

Consultation response

**Strengthening probation,
building confidence**

September 2018



General comment

We welcome the government's consideration of the future of probation, and its recognition of many of the issues that we have raised through our inspection activity.

In December 2017¹ we reported fully on the differences in the quality of work, as between the NPS and those CRCs where we had inspected (most CRCs). Our inspection data and information show a two-tier probation service, with those under supervision by the NPS receiving better quality supervision overall.

Government intends to retain the NPS and CRCs, reducing the number of CRCs and increasing the number of NPS divisions. The planned boundary alignments between NPS divisions and CRCs will ease some of the known issues, but this model nevertheless requires consistent management and day-to-day attention to the NPS/CRC dependencies that are built into the model. It also leaves in place the potential for differentials in service for individuals, depending on their assessed risk.

The challenge is to ensure that quality probation services are delivered, whoever is providing them. Any model for probation services stands the best chance of success if all providers are adequately funded, and if it nurtures, protects and enshrines the key tenets of probation, those three things at the centre of the probation value chain:

- strong local strategic partnerships;
- the timely provision of a good range of specialist services to meet the diverse needs of those under probation supervision; and
- the critical relationship between the probation worker and the individual under probation supervision.

Professional standards matter, and should be given a significant role. We spent much of last year producing evidence-based inspection standards for probation services, developed consensually with probation providers through workshops nationwide and a national consultation exercise. We started to inspect against these standards in April 2018. We suggest that our individual NPS division and CRC inspection reports and Ofsted-style ratings provide the most definitive, valid annual evaluation of the quality of work delivered by the NPS and CRCs, now and in the future. What is more, there is a clear benefit in embedding our standards in all probation providers' quality management systems.

So far as funding is concerned, experience elsewhere suggests that payment by results works best when the measure that triggers payment is sufficiently direct (success is directly attributable to the organisation) and sufficiently immediate. In our view, the current payment by results arrangements are inequitable. We question whether payment by results can ever suit the delivery of probation services, and welcome the inference (in the consultation document) that new funding arrangements will not include payment by results. Ultimately, payment mechanisms must be sufficiently fair between all providers, and we urge government to be fully transparent about funding provision in future.

In our view, both funding and the expectations/measures set for all probation providers should recognise and keep in proper balance the three enduring aims of all probation services: rehabilitation, protecting the public and ensuring the sentence of the court is served. The wrong combination of funding and measures distorts that balance unduly.

¹ HM Inspectorate of Probation (2017), Annual Report, <https://www.justiceinspectors.gov.uk/hmiprobation/corporate-documents/annualreport2017/>

Consultation questions responses

1. What steps can government take to improve the continuity of supervision throughout an offender's sentence?

Continuity of supervision is an issue for both the NPS and CRCs. NPS and CRC leaders should have sensible suggestions to make for improvement. Employing a sufficient number of professional staff is fundamental to continuity of supervision.

Some NPS divisions (and some geographical areas within NPS divisions) struggle more than others to employ enough staff. Pay is no doubt a factor, but a proper diagnosis is needed to understand the different causes and effects, before determining NPS solutions. In CRCs, we commonly find that leaders are unable to manage continuity effectively because of resource constraints and the complications that follow, and because they have other more pressing leadership challenges.

What gets measured gets done. Requiring all providers to monitor and report on relevant measures such as professional staff numbers, absence, agency staff and the average number of Responsible Officers (ROs) over a period of supervision would raise the profile of the issue. Targets should be considered. New contractual arrangements for CRCs provide an opportunity to build professional staffing requirements into CRC contracts, and we urge government to take that opportunity.

Changes in RO can be ameliorated to some extent by continuity of SPO supervision, and by effective professional (SPO) supervision. This should be monitored also. SPOs in the NPS and CRCs have a range of management responsibilities, limiting the time they spend on professional case supervision. This is risky, particularly when those probation staff they supervise are managing many cases, or a high proportion of complex cases. The role of the SPO and the priority to be given to professional supervision (the professional expectations in the role) should be re-emphasised.

Concerted effort and purposeful actions are required to keep experienced and competent staff. The government's decision to change the delivery model for probation services brings renewed anxiety and uncertainty for many. Leaders must show CRC and NPS staff they are valued for the work they do and the skills they bring. Trust is low, and significant effort will need to go into reassuring staff, and ensuring the transition is fair and well-managed. Hard lessons can be learned from the implementation of *Transforming Rehabilitation*.

If implemented well, the proposal to rationalise the assessment of offenders will aid supervision materially, and ease changes in probation worker. It is a welcome development. Continuity of access to one modern, revised assessment and planning tool (that covers needs and risk of offending and serious harm) by public, private and voluntary sector staff who are working with that individual is needed. Care will need to be taken not to allow this to become too cumbersome a system. Hard lessons can be learned from the history of development of the current tool, OASys.

The introduction of Offender Management in Custody (OMiC) will provide an opportune focus on continuity of probation supervision to some offenders while in custody. This will be provided through the secondment of NPS staff into the prison environment and the allocation of offender managers and keyworkers.

Custody cases currently comprise approximately 30% of the NPS caseload. Resources will need to be allocated accordingly, but there should remain sufficient read across to the community (NPS or CRC) to encourage continuity of support and intervention. The role of CRCs in the supervision of low risk and short sentence cases while in custody will need consideration. Preparation for release will be key – the prisoner should meet and have sufficient time to build a trusting relationship with their new Responsible Officer in advance of their release so that there is a thorough handover to manage this challenging transition.

The family can also help here. Where family relationships are positive, helping a prisoner keep in contact and strengthen those links during their prison sentence can provide support at the point of release and beyond.

Through the gate support needs to be strengthened through the terms of the contract with CRCs, for those services that are delivered by them.

2. What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision, and in which circumstances are alternatives to face-to-face meetings appropriate? Do you have evidence to support your views?

Frequency

There is no neat answer to this question. HM Inspectorate of Probation have produced a Position Statement on frequency of contact which can be found [here](#).

There is no definitive research to establish the minimum level of acceptable contact for supervising cases in the community. Research findings focus upon the quality of the contact, recognising that the establishment of a trusting personal relationship can be a powerful vehicle for change.

HMI Probation's inspection standards promote a personalised approach to supporting offenders. Consequently, we are interested in whether the level and nature of contact is sufficient to reduce reoffending and support desistance in individual cases. Inspectors must be satisfied that engagement is appropriate to the individual, relevant and responsive to the needs of the case, and sufficient to support completion of the identified interventions in the plan.

HMI Probation's annual inspection reports and ratings will shed light on whether there is enough meaningful, purposeful contact overall.

Varying contact

It is likely that the level of contact towards the end of a period of supervision will become less frequent but any reduction must be based on risk, need and individual case factors.

Alternatives

We have long expressed concerns about telephone-only contact. We know of no research evidence to show this is efficacious, and no CRC has directed us to any. Consequently, we have commissioned a rapid evidence assessment of the evidence around types of supervision, and will publish the findings shortly. We expect to confirm that there is a lack of high-quality evidence about the effectiveness (and cost-effectiveness) of remote supervision and new technologies. Without any known evidence in support of telephone-only contact,

we have taken the simple view that you don't change people by not seeing them. Longer term, there is a need for new robust process and impact evaluations to be conducted, should these arrangements continue.

We believe there are risks to public protection in telephone-only contact arrangements. Although the arrangements are said to be risk-based, it is not uncommon for us to find risky cases subject to telephone-only contact, sometimes despite stated policies to the contrary.

Some CRCs expressed intentions to introduce biometric reporting-in arrangements, although we have not seen any in practice, as yet. This is not supervision, as understood by probation professionals.

Telephone or biometric arrangements alone are insufficient, but *multiple* methods of engagement have their place, for example a catch-up phone call between supervision meetings, or to check how an intervention is going. The suitability of the contact arrangements overall should be judged in the same way as described above.

Lastly, we know of several CRCs operating community hubs. They tend to aim to offer a one-stop facility and in some cases to provide services to a wider section of the community. There have been set-up and operational problems, but the concept holds promise, providing a positive way of engaging with individuals under probation supervision and partner agencies.

At present, there is no published evidence on the impact of community hubs. However, we have begun research into the role of community hubs, and plan to publish our findings in spring 2019. We will review any relevant inspection findings as they emerge, as well as other research on this topic, such as that being conducted by the Cambridge Institute of Criminology, and will include these in our report where appropriate.

3. How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment-related skills and experience?

High quality unpaid work is not happening in any systematic way. Our 2016 thematic inspection of unpaid work found that there was little consideration given by offender managers as to how unpaid work could contribute to rehabilitation.² We have since developed inspection standards that describe the elements we look for in a good unpaid work scheme. Our standards can be accessed [here](#) (at Domain 4).

Good unpaid work delivers rehabilitative benefits, by providing an opportunity to develop life and vocational skills that reduce the risk of reoffending as well as opportunities to develop employment-related skills. Ensuring offenders achieve their rehabilitative potential has undoubted value to the offender, victims and the wider community too.

The following factors have been found to improve the rehabilitative effect of unpaid work:

- work that is experienced as useful and rewarding;
- opportunities to develop employment-related skills;

² HM Inspectorate of Probation (2016), A Thematic Inspection of the Delivery of Unpaid Work, <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/deliveryofunpaidwork/>

- staff following the principles of pro-social modelling, demonstrating good behaviours;
- providing clear information and consistent application of the rules; and
- commencing the work promptly and being able to work regularly.

Unpaid work often provides the longest period that an offender is likely to be in close contact with a member of probation staff - and so the skills and competence of those supervising unpaid work matter particularly, and can make a real difference. The job design and reward package for those supervising unpaid work should be designed together to attract and retain the right staff, able to deliver the rehabilitative effects listed above.

Providers need to be incentivised to deliver a range of worthwhile work as well as quality outcomes e.g. skill gain or qualifications, rather than being measured on numbers. Providers should be penalised for high stand down rates i.e. where an offender is turned away despite turning up on time. CRCs could account periodically (to local sentencers and/or to HMPPS) for the range and quality of unpaid work delivered.

Public authorities and organisations such as local authorities could be encouraged or required to provide meaningful unpaid work opportunities. Other employers could be incentivised to do so, and recognised and rewarded for it. Victims and witnesses, facilitated by the police, could also have a say in how offenders could be meaningfully engaged in unpaid work.

4. What changes should we make to post-sentence supervision arrangements to make them more proportionate and improve rehabilitative outcomes?

Again, there is no neat answer. It is difficult to stipulate a minimum amount of time for post-sentence supervision, as the needs of the individual should be considered, alongside risks to others or to themselves. We also know those risks to be changeable. All that said, the provision of a mandatory 12 months community supervision period after a prison sentence of less than 12 months is not, in our opinion, sufficiently flexible.

We have reproduced (overleaf) the options we provided recently to the Justice Select Committee. We will build on this through our thematic review on post-sentence supervision which will begin early 2019.

Table 1: Post-sentence supervision options

Approach	Explanation	Pros	Cons
A mirrored approach	Match supervision to sentence. A prison sentence of 3 months would require a supervision period in the community of the same length.	Easy to understand; appears proportionate	Can limit the available intervention time unduly, most especially in very short sentence cases Inflexible
A split approach	A prisoner serving less than 12 months is normally released halfway through their prison sentence. This can be affected by behavior in prison, the parole board is not involved. The remaining period of the sentence could then be subject to community supervision.	Does not extend the sentence length Reflects the approach in the youth system	Limits the available intervention time Inflexible
An assessment based approach	The supervision period would be no longer than 12 months. The length of time under supervision would be determined by assessment and be needs led, with a focus on supporting resettlement and rehabilitation.	Responsive to needs and changing circumstances Focused on achieving resettlement and rehabilitation Flexible	More complicated to understand Could extend supervision periods Not all assessments are high-quality or regular Gameable

5. What further steps could we take to improve the effectiveness of pre-sentence advice and ensure it contains information on probation providers' services?

Improving the effectiveness of pre-sentence advice

Firstly, a recent briefing from The Centre for Justice Innovation entitled 'The changing use of pre-sentence reports' concludes that despite the requirement for sentencers to have a pre-sentence report before any sentence is passed, the number of sentences passed without a new pre-sentence report is increasing. This needs to be addressed.

Secondly, Accredited Programmes are being recommended notably less often, when this was not the stated intention of government. NPS staff may not have sufficient time in oral report cases (the majority of cases) to get the relevant information together and judge

whether such a programme is appropriate as a recommendation. In our view, well-evidenced accredited programmes delivered well, and at the right time as part of an integrated sentence, can make a big difference to the risk of future reoffending and can reassure and build the confidence of judges and magistrates in the efficacy of these sentencing requirements. We therefore welcome the principle associated with the Effective Proposal Tool.

We note incidentally that recent pilots suggest that sentencers are more likely to order drug or alcohol rehabilitation orders when a psychologist is there to assist the court. We welcome the prospect of the extension of this programme, subject to continuing positive evaluation.

Thirdly, there is a dilemma, relating in part to the probation service delivery model. Our thematic inspection on the work of the NPS in courts³ found that reports generally meet the court's needs for advice on sentencing. However, work undertaken by the NPS at pace to advise the court for the purposes of sentencing is unlikely to cover the background, motivation and complex needs of an individual. When it does not, the receiving service provider – in most cases a CRC – picks up responsibility for the comprehensive assessment of newly-allocated cases, to develop a meaningful sentence plan. To improve matters would require:

- changes to the expectations set for the NPS assessments at court, and more elapsed time in each case for the NPS to deliver against those expectations (as exchanges with other authorities may be required), and/or
- ensuring CRCs undertake a meaningful and comprehensive assessment once a case gets to them. At the moment they are measured on the completion of an initial sentence plan, not the task or quality of any initial assessment – something to consider as new contract provisions are developed.

HMI Probation assesses the quality of pre-sentence advice each time it inspects an NPS division, and the quality of CRC assessment each time it inspects a CRC (even though this is not covered by contract provisions). We do not assess whether an NPS assessment prepared for the court goes beyond what is required for sentencing, but should requirements change we would consider amending our standards, to do so.

Ensuring courts have information about CRC services

This should be relatively straightforward. Either CRCs are required to provide up to date information to courts or the NPS is required to do so, with relevant information then transposed to individual court reports.

6. What further steps could we take to improve engagement between courts and CRCs?

We welcome the introduction of Probation Instruction 05/2018 that sets out the minimum liaison arrangements between all probation providers and sentencers at both a national and local level. Sentencers rarely get to see the successes of probation but they need to know what has worked, to have confidence in what to recommend. Routine reporting (management information) from CRCs to courts, covering the take-up rates of specialist

³ HM Inspectorate of Probation (2017), The work of probation services in courts, <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/06/The-work-of-probation-services-in-courts-report.pdf>

services or in-house courses could also be helpful, in building the relationship. Court clerks (legal advisers) play a key role in advising and informing magistrates. More systematic engagement between the senior legal advisers and the CRC would likely pay dividends.

Our thematic inspection of Rehabilitation Activity Requirements questions whether magistrates have confidence in them, mainly because sentencers are unsure of what they will deliver⁴. More specific RAR expectations will no doubt assist, if they are adhered to.

CRCs need the opportunity to promote their role to sentencers direct. Many produce brochures detailing their services that are supposed to be passed on by the NPS, but we have found examples of where these brochures have been provided instead to NPS staff, and not the sentencers for whom they were produced.

CRCs must be supported in their efforts by the NPS, with the NPS purchasing sufficiently often the interventions available from CRCs. This would provide more assurance about the range and availability of interventions available for all, and go some way to building sentence confidence.

7. How else might we strengthen confidence in community sentences?

Recent Ministry of Justice analysis has confirmed that greater reductions in reoffending are associated with the use of community sentences as compared with short-term custodial sentences⁵. However, probation and community sentences suffer from a lack of public understanding. Probation rarely captures the public imagination in the way that prison often does. Nonetheless research indicates that providing clearer information and increasing understanding makes community sentences more acceptable (Hough *et al.*, 2009).

For example, Revolving Doors Agency recently commissioned a Populus poll of 944 adults in England and Wales and found public support for community sentences once the necessary context was provided⁶. The Scottish government have also shown that it is possible to gain support for a range of community sentences in place of a short spell in prison.

The Frameworks Institute, commissioned by Transform Justice, surveyed over 6,000 members of the public, conducted 20 in-depth interviews and conducted street interviews to better understand people's attitudes and opinions to crime and punishment⁷. This report offers tools which could be tested to aid the public in understanding and accepting community alternatives to short prison sentences.

Increasing public understanding and increasing confidence in the work of probation services has been recognised as an explicit goal in many countries in recent years. Notably, the Council of Europe Probation Rules includes the following principle: "The competent authorities and the probation agencies shall inform the media and the public about the work of probation agencies to encourage a better understanding of their role and value in

⁴ HM Inspectorate of Probation (2017), The Implementation and Delivery of Rehabilitation Activity Requirements, <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/rar/>

⁵ Ministry of Justice (2018), Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, www.gov.uk/government/publications/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences-and-court-orders-on-reoffending

⁶ Revolving Doors Agency (2018), reducing the use of short prison sentences in favour of a smarter approach, <http://www.revolving-doors.org.uk/file/2271/download?token=p3aMJ1PX>

⁷ Frameworks Institute (Transform Justice, 2017), New Narratives: Changing the Frame on Crime and Justice, http://frameworksinstitute.org/assets/files/PDF/UKCJ_MM_July_2016_Final.pdf

society'⁸. This principle urges the responsible authorities and the probation agencies themselves to 'champion' probation – to work with the media to explain what probation tries to do, what it achieves and why it is important.

Authorities should be imaginative and creative in the way in which they set about this task to enhance public understanding of and confidence in probation work. A concerted social media campaign may have its place.

8. How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have evidence to support your proposals?

We subscribe to a personalised approach to the delivery of probation services. Our inspection standards reflect this. A personalised approach is one in which services are tailored to meet the needs of individuals, giving people as much choice and control as possible over the support they receive. It is based on a desistance approach to offending and focuses on individual's strengths and aspirations as well as risks and needs.

This personalised approach must include, but by no means be limited to, an individual's protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sex). It should also include a range of other diversity factors that could impact on the individual's ability and capacity to engage in interventions, such as maturity, rurality, learning needs, mental health concerns and cultural identity. Importantly, a personalised approach does not consider any one factor in isolation, but how multiple characteristics combine to define an individual's needs.

We report regularly on the extent to which individual providers are delivering this approach sufficiently well. We argue that our standards encourage personalised approaches, and should be given sufficient weight in the future oversight arrangements for all probation providers.

We find and report on probation providers who are not providing suitable disabled access to their premises, and providers who are not providing interventions at times suitable for those in employment. Government can specify requirements and expectations here, for the NPS and for CRCs.

Government should consider the extent to which it wishes to be prescriptive in relation to the services and approaches to be offered to women, in furtherance of its recently published female offender strategy. Current CRC contracts are not prescriptive at all. Equally, government should consider how best to promote the use of evidence-based approaches for domestic abuse perpetrators, as the use of the main accredited programme Building Better Relationships is on the wane, despite the prevalence of offending.

⁸ Council of Europe Probation Rules (2010), recommendations of the committee of Minister to members states, <https://www.cep-probation.org/wp-content/uploads/2015/03/CMRec20101E.pdf>

9. How could future resettlement services better meet the needs of offenders serving short custodial sentences?

'Resettlement' is somewhat of a misnomer in relation to short sentence prisoners. The real prize is to sustain enabling factors that will support the individual on their release. This includes accommodation, employment, family relationships etc. which need to be secured, if possible, as soon as an offender enters custody (this would equally apply to those on remand). Offenders also need speedy access to benefits or other financial support at the point of release and continuing substance misuse and mental health support should they need it.

The shift to recognise these needs earlier in an offender's sentence is therefore a welcome step, but will take combined and coordinated effort from local partners to deliver successfully, in custody, on release, and when under supervision in the community. It is important that all key partners are incentivised to play their part, including prison governors.

These revolving door prisoners are some of the most damaged members of society, and services need to be delivered flexibly and positively, not in single-agency silos.

The cross-government Reducing Reoffending Board will have a key role in bringing departments together at a national level, to tackle the issues facing offenders resettling back into the community through incentivising ownership and accountability nationally. At a local level, probation could benefit from a multi-disciplinary team structure, similar to that operating in youth offending teams, where partners have an investment in the success of the combined services' delivery. As we said earlier, strong local strategic partnerships are essential.

The new duty on prisons and probation as well as local housing authorities imposed by the Homelessness Reduction Act 2017 is welcome (though we note the errant application by some local authorities). Ultimately however, we need a better way for ex-prisoners to secure accommodation than expecting them to report to their local authority on their day of release. This looks to us a priority matter for the Reducing Reoffending Board, with the potential solutions no doubt politically difficult.

Building confidence in, and promoting the use of, community sentences would arguably create the best environment for maintaining and building on an offender's enabling factors. Only when enabling factors are protected does an offender have a hope of avoiding repeated offending. These form the necessary base for any additional rehabilitative effort.

10. Which skills, training or competencies do you think are essential for responsible officers authorised to deliver probation services, and how do you think these differ depending on the types of offenders staff are working with?

Generic skills & competencies

We advocate for a probation-wide professional workforce that conforms to set standards and that can be employed across the service, irrespective of provider, promoting learning and development.

All responsible officers require core training in assessment, the management of reducing reoffending indicators and risk of harm indicators, and engaging and motivating service

users and building on their strengths. All probation staff need to recognise changes to risk and to be able to manage those cases while they have them. The current arrangements, whereby CRCs can choose to train their staff in PQiP are unsatisfactory.

Particular skills and competences

As well as the generic requirements, probation professionals need to be competent in specific areas, for example in supervising women, or supervising domestic abusers.

First line managers need to be skilled in performance management but they also need a good understanding of probation practice. This is especially important for case oversight and the quality assurance of decisions made by their staff. Competence in supervision i.e. the direct observation of professional practice, is also necessary at this level.

Feedback from people with lived experience sheds light. A recent forum we attended resulted in proposals for service user input into probation staff recruitment, training and performance. They also recommended mental health awareness training and an understanding of trauma-informed approaches as core requirements.

11. How would you see a national professional register operating across all providers – both public and private sector, and including agency staff – and what information should it capture?

This question really goes to whether there is a need for a regulatory professional body for probation staff. We would be supportive of such a move. A professional body would provide status to the probation role and would bring consistency across the whole profession. It would be the owner of clear professional conduct standards and the arbiter, should anyone be in breach of those standards.

There are lessons to be learned from other professional bodies, when it comes to the scope of registration and the detailed registration requirements. Of existing professional regulators, the General Medical Council is well-developed and well-regarded as a regulator, and would be a good first port of call.

Professional bodies tend to adhere to and impose the three key tenets of any profession: registration, continuing professional development, and self-regulation (oversight of registrants' professional conduct). Registration should be seen in this context, and will be less effective unless accompanied by the usual training and oversight provisions. We question what registration alone will achieve.

A professional body should be a different entity to any individual employer of the profession it covers. With that in mind, we have always found the suggestion that the NPS should hold the register odd.

Professionals (in any profession) can have strong and opposing views about the extent of any registration requirement, and whether it should extend for example to trainees. There is no right answer, but those bodies that do extend the requirement to trainees usually do so by providing for provisional registration.

12. Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?

In our view, the arrangements will not be optimal because they retain the split based on assessed offender risk. We would have preferred to see a design proposal based on sound, published organisation design principles. Integration may improve over time, because there will be fewer borders to manage and because of coterminousity, but more immediately the changes disturb current arrangements. In any event, integration is not the only consideration.

It may be helpful to consider to what extent other key shortcomings are to be addressed.

Table 2: Shortcomings and the new arrangements

Shortcoming	New arrangements
Incomplete assessment at the start of a case, when the offender appears in court	A single assessment for each offender that follows them through their sentence will make a material difference if it is implemented well. However, the initial court assessment may still not be sufficiently comprehensive for CRCs when time pressures prevail, for example in oral pre-sentence advice cases.
Lack of integration of IT systems across probation and other CJS providers	The proposal for a single user-friendly portal which can access information from the myriad of current IT systems across the courts, probation and prisons is welcome. However, developments of this nature have not been straightforward so far.
Insufficient use of Accredited Programmes and other specific intervention orders	The principle associated with the Effective Practice Tool should help. Again, success is linked to the speed of pre-sentence advice to court and whether there is sufficient time to conduct a quality assessment to recommend relevant interventions. Payment arrangements for CRCs could encourage more evidence-based interventions.
Insufficient purposeful activity under RARs	This is not explicitly addressed. Separate proposals for minimum contact time should help, but activity must be purposeful.
Sentencers lack confidence in delivery	Confidence is dependent on the quality of work delivered. The new PSI on national and local liaison arrangements should go some way to help keep sentencers informed. Positive stories are needed, to provide confidence in community sentences.
Inequities in funding between the NPS and CRCs	There is a commitment to provide sufficient core funding for CRCs, but differing funding arrangements for CRCs and NPS will remain in the new model. The question will be the extent to which funding provision is seen as fair and equitable, for all providers.

CRC contract provisions based on task rather than quality supervision drives behaviours	The document consults on more effective measures of performance proposed to drive the right behaviours. We accept that measures will always be difficult, and suggest that annual inspection ratings should provide the definitive measure of the quality of work delivered.
Insufficient face to face supervision in CRCs	There is a new contractual arrangement for CRCs to 'offer' monthly face-to-face contact. This does not necessarily tackle issues with the quality of the relationship. We argue for personalised approaches, but accept that a minimum requirement is better overall than no requirement. And of course, it puts paid to telephone-only supervision.
Too many changes of RO	The consultation seeks views on how to improve continuity of supervision and there is the prospect of improvement. The interface between community-custody-community and NPS and CRCs however, remains.
Too many unpaid work stand downs	The consultation seeks views on how to improve unpaid work.
Poor quality unpaid work placements	As above.
Insufficient professional staff in the NPS and especially in CRCs	Professional staff numbers are not specifically addressed in the consultation document but there is an opportunity to provide for requirements within new contract provisions.
Variable SPO oversight of PO work	This is not explicitly covered by the consultation document. This is closely linked to job design, and the priorities within the SRO role.
Different approaches to professional training	The consultation seeks views on core probation skills and competencies across the workforce.
NPS reluctance to buy specialist services from CRCs	Cultural change is required.
Insufficient range of specialist services on offer by CRCs	Government is speaking with the voluntary sector about how their services can be better embedded, and so there is a prospect of improvement.

Culture

The introduction of an HMPPS senior manager could deliver a top down, hierarchical service but the real benefit will come from having one representative influencing the high-level relationships with key partners across probation, on behalf of all providers. The new arrangements provide an opportunity to value 'across provider' ideas through the encouragement of constructive collective discussion and co-production. The arrangements can facilitate constructive integration in this way, but it needs a leap of faith from managers and staff.

13. How can probation providers effectively secure access to the range of rehabilitation services they require for offenders, and how can key local partners contribute to this?

It will be important to understand and define what 'local' means within these larger regions and what access service users have to mainstream services within that locality, as well as the offender-specific services that need to be facilitated.

Supply chains have not been established at the scale anticipated. CRC financial incentives and the current contractual arrangements do little to guard against the unequal provision of services across the country, or to encourage specialist service provision. To compound matters, the NPS is not buying services from CRCs to anywhere near the extent expected, for many reasons. In our supply chain thematic inspection we found that some NPS local delivery areas have made no purchases.

We repeat two recommendations that we made to the Ministry of Justice in our Supply Chain Thematic here:

The Ministry of Justice should:

- ensure the continued availability of sufficient specialist services locally, through stewardship of those third-sector organisations and services currently available and/or in other ways.
- produce a national framework that promotes local joint commissioning arrangements to meet the needs of service users and enables the better targeting of resources.

If CRCs continue to be required to deliver rate card services, we would recommend that contractual provisions define the range of services to be provided, as a minimum. Alternatively or in addition, providers should be asked to justify the range and type of services they have on offer, how they have defined what these services should be (based on need and stakeholder feedback) and how many times they are actually used. The NPS should be required to use these services where appropriate, to maintain provision.

Local Criminal Justice Boards, Community Safety Partnerships and Health and well-being Boards are able to provide probation leaders with valuable access to local partners. The proposed regional configuration, however, does not necessarily align with partnerships' divisions. This could weaken the influence of probation and so will need some concerted effort.

14. How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

Ultimately, commissioning of services from voluntary sector providers needs to have sufficient resource in support and there needs to be some certainty of funding for third party providers who are sub-contracted to deliver.

There will be some work to do to build the confidence of the third sector in a truly collaborative approach to delivery of probation services.

15. How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?

The Criminal Justice devolution agreements with both Greater Manchester and Greater London may provide a chance in future to test better engagement and co-commissioning, and to understand how this might be applied to different regions.

16. How can we ensure that arrangements for commissioning rehabilitation and resettlement services in Wales involve key partners, complement existing arrangements and reflect providers' skills and capabilities?

We recognise the devolved and unique partnership arrangements that exist in Wales. Those steeped in delivering justice and other social services in Wales will be better placed than us to advise on this question (question 16).

It is important that the differing models in England and Wales are compared and learning shared to support immediate delivery and longer-term strategy.

17. What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?

The issues with reoffending as an outcome measure are well-rehearsed. Attributing any reductions in reoffending rate, or frequency, or seriousness of reoffending for that matter, to one CJS contributor belies the impact of other factors and the efforts of family, the individual or other agencies. In addition, the lag between service delivery and the measurement of success can prevent any immediate action being taken in response to poor practice.

We are therefore supportive of the move to focus on outcome-related outputs that we know are associated with a reduction in reoffending, such as improved health, employment and sustainable accommodation. While probation providers are not wholly responsible for delivery of some of these outputs, they can be measured on their collaborative efforts to secure them.

In addition, our inspections focus on the inputs and activities which the evidence tells us are linked to positive outcomes for service users. As such, they provide a comprehensive summary of performance. Consideration should be given to using our inspection findings and ratings as part of any performance measurement framework.