

## **Speech to Inside Government Conference on Probation System Management – 21 March 2023. 'Insights from recent probation inspections' - Justin Russell, HM Chief Inspector of Probation:**

I wanted to start by acknowledging that our Inspectorate has come out with some difficult and challenging messages for the Probation Service this year. Our independent reviews of the cases of Damien Bendall and Jordan McSweeney, published at the end of January, received extensive media coverage – the most of any of the reports we've published since I became Chief Inspector in 2019. I know that this coverage has hit the service and the people working in it hard. It's sad but true that the only time probation gets in the news is when something goes wrong and there are tragedies like these – which can seem unfair, because I know there are many probation officers and managers out there trying their best to do the right thing. I meet them out on our inspections every month.

I'll say a bit more about the key findings from these individual Serious Further Offence reports later. We did find some failings of individual practice, which in the case of Bendall fell far below what should be expected – even in the current challenging circumstances – and those have been addressed by the service. But we also found issues in both cases which spoke to broader systemic challenges for the service, which we are finding in many of our local inspections and thematic reviews too.

### Slide 3

Today, I want to focus on three of those broader systemic challenges and what lies behind them.

First, staffing – perhaps the most chronic and critical issue facing probation at the moment as it continues to recover from the impact of the pandemic.

Second, the way that risks of harm to the public are assessed and managed – what should be a core responsibility of the service – where we're finding some of the basics are being missed – and not just in cases like Bendall and McSweeney.

And third, worrying shortfalls in the work that's done to prepare prisoners for release from custody and to support them after release – a major concern, given that these cases rather than supervision of community orders, now represent a majority of the probation caseload.

### Slide 4

But before getting onto these three issues, a quick overview of what our local probation inspections have been showing over the past year-and-a-half.

Since the unification of CRCs and the NPS into a merged public sector probation service at the end of June 2021, we've been aiming to inspect and rate a third of the local probation delivery units (PDUs) across all 12 probation regions in England and Wales.

As of this week we've published 19 local PDU reports across seven different regions. The results have been disappointing - of these 19, we've given 11 an overall rating of 'Inadequate'; seven were rated 'Requires improvement' and only one – Gateshead and South Tyneside in the North East as 'Good'.

## Slide 5

Although we are now 20 months on from unification, and nearly a year on from the lifting of the last pandemic restrictions in the service, it's difficult to see much of an improving trend in our inspection scores. The lefthand column in this table shows the local areas in the order in which we've inspected them, from two PDUs in Wales at the end of 2021 to our most recent published reports for the East Midlands earlier this year. And, although you can see a brief flash of green in the North-East, we have otherwise continued to see a mixture of 'Requires improvement' and 'Inadequate' ratings since last summer.

The columns on the righthand side of this chart show the ratings we've given specific aspects of operational leadership and performance in each local service. Our ratings on IT, office premises and guidance – all of which are often under central control – show less 'red' and have tended to be more consistent – with IT provision, in particular, boosted by the need to move the service online during the pandemic. But scores in other areas were more concerning. Ten out of 19 areas, for example, we rated as 'Inadequate' for the delivery of services and programmes to people on probation, reflecting the continuing backlogs in unpaid work delivery and accredited programmes – legacy of the pandemic – as well as the mixed performance of the commissioned rehabilitative service contracts.

Close behind that as a concern is staffing – where although we found four local areas with adequate staffing levels – we rated twice as many as 'Inadequate'. Of these eight, seven received an overall rating of 'Inadequate', showing the close correlation of these two ratings.

## Slide 6

I want to move on now to talk about those staffing challenges in more detail, the first of the key systemic issues I wanted to discuss today.

On our local inspections we're finding a wide range of workforce challenges – some of them illustrated on this slide. We're finding high vacancy rates linked to high workloads in virtually every area and delays in filling those vacancies, particularly due to the time it takes to get new starters through vetting, (though I know that's now being tackled).

There are also issues around working cultures and the challenge of making a blended model of home, and office-based working, deliver consistent quality of sentence management when staff may only be in the office three days a week, when so many new staff have had to do their initial training and induction remotely during the lockdown periods, without being able to work alongside their managers or more experienced colleagues.

## Slide 7

Just to give you an idea of the scale of some of these challenges. When we inspected local delivery units in London last summer, for example, we found that four out of the six areas we inspected told us they had vacancy rates over 60 per cent for Probation Service Officers (PSOs); two had over 30 per cent vacancy rates for Probation Officers (PO). And rates in some other parts of the South East, like North Essex and West Kent, were just as bad.

The impact of these vacancy rates is then compounded by high sickness rates amongst the staff who are in post. The average working days lost per year for probation officers, for example, has increased by 30 per cent since 2017 and is now nearly 15 days per PO. And

very worryingly, 53 per cent of those days lost are because of mental health issues – a 10 percentage point increase since 2017 – indicative of the strains that some in the service are feeling.

For those staff who are in post, a significant majority – 71 per cent of the probation officers who answered our inspection surveys over the past 18 months – say that their workloads are 'unmanageable' to some extent. And the probation service's own management information suggests that the average workload of practitioners is at or below 100 per cent of the target level in only two out of 12 regions.

Having said all that, on a more positive note, the latest published staffing figures show there are almost 2,000 new Probation Officers currently going through training who will translate into fully qualified staff in the next year or so and staffing numbers are now increasing year on year – with a significant increase in PSOs year on year. And Trade Union members voted through a three year pay deal for practitioners last year which will lift the top of the Probation Officer scale by almost £5,000 by 2005 – so the service has so far avoided major disruption from strike action.

#### Slide 8

As this slide shows, the scale of the staffing and vacancy challenge does vary significantly between different parts of the country. Overall, nationally, 29 per cent of the target number of probation officer posts were vacant at the end of 2022, but that rate was higher in London – 34 per cent – and significantly lower in the South West and West Midlands.

#### Slide 9

Whilst the pipeline of trainee Probation Officers looks healthy and if they stay in the service should cover the current national shortfall – and lead to a healthy overall position in regions like the North East and Greater Manchester – the latest data still suggests that there may be a shortfall in London and in Kent, Surrey and Sussex where the orange vacancy bars on this chart still stretch higher than the current predicted pipeline of trainees.

#### Slide 10

I want to show one final chart on staffing to demonstrate how the average practitioner caseloads we're measuring on our inspections have shifted over time and since unification.

The blue bars on this chart show the percentage of Probation Officers we interviewed who said their caseload was over 50 – before unification and since June 2021. During the *Transforming Rehabilitation* (TR) period we saw a huge difference between the average caseloads of staff working in the NPS – only 5 per cent of whom had caseloads over 50 – and their colleagues working in the CRCs – 52 per cent of whom had caseloads over 50.

In the newly-unified service, the bottom line on this chart, 11 per cent of Probation Officers tell us their caseloads are over 50. That is still 11 per cent too many, but it is certainly far better that we were seeing in the CRCs in the days of TR.

But despite this reduction – and rather paradoxically – the proportion of probation officers telling us they feel their caseload is to some extent 'unmanageable', for reasons we don't quite understand, has actually increased – to over 70 per cent. (Though we now ask the question in a slightly different way, so the proportions are not perhaps directly comparable).

## Slide 11

The second key theme to emerge from both our local inspections and from our reviews of recent high profile serious cases, are some systemic weaknesses in the way that the service is assessing and managing the risks of serious harm that people on probation may present to the public – including their own families.

This list of bullet points summarises some of the key factors that we felt lay behind the inadequate risk assessment and management of Damien Bendall and Jordan McSweeney when we looked at detail at these cases. But these are common themes that we are finding every week in the cases we inspect in our local area inspections.

Both Bendall and McSweeney were assessed as 'medium' risk of serious harm when we found they should have been identified as 'high' risk – something that we've found applies to about five per cent of the medium risk cases we have inspected locally. And whilst the great majority of medium risk cases do get the right classification, the overall quality of that assessment is often concerning. Over 70 per cent of the medium risk cases we've inspected over the past 18 months we've found to be 'insufficient' in relation to the assessment of potential risks of harm.

One of the most common failures contributing to that is a failure by probation staff to undertake the police domestic abuse enquiries or safeguarding checks with local children's services which we feel are essential – at both the court report and initial assessment stages.

Other issues identified in the Bendall and McSweeney cases, but also common in our other inspections, include poor prison to community information sharing; late pre-release planning and inappropriately complicated or risky cases being allocated to PSOs or newly qualified officers. And in over two-thirds of the cases we've inspected nationally we've found management oversight of frontline work by SPOs – an essential first line of defence against mistakes or omissions – to be "insufficient, ineffective or absent" – a very worrying picture given how inexperienced a lot of practitioners are at the moment.

## Slide 12

This chart shows the variation in performance between local areas in relation to two key inspection questions related to risk.

The yellow line shows the percentage of cases in each local area where my inspectors felt that the initial assessments did focus sufficiently on keeping people safe. The second, black line, tracks the proportion of inspected cases where a domestic abuse enquiry with the police wasn't made, but we felt should have been.

Though there is variation between areas the overall picture is a very concerning one. In only two areas – Warwickshire and Gateshead were more than half of inspected cases satisfactory in relation to assessment of risks of serious harm – and neither of those were above 60 per cent.

And across all the cases we inspected, in nearly 50 per cent of cases there was no domestic abuse enquiry with the police when we felt there should have been. There was a particularly worrying picture in London, where in four out of six areas over two-thirds of cases had no enquiry. This may be partly attributable, we think, to the restrictions around the sorts of

cases which the Met Police have agreed to do checks on for probation – which is a significantly narrower category than is the case for other forces.

### Slide 13

Moving onto the third and final key theme I wanted to focus on – the poor planning and support around people being released from prison.

Last week we issued the second report of a two-part inspection we've been undertaking, with prisons inspectorate colleagues, of the national and local arrangements in place for managing the resettlement of longer-term prisoners – the so-called Offender Management in Custody or 'OMiC' model.

We inspected a sample of 100 prisoners across eight prisons in the spring of last year and then followed them out into the community in the autumn. We interviewed all of the prison and probation staff – in prison and in the community involved with these cases and also the prisoners themselves about their experience. And we also interviewed local and national leaders responsible for delivering OMiC.

### Slide 14

The results were disappointing. The OMiC model is complicated and not properly understood by prisoners – or often by staff – and is being seriously undermined by prison and probation staff shortages and by the legacy of the pandemic.

Poor quality assessment, planning and delivery means that essential needs after release – for accommodation; for work or training; for drug abuse treatment services are not being met. 60 per cent of our sample, for example, were released without stable accommodation – almost one-in-10 to homelessness. Less than a quarter who had a drug problem linked to their offending got the post release services they needed. Only one-third were in employment by the time we reinspected their case out in the community.

Not surprisingly, given all of this, 30 per cent of our sample had been recalled at some point by the time we reinspected the case. A rate which reached 45 per cent in a couple of areas. And often these recalls were not for reoffending, per se, but for falling out of contact with the service or returning to drug or alcohol use – with this often happening within only a few weeks of release.

### Slide 15

Risks of harm were also poorly assessed and managed within our sample and were only sufficient in half the cases inspected. A lack of domestic abuse and safeguarding enquiries was again an issue, as well as underestimation of risk. And accredited programmes or structured interventions to address abusive behaviour to partners or families was delivered in less than one-in-five of the cases we inspected which we felt would have benefitted from these interventions.

### Slide 16

As a result of our findings in our post-release inspection of OMiC arrangements, we make 10 recommendations to HMPPS – you can see some of the key ones listed on this slide. These include giving commissioned rehabilitative service (CRS) providers back the direct access to

nDelius case records they used to have to ensure they have the necessary background information on referrals and making sure accommodation and substance abuse needs are met after release. And, to help with staff retention we make a recommendation that a senior practitioner role, as found in youth offending services and social work, should be explored as a way of keeping more experienced probation officers who don't want to be SPOs but have a huge amount of wisdom to impart to colleagues, in the service.

## Slide 17

A few final conclusions.

First, what I don't doubt is the commitment and dedication of both probation practitioners and their managers and service leaders to doing the right thing – to protect the public and support the people they work with to turn their lives around. I see that every week when I'm out on inspection or visiting services.

Second, there are some early signs that the significant recent investment in probation – an extra £155 million per year – is starting to pay dividends. The last published workforce statistics showed promising year on year improvements in staff numbers and high numbers of new recruits. The recent investment in temporary accommodation for people leaving prison is also a positive in the five regions where it applies. In our OMiC study, recall rates were noticeably lower in these areas.

And risk assessment and management has become a major priority for the new Chief Probation Officer and the service as a whole – with all of the recommendations we made in the Bendall and McSweeney reports being accepted and acted on. That includes a significant investment in dedicated staff to undertake police domestic abuse and local children's services enquiries on behalf of colleagues.

All that is positive – but we are still a long way from business-as-usual operation in too many parts of the country. And the service won't reach this point until the outstanding vacancies – still running at nearly 30 per cent nationally for probation officers – are filled. We need to stop experienced staff leaving as well. Recruitment is healthy but probation officer resignation numbers have doubled and it's the more experienced ones who are leaving.

And as the Jordan McSweeney case and our recent OMiC thematic have demonstrated, it's crucial that the processes in place to manage the resettlement of thousands of people leaving prison each year work properly if our prisons aren't to be overwhelmed with recalls and the public is to be properly protected.

At the time of unification, I said that this by itself was never going to be a magic bullet for all the problems that the service was inheriting from the TR years and that's certainly been the case. We are starting to see the foundations for a recovery in recent staffing data and in the increased investment in reducing re-offending work – let's hope this starts to feed through into improved results over the next year and a half. It's been a tough couple of years for the service, they deserve better luck going forward.

**Ends**