



Her Majesty's  
Inspectorate of  
Probation

# 2021 Annual Report: inspections of probation services



## High-quality probation and youth offending services that change people's lives for the better

Her Majesty's Inspectorate of Probation is the independent inspector of probation and youth offending services in England and Wales. We set the standards that shine a light on the quality and impact of these services. Our inspections, reviews, research and effective practice products provide authoritative and evidence-based judgements and guidance. We use our voice to drive system change, with a focus on inclusion and diversity. Our scrutiny leads to improved outcomes for individuals and communities.

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***Please note that throughout the report the names in the practice examples have been changed to protect the individual's identity.***

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# 1. Key Facts

On 26 June 2021, all National Probation Service (NPS) divisions and the privately run Community Rehabilitation Companies (CRCs) merged to become a new, unified public sector Probation Service divided into 12 regions.

- 1) Probation Service – Wales region
- 2) Probation Service – North West region
- 3) Probation Service – Greater Manchester region
- 4) Probation Service – North East region
- 5) Probation Service – Yorkshire and the Humber region
- 6) Probation Service – West Midlands region
- 7) Probation Service – East Midlands region
- 8) Probation Service – East of England region
- 9) Probation Service – London region
- 10) Probation Service – South West region
- 11) Probation Service – South Central region
- 12) Probation Service – Kent, Surrey and Sussex region



## HM Inspectorate of Probation facts:

### The Inspectorate published:

- 6 Thematic probation inspections
- 3 Effective Practice (probation) guides
- 6 Research and Analysis Bulletins
- 17 Academic Insights

During the Covid-19 pandemic, the Inspectorate adapted its inspection processes to work remotely, to ensure we could continue to provide inspection and research data for the benefit of probation services and the wider criminal justice system. While inspections of individual services were paused for a time, the Inspectorate continued to closely monitor progress via thematic inspections and research work, as detailed throughout this report

## Probation population facts: <sup>1</sup>

234,827

Number of people under probation supervision

69,409

In custody

68,273

Community orders

62,684

Licence

40,210

Suspended sentence orders

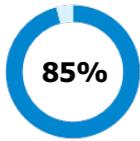
-13%

The reduction in individuals starting accredited programmes July – Sep 2020 to July – Sep 2021 (those on community orders or suspended sentence)

<sup>1</sup> Ministry of Justice. (2022). Offender Management Caseload Statistics as at 30th September 2021.

## Accommodation: <sup>2</sup>

Those on community orders or suspended sentence



Settled accommodation



Temporary accommodation and homeless

## Those released from custody



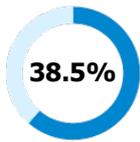
Settled accommodation



Temporary accommodation and homeless

## Education, training and employment

Those on community orders or suspended sentence

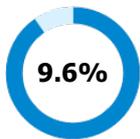


Employed



Unemployed

## Those released from custody

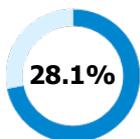


Employed

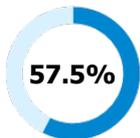


Unemployed

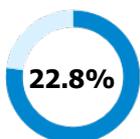
## Reoffending rates within 12 months:<sup>3</sup>



For those who started a community sentence or suspended sentence starting between January and March 2020.



For those released from a custodial sentence of less than 12 months between January and March 2020.



For those released from a longer sentence (12 months or more).

<sup>2</sup> Ministry of Justice. (2021). Community Performance Annual update to March 2021.

<sup>3</sup> Ministry of Justice. (January 2022). Proven reoffending statistics: April 2019 to March 2020.

## Exceptional Delivery Models (EDMs) – a timeline

EDMs were implemented as part of the 'Offender Management' response to the Covid-19 pandemic, supporting the broader government restrictions on movement and contact.

National Standards are a prescriptive set of minimum contact levels & processes for people on probation (which can be flexed & adapted by regions). Implementation was suspended during the pandemic until the Probation Service exited EDMs.

### March 2020

a nationwide lockdown is announced and on 24 March 2020 HMPPS issues Exceptional Delivery Model (EDM) guidance to the NPS and CRCs. Broad implications of this are that unpaid work (UPW) and accredited programme delivery are predominantly paused, and majority of cases are contacted by telephone rather than face-to-face. Significant numbers of staff are working from home.

### 05 November 2020

a second lockdown, for four weeks to December 2020, is announced and on 04 January 2021 a third lockdown announced, which reduces UPW, accredited programme and face-to-face delivery. Capacity is further impacted due to social distancing.

### June 2021

Unification of the Probation Service.

### October 2021

All regions to working towards exiting EDMs and to adopting new National Standards. A Demand Management and Risk Board (DMRB) will help to embed and implement the standards.

### January 2022

All Probation Service regions return to EDM delivery until February 2022.

### 02 June 2020

HMPPS produces 'roadmap to recovery', which enables UPW and accredited programme delivery to re-commence and an increase in face-to-face delivery of office appointments with people on probation. Capacity is impacted due to social distancing.

### March 2021

a phased exit from lockdown begins and HMPPS provides updated EDM guidance to services, which enables increased UPW, accredited programme and face to face delivery. Capacity remains impacted due to social distancing.

### September 2021

HMPPS informs the Probation Service that recovery is improving enough to move into 'green' EDM models – allowing increased capacity in offices and increased in-person contact with people on probation, as well as for UPW and accredited programme delivery.

### December 2021

Government announces 'Plan B' as Omicron variant of Covid-19 impacts the UK.

## 2. Chief Inspectors overview

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It has been a year of huge challenges and very significant structural reform for the probation service as it has managed the twin challenges of the ongoing Covid-19 pandemic and preparing for the unification of the service in the public sector in June 2021.

At the time of unification, I said that structural change by itself would not be a magic bullet. Merely transferring thousands of staff and tens of thousands of cases from private sector providers into the Civil Service does not deal with some of the underlying and quite fundamental issues that our inspections have uncovered over the past few years. These have included a critical lack of frontline staff and the excessive caseloads this has generated – as well as overloaded middle manager grades and poor-quality legacy accommodation from the old National Probation Service (NPS). Nor does it solve the issue of a lack of investment over the past decade in the broader ecosystem – of mental health, drug treatment and multi-agency partnerships – on which the service also relies and which our recent thematic inspections have shown to be threadbare and struggling. This situation has been made significantly worse by the impact of Covid-19.

Our thematic inspection of preparations for the unification of the Probation Service in the run-up to June 2021 found that this major change programme had, in the main, been well managed locally and nationally, although we had some concerns about potential gaps in the continuity of additional support services as a new set of contracts were mobilised. In practice, there were no major disruptions to service provision over the transition period as cases and staff were transferred over. However, as the Probation Service itself has acknowledged, this was merely the beginning of the journey. Genuine transformation is a much longer road, which requires sustained additional investment and leadership as well as culture change.

This report includes the results of our first major post-unification survey of probation staff in September, to which 1,500 responded – one in 10 of all staff. It showed that half of our respondents had still not made a final judgement on whether unification had made the service better or worse. Only 12 per cent were prepared to say that it had improved delivery. Half also said that their workload remained 'not so' or 'not at all' manageable three months after unification, and just over half said that they had sufficient access to services for the cases they supervised.

In our thematic inspection of preparations for transition, we pointed to the importance of making sure that legacy staff from the NPS and Community Rehabilitation Companies (CRCs) were made to feel part of a single, united culture and given equal respect for their skills and experience. Our survey suggests that there is still some way to go to make this happen, with former CRC employees significantly less likely to say that they felt the unification changes had been implemented well, and more likely to say that they felt like 'the poor relative' in the unified structure, with their particular skills and experience being underappreciated.

### The impact of Covid-19

As chapter four shows, the Covid-19 pandemic has brought additional huge challenges. For all but three months of 2021, the Probation Service was having to operate under what it termed 'exceptional delivery models' (EDMs), to ensure that it was functioning in a Covid-19-secure way. These EDMs differed across probation functions (court teams,

sentence management, approved premises, etc). All of them involved significant modifications to 'business as usual' practice, to reduce the amount of face-to-face contact between the service and the people it supervised or the other agencies it worked with. National service standards and the usual performance arrangements were also paused – with a focus on welfare checks and risk of harm.

The impact on some core probation functions has been profound. For CRCs, at the start of 2021, almost three-quarters of all contacts with people on probation were by telephone and only 19 per cent were face-to-face. For the first three months of 2021, all outdoor unpaid work parties had to stop and all group-based face-to-face interventions to tackle offending behaviour ceased.

The impact of all of this on delivery is clear. Nationally, at the end of November 2021, over 13,000 unpaid work orders had reached the 12-month point without being completed – meaning that they would have to go back to court for an extension – representing tens of thousands of hours of uncompleted community payback. Delivery of accredited programmes was improving but had still only reached 70 per cent of pre-pandemic levels.

Although the Probation Service was able to make some return to national standards from October 2021, in much of the country this could only happen on a scaled-down basis, and the renewed wave of Covid-19 infections brought by the Omicron variant in December led to hundreds of staff testing positive and a return to EDM arrangements at the beginning of 2022 – slowing the progress that had been made on unpaid work and other areas.

## **HM Inspectorate of Probation's post-unification inspections**

Covid-19 has also had a major effect on our inspection plans and meant that we were unable to complete the second round of pre-unification inspections we had planned. Of the 14 (out of 28) CRCs and NPS services we were able to inspect between summer 2019 and spring 2021, we rated five as 'Good' and the remainder as 'Requires improvement'. In our last set of inspections under the *Transforming Rehabilitation* arrangements in spring 2021, it was positive to see improvements in the South West, where we found that the replacement of Working Links by Seetec, as the CRC provider for the Devon, Dorset and Cornwall, and the Bristol, Gloucestershire, Somerset and Wiltshire areas, had led to significant improvements in staff morale. Although some of our case assessment scores remained concerning, they had improved, with some particularly impressive work by Seetec's Through the Gate teams in the South West, who had kept delivering through the pandemic.

To give the Probation Service the time and space it needed to go through the transition to a unified structure, we suspended our local, core probation inspections between April and September 2021 as we finalised our plans for a new inspection methodology (see annex 1). We have now merged our previous separate methodologies for CRCs and the NPS into a single set of nine standards on sentence management to be applied in every local probation delivery unit (PDU). These ensure that we scrutinise the quality of supervision of every case we inspect, from initial court report to the quality of assessment, planning and delivery six months after sentence (for community sentence cases) or after release from prison, for those on post-release licence (who now make up the majority of the unified Probation Service caseload). We have also added a tenth standard, which measures the progress that a person on probation has made during that same period of supervision against key outcomes such as reoffending, accommodation, or education, training and employment (we will not be rating this standard over the first round of our PDU inspections while we scrutinise the results, but we will be publishing the data.)

With the ongoing restrictions on local probation office capacity imposed by the pandemic, we have been unable to conduct onsite probation inspections since March 2020 but have

managed to adapt our methodology so that it can be delivered in full through remote interviews, focus groups and case file scrutiny. In some ways, this has made it easier for probation staff and managers to participate and reduced the burdens of having to travel across what can be large geographical areas to take part in focus groups or interviews. However, it has been a less satisfying experience for my inspection teams, who are keen to get back out into the field.

Using our new methodology and standards for the unified service (see annex 1) and our adapted remote inspection techniques, we restarted our core local inspection programme at the end of October 2021, focusing on two PDUs in South Wales – Swansea Neath Port Talbot, and Gwent.

The results were disappointing. Although Wales had unified its sentence management functions a year ahead of England, in December 2019, the onset of the Covid-19 pandemic three months after this and other local factors, such as the asbestos-related closure of the main Swansea office, had clearly impacted on the quality of service delivery. Swansea Neath Port Talbot PDU was given an overall rating of 'Inadequate', with less than half of the cases we inspected being judged as satisfactory against all our quality standards. In Gwent, we found a similar picture, with 'Inadequate' ratings against three out of five case inspection standards. National issues around backlogs were also evident. In Swansea, for example, we found that 34 per cent of unpaid work cases had reached the 12-month point without being completed, and that 75 per cent of accredited programmes were yet to start (although the rate was better for interventions for people who had committed a sexual offence).

As the pandemic eases and the Probation Service can return to its preferred operating model, and national standards and performance arrangements are reinstated, I hope that performance will improve this year. I do not, however, expect that to happen overnight and Covid-19-related backlogs are likely to continue well into 2022/2023, if not beyond.

## **Public protection and risk of harm**

In my previous reports, I have highlighted my concerns about the quality of work undertaken to ensure that potential risks to the public are well-managed – a core and essential function of the service. Under our previous inspection programme, we found that the assessment and management of these risks was the weakest area of performance. Less than half of the CRC cases we inspected were sufficient in relation to our key questions around risk of harm on three standards – and not much more than half in terms of assessment. While we found the management of higher risk of serious harm cases to be better, that of medium and low risk of serious harm cases was significantly worse. These matter because medium risk of serious harm cases make up the majority of those supervised by the probation service, including, for example, tens of thousands of domestic abuse perpetrators. (They also account for 60 per cent of all the homicides committed by people on probation.)

With thousands of these medium risk of serious harm cases transferring from the CRCs into the unified Probation Service in June 2021, ensuring their safe supervision must be a priority, so the results from our first PDU inspections of the unified service in November 2021 were disappointing. We found the quality of assessment, planning and delivery to be significantly worse for medium risk of serious harm cases than for the higher-risk ones, particularly for cases on community orders from the court.

Since April 2021, at the request of a previous Secretary of State, the Inspectorate has also been reviewing a sample of all of the Serious Further Offence (SFO) reviews conducted by the Probation Service itself – of which around 500 were conducted in 2020/2021 – to ensure that the right lessons are learnt. The results of the first seven months of our SFO quality

assurance are reported in chapter six of this report. Overall, we found that around six in every 10 were satisfactory, with the remainder requiring at least some improvement, if the full lessons were to be learnt. Common weaknesses included a failure to analyse 'why' deficiencies in practice had occurred and a lack of scrutiny and challenge of the more senior management levels involved in a case – as well as the more junior frontline staff.

## Thematic inspections

With less opportunity to undertake local inspections over the past year, we have increased the number of national thematic reviews undertaken – with six published since my last annual report. These have looked at the recovery of the service after the first Covid-19 lockdown; at preparations for unification; and at a number of key drivers of reoffending – notably, dependent drug use and mental ill health. We also inspected recent developments in electronic monitoring and looked at race equality in probation – talking both to ethnic minority staff and people on probation about their recent experiences. Chapter five of this annual report highlights key findings from each of these important reports and reviews how the HM Prison and Probation Service has responded to each.

Our reports on accommodation; drug treatment and recovery work; and mental health have all shown large gaps between the needs of people on probation and the services provided. We estimate, for example, that there are 75,000 people under probation supervision in the community whose offending may have been caused by drug abuse – but only 3,000 were referred by probation staff to a specialist treatment agency in 2020/2021. In the year leading up to our thematic inspection of accommodation in 2020, more than 11,000 people were released homeless from prison, and we found that recall rates to custody were almost double for those without stable accommodation to go to. In addition, our joint thematic inspection of mental health – undertaken with all the other criminal justice inspectorates – found over 110,000 people being referred to mental health workers in police custody suites in 2020, and thousands more already in prison or on probation with a mental health problem. Yet, we found long delays for community treatment or to transfer people with acute symptoms out of prison and into a more suitable mental health facility. The quality of probation practice with this group was also highly variable, with a comprehensive analysis of mental health needs found in less than half of the cases we inspected, and skills gaps among practitioners.

## Research and effective practice guidance

As chapter seven highlights, it is vital that our probation inspection standards are grounded in evidence, learning and experience, and that this is continually reviewed. Our in-house research team ensures that this happens, as well as publishing its own Research and Analysis Bulletins, drawing on our extensive inspection database of thousands of individual case assessments and practitioner interviews. Over the past year, this has included important and widely referenced research on the links between caseload size and quality of supervision which found a clear correlation between the two. At the end of 2020, the team also produced an online guide to all the key evidence and research behind the central concepts and components of probation supervision. Moreover, we continue to invest in the external research community as well – sponsoring primary research and commissioning Academic Insights papers by many of the leading academics working on probation research in the UK and other jurisdictions.

The Inspectorate's mandate has always included a duty to promote effective practice as well as to provide assurance. Over the years, and particularly during the *Transforming Rehabilitation* era, that part of our mission has become overshadowed by a focus on performance and issues around poor-quality delivery. However, in the course of our

inspections we often spot excellent and innovative work by frontline practitioners and managers. So, over the past three years, we have made it a priority to identify and disseminate examples of our inspection standards being met effectively on the ground. Our Effective Practice Lead develops an effective practice guide, published alongside each of our thematic inspection reports, including interviews with practitioners and key takeaway lessons for practitioners wanting to improve their own practice. Our chapter on Effective Practice highlights key guides from the past year – including those alongside our electronic monitoring and drug abuse services thematic reports. In addition, in December 2020 we published a guide to effective case supervision, based on learning from over 4,500 inspected cases.

## People on probation

When I became Chief Inspector, I made one of my key priorities giving people on probation a bigger voice in the evidence we gather on our inspections. Interviews with this group, by people who have been through the system themselves, are now a standard part of all our thematic inspections and have generated many moving testimonies. We have heard stories of people forced to live on the streets after release from prison and constantly recalled to custody as a result; of the emotional trauma caused by police or prison custody to those with mental health or neurodiversity needs; and of the past trauma and violence suffered by those dependent on drugs and missing out on the services they need so badly.

Moving forward, we will also now be gathering more evidence from people on probation in our local inspections. In the areas we inspect, everyone under supervision will be sent a questionnaire to respond to, and, working with the organisation User Voice, we'll be gathering personal testimonies from those willing to be interviewed about their experiences too.

## The future

While the past year has been challenging in the extreme and the impacts of the pandemic have been self-evident in the services we have inspected, I think we can be more optimistic about the future.

After many years of real terms cuts to probation investment, the service has seen a significant increase in resources with an uplift to £1.17 billion in 2020/2021 (equivalent to a 23 per cent real terms increase on 2018/2019). And there was welcome news in the Autumn Spending Review that these additional resources have been incorporated into the baseline budget of the service for the next three years.

The spending review has also promised an additional £550 million over three years to tackle reoffending, with new investment in some of those areas highlighted by our recent thematic inspections – notably, accommodation and drug abuse services for people on probation. I also welcome the government's new 10-year drugs strategy and its constructive response to Dame Carol Black's report, which mirrored many of our own recommendations. The promise of 54,000 more treatment places is particularly welcome and should start to have a significant impact on the treatment gap we identified for people on probation – although action will be needed on the probation side as well, to ensure that people's treatment needs are identified in the first place and the necessary referrals and court requirements actioned subsequently.

Although the new unified structure is not yet impacting on performance, I nevertheless welcome the decision to unify the probation service – as did the majority of the staff we interviewed for our thematic inspection on unification. This should bring more consistency in terms of staffing and operating model, and the opportunity for staff to supervise blended

(and hopefully lower) caseloads of higher and lower risk of serious harm cases, giving greater flexibility to spread workloads and more variety for frontline practitioners.

For too long, probation has been a 'Cinderella service', stuck in the shadows of more high-profile parts of the criminal justice system and only in the public eye when things go wrong. However, with a caseload three times that of the prison system; 16,000 staff and a budget of over £1 billion per year, it is a serious player in its own right. While we have criticised the service when we have found weaknesses, particularly around risk management, we have found many examples of excellent practice as well – and of very positive feedback from the people it supervises. Moreover, while major challenges remain – not least from the ongoing impacts of the pandemic – with additional investment, a unified structure and strong leadership, I have every confidence that the road to transformation and improved performance over the next few years will take it in the right direction.

A handwritten signature in black ink that reads "Justin Russell". The signature is written in a cursive, flowing style.

**Justin Russell**

HM Chief Inspector of Probation

### 3. The transition to a unified Probation Service

All National Probation Service (NPS) divisions and the privately run Community Rehabilitation Companies (CRCs) merged in June 2021 to become a new, unified public sector Probation Service.

The change affected more than 220,000 people on probation and 16,000 probation staff across England and Wales.

Probation services were reorganised previously in 2014, through the *Transforming Rehabilitation* reforms, a model which HM Inspectorate of Probation found to be deeply flawed.

In this section we look at the progress of unification so far. Conclusions are drawn from an Inspectorate-led Probation Service staff survey, conducted in September 2021, as well as interviews with Regional Probation Directors (RPDs) and senior leaders at HMPPS Headquarters. We have also taken evidence from official statistics concerning areas such as unpaid work and accredited programmes, and from our thematic inspections which looked at preparations to deliver unification, and the implementation of exceptional delivery models (EDM) due to the impact of Covid-19 restrictions.

Unification involved merging the existing 21 CRCs and seven NPS divisions into 11 regions in England and one in Wales, led by RPDs. The diagram on the next page shows the transition to the unified model:

#### Unification timeline

##### March 2020

Covid-19 restrictions came into effect across England and Wales. The restrictions have a major impact on the delivery of probation services.

##### June 2020

The Lord Chancellor announced he was cancelling the planned probation delivery partner procurement. The delivery of unpaid work, Through the Gate services and behavioural change programmes will move back to public sector in 2021.

##### June 2020

HMPPS launched the first of the Dynamic Framework competitions. Charities, voluntary and private sector organisations bid for a share of £100m per year to run additional support services such as education, employment, specialist women's services and accommodation.

##### July 2020

HMPPS published its Probation Workforce Strategy.

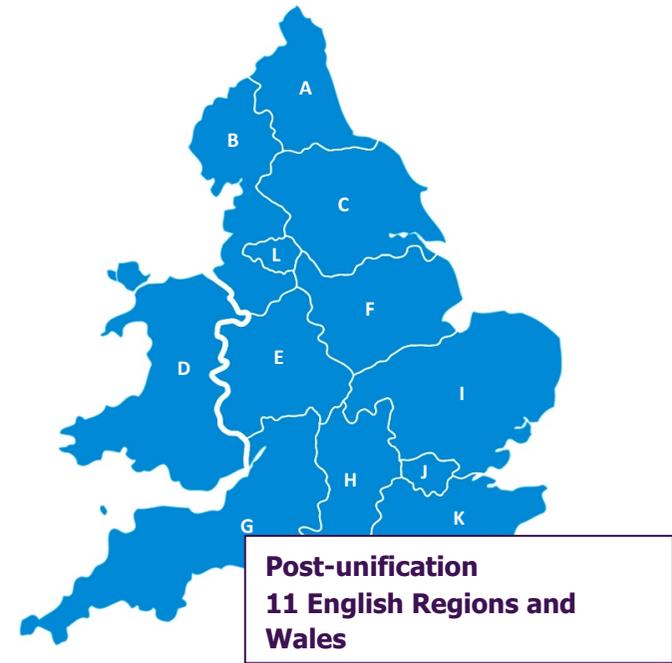
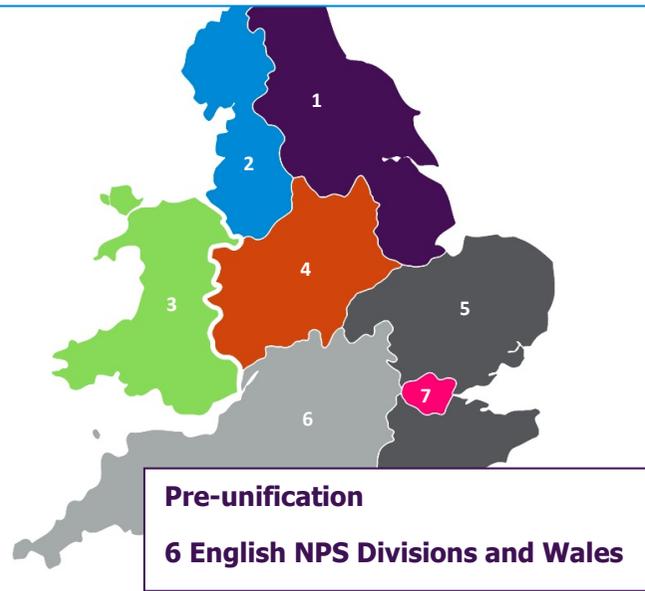
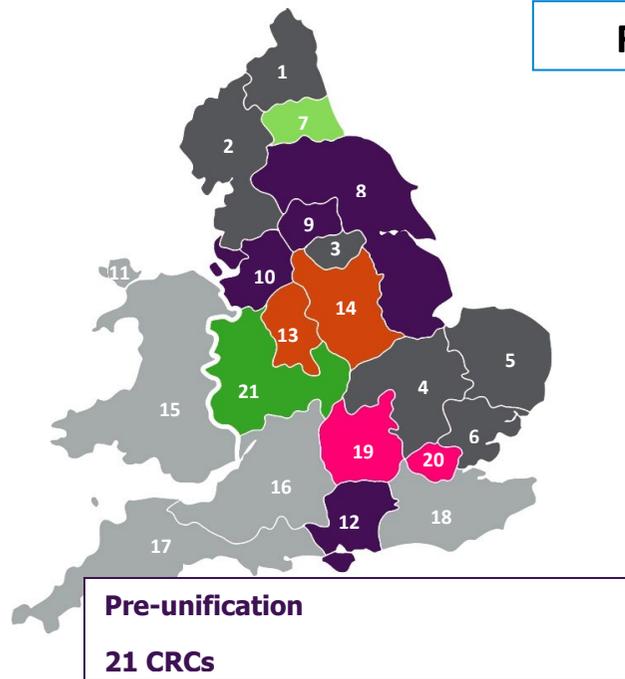
##### February 2021

HMPPS published its Target Operating Model for the unified probation service.

##### 26 June 2021

Day one of the new unified probation service, responsible for managing all those under supervision on a community order or license following their release from prison in England and Wales.

**Figure 1: Transition to unified model**



CRC ownership	
1	Sodexo Justice Services in partnership with Nacro
7	ARCC (Achieving Real Change in Communities)
8, 9, 10, 11, 12, 13, 14, 19, 20, 21	Purple Futures
4, 5, 6, 15, 16, 17, 18	The Reducing Reoffending Partnership
15, 16, 17, 18	Seetec
19, 20	MTC
7, 21	EOS Works Ltd

NPS Divisions	
1	North East
2	North West
3	Wales
4	Midlands
5	South East and Eastern
6	South West & South Central
7	London

New Probation Regions	
A	North East
B	North West
C	Yorkshire and the Humber
D	Wales
E	West Midlands
F	East Midlands
G	South West
H	South Central
I	East of England
J	London
K	Kent, Surrey and Sussex
L	Greater Manchester

CRC Regions					
1	Northumbria	8	Humberside, Lincolnshire & North Yorkshire	15	Wales
2	Cumbria & Lancashire	9	West Yorkshire	16	Bristol, Gloucestershire, Somerset and Wiltshire
3	South Yorkshire	10	Cheshire & Greater Manchester	17	Dorset, Devon & Cornwall
4	Bedfordshire, Northamptonshire, Cambridgeshire & Hertfordshire	11	Merseyside	18	Kent, Surrey & Sussex
5	Norfolk & Suffolk	12	Hampshire & Isle of Wight	19	Thames Valley
6	Essex	13	Staffordshire & West Midlands	20	London
7	Durham Tees Valley	14	Derbyshire, Leicestershire, Nottinghamshire & Rutland	21	Warwickshire & West Mercia

## A cautious welcome

The unification programme saw 7,500 staff from 54 separate organisations coming together on day one of the unified service, 26 June 2021, with this multi-faceted change programme completed alongside the added complication of Covid-19. In many ways, this change programme was more complex than *Transforming Rehabilitation* in 2014. While the NPS delivered under one operating model, the seven CRC parent organisations each ran their own models, and, in some instances, their own case management systems.

In *A thematic review of work to prepare for the unification of probation services* (May 2021),<sup>4</sup> we concluded that staff would experience change differently, depending on which organisation they transitioned from (and therefore the region in which they were based) – a theme that appears to have been borne out by the results of our September 2021 survey of probation staff, which we explore later in this section.

We carried out inspections during all six years of the *Transforming Rehabilitation* model, finding it to be fundamentally flawed. Squeezed budgets resulted in falling probation officer numbers, staff under relentless pressure and high caseloads. This inevitably resulted in poorer quality supervision, with over half of the cases we inspected in the private sector CRCs – between 2014 and 2021 – being unsatisfactory in some key aspect of quality.

On the eve of unification (June 2021), Chief Inspector of Probation, Justin Russell, made clear the view of the Inspectorate and the long road ahead for true transformation of the Probation Service:

*"The government's decision to bring probation back together – though welcome – will not be without its challenges. Challenges that should not be underestimated. There are no magic bullets here: structural change needs to be backed by sustained investment for there to be true improvement. Real transformation is a long-term commitment, and unification is just the beginning of that journey."*<sup>5</sup>

But the Inspectorate also viewed unification as a chance for the Probation Service to create new opportunities and come together to speak with one voice. This view was shared by many in the service: in our inspection of the unification of probation services,<sup>4</sup> the large majority of the staff and managers we spoke to supported the direction of travel.

### But what did this look like, months into unification?

The inspectorate has tracked the progress of unification in a series of thematic reviews since 2020. While noting that the reform programme was largely on track, we expressed concerns about the staff shortages in some regions, and the availability of rehabilitative interventions for the new organisation. In addition, we raised the challenge of building a cohesive culture for the new service, in which former CRC staff receive proper recognition of their skills and professional status.

We commissioned a survey of frontline probation staff in September 2021, to hear how unification was going so far. [The complete results of this survey can be found as an attachment to this report via the HM Inspectorate of Probation website.](#)<sup>6</sup>

<sup>4</sup> [HM Inspectorate of Probation. \(2021\). A Thematic Review of Work to Prepare for the Unification of Probation Services.](#)

<sup>5</sup> [HM Inspectorate of Probation. \(2021\). Press release: Probation unification is not enough, by itself, to put right the flaws of past reform.](#)

<sup>6</sup> <https://www.justiceinspectrates.gov.uk/hmiprobation>.

The Inspectorate would like to record its thanks to those who took part in this survey.

### A summary of the Probation Service survey

We received 1,534 responses to our survey, which represents about one in 10 (nine per cent) of Probation Service staff. Responses were received from every region, and from all functions within the service. Just over half of the respondents (51 per cent) had worked previously in CRCs and just under half (47 per cent) in the NPS.

- **61 per cent** believed that senior leaders communicated their strategies for the new, unified, Probation Service sufficiently well. However, a similar proportion (58 per cent) believed that the changes had not been implemented well.
- Over half (**55 per cent**) of probation staff were dissatisfied with the guidance received about how to manage work at the point of unification.
- About six in 10 (**58 per cent**) were 'always' or 'mostly' receiving case-focused supervision from their manager, and just over half (**52 per cent**) were satisfied that managers paid sufficient attention to staff wellbeing.
- About half (**51 per cent**) found their workload 'not so manageable'.
- Just **over half** said that they had sufficient access to services to meet the needs of people on probation, and **two-thirds** had sufficient access to services to manage risk of harm.
- Just over half (**52 per cent**) had not made a final judgement on whether unification had made probation services better or worse.
- Six in 10 (**60 per cent**) stated that they felt positive about working for the Probation Service (recently employed staff were more likely to be positive).

When analysing the drivers of the staff responses, we found notable differences by region, with those working in Wales, where unification had had longer to bed in, providing a more positive response.

### Analysis of staff comments to open questions revealed five key issues:

- there is a cultural divide between former CRC and NPS staff; CRC staff felt that they were perceived by former NPS staff as less skilled, as 'second class'.
- induction training was a trial for former CRC staff, with too much information being delivered and not enough time allocated to absorb it.
- high caseloads and workloads remained a problem for many and had hampered unification.
- new information and communications technology management systems made unification more stressful.
- many staff were positive about unification and the future, noting that the change process had been conducted during the pandemic and society's recovery.

## Organisational culture

While the survey was completed shortly after unification, and new cultures take time to embed, it is crucial to reflect on the importance of organisational culture and the impact it has had on successful probation service delivery. Indeed, one of our recommendations from our thematic review of work to prepare for unification<sup>4</sup> was to 'ensure an inclusive culture is in place that embraces different experiences and backgrounds of the staff forming the new probation model and gives equal status to interventions and sentence management staff'. As highlighted earlier, each member of staff will have experienced the change differently.

The survey highlighted some cultural divides between legacy CRC and legacy NPS staff, with some CRC staff feeling like second-class citizens. For example, quotes include:

*"CRC staff are viewed as the poor relative, and the ones who have a lot to learn. The reality is both services have valuable skills and experiences that should be explored and shared. CRCs had the capacity to be creative and you weren't restricted in your role in terms of what you could or couldn't do".*

*"In the local area where I work, physically and culturally things are very different; we still work from separate offices and it is very much day-to-day working that nothing has changed, and it is still 'CRC and NPS'".*

Probation staff working in areas such as interventions – specialist services which support desistance from offending for people on probation – have had a different experience to those involved in sentence management. Until June 2020 they were expecting their roles to be outsourced to external 'Probation Delivery Partners' from either the private or voluntary sector. However, this decision was reversed in June 2020 when it was decided to bring these services in-house as part of the unified model. As a result, there was less time for them to plan and prepare to be part of the unified service. Job Evaluation Scheme (JES) outcomes for some of the intervention roles in the new unified structure, which originally came out at a lower grade than in the CRCs, have also had a negative effect on morale and fed into a perceived notion held by some that interventions work is seen as 'second class'. Nevertheless, senior leaders within HM Prisons and Probation Service (HMPPS) have spoken with immense pride of the positive attitude of interventions staff who have remained dedicated to their work, whilst they awaited the outcome of the JES process.

It is imperative that leaders listen to everyone's experiences, work to challenge assumptions, and celebrate everyone's contributions and skills, ensuring that the positives are recognised from both legacy NPS and CRC ways of working. This is essential to ensuring a unified culture, moving forward, and is a key part of our inspection standards.

We shared the results of our Probation Service survey with HMPPS prior to the publication of this report, to allow them to respond to our findings. In response to suggestions that the unified service had developed a two-tier culture, they said:

*"Feedback from some staff about the risk of a continued two-tier culture is particularly important, and something we are working hard to address. We have a specialist team that is leading on how to translate the unified culture we want to see into practical behaviours and ways of working that we can promote at each level of the organisation. That team is also supporting the reforms planned after transition through use of staff personas to help the Programme team and regions understand the cultural aspects of delivering changes to our systems and ways of working".*

Our probation staff survey highlighted that legacy CRC staff were less satisfied with the implementation of the changes than former NPS employees, with positive response rates of 35 percent and 48 per cent, respectively. Indeed, RPDs explained that legacy CRC staff had had to undertake numerous online courses as well as learning new systems and processes as part of joining the Civil Service. A comment we received highlights this point:

*"Legacy CRC staff have received a significant influx of new information, guidance and training, which has been wholly overwhelming".*

While the Inspectorate is concerned by the feedback from the survey – particularly regarding organisational culture – and acknowledges the views of all those who took part, we recognise that transformation is an extensive process. The amalgamation of inherited structures and the implementation of a new operating model will take time – potentially at least four years – and there will be inherent risks. The timeline for implementation of the

new target operating model<sup>7</sup> reflects this journey, with the initial stage to December 2021 entitled 'laying the foundations' and 2022 entitled 'building back better'. While some staff felt disappointed that things were not better from day one, senior managers recognised that this will take time, highlighting that challenges previously in the system were now more self-evident, such as caseloads and staffing – which we explore next.

## Caseloads and staffing

The total probation caseload at the end of September 2021 was 234,827, which is a five per cent increase from September 2020, and as such has remained relatively stable.<sup>8</sup> A 'lift and shift' approach to transition meant that probation officers (POs) and probation services officers (PSOs) from the CRCs took their existing caseloads and line managers into the unified service for several months to reduce the risk of people on probation being 'lost' in the transition. While this was sensible, the need to migrate case file records onto the new ICT system, which could not be completed until December 2021, meant that it was not possible to start to rebalance caseloads between staff until the end of 2021.

Unsurprisingly then, this was a particular issue for probation staff who took part in our survey – 51 per cent finding their workload 'not so manageable', 30 per cent 'not at all manageable' and 21 per cent 'manageable'.

This also echoes with our findings from the inspection of Gwent PDU<sup>9</sup>, where the following was reported *'In the staff survey, five per cent of respondents felt that staffing levels are "not that sufficient" and 95 per cent of respondents felt they are "not sufficient at all". Consequently, 50 per cent of respondents stated their workload was "not so manageable", 30 per cent felt it was "not at all manageable" and only 20 per cent said it was "quite manageable". This was echoed in our interviews with practitioners, during which 67 per cent said their workload was "not so manageable" or "not at all manageable"'*.

This theme was also repeated in our conversations with senior managers, who recognised the imbalance of the caseloads but highlighted concerns about the accuracy of tools designed to assess workloads. This chimes with the findings from our thematic review of work to prepare for unification,<sup>4</sup> which included a recommendation to *'ensure that an effective workload measurement tool is used in the unified Probation Service, which is informed by assumptions about timings that reflect current practice for all activities'*. While work is currently under way to update the workload management tool, with activity-based costing being undertaken across all areas of probation service delivery, it is evident that this recommendation remains relevant. Senior managers also told us that there are many demands placing increased pressure on staff, including staff sickness and the number of operational policies, procedures and processes coming from various departments at the centre of the Probation Service.

The Inspectorate has reported previously on staffing issues; these remain and are particularly acute in some regions and unification has only made these more transparent. HMPPS has an ambitious workforce strategy<sup>10</sup> launched in July 2020 to address this, but this is yet to have impact. Indeed, the latest statistics published indicate that by September 2021 there had been a decrease of 168 full time equivalent qualified probation officers (3.8 per

<sup>7</sup> [HM Prison and Probation Service. \(2021\). The Target Operating Model for Probation Services in England and Wales.](#)

<sup>8</sup> [Offender management statistics quarterly: July to September 2021 - GOV.UK \(www.gov.uk\)](#)

<sup>9</sup> [HM Inspectorate of Probation \(2022\). An inspection of probation services in Gwent PDU Probation Service – Wales region.](#)

<sup>10</sup> [Probation Workforce Strategy \(publishing.service.gov.uk\)](#)

cent) to 4,288 compared to 30 June 2021, but no substantial change to the lower graded probation service officer numbers with 5,733 FTE in post.<sup>11</sup> High attrition was fed back in our Gwent PDU inspection *'of the 12 PSOs recruited last summer, only five remain. This level of attrition was attributed to staff leaving the Probation Service to take on roles within the police and in teaching'* (page 14 Gwent PDU report<sup>9</sup>).

Plans are in place to recruit and train additional probation officers, with 1,000 Professional Qualification in Probation (PQiP) certifications commencing in 2021 and a further 1,500 in 2022, but it will take time for the full benefit of this to be realised. Training takes 15-21 months to complete and staff manage reduced caseloads while in training and need increased mentoring and oversight. The challenge for regions is ensuring there are the appropriate number of skilled practice teachers and senior probation officers to manage and develop new staff. The Government's Probation Workforce Strategy<sup>10</sup> sets out a plan to address and resolve issues with recruitment and retention by July 2023.

A further staffing challenge reported by senior leaders is the impact of the lengthy vetting process for new starters (internal and external applicants); with a buoyant labour market, potential candidates appear to prefer to secure employment with a quicker commencement date. This was again reflected in our Gwent PDU inspection<sup>9</sup>, where we also heard of a 14 to 16-week wait for vetting, which is undoubtedly having an impact on the PDU's ability to retain staff to whom offers of employment have been made. At the time of writing a new 'Prioritising Probation' initiative had been launched, with one aim being to *'speed up recruitment and increase the number of staff'*. The Inspectorate looks forward to seeing what impact this has on services we visit during our 2022 inspections.

In conclusion, we remain concerned that there is a lack of understanding of what the target staffing levels should be across all roles in the Probation Service but recognise that senior managers are attempting to resolve the issue with potentially limited data. A clear understanding of target staffing is now needed, based on a thorough analysis, and not just for sentence management staff, to support the stabilisation of the Probation Service.

In addition, the Probation Service needs to consider the number of operational policies, procedures and processes it expects staff to know and apply in probation delivery units (PDUs). Although the information, guidance and training given has been well-intentioned, there is a clear indication, even at an early stage, that this has felt overwhelming and uncoordinated for operational staff.

We have been assured by the Probation Service and HMPPS that work is ongoing to address issues with workload, staffing and caseload imbalance, but it is obvious that these areas of the service remain a significant challenge.

## **Risk of serious harm**

The Inspectorate has made clear, over several years, its concerns around the quality of management of risk of harm in probation services – the weakest area of performance in our last round of inspections (2019–2021). Keeping people safe is a fundamental expectation and a core objective of probation work – achieved by assessing and managing the risk of serious harm posed by people on probation to known and potential victims alike.

Prior to the unification of probation services, we noted the substantial investment of CRCs, in particular, in retraining staff on the basics of risk management, but we did not see this translated into improved practice in the cases we inspected at that time.

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<sup>11</sup> [Her Majesty's Prison and Probation Service workforce quarterly: September 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/her-majesty-s-prison-and-probation-service-workforce-quarterly-september-2021)

Following unification, our early PDU inspections have highlighted the poor quality of the management of medium risk of serious harm work. This work was previously carried out predominantly by the CRCs.

Although the poor quality of medium risk of serious harm work is seen as an inherited problem for the new Probation Service, this may be something that dates back to the days prior to *Transforming Rehabilitation*. The Inspectorate's second aggregate report on offender management in prisons<sup>12</sup>, for example, highlighted that: *'In general, the quality of work with cases assessed as high risk of harm was better than that for all cases as a whole'*. In addition, our overall scores from the 2009–2012 offender management inspections highlight that high and low risk of serious harm cases were managed better than medium risk of serious harm cases

A large proportion of medium risk of serious harm cases are for offences of domestic abuse; in our 2018 thematic report on the work undertaken by CRCs<sup>13</sup>, we found that domestic abuse featured in nearly 50 per cent of cases assessed from 2016 to 2018. It highlighted that CRCs had considerable work to do to improve the management of domestic abuse cases. We know that cases of domestic abuse have risen during the pandemic, and it is imperative that those cases are managed appropriately<sup>14</sup>. Our Serious Further Offence (SFO) thematic report, published in 2020, also highlighted that 41 per cent of SFOs came from medium risk of serious harm cases in 2018/2019<sup>15</sup>.

Our historical inspections indicate that the poorer quality of medium risk of serious harm work is a perennial, systemic issue for probation services which needs to be solved. Given the large volume of such cases and the significant proportion of domestic abuse cases and SFOs within this cohort, it is imperative that the Probation Service has a thorough and balanced understanding of why medium risk of serious harm cases are managed more poorly. Any review should also include an analysis of the resource needed to manage these cases well.

## Commissioned rehabilitative services

Commissioned Rehabilitative Services were introduced as part of the unification of probation services. They are procured from external voluntary or private organisations and delivered at a local or regional level, to provide tailored support to address areas of need associated with reoffending, or to provide stability for those under supervision, such as by finding suitable accommodation.

It is still very early in the life of the commissioned rehabilitative services contracts, with services in place for education, training and employment; accommodation; personal wellbeing and women's services. At the time of writing, the procurement process is taking place for 'dependencies and recovery' and 'finance, benefit and debt' services. Initial feedback from our interviews with RPDs is that, overall, the number of referrals to commissioned services has exceeded expectations, and at the time of writing a limit is being considered on referrals for cases with a low risk of reoffending. The recommendation from our thematic report,<sup>4</sup> *'ensure commissioning of services in regions is informed by an*

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<sup>12</sup> [HM Inspectorate of Probation and HM Inspectorate of Prisons. \(2012\). \*Second Aggregate Report on Offender Management in Prisons\*.](#)

<sup>13</sup> [HM Inspectorate of Probation. \(2018\). \*Domestic Abuse: The Work Undertaken by Community Rehabilitation Companies \(CRCs\)\*.](#)

<sup>14</sup> [UK Parliament. \(2021\). \*Domestic Abuse and Covid-19: A Year into the Pandemic\*.](#)

<sup>15</sup> [HM Inspectorate of Probation. \(2020\). \*A Thematic Inspection of the Serious Further Offences \(SFO\) Investigation and Review Process\*.](#)

*up-to-date strategic needs analysis of the full probation caseload, including all transferring CRC cases*, therefore remains relevant. There was mixed feedback from regional directors in relation to their ability to commission services through the Regional Outcomes and Innovation Fund. Some were concerned about constraints in the commissioning process, while others were positive about co-commissioning opportunities.

As we continue our core inspections in 2022, we will be judging whether the appropriate interventions and service have been delivered as part of the person on probation's sentence plan. If referrals are already exceeding expectations, the Probation Service must ensure that appropriate funding is available to meet the demand, not alter the demand to meet capacity.

## 4. The continuing challenge of Covid-19

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In this chapter, we explore areas of probation services which have been, and continue to be, impacted by the Covid-19 pandemic post-transition.

The Inspectorate has published two reports concerning the challenges posed by Covid-19<sup>16,17</sup>. In addition, the thematic review of work to prepare for the unification of probation services<sup>4</sup> also analysed the ongoing impact of Covid-19 on services.

### Delivery of core probation services

At the time of writing, the Probation Service remains in recovery from the impacts of the pandemic. However, over the past year, most areas of service delivery have begun to increase their activity and to move toward a more 'normal' approach to engaging with people on probation. Particular emphasis has been placed on: increasing face-to-face contact with people on probation, particularly those presenting the highest risk of harm; getting accredited programmes up and running again; and ensuring that unpaid work is provided to as many of those so ordered by the court as is practicable. Change is, nevertheless, slow and varies across and within regions.

### Sentence management

When we spoke to senior leaders in regions and within HM Prison and Probation Service (HMPPS) in late 2021, they told us that staff were exhausted following two years of challenges posed by Covid-19 and the additional demands associated with unification. Their feedback has highlighted some key themes in relation to sentence management delivery.

### Impact on learning and development

Many probation staff now split their time working from home and in an office, as a result of Covid-19 and the introduction of hybrid working. This means that teams do not meet face to face often. Discussions with senior leaders highlighted that this is having a negative effect on staff development, with less interaction between colleagues, and fewer opportunities to discuss their caseloads and any learning missed. The impact appears to be felt more keenly by new recruits at Professional Qualification in Probation level, with limited opportunities to observe their more experienced colleagues. In terms of unification, former Community Rehabilitation Company (CRC) and National Probation Service (NPS) staff have had limited opportunities to meet as colleagues and, as our survey of probation staff makes clear, there are cultural challenges being felt in the new service.

### Contact with people on probation

There appears to have been a notable shift in the culture of office-based working in probation. In March 2020, many frontline staff were concerned with how they could work from home and manage their caseload – given that their roles require them to meet regularly with people on probation. By December 2021, feedback from leaders was that their staff had adapted to this way of working – with some preferring home working for the

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<sup>16</sup> HM Inspectorate of Probation. (2020). *A Thematic Review of the Exceptional Delivery Model Arrangements in Probation Services in Response to the Covid-19 Pandemic*.

<sup>17</sup> HM Inspectorate of Probation. (2021). *A Thematic Review of the Quality and Effectiveness of Probation Services Recovering from the Impact of Exceptional Delivery Models Introduced Owing to the Covid-19 Pandemic*.

majority of the week, with an occasional day in an office. As a result, there appears to be confusion among staff with regard to whether working from home is necessary due to the threat of Covid-19 or is now a smarter way for services to function – with less travel and reduced office space and facilities requirements. While flexible working is to be encouraged and there have been advances in the technology utilised for contact with people on probation, in the absence of a robust evidence base, our working assumption is that face-to-face delivery is preferential, where any remaining Covid-19 restrictions allow. This can only be undertaken with frontline staff present in the office.

At the end of 2021, the Probation Service was moving towards ensuring that practitioners saw every person on probation, in person, on at least a monthly basis. However, some services have told us that capacity in their offices (as at the end of 2021) remained low due to social distancing guidelines and restrictions of Covid-19 risk assessments. As such, the situation remains challenging and time consuming, and impacts on the number of people on probation that can be seen face-to-face, on an individual or group basis.

Figure 2 compares the provision of face-to-face service delivery with the risk of serious harm that a person has been assessed to pose potentially. It shows that, at the start of 2021, during that national lockdown period, face-to-face contact with people on probation was low (7.7 per cent for low risk of serious harm, 18 per cent for medium risk of serious harm and 34.5 per cent for high risk of serious harm contacts) and the majority of contact was by telephone.

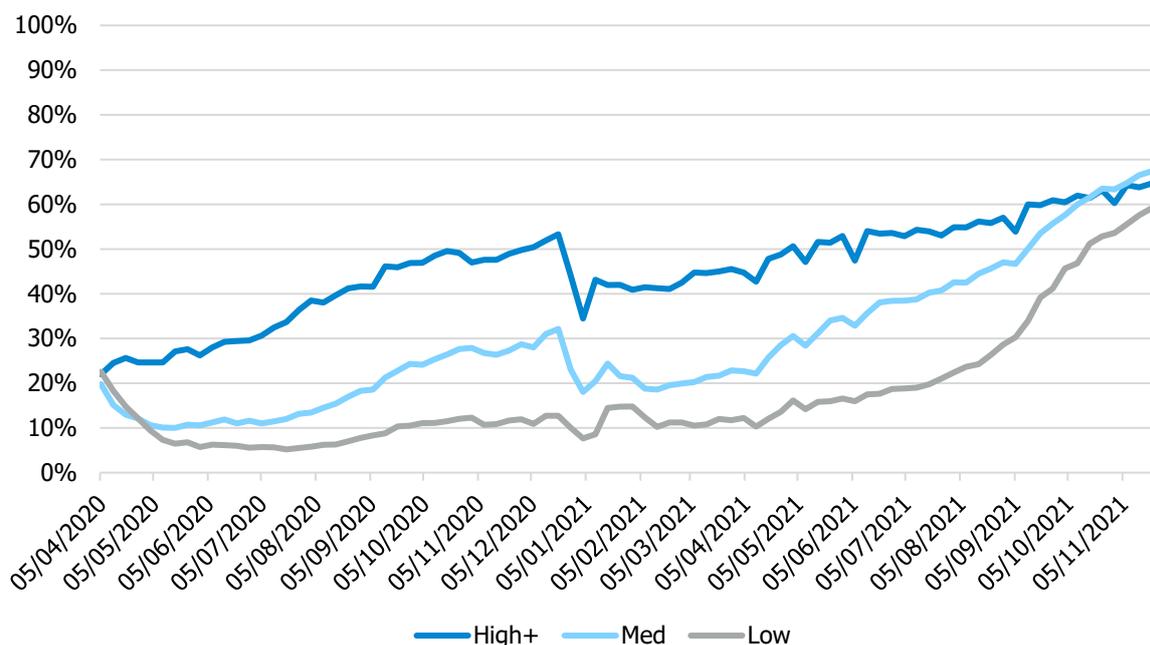
However, as lockdown restrictions were reversed, there was an increasing trend for face-to-face contact from May 2021 for all levels of risk of serious harm, to over 60 per cent of contacts by November 2021, although a considerable amount of contact was still being undertaken by telephone. The feedback we received from conversations with senior leaders is that, in many instances, these telephone calls have been 'welfare orientated', and there needs to be a rebalancing to ensure contacts are meaningful and that the sentence plan is addressed. This is critical, as outlined in the government's target operating model: 'As set out in law, probation services have multiple aims that relate to protecting against further offences (protecting the public, empowering those that commit crimes to want to make positive changes and reducing the likelihood of reoffending) and addressing the harm caused by the original offence (highlighting the effects of crime on victims and facilitating appropriate punishment)<sup>4</sup>. Should phone calls remain – they need to be rebalanced towards public protection as well as welfare, to better support the aims of the probation service.

Research in relation to remote delivery is limited and we are pleased to note that HMPPS are conducting research into blended supervision. We also note recent research reported in the Probation Journal with regards to telephone contact which *'reinforces the importance of face-to-face work in probation practice but suggests that there is scope to retain some use of telephone supervision as part of a future blended practice model. Further thinking about telephone supervision might consider these three themes identified in the research: remote working limits the sensory dimension of supervision, relationships remain at the heart of practice, and good practice requires professional discretion'*.<sup>18</sup>

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<sup>18</sup> [Putting a face to a name: Telephone contact as part of a blended approach to probation supervision - Jane Dominey, David Coley, Kerry Ellis Devitt, Jess Lawrence, 2021.](#)

**Figure 2: Proportion of total contacts that are face-to-face, by risk of serious harm (RoSH) level<sup>19</sup>**



## Use of technology

Although we have some concerns in regard to sentence management, working from home and video conferencing does appear to have had a positive impact on the Probation Service, in terms of multi-agency and partnership working. For senior leaders, the use of video conferencing for meetings has reduced excessive travel across their regions and ensured more regular contact with their staff and partners in the police, courts and local authorities.

## Unpaid work

Unpaid work, also known as 'community payback', is a sentence requirement that the courts can include in community orders and suspended sentence orders, and should be completed within 12 months. The main purpose of unpaid work is to provide punishment and reparation – working on projects that benefit the community which can also provide people on probation with an opportunity to develop life and vocational skills that are supportive of desistance.

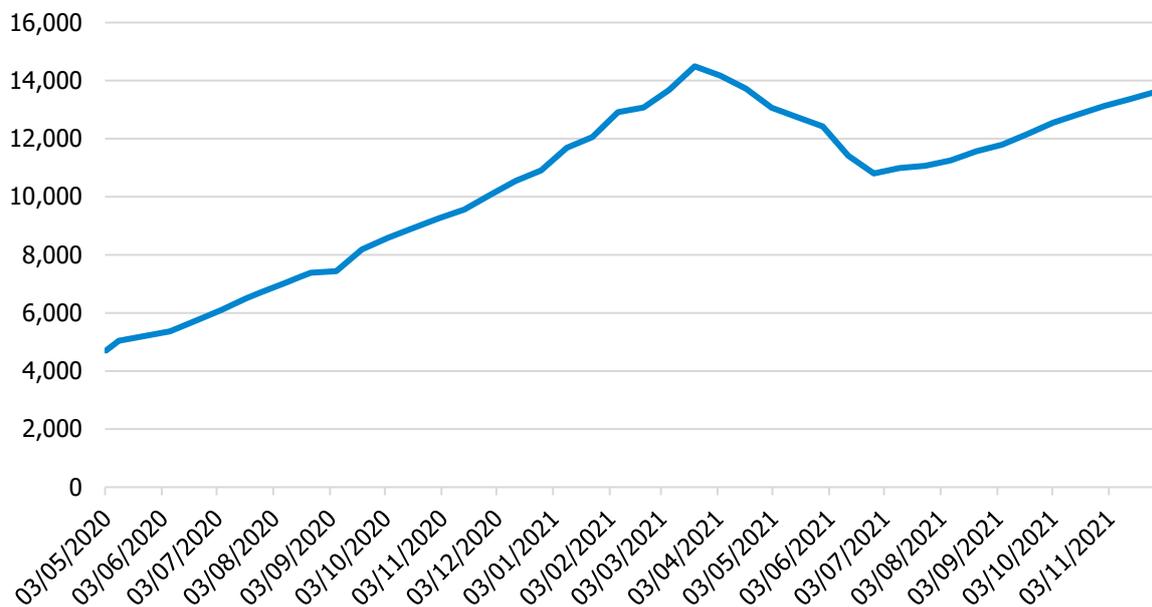
Unpaid work projects were paused, across England and Wales, at the start of the initial Covid-19 lockdown in March 2020 and did not restart until the end of June/beginning of July 2020, when significant work was undertaken to ensure that projects adhered to government guidelines regarding safe working practices. Delivery was suspended again in January 2021, when the country entered a further national lockdown, and projects recommenced in April 2021. Consequently, there has been a total of approximately eight months from March 2020 to December 2021 when it has not been possible for probation services to deliver on-site community payback projects, which contributed substantially to the backlog, alongside ongoing capacity limitations.

Figure 3 shows that, as of 28 November 2021, there was a backlog of 13,613 unpaid work cases in England and Wales. The backlog refers to people on probation subject to unpaid work hours who have not completed their hours within 12 months. These requirements

<sup>19</sup> Provided by HMPPS Performance, Data and Evidence as a Service.

remain outstanding until either the hours are completed, or the requirement is terminated by the courts.

**Figure 3: Backlog of unpaid work cases (March 2020 – November 2021)<sup>19</sup>**



Despite this significant backlog, there is evidence that the situation is improving in comparison to the early months of Covid-19. Figure 4 shows delivery in November 2021 at 72 per cent of pre-pandemic levels. However, new unpaid work orders have continued to be added to Probation Service caseloads.

**Figure 4: Percentage of unpaid work delivered, compared with pre-pandemic baseline (May 2020 – November 2021)<sup>19</sup>**

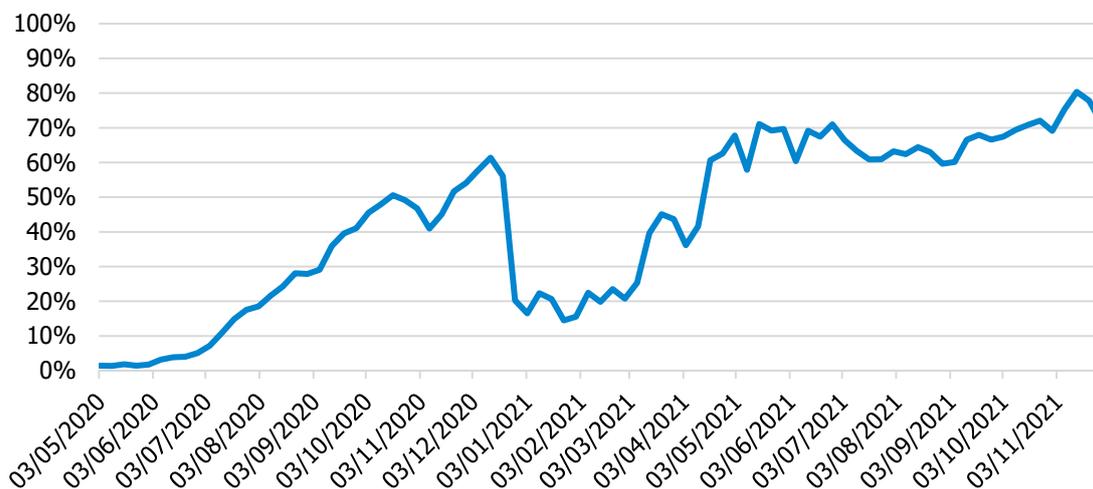


Figure 5 shows that the percentage of completed unpaid work requirements pre-pandemic was 90.8 per cent from October to December 2019, but had dropped to 41.8 per cent by January to March 2021; this means that a substantial proportion of cases are falling into the backlog and not being completed within 12 months.

**Figure 5: Completions of unpaid work requirement within 12 months (September 2019 – March 2021)<sup>20</sup>**

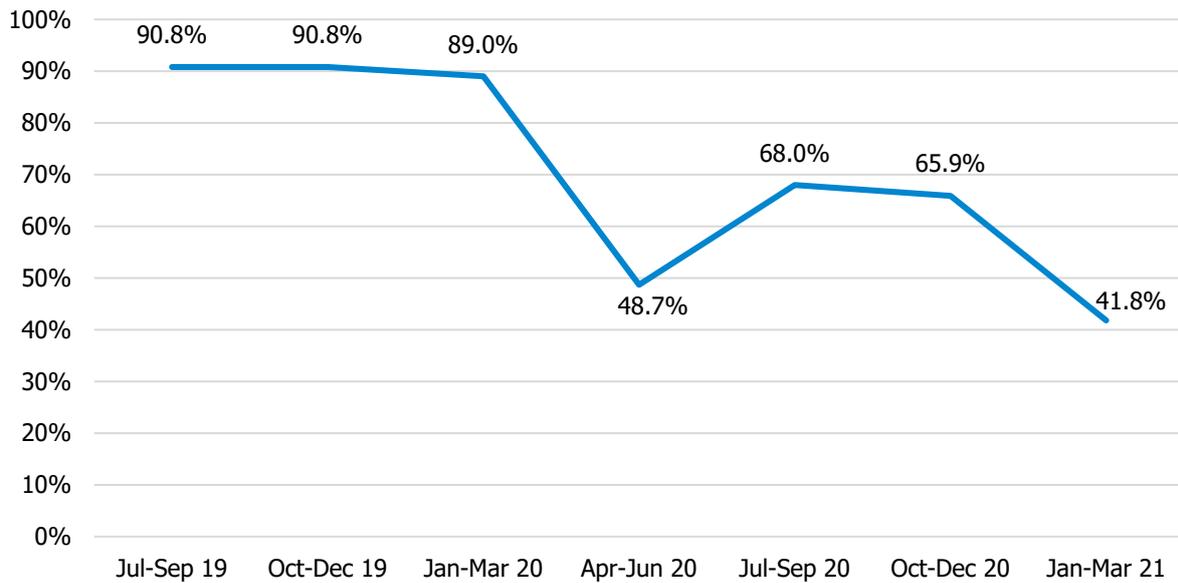


Figure 6 shows that, since March 2020, anywhere between 25 per cent and 70 per cent of all suspended sentence orders with an unpaid work requirement have been terminated without the hours being completed because, unlike a community order, it is not possible to extend the suspended sentence order past the operational end date.

**Figure 6: Expired suspended sentence orders with unpaid work<sup>19</sup>**



Senior leaders in probation told us that several factors are still impacting on the capacity of what can be delivered:

- social distancing measures impact on the number of people on probation that can be transported and accommodated on a project.
- there are not enough supervisors to deliver projects.
- there is not enough capacity within the system to accommodate all the hours that are required to be delivered, and the backlog is simply increasing.

<sup>20</sup> [CRC performance - Probation data - Justice data](#)

HMPPS has appointed a deputy director to lead on unpaid work and, using the £93 million awarded as part of the 2021 spending review settlement,<sup>21</sup> a plan has been developed to increase the speed, scale and quality of delivery, aimed at raising delivery to 155 per cent of pre-pandemic levels by summer 2022. This includes Covid-19-compliant modifications to transport and interventions which can be completed while observing social distancing or isolation (such as independent home-based projects). The spending review investment will also be used to increase regional resources, replace ageing vans and relaunch unpaid work with local partners. National projects with key organisations, including maintenance projects with the Canal and River Trust and Highways England, are being negotiated, to secure high-volume placements that are visible to the public and help meet communities' needs. Nationally, HMPPS is looking to recruit an additional 550 community payback staff, including over 300 supervisors and 70 administrative staff. It is recognised by senior leaders that these roles must be recruited quickly and without delay, with appropriate consideration given to where and how the roles are advertised.

While there is a focus on addressing unpaid work delivery, attention must also be paid to robust sentence management of those cases which are sitting within the backlog, including those that currently are not working any hours. Work will also be required to take cases back to court to extend the requirements for those reaching the 12-month point. HMPPS has reached an agreement with Ministers, the Senior Presiding Judge and HMCTS following a successful pilot, to extend all community orders with an UPW requirement sentenced between 16 March 2019 – 30 June 2020, as they were directly impacted by the pandemic. This is a positive outcome to minimise impact on HMCTS and probation practitioners who would otherwise have to make individual applications to court to extend each unpaid work requirement.

While it is positive that an agreement has been made to extend cases, we suggest that a review could be undertaken with regard to the legal requirement for a case to have to be taken to court for an extension, should it not be completed within 12 months, owing to the cost and time associated with this process from different agencies.

Overall, it remains the case that unpaid work has been impacted substantially by Covid-19 and that this situation will continue for several years to come, unless: delivery increases rapidly; there are alternative plans for dealing with the requirements in the backlog; or fewer unpaid work requirements are made.

## Accredited programmes

Accredited programmes – also known as offending behaviour programmes – aim to change the thinking, attitudes and behaviours which may lead people to reoffend. Most programmes are delivered in groups but there is provision for one-to-one interventions. They include programmes to address:

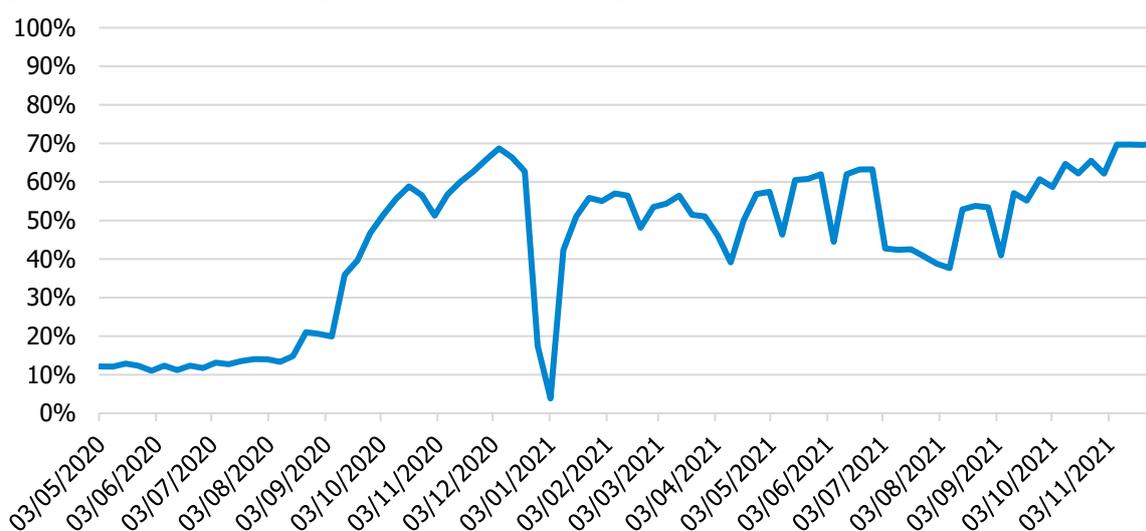
- specific offences – for example, sexual offending and domestic violence
- general patterns of offending behaviour
- substance misuse-related offending.

Like unpaid work, accredited programme delivery has been significantly impacted by Covid-19. Figure 7 shows the overall volume of delivery of these programmes since May 2020, against pre-Covid-19 levels, with delivery increasing to 70 per cent of these levels by November 2021. However, Figure 8 shows that the number of people on probation who successfully completed their accredited programme plummeted to 31.9 per cent in January to March 2021, compared to 85.6 per cent from July to September 2019.

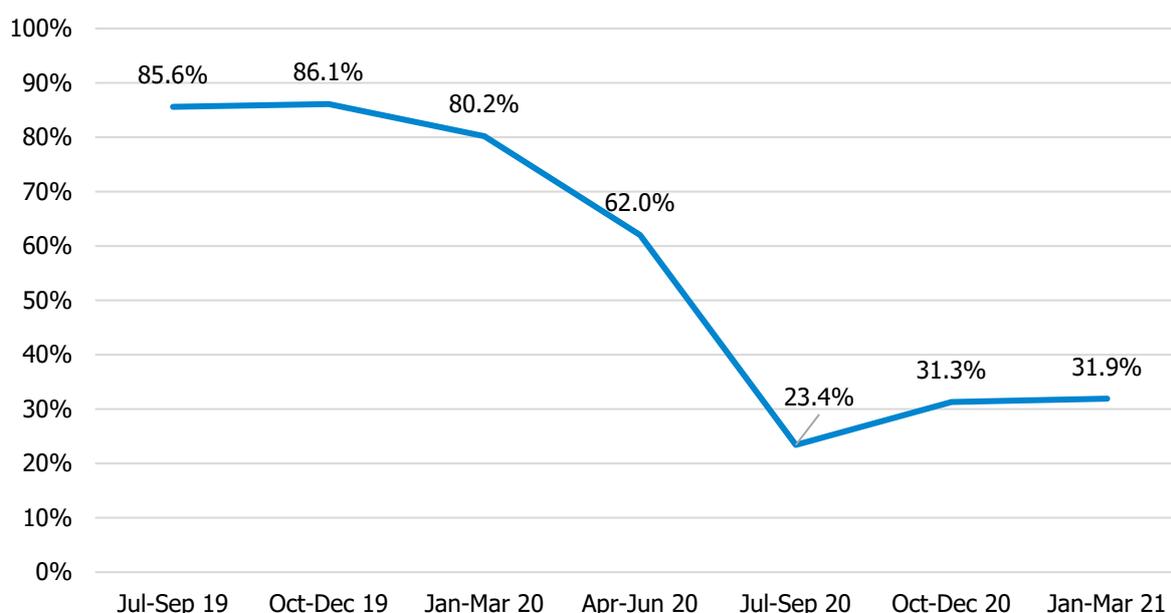
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<sup>21</sup> [HM Treasury. \(2021\). Autumn Budget and Spending Review 2021.](#)

**Figure 7: Accredited programmes delivered, against pre-Covid-19 levels<sup>19</sup>**



**Figure 8: Completion of programme requirements (September 2019 – March 2021)<sup>20</sup>**



In March 2020, at the point of the initial national lockdown, group delivery of accredited programmes across the country was suspended. Both the NPS and CRCs focused attention initially on those individuals already part-way through programmes at the point they were suspended. For those relatively close to completion, this meant undertaking the last few sessions on a one-to-one, remote basis. Delivery began to increase from July 2020 as restrictions were lifted, with substantial work undertaken to ensure that groups could be delivered safely. Delivery reached approximately 70 per cent of pre-Covid-19 levels, in November 2020, before dipping again owing to a further national lockdown in January 2021.

Our thematic review of the quality and effectiveness of probation services recovering from the impact of the pandemic<sup>17</sup> highlighted that getting programmes back up and running has been a challenge for many probation services. A constant theme in our meetings with probation staff involved in accredited programmes has been the time required to ensure that

group meeting rooms have been Covid-19 compliant, and that those attending groups have complied with regulations. This has, inevitably, meant that groups have been far smaller than previously, often with a ratio of one facilitator to three participants. Additionally, as some participants needed to shield or were particularly vulnerable, delivery could often require one-to-one provision.

Reduced group numbers impact substantially on delivery capacity. The same number of staff can only deliver the same number of groups, but if there are fewer in each group then fewer will receive the intervention. For many probation services, recovery was limited by the availability of appropriate rooms and appropriately trained staff.

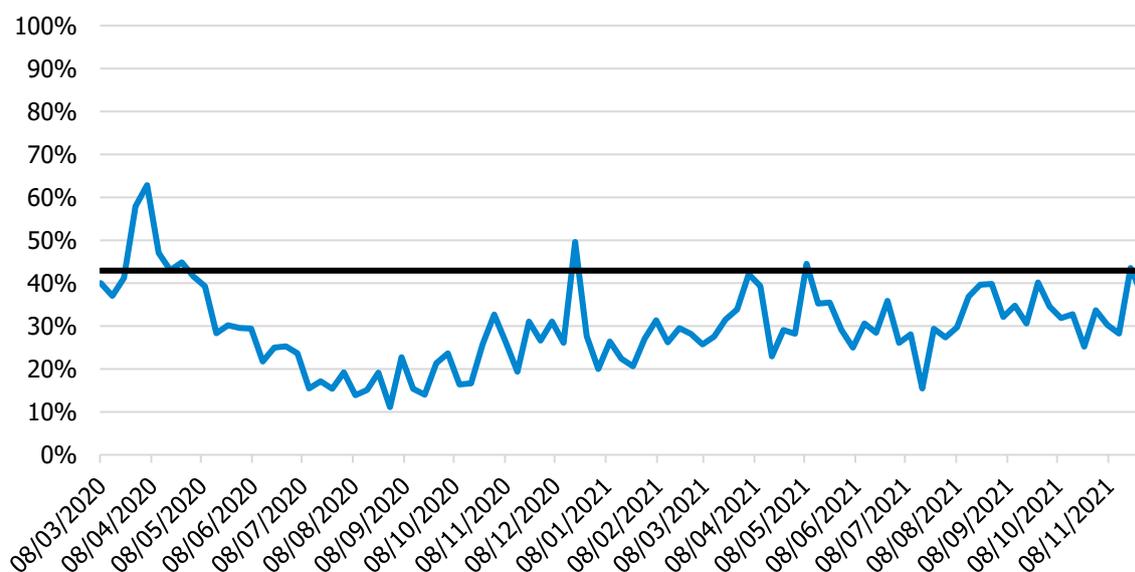
Our South West NPS inspection (July 2021)<sup>22</sup> highlighted some of the challenges faced with delivering alternatives to accredited programmes:

*'In some cases, "Maps for Change" has been delivered on a one-to-one basis as an alternative to accredited group work programmes to address sexual offending. Inspectors identified a varied level of confidence and knowledge among practitioners delivering this intervention, and accredited programme facilitators are available to support individuals where required. Reduced capacity to deliver accredited programmes during the pandemic has meant that waiting lists have increased, from 110 in October 2019 to 172 in October 2020. The region has attempted to reduce waiting times and to support the delivery of appropriate alternatives. However, 24 per cent of people on probation have been waiting for a programme for over 12 months, and 59 per cent for longer than six months, which is not acceptable.'*

Figures 9, 10 and 11 show that resources are targeted to those who pose the highest risk of serious harm, with more completions of programmes for domestic abuse and sexual offences, although the numbers have dipped substantially, compared with the baseline, from March 2019 to February 2020.

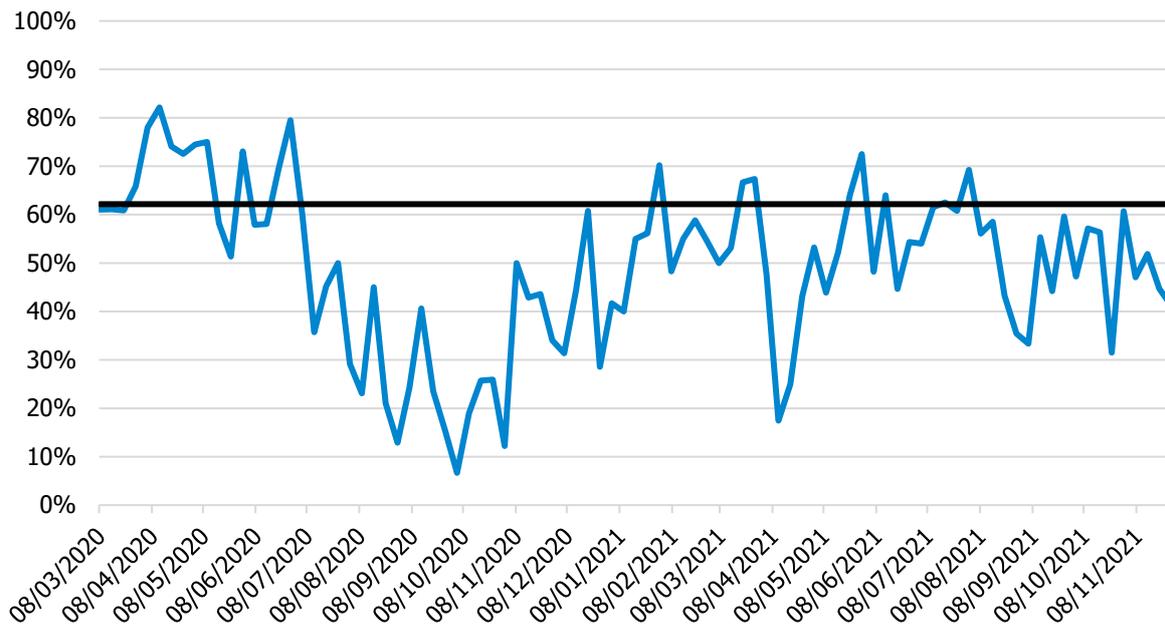
Note: Bold horizontal axis in these figures marks the percentage pre-Covid-19 baseline for these services.

**Figure 9: Building Better Relationships programmes delivered<sup>19</sup>**

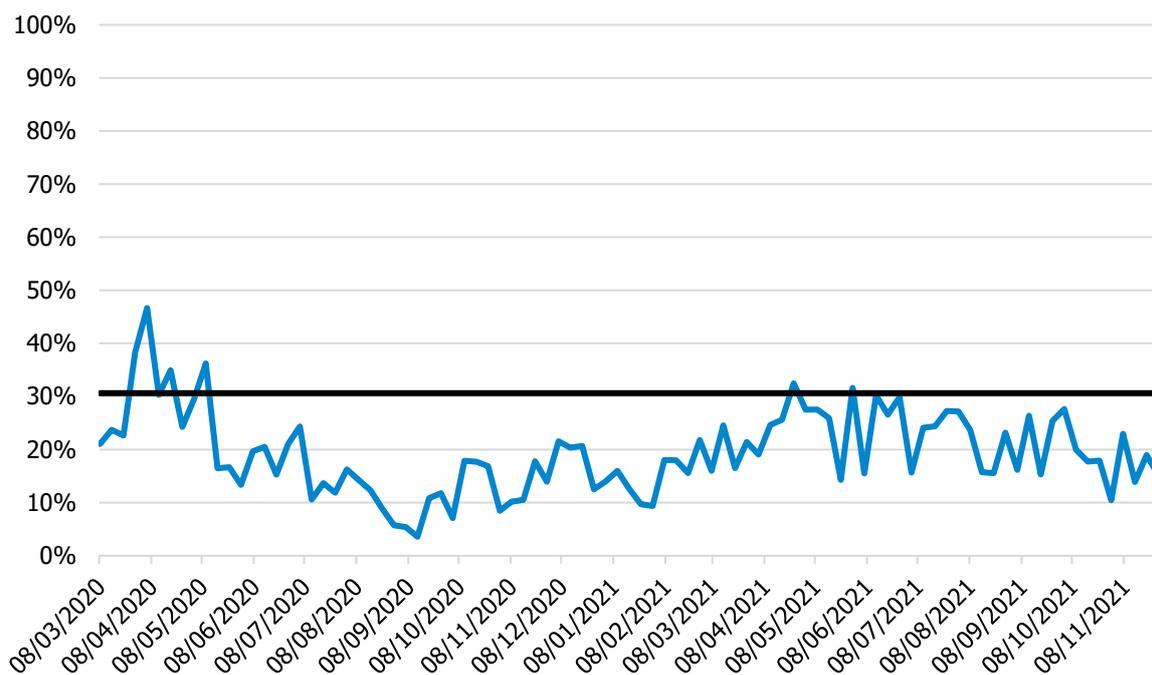


<sup>22</sup> [HM Inspection of Probation. \(2021\). An Inspection of the South West Region of the National Probation Service.](#)

**Figure 10: Sex offender treatment programmes delivered<sup>19</sup>**

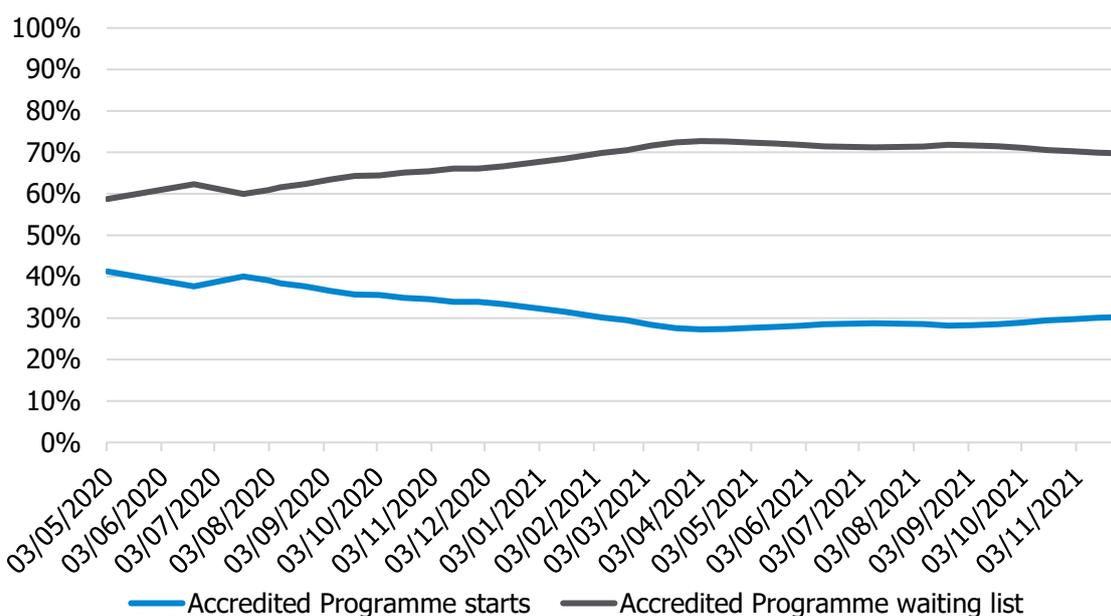


**Figure 11: Thinking Skills Programmes delivered<sup>19</sup>**



While delivery increased for accredited programmes during 2021 only 30 per cent of the accredited programme caseload was actually on a programme as of November 2021 (figure 12). The low completion rate of 31.9 per cent from January to March 2021 for accredited programmes suggests that a fairly large proportion of orders and licences are being terminated without the programme being completed. Unlike unpaid work requirements, an accredited programme requirement will simply terminate at the end of the licence or order, whether it has been completed or not, unless it is extended by the court.

**Figure 12: Accredited programmes started versus the waiting list<sup>19</sup>**



Our thematic review<sup>4</sup> highlighted that where it was determined that there was insufficient time to complete an accredited programme, the responsible officer was expected to undertake alternative work, with support from the programmes team. As an example, 'Maps for Change' and 'New Me MOT' have both been adapted as an alternative to the 'Horizons' and related sex offender treatment programmes – as reported in our inspection of South West NPS division<sup>22, 22</sup>. To support responsible officers in their delivery, some areas developed workshops and case surgeries, hosted by programme delivery staff. While these sorts of alternatives to accredited programmes are not ideal, if the only other option was for there to be no intervention, then this was a reasonable compromise.

It is essential for an appropriate evaluation of these alternatives to accredited programmes to be undertaken as a matter of urgency to ensure their effectiveness, especially if they are likely to remain in place for some time. Additionally, there needs to be an effective way of monitoring if alternatives have been delivered where an accredited programme cannot.

A recovery plan is in place for accredited programmes, with a clear governance structure, which includes the recruitment of additional staff to deliver structured interventions as an alternative to accredited programmes. As of January 2022, regional probation directors decide which structured interventions they will commission in their region. Toolkits are also available for probation practitioners to deliver as alternatives where there is capacity and if staff feel they have the relevant skills and knowledge to do so.

## 5. Thematic inspections – key issues affecting probation services

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### What is a thematic inspection?

Thematic inspections are carried out solely by HM Inspectorate of Probation or jointly with other criminal justice inspectorates. The latter come under the remit of the criminal justice joint inspection programme. We have recognised collectively the importance of this joint work since 2007 and we produce a business plan every year, setting out a forward programme of joint inspections. The latest is the criminal justice joint inspection plan 2021–2023.<sup>23</sup>

Each thematic inspection looks at a specific area of probation delivery, through a detailed examination of practice, as well as the strategic leadership and partnership arrangements that support such work. Every inspection report makes recommendations for improvement.

Since November 2020, HM Inspectorate of Probation has published six thematic inspections (some jointly) looking at key issues that affect probation services and the wider criminal justice system (CJS).

### **Our thematic inspections are driving change**

#### **Accommodation and homelessness**

In July 2020, HM Inspectorate of Probation published the report *Accommodation and support for adult offenders in the community and on release from prison in England*.<sup>24</sup>

#### **Summary**

The report highlighted the complex and intertwining issues that present when a person goes into prison homeless, and for the many that leave with nowhere to live. When such individuals do not have a home, it is difficult for probation services to manage them safely and effectively, and the result is that those people are more likely to reoffend.

Responsibility for housing and homelessness sits with local authorities, and probation services have a duty to refer people who are homeless or at risk of homelessness to them. We found that most probation practitioners were unaware of the expectation that they should follow up these referrals, and few had seen the personal housing plans produced by the local housing authority for the cases they had referred.

At the time of our inspection, there was no method for tracking referrals from probation services to local authorities, to identify the effectiveness of this process in achieving accommodation outcomes. We found evidence of these referrals being made in only about one-third of relevant cases we looked at.

#### **Funding for supported housing**

In the past, probation services co-commissioned directly accommodation and associated services that supported individuals leaving prison up to the point where they could manage

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<sup>23</sup> [Criminal Justice Chief Inspectors' Group. \(2021\). \*Criminal Justice Joint Inspection Business Plan 2021/23\*.](#)

<sup>24</sup> [HM Inspectorate of Probation. \(2020\). \*Accommodation and Support for Adult Offenders in the Community and on Release from Prison in England\*.](#)

their own tenancies. This ended when the Supporting People commissioning arrangements changed in England in 2009.

Funding now goes to local authorities, but the money is not ring fenced. Consequently, spending on services that would have been covered by Supporting People fell by 59 per cent in real terms in the subsequent five years to 2015. The Covid-19 pandemic has brought a welcome new focus on the prevention of rough sleeping, including for those leaving prison and on probation, and the government’s 2021 spending review awarded funding for reducing homelessness (see below for more detail).

### Accommodation on release

In our thematic inspection on accommodation<sup>24</sup>, a case sample of 116 prison releases was analysed. We found that, 12 months later, 17 per cent were still homeless, and a further 15 per cent remained in unsettled accommodation. For those released to settled accommodation, the percentage recalled or resented to custody was almost half that of those without such accommodation on release – evidence that obtaining and retaining settled accommodation is a contributing factor to successful rehabilitation.

**Table 1: Percentage of those with and without settled accommodation on release and further charges**

	Accommodation status on release <sup>25</sup>	Recalled or resented to custody	Charged with further offences
Without settled accommodation	47%	63%	65%
With settled accommodation	41%	35%	44%

### The impact of Covid-19 – homelessness prevention teams

As a result of the Covid-19 lockdown restrictions, HM Prison and Probation Service (HMPPS) and local authorities needed to ensure that those leaving prison, and those subject to court orders without a home, had access to stable accommodation. The situation was exacerbated by a reduced number of spaces in approved premises, to manage social distancing guidelines (for example, shared rooms were no longer an option).

A number of our inspectors volunteered to return to probation services to assist with the introduction of the homelessness prevention teams across England and Wales in March 2020. These focused on offering people on probation assistance in finding temporary accommodation while a longer-term option was sought – a positive initiative. The project continued to October 2020 and extended into 2021.

### What happened next

We made 11 recommendations in our thematic inspection report (two for the Ministry of Justice (MoJ) and nine for HMPPS). Both MoJ and six HMPPS recommendations were fully agreed (three were partially agreed). We gathered senior leaders from the MoJ and HMPPS, and other stakeholders to discuss how organisations could work together to embed our recommendations.

<sup>25</sup> Data taken from an inspection sample of 116 cases released in February 2019 and tracked for 12 months to see whether they reoffended, were recalled, or resented to custody during that period. This excludes those who on release were housed initially in approved premises, BASS accommodation, or immigration detention.

Our inspection made the case for increased funding for accommodation for people on probation. In January 2021, helped by the evidence we provided about the impact of unstable accommodation on recall and reoffending rates, the MoJ was able to secure an additional £70 million to improve housing and support for prison leavers for 2021/2022. This included £20 million invested in supporting prison leavers at risk of homelessness into temporary basic accommodation for up to 12 weeks. Pilots were launched in July 2021 in Yorkshire & Humber, Greater Manchester, the North West, the East of England and Kent, Surrey and Sussex. A total of £23 million of funding went towards the government's plans to build 200 new spaces in approved premises.

Later in 2021, the Government announced, via the autumn budget and spending review 2021 (October 2021)<sup>21</sup>, £640 million of funding by 2024/2025 to tackle rough sleeping and homelessness, including £200 million a year by 2024/2025 for the delivery of transitional accommodation for prison leavers and treatment for substance misuse.

In July 2021, a year after the publication of our report, HMPPS provided an updated version of its accommodation action plan on the actions required from 11 recommendations.<sup>26</sup>

The MoJ has established a senior official-level cross-government board, meeting monthly, to coordinate work to reduce reoffending, cut crime and eliminate rough sleeping.

HMPPS has developed a national accommodation framework that sets out its responsibilities – working with its partners to ensure that people on probation, in every region, can access and maintain settled accommodation.

By July 2021, HMPPS had set up 12 regional homelessness prevention task forces – one for each probation region. They are set to remain part of the Probation Service provision, including the introduction of a new specialist housing adviser role in up to 20 prisons, to strengthen links between prisons, resettlement teams and local authorities.

**The Inspectorate notes the actions that have stemmed from our report, but is concerned with the provision of approved premises for higher risk of serious harm offenders – the 200 bed spaces promised in 2021 will now not be delivered until 2023, with just 56 bed spaces delivered as of July 2021.**

**In general, it is disappointing to note slower progress on actions dependent on cross-departmental work – for example, with the Department for Levelling Up, Housing and Communities to ensure that the duty to refer is timely and effective. Similarly, there has been a delay in making sure that stable accommodation is available for every high risk of serious harm individual leaving prison and for those moving on from approved premises.**

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<sup>26</sup> [HM Prison and Probation Service. \(2021\). \*Accommodation HMIP Action Plan\*. Policy paper.](#)

## **Thematic inspections in 2021**

### **Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff**

In March 2021, HM Inspectorate of Probation published the above-named report.<sup>27</sup>

#### **Contextual facts**

- Of the 222,000 people supervised by probation services across England and Wales, around one-fifth are from black, Asian and minority ethnic backgrounds.
- In the 100 cases of ethnic minority people on probation that we inspected, there was little evidence that probation staff had spoken to them about their ethnicity, culture, religion or experiences of discrimination.
- Of the 30 probation staff from our survey who had raised an issue of racial discrimination, only two felt that the process and outcomes had been handled fairly.

#### **Summary**

We found that probation services need to show greater consideration and confidence in their work with ethnic minority service users and staff. They must reset and raise the standard of work with ethnic minority service users and staff urgently.

Chief Inspector of Probation Justin Russell said: *'In this inspection, we found very little evidence of probation officers speaking to service users about their race, ethnicity or experiences of discrimination. Some officers – by their own admission – avoided talking about these issues altogether.'*

*'These were disappointing findings. We have concerns about every stage of probation supervision from the quality of pre-sentencing reports – we found 40 per cent were insufficient in considering diversity factors – to the way that minority ethnic service users were involved in their assessment and sentence plans.'*<sup>28</sup>

#### **Our methodology:**

- 100 cases of black, Asian and minority ethnic people on probation inspected
- 84 probation staff interviewed
- 51 pre-sentence reports analysed
- 100 responses from a survey sent to all ethnic minority staff (one in three responded)
- Focus groups with 56 probation officers and 41 middle managers
- Focus groups with 90 ethnic minority probation officers and managers
- 81 people on probation interviewed.

The services that took part in this thematic inspection were Bradford and Calderdale, Hackney and Tower Hamlets, Bedfordshire and Birmingham, and Liverpool and Sefton. We selected these services based on their higher-than-average ethnic minority populations.

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<sup>27</sup> [HM Inspectorate of Probation. \(2021\). Race Equality in Probation: The Experiences of Black, Asian and Minority Ethnic Probation Service Users and Staff.](#)

<sup>28</sup> [HM Inspectorate of Probation. \(2021\). Probation service must 'reset and raise' standard of work with ethnic minority service users and staff urgently. Press release.](#)

## Key findings

### People on probation:

- Minority ethnic people on probation often entered the probation system having experienced overt acts of racism from mainstream society and the wider CJS.
- Subtle racism had been normalised to some extent and was seen to be *'just how it is'*.
- There was a lack of cultural understanding (and sometimes interest) within probation services and a reluctance to discuss related issues.

### Probation staff:

- Inspectors heard distressing stories of inappropriate behaviour towards ethnic minority staff, including instances of stereotyping, racist and sexualised language, and false allegations.
- Ethnic minority staff were not always consulted or supported to work with individuals who had committed race-related offences.
- Many surveyed staff did not feel that it was safe to raise issues of racial discrimination at work and lacked faith that complaints would be handled appropriately. Inspectors heard serious complaints had been downplayed, ignored or dismissed repeatedly.

The thematic inspection did find some positive and innovative leadership, as in the example below.

#### Good practice example

The regional director for the West Midlands Division published 10 pledges setting out how she intended to work with her staff to achieve the culture and behaviour they desired in the West Midlands and for which she would be accountable. These included specific actions to engage with staff, develop diversity in practice, support marginalised groups, improve training, address disproportionality, share learning and address inappropriate behaviour, create a network of allies, improve recruitment practices, influence partners and provide monthly updates on these pledges. The heads of local delivery units were encouraged to make their own commitments.

## Changes in probation resulting from this thematic inspection

Our report made 15 recommendations for HMPPS and NPS (now known as the Probation Service) – 13 were agreed (two partly agreed). Of note is the agreement, by HMPPS, to provide learning for practitioners to understand discrimination and its impact, and to consult ethnic minority people on probation on the quality of service provision.

We were disappointed with the timescales for action set out in the initial HMPPS response to our suggested recommendations. We asked for them to be further considered and the action plan was resubmitted.

In October 2021, in response to our report, HMPPS published its *Race Equality in Probation Action Plan*<sup>29</sup> and included the following (selected) actions and commitments:

*'The Probation Service will develop a race equality strategy for people on probation, due to be published in March 2022, drawing on the evidence base; activity within the Race Action*

<sup>29</sup> [HM Prison and Probation Service. \(2021\). Race Equality in Probation Action Plan. Policy paper.](#)

*Programme, including outcomes and evaluation from Cultural Competence training and support packages being developed for people on probation; plus regional assessments to identify and address areas of disproportionality’.*

HMPPS has created national commissioning support roles to increase the representation of small community organisations who work with ethnic minority communities within the range of commissioned rehabilitation services. Regional Probation Directors will ensure that, when commissioning services, local demographics are analysed, and that services reflect the profile of people on probation.

The race action programme<sup>30</sup> has created a register of national and regional ethnic minority, and voluntary and community sector organisations, and work is now ongoing to establish how this will be hosted and access afforded.

HMPPS is now publishing data on outcomes of probation supervision, breach and recall of people on probation, to identify any disproportionality across different ethnic groups. The first of these was published in November 2021.<sup>31</sup>

### **What next?**

As a result of the disappointing findings, the Inspectorate will reinspect this topic in 2022/2023.

We have requested more regular updates on this action plan than is usual with thematic inspections, to ensure that we are satisfied that the current action plan is progressing as intended, but the effectiveness of these actions will not be known fully until we re-inspect.

We will continue to examine race equality issues as part of our local inspections and have reviewed our standards and methodology in this area. Every local probation inspection report now includes a dedicated section on diversity – including how well the service is meeting the needs of ethnic minority staff and people on probation. We have also developed opportunities to attract ethnic minority staff to our organisation, where they have been under-represented in our inspection teams, which we have recently begun to address with the recruitment of new assistant inspectors.

## **A joint thematic inspection of community-based drug treatment and recovery work with people on probation**

In August 2021, HM Inspectorate of Probation published the above-named report.<sup>32</sup>

### **Contextual facts**

- 4,411 – the number of drug rehabilitation requirements ordered at court. This makes up less than four per cent of all requirements.
- £9.3 billion – the estimated cost of recorded offences committed by drugs users in England (2017/2018).
- 48 per cent – the proportion of people on probation whom we estimate have a drug problem that contributed to their offending.

<sup>30</sup> [HM Prison and Probation Service. \(2020\). \*RAP: Race Action Programme\*.](#)

<sup>31</sup> [HM Prison and Probation Service. \(2021\). \*HM Prison and Probation Service Offender Equalities Annual Report 2020 to 2021\*.](#)

<sup>32</sup> [HM Prison and Probation Service. \(2021\). \*A Joint Thematic Inspection of Community-Based Drug Treatment and Recovery Work with People on Probation\*.](#)

## Summary

HM Inspectorate of Probation estimated that almost 75,000 of the 156,000 under supervision by the Probation Service have a drug problem, yet fewer than 3,000 people were referred by services to specialist drug misuse treatment in 2019/2020. We partnered with the Care Quality Commission to examine how probation services supervised this cohort and found that probation services were responding poorly to drug misuse and addiction cases.

The Inspectorate welcomed the review by Dame Carol Black, who called for additional ring-fenced funding to improve drug treatment and urged sustained commitment to funding drug treatment and recovery for people on probation.

Fieldwork for this inspection took place from January to March 2021 and included the inspection of caseloads in Middlesbrough, Manchester, Blackpool, Swansea, Lambeth and East Sussex. These areas were selected because they received additional funding for drug rehabilitation services.

## Key findings

- Too few people on probation receive help to tackle drug misuse.
- Funding for treatment and criminal justice programmes to refer people have *'withered on the vine'*.
- Very few drug users on probation are being tested for drug use.
- Key information is missing, and not captured properly or used to commission services.
- Six out of 10 magistrates that the Inspectorate surveyed said that they were not confident that probation was delivering the necessary treatment.

### **Of the 60 cases of people on probation with a drug problem that we inspected:**

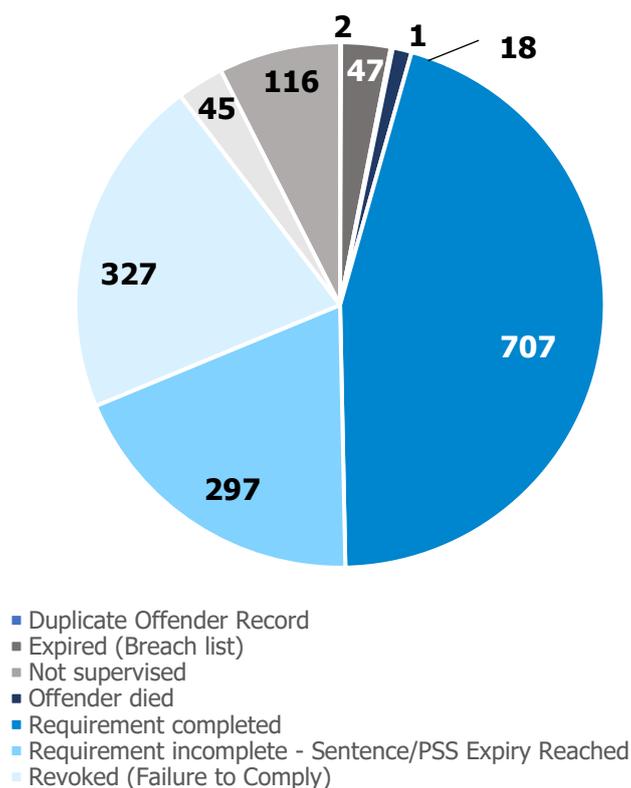
- 0 reduced their reoffending
- 21 reduced their drug use
- 10 underwent mandatory drug testing.

## Community sentences and drug rehabilitation requirements

A drug rehabilitation requirement (DRR), comprising structured treatment and regular drug testing, is available to courts as a sentencing option. A DRR can be made as part of a community order or a suspended sentence order but they have become watered down in recent years and, in the majority of cases we inspected, there was little to distinguish them from standard community orders.

Recording systems and practice need improvement to enable a clear view of needs, wellbeing, offence-related work and drug tests to be obtained. The reviewing work we saw was done, almost exclusively, in isolation, with drug and probation agencies rarely coming together with service users to review progress and next steps. Only 11 per cent of these DRRs attracted a court review, leaving nearly nine out of 10 DRRs having no ongoing court oversight.

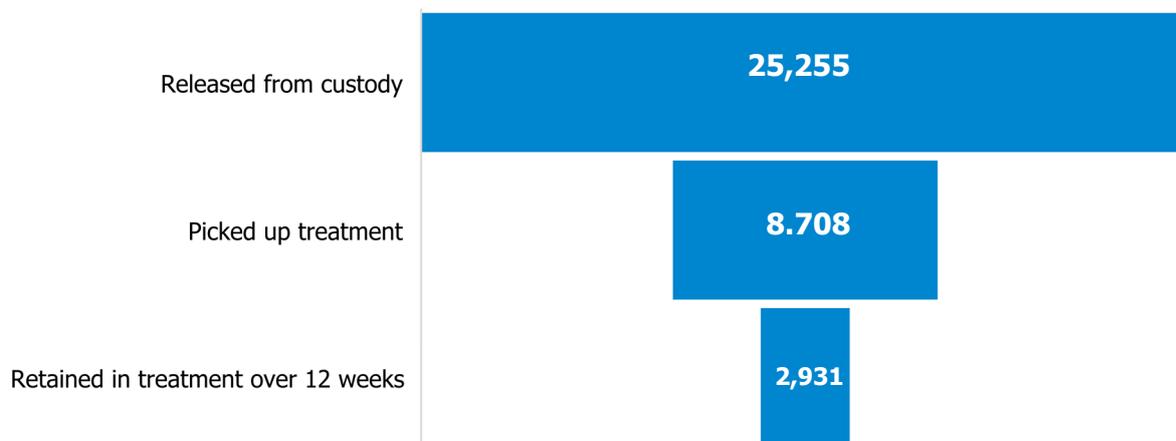
**Figure 13: DRRs and how they ended 2019/2020<sup>33</sup>**



### Treatment after release from prison

We looked at treatment numbers and outcomes for the 25,000 people released from prison with a treatment need in England in 2019/2020. The results were not positive (see Figures 13 and 14). Fewer than 9,000 were picked up by treatment services after release and only one-third of these were in treatment 12 weeks after leaving custody. Sadly, 1,002 people in the sample died, of any cause, under probation supervision in the community in England and Wales in 2019/2020, including 458 who died while under post-release supervision.

**Figure 14: Treatment numbers and outcomes for people leaving custody in England 2019/2020<sup>32</sup>**



<sup>33</sup> Ministry of Justice. (2021a). Drug Rehabilitation requirements – Freedom of Information Act Request. London - shows a count of offenders sentenced with a DRR that has now terminated

## Case example of a person on probation subject to a rehabilitation activity requirement (RAR) from our thematic inspection case sample

Ellie had been diagnosed with an emotionally unstable personality disorder, depression and anxiety. She was aggressive and verbally abusive when challenged. She had a history of street begging and was managed under a community order with a DRR and 50 RAR days for breaching her previous criminal behaviour orders, linked to begging and drug addiction. She had a history self-harm by biting, cutting and hitting herself and was detained under the Mental Health Act twice. She had a daughter who was removed from her care and didn't see. She struggled with self-care and maintaining her tenancy. Ellie is mixed heritage, had a history of being domestically abused and had suffered mental breakdowns. She spoke of abuse from her father in childhood and having difficulties in her cultural identity. After a short spell in custody, she was released without a prescription of opiate substitution medication and slept her first night out of custody in a public toilet.

### Reducing drug-related deaths and other harms

Currently, learning from drug-related deaths is not shared effectively. Work by the Probation Service to improve the reviewing system has not yet concluded. It is vital that this results in a positive change to the current system.

Harm reduction and overdose prevention work are not being delivered to people with drug problems effectively and consistently across the system. Leaders should ensure that all frontline practitioners understand and take steps to recognise risks to drug users' health and wellbeing, and be proactive, intervening and advising people who are at risk. Similarly, all practitioners and managers should understand and take steps to safeguard adults at risk.

### Changes in probation resulting from this thematic inspection

This report made 14 recommendations – eight were agreed and six partly agreed. Of note were recommendations to HMPPS to increase the use of DRRs and ensure that every person who leaves custody in need of ongoing treatment receives it.

#### Selected recommendations for HMPPS were to:

- work with local government commissioners and drug services to increase the use of DRRs by ensuring that they are carried out by appropriately skilled practitioners
- establish the proportion of people on probation in each locality who are dependent on drugs and would benefit from specialist, available treatment
- ensure that every person leaving custody needing ongoing treatment receives it, supported by effective handover arrangements.

#### Selected recommendations for the Probation Service were to:

- launch and implement an effective drugs strategy and related policies to:
- ensure that effective governance drives effective and responsive practice to tackle drug misuse
- improve data/information systems to collect the profile and needs data for people on probation to support local, effective commissioning of drug services
- commission services to tackle drug addiction and support recovery.

Current commitments from the action plan<sup>34</sup> in response to our report include:

In December 2021, the Government published a major new national Drugs Strategy which included a strong focus on drug related offending and pledged significant additional funding for treatment services – including for those on probation.

HM Chief Inspector of Probation Justin Russell said:

*'This strategy recognises that the Probation Service and healthcare services must work together to ensure individuals continue to access treatment that supports their recovery.*

*'While any funding increase is to be welcomed, non-financial support is vital too. The Probation Service must provide its practitioners with appropriate training, manageable workloads, and access to specialist services to work effectively with people on probation who have drugs problems'.<sup>35</sup>*

## What next?

The Inspectorate was disappointed that six of the 14 recommendations in our thematic were only partly agreed by HMPPS, given the concerning findings from this thematic inspection report, and is of the view that the initial action plan needs to go further, following publication of the broader government strategy.

We will continue to monitor the progress of the government's new drugs strategy, which we hope will provide the Probation Service with the funding it needs – and the ability to build a clear picture of drug use and commission specialist services – to strengthen every aspect of its work with drug users.

## Neurodiversity in the criminal justice system: A review of evidence

In July 2021, Criminal Justice Joint Inspection Group (CJJIG) published the above-named report.<sup>36</sup>

### Summary

This independent review of neurodiversity in the CJS was commissioned by the Lord Chancellor and Secretary of State for Justice in January 2021. HM Inspectorate of Prisons led the inspection, on behalf of CJJIG, along with HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services as participating inspectorates.

Neurodivergent conditions include autism, traumatic brain injury, and learning difficulties and disabilities. This report looked at what support was available for those in the CJS living with neurodivergence.

The review found evidence of good local partnerships and heard about many simple adjustments that could be made easily to support neurodivergent people in the CJS. However, it went on to say:

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<sup>34</sup> [HM Inspectorate of Probation. \(2021\). Action Plan Response to the Joint Thematic Inspection of Community-Based Drug Treatment and Recovery Work With People Under Probation.](#)

<sup>35</sup> [HM Inspectorate of Probation. \(2021\). Government Drugs Strategy – A Statement from Chief Inspector of Probation Justin Russell. Press release.](#)

<sup>36</sup> [Criminal Justice Joint Inspection Group. \(2021\). Neurodiversity in the Criminal Justice System: A Review of Evidence.](#)

*'... it is clear that such provision is patchy, inconsistent and uncoordinated, and that too little is being done to understand and meet the needs of individuals. This report concludes that with more effective assessment of need, adaptation of services and better training of staff it is possible to support those with neurodivergent conditions, wherever they are in the criminal justice system. This can help break the cycle affecting too many: of crime, arrest, court, prison, probation and reoffending.'*<sup>36</sup>

## What we said

Chief Inspector of Probation, Justin Russell, said: *'When individuals turn up at probation offices, they have already been through the criminal justice system. Their prior experiences will shape how they engage with probation practitioners and whether or not they are motivated to turn away from further offending. It is vital that people with neurodivergent conditions are identified early, so all criminal justice agencies – including probation services – can provide the right support. Probation practitioners need training too, so they can engage individuals fully in their supervision.'*<sup>37</sup>

## Recommendations

The Ministry of Justice should work with the Home Office, Department for Health and Social Care and the Department for Education, and the Welsh Government to develop an overarching national strategy. This strategy should be developed together with people with personal experience of neurodivergence. Further recommendations are:

- a common screening tool for universal use within the CJS should be introduced
- data should be collected and aggregated systematically to provide a more accurate assessment of the prevalence of neurodivergence
- a programme of awareness-raising and specialist training should be developed and delivered to staff working within criminal justice services
- adjustments to meet the needs of those with neurodivergent conditions should be made throughout the CJS
- CJS agencies should work together, and with other statutory and third-sector organisations, to understand and meet the needs of neurodivergent individuals in the community, prevent offending and support rehabilitation.

## What next

It is acknowledged that progress in this area will take time and commitment to make the changes suggested in the report. The aim is to transform the experience and outcomes for those with neurodivergent needs.

The Ministry of Justice was required to provide an action plan to address these recommendations within three months of the publication of the report, followed by updates on progress at six and 12 months.

As of January 2022, this action plan had not been submitted. The impact of Covid-19, the ministerial reshuffle and the need for further consultation with other departments was cited as the cause of the delayed plan. The Inspectorates will continue to monitor this.

<sup>37</sup> [Neurodiversity in Criminal Justice System – More Effective Support Needed, Say Inspectorates. Press release.](#)

## A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders

In November 2021, CJJIG published the above-named report.<sup>38</sup>

### Contextual facts

- Since 1987/1988, the number of mental health beds in England has fallen by 73 per cent, from around 67,100 to 18,400 (20,000 since 2009).
- In 2020/2021, there were 110,768 referrals to liaison and diversion mental health workers working in police stations and court buildings.
- In 2019/2020, police forces reported the prevalence of mental health incidents in recorded crimes at up to 24 per cent.
- 48 per cent of prisoners in men's prisons and 70 per cent in women's prisons reported having mental health problems.

### Summary

This major inspection found poor support for people with mental health issues as they progress through the CJS in England and Wales. Inspectors described the findings as 'disappointing' and said that too little progress had been made since the last review in 2009.

For this inspection, 300 cases from eight regions (Durham, Birmingham, Exeter, Gwent, Newport, Greater Manchester, Bolton and Croydon) were analysed and 550 CJS staff, including probation practitioners, were interviewed. In addition, the views of 67 people on probation were included.

The inspection was conducted by:

- HM Inspectorate of Probation
- HM Inspectorate of Constabulary and Fire & Rescue Services
- HM Crown Prosecution Service Inspectorate
- HM Inspectorate of Prisons
- Care Quality Commission
- Healthcare Inspectorate Wales.

In response to the findings of this report, Chief Inspector of Probation, Justin Russell said:

*'The criminal justice system is failing people with a mental illness. At every stage, their needs are being missed and they face unacceptable delays in getting support. Not enough progress has been made since our last joint inspection 12 years ago to put right these critical shortfalls.'*

*'Police forces, prosecutors, prisons and probation services all assess individuals in different ways, which leads to gaps and inconsistencies. Even when mental health needs are identified, the information is not always recorded fully or used to make effective decisions.'*<sup>39</sup>

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<sup>38</sup> [Criminal Justice Joint Inspection Group. \(2021\). A Joint Thematic Inspection of the Criminal Justice Journey for Individuals with Mental Health Needs and Disorders.](#)

<sup>39</sup> [Criminal Justice Joint Inspection Group. \(2021\). Criminal Justice System Failing People With Mental Health Issues – With Not Enough Progress Over the Past 12 Years. Press release.](#)

## Key findings

### Mental health needs

Thousands of people with a mental illness are coming into the CJS each year, but their needs are being missed at every stage. The system for sharing information between agencies was broken, with a misunderstanding of General Data Protection Regulation rules preventing the necessary sharing of mental health concerns and incomplete, inaccurate records.

The transfer of mental health information, where available, by the police to the Crown Prosecution Service (CPS) to support charging decisions was generally weak. Officers often did not include relevant material, and when the CPS asked for further information, this inevitably caused delay. This then had a negative knock-on effect in court.

Probation practitioners were often hindered in their work by community mental health service providers who did not 'allow' them access to information held on individuals they were working with. Similarly, where there were different commissioning arrangements for custodial and community-based mental health services, information exchange was not seamless and those being released or taken into prison did not receive the timely interventions they needed.

### Poor access to mental health services

There was a shortage of good-quality mental health provision, and unacceptable delays to access it. This has worsened during the Covid-19 pandemic. Individuals reported that probation services and prison were the two agencies most likely to give them the mental health support they needed.

However, help was often not timely and access to services had been a substantial problem during the pandemic. With some notable exceptions, a shortage of good-quality mental health services, combined with cases being closed, had resulted in very few interventions being delivered. There was a shortage of specialist services, such as culturally informed interventions, for ethnic minority people and little had been done to rectify this problem for many years.

Prisons continued to be used inappropriately as a 'place of safety' while the courts waited for pre-trial psychiatric reports, and Mental Health Act 1983 transfers out of prison custody took far too long. Both of these issues are totally unacceptable. Shortages of local mental health beds for longer-term care remained a problem in a number of areas. This led to vulnerable individuals with complex needs being kept in prison custody for far too long without timely assessments.

## Recommendations

The report made 22 recommendations to a number of organisations, including to the Department of Health and Social Care, Home Office, Ministry of Justice, Welsh Government, Probation Service, NHS and police forces.

- to identify and screen mental health needs consistently at different stages of an individual's journey through the CJS
- to ensure an adequate supply of medium and high secure mental health hospital beds to reduce the unacceptable waiting times for transfer from custody
- to develop a multi-agency memorandum of understanding on information sharing, in order to promote better joint working and better outcomes for people with mental health problems

- to improve the quality of pre-sentence reports, to ensure that they contain a comprehensive analysis of trauma, mental health needs and, where indicated, propose appropriate treatment.

### What next

This report was published in November 2021. It is therefore disappointing that an action plan is yet to be received. Actions in response to the recommendations should be completed within 12 months of the report publication, unless otherwise stated.

## The use of electronic monitoring as a tool for the Probation Service in reducing reoffending and managing risk

In January 2022, HM Inspectorate of Probation published the above-named report.<sup>40</sup>

### Contextual facts

- On 31 March 2020, 3,924 people were subject to electronic monitoring as a condition of a community order.
- Of those subject to electronic monitoring, 473 were subject to a Global Positioning System (GPS) tracking requirement.
- 2,968 people post-release from custody were subject to electronic monitoring on 31 March 2020.
- 1,565 community alcohol abstinence monitoring requirements issued in September 2021.

### Summary

There are now three monitoring technology types in use: radio frequency tags (predominantly for monitoring curfew requirements); GPS technology (to monitor location and exclusion order requirements); and alcohol monitoring tags – to monitor abstinence from alcohol.

At any one time, approximately 8,000 people across England and Wales are monitored electronically either as part of a community sentence or following release from prison. This inspection took a closer look at the Probation Service's use of electronic monitoring to protect the public, reduce reoffending and support individuals to move towards crime-free lives.

Electronic monitoring itself is not a new concept, but legal and technological changes over the past 20 years have widened its usage and scope. GPS can now track individuals with higher levels of accuracy, and alcohol monitoring devices provide regular test results around the clock. There is considerable political and public interest in 'tagging', but little research exists into the long-term effects of this on individuals or its impact on crime rates.

In response to the findings, Chief Inspector of Probation, Justin Russell, said:

*'Electronic monitoring has come a long way over the past 20 years, thanks to legal changes and advances in technology such as GPS. There is strong political and public interest in this tool – but more needs to be done to realise the full benefits...'*

*'We are particularly concerned about the process that is used to decide whether an individual should be released early from prison and put on a home detention curfew.'*

<sup>40</sup> [HM Inspectorate of Probation. \(2022\). \*The Use of Electronic Monitoring as a Tool for the Probation Service in Reducing Reoffending and Managing Risk\*.](#)

*Probation practitioners told us they felt decisions were almost always weighted towards release, leading to inappropriate curfew requirements putting those sharing their home at risk.*

*'The Probation Service must look at this issue urgently – it does not make sense to place people on curfew in homes where they could pose a risk to others'.<sup>41</sup>*

## **Key findings**

Our inspection found that electronic monitoring is often treated as an 'extra', rather than an integral part of an individual's supervision.

### **Data and electronic monitoring**

The electronic monitoring programme is run by an external agency and we found that this was a source of frustration for many probation practitioners. Requesting data on an individual's movements was a time-consuming process and the quality of maps received was poor. The contract with the agency does not stipulate a response time – we found examples of practitioners waiting up to three days for location information in high risk of serious harm cases. Plans to set up a portal to give probation practitioners access to real-time data on individuals' movements and violations have not been delivered. Almost all of the practitioners we spoke to said that such a portal would have helped them to manage cases more efficiently.

### **Domestic abuse and electronic monitoring**

Home detention curfews can be used in some cases as an alternative to custody for those eligible for early release from prison. Probation practitioners told us that they felt that, almost always, decisions were weighted towards release, regardless of their concerns. The assessment used to make decisions had major gaps – not least whether the proposed address for curfew was suitable. With no national policy to mandate domestic abuse and safeguarding checks at these addresses, we found that these checks were not always conducted. It is deeply concerning to think that people are being placed on curfew in homes where there is a potential risk of harm to, or from, others. We recommend an urgent review of this process.

### **Is electronic monitoring a missed opportunity?**

The allocation of GPS location monitoring is confusing. It is available as a sentencing option in lower-risk cases through court, but not as an option for monitoring those who have committed violent and sexual offences and are subject to standard determinate prison sentences after their release from prison. These are cases where it would add real value to the protection of the public. Consequently, probation regions were finding their own solutions for this cohort through voluntary tagging, facilitated by police partners.

There were missed opportunities to acknowledge positive progress or to signpost people who had completed alcohol monitoring to further sources of support. People on probation told us that the use of monitoring offered them a period of stability and a reason to break contact with criminal associates.

## **Recommendations**

We concluded that electronic monitoring has significant potential to bring value to the Probation Service's work. However, more work needs to be done before these benefits are

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<sup>41</sup> [HM Inspectorate of Probation. \(2022\). \*Electronic Monitoring of People on Probation Underused and in Need of Improvement\*. Press release.](#)

fully realised. This report made 17 recommendations – 13 were agreed and four were partly agreed. These included:

- we recommended that senior HMPPS leaders commission research to understand the impact of electronic monitoring and how to get the most out of this tool.
- they should also set out a strategy for its use across the Probation Service and ensure that practitioners receive real-time access to electronic monitoring information, as well as training to strengthen their knowledge and confidence.
- we also made a number of operational recommendations to support the tool's use in protecting the public and reducing reoffending.

### What next

The government's action plan response to this report was published in January 2022.<sup>42</sup>

While the actions from this plan are at an early stage, the Inspectorate is disappointed that HMPPS has so far agreed only partly to our recommendation to mandate the Probation Service to make domestic abuse and safeguarding checks before recommending a curfew order sentence to the court or release from prison on electronically monitored curfew – something which our report found to be a concerning and potentially harmful omission in the safeguards around the use of electronic monitoring.

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<sup>42</sup> [HM Prison and Probation Service and Ministry of Justice. \(2022\). \*Thematic Inspection Report on Electronic Monitoring Action Plan\*.](#)

## 6. Serious Further Offence Reviews

### Summary

Following our thematic inspection of SFO reviews in May 2020, and in response to our recommendation that independent assurance of the SFO process should be introduced, the Secretary of State for Justice asked the Inspectorate to provide an independent view of the quality of this most sensitive and high-profile work, to help drive improvements. The Inspectorate will be quality assuring approximately 20 per cent of SFO reviews completed each year and publishing a summary of our findings on an annual basis.

The number of SFO notifications increased from 2014/2015 to 2016/2017, in part because of an increase in the number of people under probation supervision following the implementation of the *Offender Rehabilitation Act 2014*, which extended probation supervision on licence to short-sentence prisoners who, prior to this, would have been released without a period on licence. Since 2016/2017, the number of SFO notifications and resulting reviews has decreased by 27 per cent, including a reduction in the number related to rape and sexual offences.

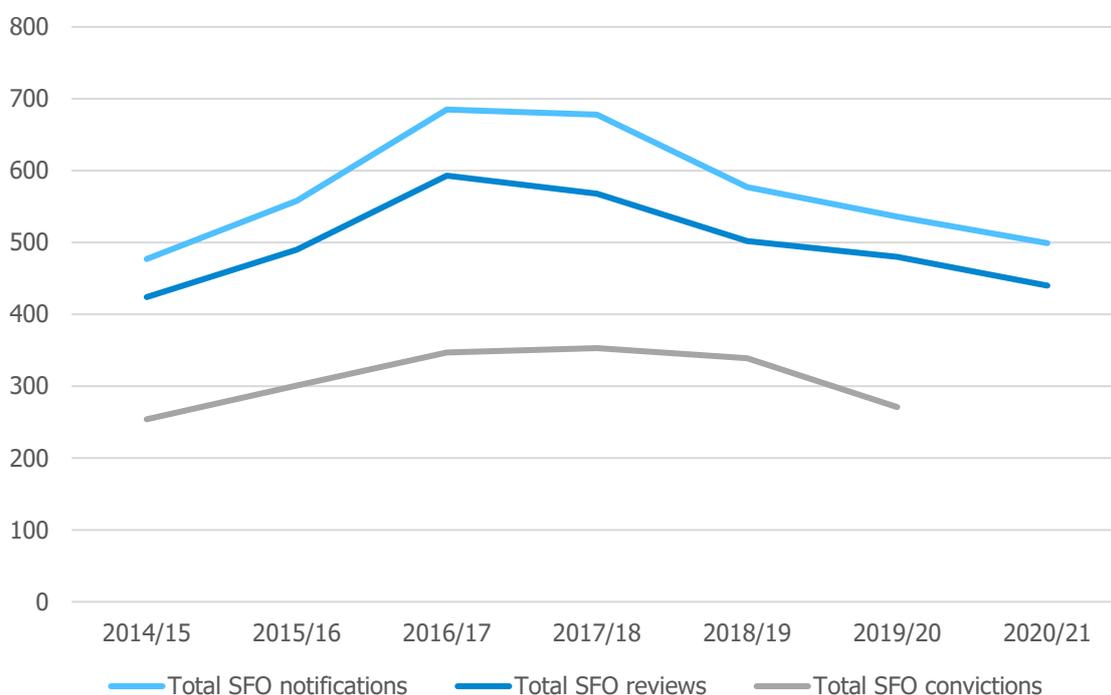
### Contextual facts

Number of serious further offence (SFO) notifications in 2020/2021:

537<sup>43</sup>

Number of SFO reviews conducted from the notifications: 473<sup>43,43</sup>

**Figure 15: Number of SFO notifications, reviews and convictions as at 30 September 2021<sup>43</sup>**



<sup>43</sup> [Ministry of Justice. \(2021\). \*Serious Further Offences \(SFO\) 2021. Bulletin.\*](#)

**Table 2: Number of SFO reviews received between 01 January 2015 and 31 December 2020, by SFO offence and whether supervised by National Probation Service (NPS) or Community Rehabilitation Companies (CRCs)<sup>44</sup>**

Probation provider	Offence	2015	2016	2017	2018	2019	2020
<b>NPS</b>	Murder	28	25	47	43	53	46
	Manslaughter	2	3	5	2	5	2
	Rape	124	113	124	76	56	69
	Violence against the person	95	105	149	137	122	168
	Sexual assault	43	35	37	24	24	43
<b>NPS Total</b>		<i>292</i>	<i>281</i>	<i>362</i>	<i>282</i>	<i>260</i>	<i>328</i>
<b>CRC</b>	Murder	42	47	65	71	84	71
	Manslaughter	3	5	13	8	6	3
	Rape	101	141	132	73	54	54
	Violence against the person	44	40	49	55	52	49
	Sexual assault	12	2	14	4	2	4
<b>CRC total</b>		<i>202</i>	<i>235</i>	<i>273</i>	<i>211</i>	<i>198</i>	<i>181</i>
<b>Total</b>		<b>494</b>	<b>516</b>	<b>635</b>	<b>493</b>	<b>458</b>	<b>509</b>

A majority of SFO notifications for murder continue to relate to cases where the person under supervision has previously been identified as presenting a low or medium, rather than high, risk of serious harm (66 out of 96 reviews undertaken in 2020/2021) – emphasising the critical importance of getting this initial risk assessment right at the start of probation supervision.

**Table 3: Number and proportion of SFO reviews in which the SFO notification was for murder in 2020/2021, by risk of serious harm level<sup>45</sup>**

Original probation services assessment of risk of serious harm <sup>46</sup>	Number of SFO murder reviews	Proportion of SFO murder reviews (%)
Low	11	11
Medium	55	57
High	26	27
Very high	0	0
Not specified	4	4
<b>Total</b>	<b>96</b>	<b>100</b>

In most years, about 50 per cent of SFO notifications have related to an alleged SFO for which there was ultimately a conviction. For the remaining cases, either charges are dropped, the individual is acquitted or they are convicted of a less serious offence.<sup>44</sup>

<sup>44</sup> Data provided by the HMPPS Public Protection Group.

<sup>45</sup> Data provided by HMPPS Public Protection Group and relates to the number of reviews completed on supervised individuals charged with an SFO of murder, not those convicted of SFOs.

<sup>46</sup> Data provided by HMPPS Public Protection Group and relates to the highest risk of serious harm throughout the index sentence, not the risk of serious harm at the time of the SFO.

## What we do

SFO reviews are quality assured by HM Inspectorate of Probation and HMPPS against four areas: analysis of practice; overall judgements; learning; and victims and their families. These standards set out the expectation that an SFO review will provide a robust and transparent analysis of practice, provide a clear and balanced judgement on the sufficiency of practice, enable appropriate learning to drive improvement and is suitable to share with victims (or their families) and meet their needs. Our standards also give fresh focus to the crucial inter-agency work carried out by probation practitioners, seeking to drive improvements where necessary. We give every SFO review we quality assure a composite rating of either 'Outstanding', 'Good', 'Requires improvement' or 'Inadequate', as well as rating each of the four individual quality standards. Our quality assurance reports explain clearly why we have given particular ratings and are specific in how improvements should be made. Some reviews will require resubmission, to ensure that all necessary changes have been made.

The HMPPS SFO team have chosen to adopt our standards, rules and guidance and ratings. We have worked closely with them to develop their understanding and confidence, which involved leading and facilitating a series of workshops and benchmarking sessions. Following this, HM Inspectorate of Probation inspectors have jointly delivered briefings to local SFO reviewing managers to explain the changes and how standards and ratings will be applied to the reviews they complete and the process for receiving feedback.

## What we found April 2021 – October 2021<sup>47</sup>

During this period, the Inspectorate quality assured 36 reviews, 14 from CRCs, seven from NPS divisions and 15 from the unified Probation Service regions. Reviews related mainly to males on probation, with only one review relating to a female. Thirty-nine per cent of cases were subject to a community order and 61 per cent were released on licence at the time of the SFO. When the SFO was committed, eight per cent of the people under supervision were assessed as posing a low risk of serious harm, 64 per cent a medium of serious harm, 28 per cent a high of serious harm and none were found to pose a very high risk of serious harm. At the time of the SFO, 31 per cent of individuals were managed under level two Multi-Agency Public Protection Arrangements (MAPPA) and 61 per cent were not MAPPA eligible.

**Table 4: SFO reviews quality assured by offence type**

Offence	Number
Murder	15
Conspiracy to murder	2
Death by dangerous driving	1
Rape	9
Attempted rape	1
Rape and kidnap	2
Assault of a child under 13 by penetration	2
Arson with intent to endanger life	2
False imprisonment	1
Armed robbery	1

Of these SFO reviews we inspected, three per cent (one review), received an 'Outstanding' composite rating, 58 per cent were 'Good', 28 per cent were 'Requires improvement' and 11 per cent were 'Inadequate'. Almost one-third of the reviews did not undertake a sufficiently

<sup>47</sup> [Quality Assurance standards for probation Serious Further Offence Reviews.](#)

comprehensive review. This means that the necessary learning is not swiftly identified allowing relevant actions to be put in place following a serious further offence. Probation service regions should ensure learning identified through our quality assurance is captured to embed in training and development arrangements to improve the quality of reviews.

We found that:

- in approximately one-third of the reviews we inspected, reviewing managers did not analyse sufficiently the underpinning reasons for the deficiencies in practice. Despite identifying what the main deficits were, they did not go on to understand why they existed and explore the gaps further. This theme was repeated across all our areas of inspection – assessment, planning, implementation and delivery, and reviewing.
- up to three-quarters of the SFO reviews we quality assured examined partnership work with other agencies sufficiently. Scrutiny of cross-agency working between NPS and CRC, as well as with external agencies, was found to be lacking in the remaining quarter, where areas such as child safeguarding and serious organised crime were not explored enough.
- while reviews included the views of relevant staff involved, this was not true in one quarter of the reviews we quality assured. Reviewing managers did not consistently interview the senior leaders of the organisation or consider alternatives when a key practitioner was unavailable for interview. This led to gaps in the SFO reviews and to improve the quality of the review, our inspectors have made recommendations to interview others to seek further evidence.
- in more than half the reviews we inspected, the right learning was not identified for staff at all levels, and there was also insufficient analysis of the deficiencies identified. We are concerned that senior probation officer grade reviewing managers may not have the required seniority to scrutinise and challenge robustly those at more senior levels in their organisations.

### **SFO quality assurance – an example of an 'Outstanding' SFO review**

Mr Waqas\* was sentenced in 2018 to 40 months' imprisonment for carrying a loaded shotgun in a public place and 24 months' imprisonment for arson. The SFO, arson with intent to endanger life, was committed in November 2020 after he was released on licence. As part of his release, Mr Waqas was subject to additional licence conditions, such as curfewed residence in an approved premise, a requirement to disclose any intimate personal relationships and no contact with the victims. The location of the approved premises was out of the local area, and there was an arrangement in place for a local probation officer to oversee the case temporarily and keep the original probation officer updated and informed. This process worked well, and there were regular contacts taking place. The contacts were managed through the staff at the approved premises and delivered under the Covid-19 restrictions. Despite the probation officer recognising that work to address Mr Waqas's offending behaviour and the risk of serious harm posed would require interventions surrounding relationships, wellbeing and substance misuse, the delivery was put on hold. One of the significant gaps in this case was the way in which the case transfer was managed when an address in another area was approved as a move on from the approved premises. There were long delays in the transfer being processed, which led to a breakdown in the oversight and responsibility. Management oversight did not identify the delay.

The SFO review, following quality assurance, was rated 'Outstanding' and was written to a high standard, with a highly analytical review of the work undertaken in this case. The reviewing manager's approach was investigative and well researched. The review set out

the context, including the practitioner caseloads recorded by the workload management tools, the experience of relevant staff, and the quality of management oversight and supervision. This information was evidenced further by interviews with the relevant middle and senior managers. The review provided a comparison between high-risk transfer expectations and the realities of practice on the frontline when SPOs disagreed on the parameters of a transfer.

The SFO review included a holistic consideration of management oversight for all levels of staff. It held the middle and senior managers suitably accountable for the lack of oversight, with learning included in the action plan. Existing effective practice was identified and explored correctly. The review analysed probation practice sufficiently and stated clearly where practice was in line with expectations. From the perspective of the victim and their families, the report identified the relevant areas for improvement and was written in a way that could be easily understood, using a sensitive approach.

The review included evidence from exploratory and investigative interviews that were completed and made balanced judgements about the practice of individuals and the probation service in this case.

There were a number of learning points in the action plan, and these were well written and simple to navigate. The action plan enabled appropriate learning to drive improvement at all levels, including the practice of senior managers regarding high-risk case transfers. The action plan captured all learning and practice improvement sufficiently. It explained where learning had already been taken forward and held all actions to sufficiently timely deadlines. The reviewing manager had identified and been responsive to the need for additional/follow-up training. The action plan focused on ensuring that all relevant learning was identified and translated into developmental actions that could be progressed and monitored to ensure that similar errors were not made in the future.

*\* The names in the practice examples have been changed to protect the individual's identity.*

### **SFO quality assurance – an example of an 'Inadequate' rating**

Mr Shaw\* was sentenced to a four-year custodial sentence for robbery. This was his first conviction and therefore his first and only contact with probation services. During this sentence, he was convicted of a section 18 wounding, for which he was sentenced to a consecutive custodial sentence of 15 months. He was released on licence in July 2016, and in February 2021 he was charged with an offence of murder.

The SFO review, following quality assurance, was rated as 'Inadequate'. The review did not set out what safeguarding checks were or were not undertaken at court, or any relevant consequences of this. In addition, there was no evidence as to whether safeguarding or domestic abuse checks were undertaken regularly by practitioners in the team, or of the quality of oversight by managers over this work. The review failed to contrast sufficiently probation staff's findings of risk of harm and the need identified during assessment, with the work undertaken in the planning, delivery and reviewing phases. The significance and impact of the most crucial gaps in supervision were either unclear or not present in the review.

Scrutiny of the MAPPA practice in this case was absent, despite the head of service stating that: *"it was typical for the actual MAPPA level to only be decided post-release"*. This should have been analysed and reviewed further. There was no evidence of investigative

work undertaken by the reviewing manager to uncover the quality of pre-release MAPPA practice more generally or make assurances about improvements made in the interim.

The review did not provide context for the work carried out by the key responsible officers, including manageability of workload, the experience and skill of relevant staff, office culture and the quality of management oversight and supervision. The reviewing manager failed to identify, where necessary, what needed to be addressed through staff performance, training and development, or discipline. The reviewing manager did not comment upon relevant multi-agency work in the case. The review took a descriptive rather than analytical approach to process and overlooked the systemic and/or procedural factors in relation to probation practice and decision-making. Management oversight was not explored in the review. The review did not comment upon the probation's service's multi-agency practice.

The SFO review and action plan did not enable appropriate learning to drive improvement, did not capture learning and/or practice improvement identified, and did not explain where learning had already been taken forward or where changes had already been made to local or national policy to effect change.

This SFO review was not tailored to meet the needs of the victim's family – the inclusion of detailed and sensitive information relating to the victim was not appropriate to include. The reviewing manager did not consider what information might be most pertinent to the family of the victim, and as a result relevant information had been omitted. The review failed to explain the significance of deficiencies and missed opportunities during the case, and the impact that these had had. The review presented unclear judgements, with gaps in the supporting evidence.

As a result of the 'Inadequate' rating, the reviewing manager was required to complete the necessary actions and re-submit the review, to ensure that all appropriate improvements were made.

*\* The names in the practice examples have been changed to protect the individual's identity.*

## What next

### Multi-agency learning panels

To improve practice and strengthen partnership working by the Probation Service, the Inspectorate is creating multi-agency learning panels to promote collaborative learning through the lens of SFO cases. SFO reviews focus only on probation practice; however, we know that the Probation Service works closely with other agencies on risk management. These panels will provide a collaborative learning opportunity for all agencies involved in the case.

We seek to influence improvements in how probation services collaborate with other agencies, both locally and at regional level. This is vital because failures in partnership working are one of the recurring themes of SFOs and, as such, is an area which requires improvement. We undertook a pilot multi-agency learning panel in Wales, which included staff from probation, police, health and an independent domestic abuse charity, and this resulted in shared learning. Regional probation directors have worked with the Inspectorate to develop regional panels and to identify local partners for the learning panels.

### Increased scrutiny of SFO action plans in the core inspection programme

HM Inspectorate of Probation's SFO quality assurance inspectors support the core inspection programme by analysing the quality of SFO action plan implementation and shared learning across the region and within probation delivery units. This approach will seek more information about SFOs from probation services and will include an interview with the senior lead for SFOs in the region. This process will provide a more robust examination of this work and will contribute to the Inspectorate's findings in local inspection reports.

## 7. Research and Academic Insights

### What we do: Reviewing and developing the evidence base

Our probation inspection standards framework is grounded in evidence, learning and experience, and is reviewed continually. Over the last year, we have published *Research & Analysis Bulletins* and *Academic Insights* papers with clear links to our organisational delivery and case supervision standards.

### What we look at – organisational delivery

We examine four aspects of organisational delivery when inspecting probation services.



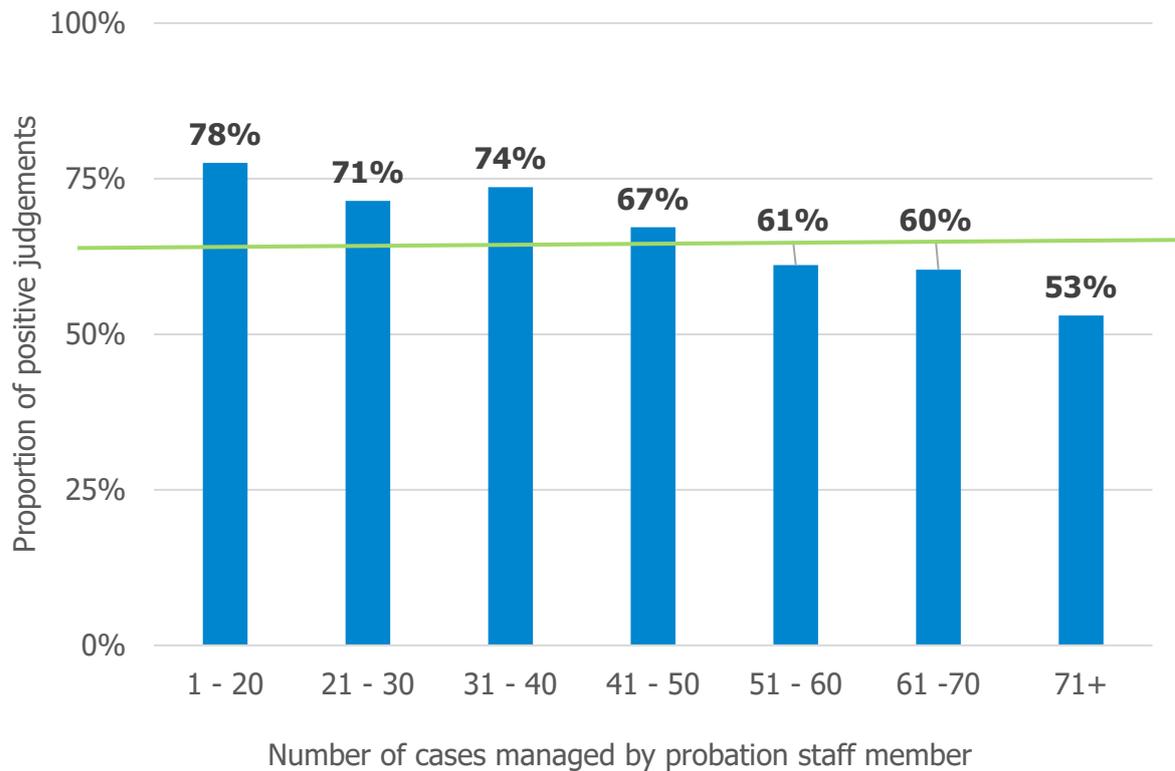
### Staff

We examine the manageability of staff workloads, the importance of which is recognised in the target operating model (TOM) for the new unified service: *'delivery of the target operating model is predicated on having the right number of staff in post to manage caseloads (attracting and retaining talented people) with the necessary skills to manage risk, protect the public and help make positive change to people's lives (supporting and developing our people).'*

In our March 2021 *Research & Analysis Bulletin*,<sup>48</sup> we examined recent caseloads, workloads and staffing levels. While there is no 'magic number' for the ideal caseload in probation services, our analysis demonstrated how the quality of probation delivery can fall when practitioners hold caseloads above 50.

<sup>48</sup> [HM Inspectorate of Probation. \(2021\). Caseloads, Workloads and Staffing Levels in Probation.](#)

**Figure 16: Inspector judgements on quality (all summary questions) by caseload number**



**Note:** The green line indicates the boundary between our 'Good' and 'Requires improvement' ratings – that is, the point at which we judge that over 65 per cent of cases are being supervised adequately.

Academic evidence shows that reducing probation caseloads is associated with improved compliance and reductions in reoffending. We also noted:

- the consensus among staff and senior managers that the maximum number of cases that could be managed well was between 50 and 60.
- the toll of higher caseloads on staff, in terms of stress, anxiety and sickness, was very evident.
- senior leaders we spoke to agreed that there should no further 'big bang' for probation, with caseloads slowly blended after appropriate training and bedding-in periods.

The *Workload Measurement Tool* (WMT) used by the Probation Service to model staffing requirements and likely caseload scenarios needs revising to more accurately reflect the demands of supervising different types of case and ways of working in the newly unified service, including blended phone and face-to-face supervision. Our research also identified the need to better communicate the purpose of the WMT to frontline staff and create a common understanding of what the capacity metric does and does not demonstrate.

## Services

We consider whether the right volume, range and quality of services are in place to meet the needs of people on probation and whether relationships with providers and other agencies are established, maintained and used effectively. The importance of strong multi-agency working, with effective communication and systematic exchanging of information, is well established. Through such joint working, delivery can be sufficiently aligned, holistic and sequenced, supporting the desistance of individuals on probation and the safety of other people at key stages of the criminal justice process.



The TOM for the new unified Probation Service recognises the importance of accessing interventions to help individuals build social capital: *'Interventions which build social capital are likely to be better delivered by specialist local providers. Our aim is to support probation practitioners to make timely referrals and to have confidence that they can access suitable interventions and services available through a range of pathways including the locally delivered and responsive, wrap-around, specialist service required of providers on the Dynamic Framework'*<sup>7</sup>

Further reading: In our [Academic Insights paper on social capital building](#),<sup>49</sup> Dr Katherine Albertson summarised the concept of social capital and how increases in the strength, range and quality of bonding, bridging and linking opportunities can be beneficial in supporting the desistance process.

The use of peer mentors is also recognised in the TOM, stating that the unified service will *'work with the New Futures Network, who support prison leavers into employment, to maximise opportunities for current and former service users to secure roles with us. Peer led work, including peer mentoring schemes, are a critical strand of this work'*<sup>7</sup>

Further reading: In our [Academic Insights paper on mentoring and peer mentoring](#),<sup>50</sup> Dr Gill Buck summarised the evidence base in relation to mentoring and peer mentoring, with a focus on its potential for supporting and empowering individuals to desist from offending. It highlights how mentors who draw upon their own experiences can potentially inspire mentees in a personalised way, offer high levels of support, reassurance and encouragement, and provide a bridge to other services.

The TOM further recognises the need to pay closer attention to the role of electronic monitoring (EM): *'We will ensure that Electronic Monitoring capabilities are better supported within probation structures so that we make more effective use of their potential to improve compliance, public protection and reoffending outcomes'*<sup>32</sup>

<sup>49</sup> [HM Inspectorate of Probation. \(2021\). Social Capital Building Supporting the Desistance Process.](#)

<sup>50</sup> [HM Inspectorate of Probation. \(2021\). Mentoring and Peer Mentoring.](#)

Further reading: In our [Academic Insights paper on EM in probation practice](#),<sup>51</sup> Professor Anthea Hucklesby and Dr Ella Holdsworth highlighted the differing types and uses of EM. They noted that while there has been an uneasy relationship between probation and EM, there is now a clear opportunity for probation services to engage in the policy debate. There is evidence that, when used appropriately, EM can introduce some structure to the lives of recipients, assisting with employment, family relationships and compliance with other requirements/conditions of court orders. However, tailoring to the individual is critical.

## Information and facilities

Our 'information and facilities' standard highlights the importance of analysis, evidence and learning in driving improvement. Within the Inspectorate, we start with the principle that probation work should be evidence based or else evidence informed. In our view, reducing reoffending and keeping the public safe is most likely if probation practice is aligned to the evidence base, and if the evidence base grows over time.

Continuing investment in research and evaluation remains a requirement, with a commitment to disseminating and promoting the findings. In our *Research & Analysis* bulletin (February 2021),<sup>52</sup> we examined the recent role of probation services in building the evidence base for high-quality probation services. While there were good practice examples, the research activities undertaken by providers over recent years have been limited, and it has proven difficult to bridge the gap between research, policy and practice. There are clear lessons for those implementing the new delivery model, so that: (i) sufficient regard is given to the evidence base; and (ii) evaluations of new evidence-informed approaches are encouraged, enabling the evidence base to continue to grow.

We set out the following five key requirements:

- **Embed an evaluation culture**  
There needs to be a much stronger commitment to building a research/evidence-based culture, hard-wired into organisation-wide delivery models.
- **Identify the critical evidence gaps**  
Research resources need to be maximised, requiring a strategic, joined-up and holistic approach to monitoring research activities, identifying the most critical evidence gaps and considering which questions can be answered in the short, medium and longer term, and who may be well placed to answer them.



<sup>51</sup> HM Inspectorate of Probation. (2020). *Electronic Monitoring in Probation Practice*.

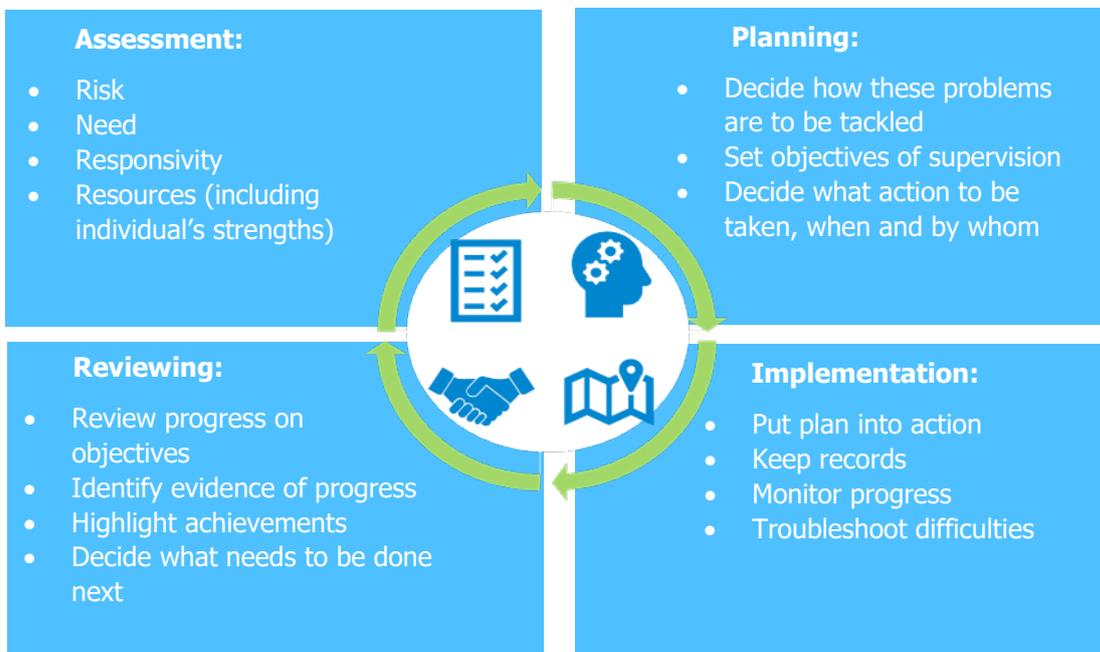
<sup>52</sup> HM Inspectorate of Probation. (2021). *Building the Evidence Base for High-Quality Probation Services: The Role of Probation Providers. Bulletin*.

- **Tailor the research methods** Research questions will vary markedly in nature, and a wide range of research methods is required, with a recognition that differing approaches can be highly complementary. There is room for action-based research, in-depth case study work and longer-term experimental designs, as well as newer innovative methods – for example, visual methods in data collection.
- **Support internal and external researchers:** Those undertaking research projects, whether internal staff or external researchers, need to be sufficiently supported. This involves much more than financial resource, requiring the time of senior staff and engaged gatekeepers who can facilitate the necessary access.
- **Focus on dissemination, engagement and impact:** For evidence to be used, impacting on policy and practice, it needs to be reported in clear and accessible ways. A range of dissemination and communication methods should be used, with a focus on ensuring meaningful engagement and interaction, further embedding an evaluation culture and collaborative working.

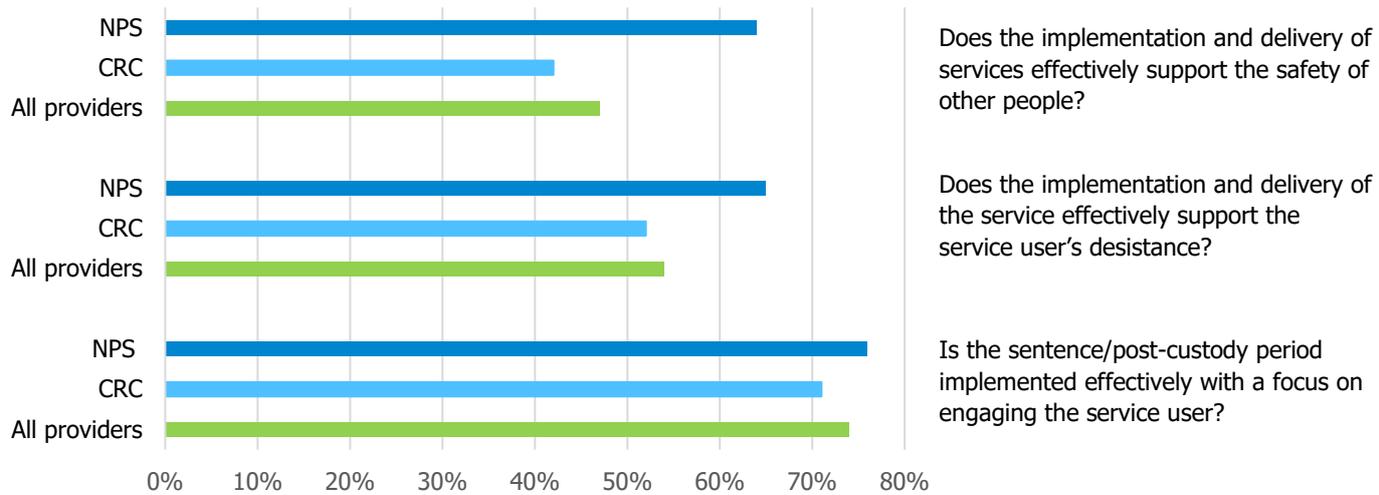
### What we look at – case supervision

Contemporary probation practice is based on the ASPIRE (Assessment, Planning, Implementation, Reviewing) model of case supervision. In our core inspections, we judge the quality of delivery in individual cases against the stages of the ASPIRE process, considering the sufficiency of the focus on (i) engagement, (ii) desistance and (iii) keeping other people safe. In the TOM for the unified Probation Service, the terminology of Assess, Protect and Change has been adopted, with the intention of providing practitioners with *'the right tools and support to assess an individual's risk, protect the public and enable those they supervise to change their underlying behaviour to break the cycle of reoffending'*.

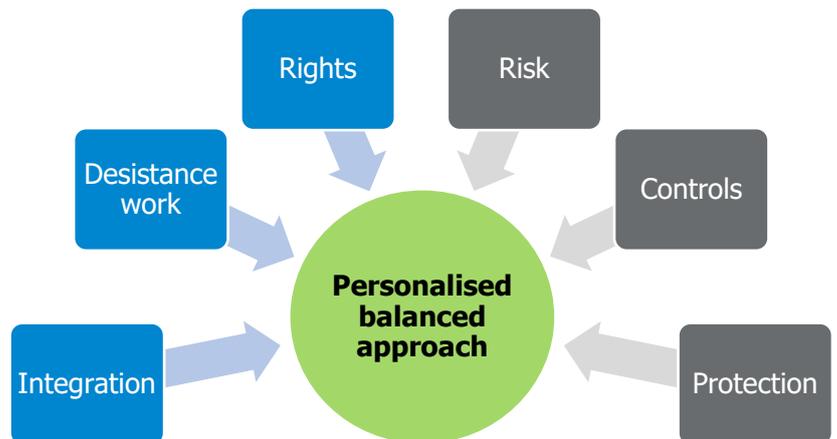
In our most recent cycle of probation inspections we found stronger performance around engagement and desistance than around management of risk of harm – with over half of the cases we inspected in 2019/20 being judged insufficient against this last requirement.



**Figure 17: Effective implementation and delivery of services for people on probation (2018-2020)**



Further reading: In our [Academic Insights paper on risk and desistance](#),<sup>53</sup> Professor Hazel Kemshall highlighted the importance of a blended approach, combining practice to manage risk with practice to enhance desistance. The stated aim is to reintegrate individuals on probation safely into the community, with a dual focus on: (i) protecting the individual from further failure, isolation and stigma; and (ii) protecting the community from further harm. In essence, desistance and risk management operate in tandem to achieve both non-offending and public safety. The key task for practitioners is to act in transparent, defensible and evidential ways, seeking an appropriate balance in each individual case between risk and rights, protection and integration, desistance supportive work and control.



The TOM also envisages improvements in the assessment process and the tools used by practitioners.

Further reading: In our [Academic Insights paper on needs assessment](#),<sup>54</sup> Kevin Wong and Rachel Horan highlighted the potential for such improvements. More specifically, the possibilities from integrating risk-needs-responsivity and desistance principles are explored, while stressing that it is essential for such integration to provide additionality and avoid dilution (which should be subject to testing). Attention is then given to the role that assessment can play in facilitating effective engagement. Crucially, the assessment process itself can serve a purpose that goes beyond identifying the support that an individual may require and what risks need to be considered. It offers opportunities for co-production, the demonstration of care, and the starting point for building a relationship.

<sup>53</sup> [HM Inspectorate of Probation. \(2021\). Risk and Desistance: A Blended Approach to Risk Management.](#)

<sup>54</sup> [HM Inspectorate of Probation. \(2021\). Needs Assessment: Risk, Desistance and Engagement.](#)

## 8. Our effective practice guidance

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HM Inspectorate of Probation defines effective practice as *'where our inspection standards are delivered well in practice'*. We have a role in identifying and disseminating effective practice, as well as challenging poor performance and encouraging improvement.

We do this via our individual inspections, thematic inspections and – more recently, with a greater focus on effective practice – via a series of products designed around our inspection standards, which are rooted in the research and practice evidence base.

At the end of 2020, we launched our effective practice case management guidance on the HM Inspectorate of Probation website, translating evidence from thousands of inspected cases into a learning tool. The aim is to help frontline staff and managers to deliver good-quality services and improve outcomes for people on probation. The guidance is designed for busy professionals seeking to supervise people on probation effectively and safely.

Currently, our effective practice guidance takes three forms:

- case management guidance
- thematic effective practice guidance
- thematic seminars.

### Who is effective practice guidance for?

Our guides are designed specifically for those working in probation and youth justice but are relevant across the criminal justice system. Some of our online guides are digital handbooks, accessible in short modules for practitioners managing individuals on probation. Our thematic effective practice guidance is provided via reports and, in some cases, seminars with practitioners.

### How should effective practice guidance be used?

It is a source for evidence-based self-assessment and practice development, through self-reflection. It can help services understand what 'good' looks like against inspection standards, to action-plan post-inspection or for general learning and training. Services can benchmark their own practice against inspection standards using our published standards and guidance.

### Practitioners – making sure their voice is heard

We cannot illustrate what good quality looks like without first-hand accounts from probation practitioners and people on probation. We interview hundreds of practitioners each year about the cases they supervise, focusing on cases that commenced in the previous six months, to help us understand the challenges and successes, and what is required to achieve consistent high-quality supervision. We recognise that there is no 'one size fits all': practice needs to be attentive and tailored to the diversity of people on probation, their local communities and the services available.

## Effective practice guidance

### Case supervision guidance:

This guide, published in December 2020, covers case supervision – the core responsibility of a probation practitioner – and what consistent high-quality delivery looks like, focusing on three key areas: **engagement, desistance and keeping people safe** across the assessment, planning, implementation and review stages of supervision for each person on probation.

Further information can be found in the 'effective practice' section of the HM Inspectorate of Probation website.<sup>55</sup>

#### Engagement



*Probation providers should seek to motivate people on probation to comply and engage positively with the requirements of their sentence.*

#### Desistance



*A core purpose of probation services is to support those under supervision in a way that reduces the likelihood that they will commit further crime.*

#### Keeping people safe



*Keeping people safe is about public protection and assessing and managing the risk of harm posed by individuals to protect both known and potential future victims. High-quality public protection work can minimise – but not eliminate – the potential for risk of harm to society.*

### Thematic effective practice guidance

The Inspectorate produces a number of thematic inspection reports, each year, focusing on an area of interest and concern for the probation service. Evidence from these reports is translated into effective practice guidance: practitioners, middle managers and strategic leaders are encouraged to reflect on their own experiences and consider how they may apply the learning in their own contexts.

In 2020/2021, three such thematic effective practice guides were produced.

### Substance misuse – key takeaways

- ✓ The leadership of the organisation should support and promote the delivery of high-quality, personalised and responsive drug misuse, recovery and associated support services for all people on probation.
- ✓ A comprehensive range of high-quality services needs to be in place, supporting a tailored and responsive service for all people on probation.

For more information, [read/download the substance misuse effective practice guidance from the HM Inspectorate of Probation website.](#)<sup>56</sup>

<sup>55</sup> [HM Inspectorate of Probation. \*Effective Practice\*.](#)

<sup>56</sup> [HM Inspectorate of Probation. \(2020\). \*Serious Further Offence Reviews: Effective Practice Guide\*.](#)

### **Serious Further Offence (SFO) reviews – key characteristics of a good SFO review**

- ✓ Systematic analysis of the probation management of the case; the context of probation practice; and the decisions taken.
- ✓ There is a clear explanation of why events occurred, as well as a description of what happened and when.
- ✓ Analysis of any missed opportunities to improve the effectiveness of supervision, the availability of services and a clear judgement as to whether all reasonable steps had been taken to manage the risk of harm in the case.

For more information, [read/download the SFO effective practice guidance from the HM Inspectorate of Probation website.](#)

### **Electronic monitoring – key effective practice takeaways**

- ✓ Initial risk assessments for all tag types should be submitted to the electronic monitoring service within 24 hours of being allocated the case.
- ✓ Domestic abuse and safeguarding checks must be carried out before a curfew is recommended.
- ✓ Alcohol abstinence monitoring requirements should not be recommended for individuals who are alcohol dependent.

For more information, [read/download the electronic monitoring effective practice guidance from the HM Inspectorate of Probation website.](#)

### **What next**

The Inspectorate will be expanding its effective practice guidance offer, both in terms of content and engagement. While our main stakeholders are undoubtedly probation practitioners, there are additional interested groups such as managers, police and other probation partners. We are collating the feedback we receive from stakeholders about our effective practice, with a view to shaping the products we offer in future, so that they remain as relevant and assistive as possible to all who access them.

## 9. Giving a voice to people on probation

The inclusion of people on probation in all our inspections is now a key part of how we work.

HM Inspectorate of Probation is committed to listening to the experiences of people on probation. In our Service User Engagement Strategy (2019–2022),<sup>57</sup> Chief Inspector of Probation, Justin Russell, said:

*'It is clear to me, from observing our inspections and speaking to practitioners and others, that we need to give a stronger voice to those who are supervised by the services we inspect.'*

*'A fundamental part of our assessment of the quality of services involves judging providers on how well they consult and engage with those they supervise on the way that services are configured. Service users need the opportunity to say what works for them and feel like they are an active participant in their own development and recovery, not just a passive recipient of the services that are designed to help them achieve that.'*

*'But we need to go further than that. I want the Inspectorate itself to be a truly inclusive organisation that seeks and responds to the knowledge and experience that those who are supervised can offer.'*

### About our strategy

In 2020, we made a commitment to employ a specialist in their field to guide this important work, and Karen Kendall joined us as Participation Lead. Reflecting on this year's annual report, she says: *"We've worked hard – via a simple strategy – to gain the trust of people on probation and the understanding of probation services about the importance of engagement. This has to be reciprocal – we want to understand how people on probation view their rehabilitation in order to provide guidance on how improvements can be made and, in turn, influence a reduction in reoffending."*

### The strategy: a three-step plan

1. Seek advice from (ex-)people on probation on our developing inspection methodology.
2. Increase the involvement of people on probation in inspectorate activity.
3. Be a truly inclusive employer by opening our recruitment campaigns to those who have been through the criminal justice system themselves.

Below, we address these three objectives and outline the progress made in each case. Objective two includes case studies and testimonies.

#### Objective 1: Seek advice from (ex-)people on probation on our developing inspection methodology

While developing the methodology for our new cycle of inspections, which began in autumn 2021, we consulted directly with people who had direct, personal experience of the criminal justice system.

We received valuable feedback and advice about areas such as what we should inspect, the best way to capture the views of people who have experience of the probation system and what we should ask people on probation when we inspect. This insight has helped us to

<sup>57</sup> [HM Inspectorate of Probation. \(2019\). Service User Engagement Strategy 2019-2022.](#)

develop a new set of survey questions, which are now used as part of our inspection cycle. Some examples of the proposed questions provided include:

- Are you getting treated fairly?
- Do you have the right amount of contact with your probation officer?
- Do you have consistent contact with your probation officer, and do you trust them?

Following the unification of probation services in June 2021, we have further extended the feedback we collect from people on probation during our local probation inspections.

During each local Probation Delivery Unit inspection, we will now offer every person on probation in that area an opportunity to engage with us using the following methods:

- text survey
- paper survey
- telephone interview
- focus group opportunities
- face-to-face conversations in places like probation offices and unpaid workspaces.

## What next

In 2022, we will see another milestone in our journey to give a stronger voice to people on probation. We have commissioned User Voice, an organisation led by and employing people who have been through the prison and probation system themselves, to gather feedback from people on probation at each of the local services we inspect over the next three years.

## Objective 2: Increase the involvement of people on probation in inspectorate activity

The views and experiences of people on probation have become an increasingly important part of our national thematic inspections over the past year and are now a standard part of the evidence we collect on all of these inspections. To do this, we have commissioned five different organisations which were each able to employ people who had been through the criminal justice system themselves, to interview over 500 people on probation on our behalf. The experiences captured in these interviews are then published alongside our main inspection reports, as well as being woven into the reports themselves.

These thematic inspections and reviews included:

- accommodation and support for adult offenders in the community and on release from prison in England
- a thematic review of the quality and effectiveness of probation services recovering from the impact of Covid-19
- race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff
- a joint thematic inspection on neurodiversity in the criminal justice system: a review of evidence
- a joint thematic inspection of community-based drug treatment and recovery work with people on probation
- the experiences of black and mixed heritage boys in the youth justice system

- a joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders
- the use of electronic monitoring as a tool for the Probation Service in reducing reoffending and managing risk.

The Covid-19 pandemic had an unprecedented impact on our usual methods for gathering feedback from people on probation. As a result of lockdown restrictions, and to ensure the safety of people on probation, service providers and probation service staff, all face-to-face interviews were suspended. The organisations we worked with to conduct these interviews responded with creativity to this challenge and established quickly a remote model of engagement by telephone or video link. This method of participation proved successful and has provided us with substantial amounts of feedback that we have been able to use to help form our judgements, as well as include in our thematic reports.

We know that this work not only informs the findings of the thematic inspections we carry out, but also makes a difference to the people on probation who participate in our work, as demonstrated in the following quotes:

*“It was fantastic, I was finally heard and understood. I hope I have made a difference.”*

*“Hopefully sharing my experience will help others to be treated differently in the future.”*

*“It was great being heard and not judged.”*

*“It’s been helpful and life changing.”*

### **Objective 3: Be a truly inclusive employer by opening our recruitment campaigns to those who have been through the criminal justice system themselves.**

Working with people who have personal experience of the criminal justice system is, sometimes, a less recognised aspect of successful probation services. The former CRCs were keen to recruit people with such experience. They saw an opportunity to support those who could bring their unique and valuable perspective to the work they did; an idea that has been adopted by the unified service.

At the Inspectorate, we wanted to adopt a similar approach, and we have set clear goals on how to involve those who have a criminal record or have direct personal experience of the criminal justice system, in our future recruitment.

In recent recruitment campaigns, we have encouraged applications from people from all backgrounds so that we have a workforce that represents the wider society that we serve and have ensured that pre-employment criminal record checks do not preclude employment of those who have personal experience of the system. We have also committed to engage with the Going Forward into Employment Scheme (GFIE),<sup>58</sup> a cross-government initiative to increase the life chances of ex-offenders, among others, by providing work opportunities in the civil service which could lead to permanent employment.

In addition, when we identify roles where an experiential perspective would prove particularly meaningful, we will be clear about this in our recruitment messaging.

<sup>58</sup> [About - Life Chances - Going Forward into Employment \(GFIE\) \(blog.gov.uk\)](https://www.blog.gov.uk/2020/07/20/about-life-chances-going-forward-into-employment-gfie/)

## The voice of people on probation

We know that by listening to the experiences of people on probation, we have an opportunity to bring a different texture to the findings of the inspection activity we carry out. We also know from our conversations with people on probation that they want to be involved in the conversation. People we have spoken to are keen to add their voice to the body of evidence we collect when inspecting probation providers.

- People on probation want to be active participants in identifying what works, and what does not work.
- People on probation are keen to be part of the solution.
- People on probation welcome the opportunity to provide their open and candid feedback.
- People on probation want to help improve probation services.
- People on probation want to contribute to meaningful discussions to improve outcomes for all, not just for themselves.

## Next steps

We will continue our commitment to embedding the voice of people on probation within our inspection activity. We have launched a dedicated space on our website for our participation and engagement activity. We are committed to providing accessible information and products to people on probation that are relevant and reflect the important and valued contributions that their feedback provides to the Inspectorate.

## Annexe 1: Core inspections of services

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### Summary

The new probation delivery model puts responsibility for probation provision into one public sector-run Probation Service, supported by a dynamic framework of commissioned specialist services. We want to ensure that our inspection approach remains focused on the things that make a difference to the quality of probation services, and so we have brought our inspection regime in line with this new delivery model for probation.

We consulted, initially, on our new inspection standards and approach to inspection of the unified Probation Service in summer 2020. We piloted those plans during an inspection of two local areas of Wales NPS in December 2020 and we refined our approach in response to the learning that provided. We consulted again on our final proposals in May 2021. Our consultations covered the following:

- whether we should inspect and rate at a local or regional level
- how often we should inspect
- how we choose our case sample
- how we inspect diversity better
- whether we should inspect and rate early outcomes for people on probation
- how we involve people on probation more directly in inspection and the judgements we make.

### Context

Following the transition to the unified Probation Service (June 2021), in autumn 2021 we applied our new methodology for the first time during the inspection of Swansea Neath Port Talbot, and Gwent probation delivery units (PDUs) in the Welsh region. We chose Wales, as the transition of offender management had taken place earlier than in England (December 2019) and so they had had longer to apply the new ways of working. As we set out in the chapter four, probation services are clearly still being impacted by the ongoing pandemic. While we recognise that context in our written reports, we have not adjusted our quality criteria because of Covid-19. In order to provide assurance to the public, and to highlight where practice can be improved, we continue to judge the quality of delivery against our original evidence-based standards. If these have not been met, for any contextual reason, we are transparent about that in the written report.

### What we inspect

We believe that the public are most likely to be interested in what is being delivered by the Probation Service in their local area. With this in mind, and to give regional directors a more granular view of performance, we have developed an inspection regime that focuses on the inspection and rating of services delivered at a local (PDU) level. We recognise, however, that PDUs do not operate in isolation and so we undertake a fact finding, contextual exercise within each region in support of the PDU inspections, in addition to ensuring that we have national contextual information. This information then helps to inform the inspection of each PDU carried out in that region and ensures that recommendations are targeted at the appropriate level.

## What does the regional review look like in practice?

The purpose of the regional review is to analyse the functions of the region and to identify the regional enablers and barriers to a PDU meeting our inspection standards.

The functions of the regional review are to:

- ✓ set the context for PDU inspections
- ✓ help explain in the PDU narrative the reasons for our findings
- ✓ help target recommendations at the right level
- ✓ inform regional observations about strengths and potential areas for improvement
- ✓ gather information to inform national comment and analysis.

We use the regional review to analyse how the region functions and to identify what helps and hinders a PDU to meet our inspection standards. We are interested to know, at the regional level, about the quality of leadership; whether the right staff resource and expertise is in place to deliver a high-quality service; what services are provided; what information the region and PDUs have about the needs of the population they work with, as well as how well they are performing; and the quality of the facilities available for practitioners and people on probation to work in.

Before the review, we ask for a range of information about the work of the region, so that we are better informed when we start our evidence gathering. As part of the regional review, we meet senior leaders, managers and other staff to help us understand the quality of delivery, and the impact on PDUs. We also encourage all regional staff to have their say through a staff survey.

After the final PDU inspection, we carry out meetings in the region, to check on our understanding of issues we have found elsewhere, and publish a letter for the regional probation director, setting out key observations from the regional review and PDU inspections.

While we have initially decided not to rate regions as well as local PDUs, we will use the first year of our new PDU inspections to test our overall approach and are keen to consider the potential for regional inspection ratings in the future.

## What about the national picture?

It is important that we are familiar with national policy and directives, so that we can understand the working environment for regions and PDUs. With that in mind, we conducted a review of the national context at the end of 2021.

The purpose of the national review was to:

- ✓ set the context for regional reviews and PDU inspections
- ✓ help explain the reasons for our findings at regional and PDU level
- ✓ help target recommendations at the right level
- ✓ collect data and information to inform our reports.

The context within which the Probation Service was working at the time of writing is reported on in chapter four of this report.

## How often do we inspect?

It is important that we allow sufficient time between inspections for improvements to be made, while not leaving it so long that the quality of delivery can drift. We have therefore

decided to inspect every PDU once every three years. This means that we will inspect around one-third of PDUs in each region, every year.

### What does a PDU inspection look like in practice?

We inspect, report and rate every PDU against the same aspects we look at as part of the regional review, but from a local perspective, so this includes leadership, staffing, services, information and facilities. We talk to managers and practitioners, partners and stakeholders to gain an understanding of how services are delivered, how cases are managed and what provision is available to address reoffending and keep people safe, as well as any other related activity. As a result of the local nature of PDU inspections, we are also able to look more closely at innovation and at projects and services that might be designed to address issues identified specifically in that area. For instance, during the recent Swansea Neath Port Talbot PDU inspection, we observed that an innovative neurodiversity service was in the process of being commissioned to meet the needs of an identified group of people on probation in that area.

A regional initiative may be rolled out across PDUs, but this may look slightly different in each PDU because of variations in rural and urban populations or because of different levels of need. A focus on PDUs enables us to assess local impact more effectively.

We also look at a sample of cases to judge the quality of case management. We make a judgement by looking at the case material, speaking to case managers and supervisors, and also speaking to the person on probation where we can. This gives us a rounded picture of the probation experience. We also look for any patterns in casework practice, which can sometimes give an indication as to how services might be improved. In the Swansea Neath Port Talbot PDU inspection, we found that licence cases were consistently more likely to be judged as sufficient compared with community orders, across all aspects of our case management assessments. Further exploration indicated that these cases were more likely to have been assessed as presenting a high risk of serious harm and were also more likely to have multiple agencies working with them. This helped to identify and reinforce the importance of probation practitioners working closely with partner agencies to manage people on probation more effectively, especially in relation to risk of harm.

The areas we look at as part of our case management inspection include:

- **Court work** – does the pre-sentence information and advice provided to court support its decision-making (We rate only court work that is provided by the PDU being inspected)?
- **Assessment** – is assessment well informed, analytical and personalised, actively involving the person on probation?
- **Planning** – is planning well-informed, holistic and personalised, actively involving the person on probation?
- **Implementation and delivery** – are high-quality, well-focused, personalised and coordinated services delivered, engaging the person on probation?
- **Reviewing** – is reviewing of progress well informed, analytical and personalised, actively involving the person on probation?
- **Outcomes** – are early outcomes positive, demonstrating reasonable progress for the person on probation?
- **Statutory victim work** – is relevant and timely information provided to victims of a serious offence, and are they given the opportunity to contribute their views at key points in the sentence?

Statutory victim work is inspected in relevant cases during local PDU inspections, but, as the numbers are small, we cannot report on them at the local level. We will, instead, report on this area of work annually at a national level.

Similarly, unpaid work and resettlement can be reported on annually (as we will be able to extract these cases from the collective case samples) either at a regional (numbers allowing) or national level. We will not rate these areas of work separately in our first year of the new inspection cycle.

It is important that our judgements on sentence management casework show a transparent link to the judgements we make on leadership. To this end, we have ensured that a PDU cannot achieve an 'Outstanding' rating for leadership unless they have been rated at least 'Good' or 'Outstanding' on all of our case management standards.

### How do we choose the case sample?

In order to judge the quality of case management, we look at all (eligible) cases in a PDU from a defined two-week period, six months before our fieldwork starts. If a PDU can evidence that something particularly odd happened in one or both of those weeks (for example, a court had to close or the information technology system went down), so that the cases are not a good representation of day-to-day work, then we shift our requested date parameters by a week. The number of cases inspected in each PDU reflects the volume of new cases coming into the service in that two-week period. This can vary considerably, depending on the size and coverage of the PDU, and is likely to range from about 20 to 30 cases in smaller areas to more than 100 in the larger ones.

### How have we improved some areas of our inspections?

#### *Inspecting diversity*

In March 2021, we published our thematic inspection report on race equality in probation<sup>59</sup>. We reported that the services provided for black, Asian and minority ethnic people on probation and the experiences of ethnic minority staff were not good enough. We found evidence of this at both an individual and an organisational level. Based on these findings, we have given stronger emphasis to a service's recognition of and response to diversity issues in our inspection standards.

Our inspections look for evidence of a personalised approach. We define this as one in which services are tailored to meet the needs of the individual, giving people as much choice and control as possible over the support they receive. An individual's protected characteristics (for example, gender, ethnicity and age) as well as personal circumstances (for example, mental health concerns, learning needs and caring responsibilities) are included in this definition. We look for evidence that consideration has been given to how that individual will be able to respond to that intervention at that time. For example, we might find that interventions designed specifically for women are particularly helpful and effective in supporting sustained change which might help inform the development of similar services for other protected characteristics.

As part of our inspection of leadership, we have set out clear diversity expectations to ensure that organisations are meeting their Public Sector Equality Duty (*Equality Act 2010*) obligations. This might include having an understanding of, and strategy to tackle, any disproportionality within the cohort of people on probation that they are working with.

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<sup>59</sup> [HM Inspectorate of Probation. \(2021\). \*Race Equality in Probation: The Experiences of Black, Asian and Minority Ethnic Probation Service Users and Staff\*.](#)

Diversity also forms part of our case management inspection. Our inspectors collect evidence of how well services have responded to an individual's protected characteristics and their personal circumstances.

Our judgements on diversity influence the ratings across all our inspection standards. In addition, we now report on diversity as a separate standalone section in each local PDU inspection report, based on our findings across the whole inspection. Those PDUs judged as 'Inadequate' on their approach to diversity will not be judged as 'Outstanding' on leadership.

### *Judging outcomes*

We want to be able to say whether good-quality delivery leads to better outcomes for people on probation. The Probation Service will ultimately always be measured against the reoffending rate, but we have the opportunity to look at other intermediate outcomes in our inspection of cases, judging whether sufficient progress has been made by people on probation.

We now make judgements on four key areas that relate to the progress that a person on probation makes during their period of supervision. These are:

- a) Have there been improvements in those factors most closely linked to offending both in developing strengths and addressing needs?
- b) Has there been a reduction in factors most closely related to risk of harm to others?
- c) Has there been a reduction in offending?
- d) Has there been sufficient compliance?

We judge whether 'sufficient progress' has been made during the period being inspected. We take into account the needs of the individual person on probation and what is reasonable for them at that point in their sentence when we make these judgements. Inspecting at a PDU level can enable us to link together organisational delivery with case management and outcome evidence.

In our inspection of Swansea Neath and Port Talbot we judged that in only 33 per cent of the cases we inspected had reasonable progress been made against the individuals' needs. In fact, there was an increase in the proportion homeless at the point of inspection compared to the start of supervision though the proportion in employment, training or education remained about the same. We found a similar picture in Gwent where only 31 per cent of cases were judged to have made sufficient progress. We assessed this as due to a lack of sufficient, focused contact with people on probation and insufficient delivery of interventions.

These findings were disappointing. However, as inspecting outcomes is new to us, we will not rate our findings in this area until we have created enough evidence upon which to judge adequate or inadequate progress.

### *Involving people on probation*

We want to give a stronger voice to people on probation and to hear about what has worked for them while they have been under probation supervision. To this end, we are now giving everyone on probation in a local area the chance to give feedback.

Firstly, we send a short text survey, containing a small number of questions, to all people on probation. This survey asks about their experience of probation, including access to services and interventions as well as relationships with probation practitioners.

We then offer people on probation the opportunity to provide extra information if they wish, by other means such as an interview by telephone, in person or by electronic methods. To help us deliver this proposed approach and gain the confidence of people on probation, so that they feel able to share their true feelings about their supervision, we have commissioned User Voice, an organisation run by and employing people who have been through the prison and probation systems themselves to conduct interviews. They will recruit, train and manage a small national network of field interviewers who have been subject to probation supervision themselves in the past. We believe that this will provide a safe space for people on probation to provide honest feedback.

Inspectors will consider this evidence when making judgements throughout our local inspections. In addition, findings from these survey responses and interviews with people on probation are summarised in a dedicated section in the inspection report.