

Offender Management Conference: 29 September 2021

Keynote speaker – Chief Inspector of Probation Justin Russell

Slide 1 – Title slide and introduction

Firstly, I'm pleased to be here today and have the opportunity to speak to you all about the current climate in probation at a time of great change and challenge for all services.

Rather appropriately, today is Hidden Heroes Day – so, I'll start by paying tribute to the many thousands of probation and youth justice staff who have worked, in many cases tirelessly, during an unprecedented time in the history of probation – both due to the impact of Covid-19 and, for adult services, the merger back into the public sector.

I know that their demanding and difficult jobs often go under the radar and today is the perfect opportunity to say thank you for their hard work and dedication – certainly, for us all at HM Inspectorate of Probation, this does not go unnoticed.

It's been an unprecedented year for the probation service – one of the most challenging in its 114-year history – as it's faced two huge and simultaneous tasks. Not only did it have to radically re-engineer its entire operating model as a result of the Covid-19 pandemic and the restrictions that placed on face to face contact with people on probation, but probation leaders and staff also had to simultaneously prepare for another major structural reorganisation – it's fourth in twenty years – as separate CRC and NPS services came together in a single, unified, public sector Probation Service at the end of June this year.

Slide 2 – Probation services and Covid-19

Let's start with the first of those challenges – the impact of the pandemic.

At the Inspectorate, we carried out three thematic inspections, looking at the impact of Covid-19 on both probation and youth justice services.

Once the pandemic hit, we found that the entire probation service and youth justice system had to switch, overnight, to an entirely new way of working as exceptional delivery models were introduced for all their key functions.

During that first lockdown period, with court sitting suspended and unpaid work and new accredited programmes stopped as well, the primary focus of the service became the safety of staff, people on probation and the public.

While those individuals assessed as posing the highest risk of harm have been seen face-to-face throughout the pandemic, telephone contact was widely used with the rest of the caseload and accounted for over 90 per cent of planned appointments at the height of the first lockdown – and it still accounts for a majority of contacts.

Slide 3 – the initial response to Covid-19

In spite of this change from face-to-face to phone contact, it was encouraging that our inspection of 240 individual cases last autumn found that the quality of casework post-pandemic, in relation to assessment and planning, was as good as – if not better – in those cases sentenced or released from custody before the pandemic. Indeed, we found that the quality of risk assessment work undertaken with the CRC cases improved significantly.

Virtual case conferences over MS Teams or Zoom has also helped multi-agency working and seems to have improved attendance at case conferences and MAPPA and MARAC meetings.

Slide 4 – what probation staff said

While probation staff felt well supported by managers and many have embraced working from home for at least part of each week, this presents its own challenges, as you can see from these quotes and many staff felt under more pressure as restrictions were lifted than they did during the early stages of the pandemic. A blended model of supervision, combining both home-working and office-based contact, will be the way forward in the future, but a robust, large-scale evaluation of the effectiveness of telephone supervision is still urgently needed, given the reliance that is being placed on it now and potentially in the future.

In the meantime, it was positive to hear earlier this month that the Probation Service has now ended its Covid-19-related Exceptional Delivery Model and is moving to a new set of national standards and a more business as usual operating model, that includes a commitment that every person on probation should receive at least one face-to-face appointment each month – as well as a reinstatement of home visits and a commitment to return to pre-pandemic levels of unpaid work and accredited programme delivery.

Recovery is not a linear path – and neither is fundamental change – which brings us the second major challenge of the past year – unification... the merging of services, and the movement of staff in the CRCs to the public sector, which had to be planned and prepared for during the midst of the pandemic.

Slide 5 – a unified Probation Service from June 2021

As we know, all National Probation Service (NPS) divisions and the privately-run Community Rehabilitation Companies (CRCs) merged in June to become a new, unified public sector Probation Service.

Overall, we found the service both nationally and regionally delivered a very complex transition programme well – this despite the associated challenges brought about by Covid-19.

To minimise risks, staff transitioned over with their existing caseloads and managers and 8,500 staff, 97 buildings and almost 113,000 cases appear to have been successfully transferred into the unified service from the private sector at the end of June.

110 separate contracts were also let with external providers of accommodation, employment and personal wellbeing support and for specialist services for women – with the majority of these going to voluntary sector organisations. Regional directors and chief executives of provider organisations I have spoken to have been positive about the mobilisation of these services. Indeed, if anything, the services are attracting more referrals than were expected rather than the original fear that they might be underused.

Unification however is not just about the first day, or the first few months of a new structure – true transformation takes time. And structural change by itself will not be enough to genuinely transform services, sustained additional long-term investment will also be essential.

And some clear challenges remain.

Staffing

Staffing remains a major concern and unification has confirmed and further exposed the significant differences between the caseloads of legacy CRC staff and those coming from an NPS background. Our last round of inspections found that two thirds of CRC probation officers or PSOs had caseloads over 50, for example, compared to only five per cent of their NPS equivalents and we have found a clear correlation between higher caseloads and poorer quality supervision.

Filling the gaps in staffing complements, particularly in areas like London and the south east and balancing out caseloads between frontline staff needs to be an early priority for the unified service. And it needs to ensure that less experienced and qualified probation service officers are not continuing to inappropriately supervise more complex, medium risk cases.

The service has committed to training an additional 1,500 qualified probation officers this year and next and regional directors have told me they expect to see significant tranches of new staff to arrive in November and in the spring of next year. The number of probation officers is now starting to significantly increase.

Resettlement

Another key challenge will be ensuring that the new probation operating model provides effective supervision and support to people leaving prison, who with the decline in community sentences now form a majority of the probation caseload.

Co-ordinating resettlement arrangements between 117 prisons in England and Wales and the 108 newly reconfigured local probation delivery units to which these prisoners will return will be hugely challenging.

Before unification we found that the additional resources for enhanced through the gate work with prisoners leaving custody from 2019 onwards were starting to have a real impact. Eight of the ten CRCs we reinspected in 2019 and early 2020, for example, we rated as 'outstanding' for this aspect of their work.

The introduction of a new resettlement model for longer term prisoners – OmiC or Offender Management in Custody; together with the replacement of existing Through the Gate contracts with a new set of different support services and reassignment of the original TTG staff all present a risk of disruption of what was an improving support offer for those leaving custody. There's also a need to ensure that prisoners not covered by the OMiC model – including short sentence and remand prisoners – receive support before and after release.

We'll be keeping a close eye on this in our local inspections over the next year and in a dedicated thematic inspection of the OMiC model in the new year with colleagues from the Prison's Inspectorate [HM Inspectorate of Prisons].

Slide 6 – Timeline for the Target Operating Model

Understandably, the initial focus of the unification programme has been about a safe transition, so under what was called a 'lift and shift' approach, probation practitioners transferred over from the CRC and NPS with their existing caseloads and line managers.

That transition phase is now coming to an end and the service is now entering what they call a stabilisation phase through to the end of this year as they balance out caseloads and also to move to mixed caseloads with probation officers, after the necessary training, starting to see a mixture of both higher and lower risk cases as these are allocated to a broader range of practitioners.

That harmonisation process should be complete by April of next year at which point, if the necessary additional resources are secured in the spending review, the probation service will move into a more transformational phase as staff numbers improve, new digital tools are rolled out and the new target operating model is implemented in full.

As the service moves towards that new operating model, there are at least three key areas that our inspections suggest they need to focus on.

Slide 7 – management of risk

Firstly, public protection and the management of the potential risks that some people on probation can present to their families or the wider community.

As this chart shows, assessment and management of risk of harm has remained the weakest area of performance in our local probation inspections. Prior to unification, our last round of CRC inspections showed that fewer than half of the CRC cases we inspected in 2019 and 2020 were satisfactory in their management of risk of harm – and that was the case for about a third of NPS cases too. Although CRCs had invested in retraining staff on understanding the basics risk of harm, we did not see this translated into better supervision of their cases, not least because high caseloads in many areas were making that very difficult.

Slide 8 – low and medium risk cases

Although the management of high and medium-risk cases by the NPS has been better – with over two-thirds satisfactory on most of our quality standards around risk; less than one-quarter of the lower-risk cases we inspected were satisfactory on planning or implementation of plans to management risk. That matters because these lower risk cases are likely to make up a majority of the cases supervised by the unified service. Unification and a move to blended caseloads, where probation officers will manage a mixture of both higher and lower-risk cases plus the lower caseloads I hope will result from the recruitment of significant additional staff, provides an important opportunity to reset the dial on this critical area of work and core function of the service.

But there are two other areas where our recent inspections show significant gaps in the services and support offered to people on probation. Gaps which are leading to higher rates of re-offending than should be the case and which need urgent attention.

Slide 9 – accommodation: key findings

Our thematic inspection of accommodation and support for adult offenders, carried out last year found widespread homelessness and a lack of suitable housing is jeopardising the rehabilitation of offenders.

In the year before our inspection, there almost 11,500 occasions when someone was released from prison homeless. Even more alarmingly, we found 22 per cent of the NPS

caseload, by definition the riskiest people on probation, were being released without stable accommodation.

We found individuals who were released from prison into unstable accommodation were significantly more likely to be recalled back to custody – with a recall rate almost double that for people with settled housing after release.

And our interviews with people on probation, now a core part of all of our inspections, showed vividly the human impact of all this – with some of our respondents saying things were so tough on the outside they would actually have preferred to be in prison.

Slide 10 – accommodation: key themes

Our inspection pointed to a lack of focus or investment in this issue at the beginning of 2020 – with no cross-government strategy and huge challenges getting people into both social housing and private tenancies if they were on probation.

And just getting someone a tenancy often wasn't enough. Given the multiple needs and chaotic lifestyles of many of this cohort additional support is also needed if these tenancies are to last. But we found a significant reduction in this type of supported housing over the past ten years since the ring-fenced Supporting People programme was ended and probation stopped being a commissioner of this type of follow on accommodation in its own right.

Although new duty to refer provisions meant that probation officers were referring cases at risk of homelessness to local housing departments, they weren't following up these referrals or tracking outcomes. And they lacked expertise in housing legislation or procedures. We found having an embedded housing expert in your office could make a big difference .

Slide 11 – what's happened since March 2020?

Things have moved on significantly since our inspection at the beginning of last year – at least in part, I hope, because of the impact of our thematic. But also, because the pandemic lockdown forced local and national government to think urgently about how to support people off the streets, even if it was only into temporary accommodation.

Probation established homelessness prevention teams in each of the regions in April 2020 with additional funding to secure at least 56 nights temporary accommodation for those leaving prison at risk of rough sleeping – making use of unused hotel and B&B accommodation. An initiative that was then rolled forward to the end of this year's lockdown in March 2021.

And in January this year, the government announced a £70m package of investment– including £20m to provide up to three months basic accommodation to 3,000 people leaving prison in five probation regions as well as £23m towards the cost of 200 additional and badly needed Approved Premises places to house the highest risk prisoners after their release.

£33m of contracts have also been awarded to a range of providers, mostly in the voluntary sector, to provide housing advice to people on probation – to replace the arrangements CRC and NPS previously had in place through *Through the Gate* and other provision.

We'll wait to see whether all of this investment does start to impact on the numbers leaving custody or starting a community sentence homeless, but under our new local probation

inspection methodology, which goes live from next month, we'll be keeping a close eye on the actual outcomes that people on probation achieve and I hope that we will start to see improvements.

Slide 12 – Substance Misuse: drug use, crime and probation

If a lack of accommodation is one key cause of re-offending and recall to custody, then drug misuse is perhaps an even more important one. We know, for example, that 300,000 heroin and crack users are responsible for half of all acquisitive crime and cost the public purse £9 billion a year.

And based on our local inspection results we estimate that almost half of people on probation have a drug problem which is linked to their offending – which would equate to around 75,000 people under community supervision. And drug related deaths reached record numbers last year.

Slide 13 – drug treatment for people on probation

Last month we published an important joint inspection report with the Care Quality Commission on drug treatment services for people on probation.

The results were disappointing.

We found, for example, that although there may be 75,000 people with a drugs problem under probation supervision, probation made fewer than 3,000 referrals to specialist drugs referrals services in 2020 – and the number of Drug Rehabilitation Requirement orders given by the courts has fallen 75 per cent since its peak in 2008. Previous investment in criminal justice treatment pathways had withered on the vine as funding was reduced and ringfences removed.

We found that assessments of drug users in courts are not sufficient and as a result, not enough recommendations for treatment are being made to sentencers.

And even when treatment orders are being made, they're not being properly delivered. Nine out of ten of the known drug users whose cases we inspected had not been drug tested – and very few had come back to court for a review of progress. And we found little sharing of assessments, plans or reviews of progress between the probation service and drugs agencies to ensure a joined-up approach to this cohort.

Slide 14 – Resettlement: key findings

Things were no better for those leaving custody. Our analysis of 25,000 prisoners leaving custody in the 12 months to March 2020 who had been receiving treatment for a drugs problem in prison – found that two-thirds didn't continue with the treatment they needed after release. And of the ones who did, only one-third were retained in treatment for 12 weeks, which the evidence suggests is necessary to deliver sustained results.

We found that health and justice services tend to work in isolation and do not share enough information to ensure continuity of care. (Though in south Wales, the same treatment provider serves both prisons and those released into the community, significantly improving join-up).

This resulted, for example, in some people having no prescription for opiate-substitution medication arranged on their release from custody or others turning up unexpectedly at

treatment services because there had been no consultation with them before the person left prison.

We felt more could also be done to build on recovery work in prisons. For example, by linking people to peer-led, mutual aid such as Alcoholics or Narcotics Anonymous after their release.

Licence conditions to manage people after their release were not applied consistently. We found some cases where licence conditions should have been applied and others where the requirement for treatment was not proportionate or appropriate.

Slide 15 – safety and wellbeing: Ellie’s story

Harm reduction

A third key area we looked at was harm reduction. Drug related deaths in the UK topped 4,500 last year – the highest on record – and are particularly high amongst people on probation who are therefore posing a major risk not just to the wider community but to themselves as well.

In the course of our fieldwork we looked in detail at 60 cases of people on probation known to have a serious drugs problem and the help they were receiving.

We found a group with many and various physical and mental health needs, a majority of whom had suffered trauma in their lives, many of whom were very vulnerable.

Take Ellie for example, a case we looked at who had been diagnosed with emotionally unstable personality disorder, depression and anxiety. She has a history of self-harm by biting, cutting and hitting herself and was detained under the Mental Health Act twice. She has a daughter who was removed from her care, and she does not see her. She struggles with self-care and maintaining a tenancy. She speaks of abuse from her father in childhood and having difficulties with her cultural identity. After a short spell in custody, she was released without a prescription for opiate substitution medication and she slept her first night out in a public toilet.

Slide 16 – Kelly’s story

Or Kelly, another very chaotic case with complex needs, who over the course of supervision was seriously assaulted on three occasions. She was stabbed in the arm, severing an artery and requiring 36 stitches; hit around the head with a metal pole, resulting in a suspected bleed on the brain; and slashed across the forehead. She was also ‘cuckooed’ repeatedly, with an individual at her address in possession of a machete.

Yet none of the agencies involved with Kelly made a referral for adult safeguarding.

Slide 17 – reducing harms: key findings

And we found that wasn’t uncommon. Only just over half of the cases we looked at received necessary assessment of their safety and wellbeing needs with no interventions to support these needs in far too many cases.

And where someone like Ellie or Kelly dies from drug related causes, we found that drug and probation services almost always conducted reviews of these deaths in isolation from each other, with virtually no sharing of learning or good practice across agencies

We found few probation practitioners were confident in giving overdose-prevention advice and the service has been slow to roll out naloxone kits and training to help its staff to help prevent these.

We did find examples of good practice, including a renewed focus on this issue in Blackpool which has experienced a tragic cluster of these deaths, but overall probation and drug services staff are not proactive enough when it comes to safeguarding the adults they work with and that the threshold to receive adult social care services is very high.

Probation Leaders need to support staff with training and developing knowledge, and work with local safeguarding arrangements to ensure that adults at risk are kept safe in the community while they are helped to turn away from crime.

Slide 18 – our recommendations

This was a disappointing thematic inspection and as with our work on accommodation I hope it will lead to some significant improvement. We made 14 recommendations to the Ministry of Justice, Department of Health and Social Care, Welsh Government, HMPPS and the Probation Service itself, including:

- Provide adequate funding for drug treatment and recovery for people on probation and following release from custody.
- Increase the use of drug rehabilitation requirements by ensuring that drug-misuse assessments at court are carried out by appropriately skilled practitioners.
- Ensure that every person leaving custody needing ongoing treatment receives it, supported by effective handover arrangements and improve the safety of people on probation by increasing access to naloxone; improving systems to review drug-related deaths and developing learning programmes that enable staff to deliver effective harm reduction and overdose prevention work to people with drug.

Slide 19 – future challenges for probation

In conclusion, it's been a hugely significant year for the Probation Service, faced with the twin challenges of the Covid-19 pandemic and another major structural reform programme and on Hidden Heroes day I pay tribute to the leadership and staff of the service for the way they have responded to both.

The pandemic has led to rapid and transformational innovations in the way the service interacts with the people on its caseload some of which look likely to become business as usual. And it's led to a welcome refocusing of the service on the practical welfare needs of the people on probation – including for stable accommodation, where there has been some welcome progress over the past year – though that now needs to be embedded and rolled out nationally so that it actually starts to impact on the still unacceptably high proportion of people released from prison without a secure roof over their heads.

Other challenges remain. Recovery from Covid-19's impact will likely take years, to deal with the impact on court or unpaid work backlogs or the longer-term psychological impacts on some staff and people on probation.

Longer term resourcing is needed. Structural changes not a magic bullet by themselves. Sustained investment is essential to deal with past shortfalls and the costs of Covid-19 recovery and increased volumes. The additional £155m funding for the service this year and

last has been welcome but this need to be continued, into the future, in the spending review whose results we shall soon know. And further resources on top of this for drug treatment, accommodation and other programmes to reduce re-offending are crucial.

The wider 'ecosystem' on which the service relies– mental health and drugs services; children's social care – also needs investment too after impacts of austerity and Covid

Local probation areas need space to innovate and form local partnerships. It will be important not to crush local initiative and experimentation which had started to grow under Transforming Rehabilitation.

Real transformation is a long-term commitment and unification is just the beginning of that journey.

Slide 20 – reasons to be cheerful

But having said all that, I do see reasons for optimism...

- Additional government investment in probation is making a difference, for example in relation to staff numbers and accommodation provision.
- The transition to a new unified structure was well managed and has generally been popular with staff – though they now want to see a real impact of that on their workloads.
- Stronger national leadership has helped the service to come out of the shadows of the prison service. And it's now able to speak with one voice locally when working with stakeholders.
- Signs of improving performance in final year of Transforming Rehabilitation – falling re-offending rates and better inspection ratings for some providers – though we wait to see if that continues.

Slide 21 – when it all goes right...

And finally, on Hidden Heroes Day, a reminder of why all this matters...

I'll leave you with three quotes from people on probation we've interviewed over the past year or so to remind you of the hidden heroes working in the probation service and the difference they can make.

Ends.