



Speech

Dame Glenys Stacey

Address to the All Party Parliamentary Group on Penal Affairs

London, 28 February 2017

Thank you very much for the opportunity to speak with you about a subject of such deep interest to us all – rehabilitation.

To confirm the basis of what I have to say first of all:

- We published five reports on Transforming Rehabilitation in practice in the period from first implementation to the spring of 2016.
- By the end of this business year we will have undertaken another eleven individual inspections of probation services delivered by the NPS and CRCs in specific Police and Crime Commissioner areas.
- We have conducted thematic inspections of specific topics, with some directly relevant to rehabilitation. Our 'Through the Gate' report last October looked at the services provided by CRCs to those serving short sentences and about to be released from prison, and in a more recent report we looked at Rehabilitation Activity Requirements, now a common feature of community sentence orders.

What I have to say is drawn from our inspections and our reports, all available on our website.

We expect probation services to meet the enduring expectations of probation: to protect the public, reduce reoffending and ensure that the sentence of the court is served. We inspect probation providers with these three inter-related and enduring expectations at the heart of our inspections. However, I understand that your interest this evening is on rehabilitation and so I will focus my comments on that – rehabilitation, and the work done by probation providers to reduce reoffending.

In the time I have available I wish to focus on three things: sentencing and a particular sentence provision (rehabilitation activity requirements); Through the Gate Services, and then – in case I risk leaving you too dispirited – a few quietly positive signs.

To start at the beginning (or more accurately, at the point of sentence), we were finding court reports of varying quality when these seismic (TR) changes to probation delivery were first introduced. We are now reassured that court reports are getting better, and that the increasingly common oral reports generally give the court good advice on sentencing. In our view that is important, as sentencers must be sufficiently well-advised so as to sentence well, and with the prospect of reducing reoffending in mind.

As to the sentence itself, a Fine remains the most popular non-custodial sentence, but Rehabilitation Activity Requirements are becoming increasingly common, with around a third of community or suspended sentence orders – some 72k last year – containing a Rehabilitation Activity (RAR) provision. Here the court sets a maximum number of days for activity to be done with the offender by the CRC. This enabled CRCs to do what they think best with offenders, the aim being to reduce reoffending. Government wished to encourage innovation.

In practice we have found a dispiriting picture, as you will see summarised in the Infographic placed on your seats. Probation services must assess people thoroughly after sentence, plan activities most likely to reduce a person's risk of reoffending and deliver them within the days available. If they do not do this well then sentencer confidence is undermined. We found significant shortcomings and a noticeable lack of impetus or direction in a good proportion of cases. In over one in ten, there had been no purposeful activity at all. We found early signs of a reduction in sentencer confidence.

A good range of services should be available to cover diverse needs. We found a limited range of services actually available, and so decisions in cases were inevitably constrained, and often pragmatic. Financial constraints are holding back full implementation of some Community Rehabilitation Companies' wider supply chains. That is understandable, but we found little to bridge the gap pending any change to be brought about by the government's probation services review.

Nevertheless, these orders have great potential. Better IT, more certainty and stability for Community Rehabilitation Companies and more expansive supply chains will all help deliver that potential, but inherent tensions remain, as sentencers must be able to sentence with confidence – with sufficient information, and also sure that probation services will deliver competently in all relevant respects. Ultimately, unless probation services delivery improves materially, government's policy aims will not be met.

For those subject to probation supervision upon release from prison, the Transforming Rehabilitation programme introduced Through the Gate resettlement services into prisons in England and Wales. These services are delivered by the local CRC, to help prisoners maintain or find accommodation; provide assistance with finance, benefits and debt; and to support them to enter education, training and employment. These services had existed in prisons previously, but in a more fragmented way. The aim of Through the Gate was to provide a seamless transition between prison and the community.

In practice the arrangements are not delivered as hoped.

Many prisoners need substantial help before they are released. Finding somewhere to live is a common problem, along with finding work or making a benefits claim, and getting assistance with substance misuse or mental health problems. We have found that many of these needs were not recognised when prisoners first went into custody. Problems that should have been obvious to prison staff were not identified.

Where problems are picked up, they are not well recorded, so that Through the Gate staff do not have enough information to make a good plan about what help is needed. If urgent issues are identified at the start of a sentence, the speed with which prisoners are transferred to other prisons means that they are unlikely to receive early help, for example to sort out debts or maintain accommodation. There is then a time delay before they can access Through the Gate services, 12 weeks before release.

Most prisoners do have plans drawn up for them before release, but many of the actions in plans consist of no more than referring the prisoner on to other services, with little or no follow up.

Too many prisoners are released not knowing where they will sleep that night. Often, work that could and should be done by Through the Gate services in prison is left for responsible officers to pick up after release, increasing the anxiety of those prisoners and placing a heavy burden on staff in the community trying to make arrangements for housing on the day of release. The rate of homelessness varies from prison to prison.

The impact of Through the Gate services on Education, Training and Employment is minimal. More promisingly, almost all prisons we have visited are able to set bank accounts up for prisoners, but even where this service is available, some prisoners are still released without bank accounts. Other work on finance, benefit and debt is not being delivered to any great extent.

When Through the Gate was introduced there was much talk about the use of mentors to provide intensive support to prisoners around the time of release. The use of mentors has not been developed as anticipated.

So in short, Through the Gate services are not delivering as intended. There is a lot still to be done to ensure that they do.

Let me end now with a few quietly positive signs, as I said I would.

- Increasingly, we are seeing CRCs making specific arrangements for Women offenders, and often working with others to ensure the best possible rehabilitative arrangements for women.
- CRC performance varies across the country, and we have seen some good performance – in Kent for example.
- CRCs are making much needed investments in IT – both hardware and software, with new case management systems holding great promise for the future, albeit many are frustrated at the moment, with implementation delayed as the long awaited strategic (IT) gateway that will enable them to access relevant HMPPS/MoJ data and information is not yet available.
- Some CRCs are working in new ways, for example, delivering services from hubs in the community and again these models hold promise, if the detail is right.
- Offenders assessed as high risk of harm to the public remain in the arms of the state, in a National Probation Service, and although there are exceptions, we are finding the NPS working to an acceptable standard, generally, and with generally good risk of harm work.
- What gets measured gets done, and government is looking again at what gets measured under the CRC contracts. Many of the current measures are task orientated, and we welcome the government's intention to move to more strategic measures. This can make a significant difference for example to Through the Gate work, where one might argue that expectations are not specified well enough at the moment.
- CRCs are being paid less than anticipated, and are finding it difficult to settle their staffing levels and supply chains, but government is reviewing the funding mechanism and plans to improve the situation. Giving CRCs certain and sufficient funding should make a material difference.

- Lastly, we at HMI Probation will continue to inspect and to report what we find, and have made proposals to government for us to make a bigger contribution, by inspecting probation providers more frequently and by rating and grading probation providers, so as to drive improvement where it is needed.

Thank you. Thank you for listening.

ENDS