

## The current state of probation – one year on from unification

### **Justin Russell, Her Majesty's Chief Inspector of Probation, presentation to the Westminster Legal Policy Forum conference on 'Next steps for the reformed Probation Service'**

#### [Introduction to Her Majesty's Inspectorate of Probation: slides 1-3](#)

Good morning, I'm Justin Russell, the Chief Inspector of probation, and I've been in post since June 2019. I want to talk about our findings in relation to the unified probation service over the past year and give a few reflections on where I think the probation service is at the current time.

Before I do that, just a few words about us. As an Inspectorate we've been going for over 85 years now, since the 1930s. We are fully independent inspectors of both probation and youth justice services. We decide what we inspect, when we inspect and how we inspect, and we publish all of our findings. We expect to publish 50 or 60 reports over the coming year. We aim to shine a light on the quality of probation – what they're doing well, but also what they need to improve. Our mission is to promote high quality probation services and by doing so, ultimately to change the lives of people who are on probation for the better.

We produce a whole range of different products. We undertake local inspections of probation and Youth Offending Teams (YOT), and that's what I'm going to be focusing on today. But we also carry out national reviews of topics of relevance to the Probation Service, like mental health, drugs, and race equality. We can also be commissioned by the Secretary of State to undertake reviews of individual serious further offence (SFO) cases. People may remember the case of Joseph McCann, which we reviewed a couple of years ago. We've got a great internal research team that publish their own research reports. A big recent priority for me has been to highlight where we see things being done well and we have published a whole range of effective practice guides which you can view on our website.

#### [Challenges – COVID: slides 4-7](#)

Before I get into the results of our recent inspections, I think it's worth standing back and reflecting on just what a challenging year, or a couple of years really, it's been for the Probation Service. They have had to cope with two really big challenges – dealing with the COVID pandemic, but also simultaneously having to deliver a major structural reform program, the unification program, which went live from June of last year.

I think we still have some way to go in terms of managing the legacy of both the pandemic and unification.

Unification, I've always said, is not a magic bullet, by itself. Merely shifting people and cases around doesn't really solve some of the fundamental underlying problems

that we saw in the service before unification in relation to levels of staffing or morale, or the quality of supervision that we are finding. And unification came on top of a legacy of austerity – a 40% real terms reduction in the amount of funding per case under supervision from 2003 to 2019.

It is difficult to overestimate the profound impact that COVID had on the service. Overnight, they had to change their entire operating model with key functions like unpaid work supervision, and the delivery of accredited programs having to be suspended altogether. During the lockdown periods, almost all probation officers had to work from home and at the peak of lockdown less than 10% of cases were being supervised face-to-face, the rest were receiving remote supervision over the phone.

And we're finding in our inspections that it's as difficult, perhaps even more difficult, to come out of those lockdown arrangements than it was to go in into them. There are still quite a few areas around the country where we're certainly not seeing business as normal. We're seeing large backlogs and most of the staff we're interviewing are still only part-time back in the office and are working at home for the remainder of the time.

Here are a few graphs to show how profound those COVID impacts were. This graph (slide 5) shows the proportion of contacts with people on probation that were face-to-face over the last couple of years. For the whole period from the start of the pandemic in April 2020 right through to last summer, only 10% of contacts with low-risk cases were face-to-face. Even by the end of last year, that proportion wasn't much more than 50%.

Higher and medium risk cases were getting more face-to-face contact but again, certainly not 100% and even for high-risk cases, by the end of last year, perhaps only 60% to 70% of contacts were face-to-face.

You can see a similar picture in relation to other key functions being delivered by probation.

Unpaid work order delivery, for example, was completely suspended during the first lockdown and delivery had to be suspended again in subsequent lockdowns (slide 6). And that has understandably resulted in a huge backlog of cases. About a quarter of the people who have been given unpaid work orders by the court have not completed the hours on that order by the 12-month mark and, therefore, have to be taken back to court for an extension. Delivery of unpaid work is probably still only running at about 80% of pre pandemic levels.

There is a similar picture in relation to the sort of accredited programmes that are delivered to domestic abuse perpetrators or sex offenders. Again, the normal delivery of those programmes, which is in face-to-face groups of 10 to 12 people, had to be stopped because of social distancing restrictions. By the end of last year, delivery of accredited programme requirements was still only running at 70 per cent of pre-pandemic levels (slide 7) and we're finding in our inspections that people are having to wait many months before they start a programme.

So, some really profound impacts of COVID.

### [HMIP inspection results since unification: slides 8-16](#)

What about the second challenge - of how unification has gone (slide 8)? Well, we inspected preparations for unification at the end of 2020 and early in 2021 and found a generally well-managed programme at both national and regional level, in spite of the huge logistical challenges of transferring eight and a half thousand staff from CRCs into the public sector, and almost 113,000 cases, as well as letting over 100 new contracts with outsourced external providers.

But one year on from unification, we are still seeing some quite significant snagging issues.

We surveyed all probation staff three months into unification, in the autumn of last year. Amongst the 1500 who responded, the jury was still very much out on whether unification had made their lives easier. At least half of them said they still felt their workloads were unmanageable. Not much more than half felt they had access to the services that were needed to support the people they were working with. Only 60% of respondents said they felt proud to work for probation.

We've also found some quite significant cultural divisions remaining between NPS and ex CRC staff. Quite often, until recently, they were still working on separate floors or in separate premises, with CRC staff not as happy with the changes as their ex NPS colleagues and sometimes feeling that they were being treated like second class citizens. Some ex-CRC managers tell us they are missing the autonomy and the power to experiment that they had in the CRCs and are feeling a bit crushed by civil service bureaucracy and what is effectively quite a centralized operating model. And, as we'll see in a minute, staffing is still a huge issue for people managing probation services.

I'm now going to say a bit about what we've been finding since unification in our local inspections. We are aiming to inspect a third of the local probation delivery units each year across all 12 regions. Every time we inspect a local service, we look at a significant sample of individual cases, But we also look at the leadership and organisation of services as judged against our standards around things like staffing and services.

An increasingly important part of our methodology is to ask for the views of people who are on probation themselves, using a range of organisations employing interviewers who have been through the criminal justice system themselves (slide 10). We started doing that on our big thematic inspections and since March this year, we have entered into a three-year partnership with the organization User Voice, who are now accompanying us on all of our local probation inspections. They are surveying everyone on the probation caseload in the areas we're visiting, and they're doing qualitative interviews as well. We're getting a really rich range of views and opinions back from these interviews and survey findings, which then feed into our inspections

What are we finding overall? Well, to be honest, it's been a pretty disappointing picture. Since last summer, we've inspected and published reports on six local areas across three regions: Wales, Kent, Surrey and Sussex, and the East of England. Four out of six of these areas were given an overall rating of 'inadequate' and the remainder ratings of 'requires improvement'. You won't see any green, I'm afraid, on this chart (slide 11), and you can see big patches of red on those two key quality standards around staffing and around services to the people that are on probation.

On staffing, we are finding very high vacancy rates in the areas that we are inspecting (slide 12), particularly in the Southeast and East of England. In some delivery units over 40% vacancy rates – sometimes up to 60% - for key middle manager senior probation officer grades, but also for probation service officers.

As a result of those vacancies, the remaining staff are having to pick up much bigger caseloads and they're telling us that they think those caseloads are unmanageable. On the workload management tool that the service uses to track how heavily loaded people are, nearly all probation officers are coming out at well over 100%. Some are coming out 130% to 140%.

In relation to the services and interventions provided to people on probation, every local area we've inspected has been rated as 'inadequate'. In less than half of the cases that we've inspected, did we feel that the delivery of services was sufficient during the first six months of supervision after a community order, or after a person on probation has come out of prison. And we're finding some cases where almost nothing has been done during that period with the people being supervised (slide 13).

Slide 14 shows the results from over 350 cases that we've inspected since last summer. The bars show the proportion of the cases that we felt was satisfactory, against our key quality questions at each stage of the supervision process from initial assessment right through to when the cases are being reviewed.

You'll see that over 60% of the cases we've inspected were insufficient against at least one of our key quality questions. We have particular concerns about the low proportion of cases we feel are satisfactory in relation to the assessment or management of potential risks of harm to the public, from people on probation.

The same sorts of issue keep recurring in the cases that my inspectors look at (slide 15) – people being assigned the wrong level of risk of risk, for example, (generally too low) through a lack of what we call professional curiosity. So, we find practitioners not following up when there are indications people might have a new partner or might have moved in with someone with children or might have changed address or have unexplained income.

We've got increasing concerns around the quality of management oversight too, with SPOs being so overloaded they don't have the space to do the type of reflective supervision which is so important if probation practitioners, particularly newly qualified officers, are to improve their practice.

And we've got a particular concern about whether information is being shared between the police, local councils and probation as to potential risks. In over half of the court reports that we inspected, for example, domestic abuse checks hadn't been done with the police (slide 16). And in over a third of inspected cases, safeguarding checks hadn't been done with local councils when there was known to be potential contact with children. That's a real and significant concern for us.

### [Future challenges for probation: slide 19](#)

So, what does all this mean, in terms of future challenges for probation? Well, I think I've shown the huge impact that COVID has had on the service. Those impacts haven't gone away and recovery from them will take years, it's not going to happen overnight, to deal with the backlogs and to fill the staffing gaps.

A long-term commitment to adequate probation service resourcing is needed. And it's not just probation resourcing that needs sorting out, it's the resourcing of the wider ecosystem that the service works with as well - for mental health, for drug services, for accommodation. We have found huge issues around all of these things in our recent thematics, and they've all been hit by COVID, too.

A final issue is around the dangers of a central operating model, and civil service bureaucracy, crushing the spirit of innovation and experimentation that previously bloomed. It's really important not to lose that going forward.

If we are to transform and deal with all these challenges, then this has to be a long-term commitment – it really is a marathon and not a sprint in terms of reform.

### [Reasons to be more cheerful: slides 20-21](#)

Having said that, I do like to try and finish on a more cheerful note, if I can and I think there are some green shoots and some reasons to be cheerful for the future.

Firstly, for the first time in a long time, there has been significant new investment in probation – a £150 million increase in its funding baseline, which is a real term increase of about 15%. They had a decent spending review settlement at the end of last year for the next three years and that is translating into some quite significant recruitment, with 1500 probation officer trainees recruited last year and a commitment to another 1500 this. Five hundred more unpaid work delivery staff are also being recruited at the moment and 100 more accredited programme staff – though it's equally important to hold on to those staff, so that they're not lost.

Staff are returning back to the office, there's more face-to-face contact with people, though I think there could be even more, and we need to see that really starting to pick up again.

And there is a very clear message coming from the leadership of the service that after the obsession with structural reform in recent years, the number one priority now has to be the quality of supervision. If we get all that right, then these quotes from people on probation interviewed for recent thematics, (slide 19) show what



can happen – good quality probation service supervision that can profoundly change people's lives for the better.

I'll leave you to read some of those but to quote one: "my probation officer is my rock, her honesty and respect, lifted me". And in spite of the many challenges, in spite of what else is going on in the world, we still see probation staff doing their utmost to deliver for the people that they supervise.