to some extent from established standards, we think the time is right to develop (by consensus) and publish inspection standards that show what we collectively think good looks like, and what we expect to see. Workshops are scheduled, and we plan to follow those with formal consultation later in the year.



Armed with those agreed standards, we will inspect individual CRCs and NPS divisions annually, and rate and grade the quality of work we find using Ofsted-style ratings: Poor, Requiring Improvement, Good, Outstanding. In this way, we think our inspections can drive improvement where it is needed. Our inspection reports will show clearly the strengths and the shortfalls of providers, to enable leaders, managers and professional staff to know where to focus.

What gets measured gets done of course, and as a corollary, the world responds to incentives. The Ministry of Justice is changing the way CRCs are monitored and measured, and is set to place increasing reliance on our independent assessments of the quality of CRC and NPS work. We welcome that. Equally, it is important that the totality of oversight for the NPS and CRCs is proportionate, and does not present too much of a burden overall on probation providers. We are working with the Ministry of Justice with that in mind, and working to agree ways in which probation providers can be incentivised to aim for higher order HMI Probation ratings.

### **Concluding remarks**

CRC performance is variable, and generally falls short of what the general public, victims and potential victims, service users and others should expect. NPS performance is better, but inconsistent, and there are recurring themes.

There are known reasons for CRC poor performance. Funding constraints have had severe effects in some. We welcome a new financial settlement agreed in the Probation Services Review. But we wait now to see how CRCs respond. We expect them to differ in their aims for the future.

It is important – and timely – that we agree together what good looks like, and that we promote together the enduring aims of probation, and deliver well.

We at HMI Probation are focused on driving improvement, wherever it is needed. We can and will play a bigger role, by developing standards with you, and changing the way we inspect with those clear, transparent and agreed standards underpinning our judgements. Standards matter. We need your help to develop and refine those standards, and to agree with us what good looks like.

We will do all we can, with government, to rebalance the oversight model for probation services.

Thank you. Thank you for listening.

**[ENDS]**