

RECENT INSIGHTS FROM HMI PROBATION INSPECTIONS – SPEECH BY JUSTIN RUSSELL, HM CHIEF INSPECTOR OF PROBATION, TO THE CLINKS ANNUAL CONFERENCE, 22 NOVEMBER 2022

Many thanks for the invite to speak to you today and for the chance to be sharing the stage with Kilvinder. And great that we are all able to meet in person, at last.

I wanted to use my 15 minutes, this morning, to talk about the findings from our recent inspections and to offer some reflections on the relationship between probation and the voluntary sector. Although we inspect both probation and youth justice services, I am going to be focusing on probation this morning – though I'd be happy to talk about our youth inspections in the questions afterwards.

Slide 1

The relationship between probation and the voluntary sector has, of course, always been a close one.

Those of you who know your history, will know that the very origins of the probation service lie in that sector – more specifically in the activities of the Church of England Temperance Society and Salvation Army in the late nineteenth and early twentieth centuries.

The early emphasis of this fledgling form of probation work was both about saving souls and very practical help, often of a very intensive and personal kind. Early volunteers took people they had 'saved' in court into their own homes for months on end, found lodgings for people; put up rent deposits or stood security for loans to buy furniture and ran social clubs in the evenings. Activities which are reflected in that evocative phrase in the 1907 Probation Act that the purpose of probation was to "advise, assist and befriend" the offender.

As late as 1934, half of all full-time probation officers were still from organisations like the Church of England Temperance Society or Salvation Army.

Slide 2

Over time, the purpose and functions of the probation service evolved, with the development of psychologically informed assessments and therapeutic interventions to try to change behaviours and ways of thinking.

And then, from the 1970s, an increasing focus on probation as a punishment – in its own right – and on the role of probation in assessing and managing the risk of harm that people on probation might present to others.

Elements of each of these three eras of probation practice remain in the modern service, but that original founding mission – to meet the practical needs of people on probation – to 'advise and assist' (if not actually to befriend) – is still there. And, I think, still a vital function for the service.

Before getting into how well those needs are being met, let's take a wider look at the broader state of probation.

Slide 3

Since the CRCs and NPS were unified into a single public sector organisation last summer we have published inspection reports on 12 local probation delivery units across five different

regions in England and Wales. And we'll be publishing the remainder of our London inspection reports later this week.

As this slide shows, the results have been very concerning. For nine out of these 12 areas we have given an overall rating of 'Inadequate', with the remainder 'Requires improvement'. There are huge vacancy rates in some parts of the country and in some grades – with a particular issue in London and the South East, where Kilvinder and her colleagues must contend with vacancy rates of 50 per cent or more in some local units – with obvious consequences for the caseloads of those staff who are in post – and the result strains and stresses on them.

And as this slide shows, there are even greater issues with the range and quality of services and interventions that are being delivered to people on probation – not just because of staff shortages but because of the damage that the pandemic has wrought and the backlogs and gaps it has left behind.

All but two of the services we have inspected we have rated as 'Inadequate' on the quality of provision and interventions they offer those on probation – whether those services are being provided in-house, by the statutory sector, or by contracted voluntary or private providers

The implications of this for whether people's basic needs are being met show up starkly in our probation data.

Slide 4

As part of every inspection, we take a detailed look at a sample of cases in each area. This includes looking at the underlying needs of each person, that may be driving their offending behaviour.

You won't be surprised to hear that these are often profound. Data from more than 850 cases we have inspected since last summer shows, for example, that:

- over a third had accommodation needs linked to offending
- over 40 per cent had an alcohol problem
- almost half had a drugs problem
- over half had family and relationships issues.

Slide 5

We also take a detailed look at whether those needs are being met. Worryingly, in a majority of cases, they're not.

- only 56% of cases had their accommodation needs met
- less than half had their employment or education needs satisfied
- for issues of drug abuse, it was less than 30%
- and sadly, for an organisation that had its origins in the temperance movement, in not much more than a quarter of the cases where we identified alcohol as a factor behind the offending, was there evidence that this issue had been sufficiently addressed.

Slide 6

And even more worryingly, the proportion of cases where we are finding a need has been met has fallen significantly since the pandemic and unification of the service last summer.

In this chart, the green bars represent our data from the days of TR – the blue bars the results from our most recent inspections. On all eight of these needs, which correspond with those which are assessed by probation through the OASys assessment, the proportion of cases where the need has been met has fallen – with particularly significant reductions around alcohol and drugs.

Slide 7

The other important source of evidence we have is the views of people on probation themselves.

I've made it my mission as Chief Inspector, to give people on probation a bigger voice in all our inspections – and we've used a wide range of lived experience organisations to help us do this.

Since April, this has included a three-year partnership with the organisation User Voice, who as part of all of our local inspections now survey a sample of people on probation for their views on their supervision. With all these surveys conducted by people who have themselves been through the criminal justice system.

So far, they have gathered the views of almost 750 people on our behalf and these slides bring together this data for the first time.

Altogether, of the people who felt they needed some kind of service – 56 per cent agreed that probation had helped them access the services they needed – perhaps a surprisingly high proportion, given what my inspectors felt was the real underlying picture.

Slide 8

Though when you compare the results across the areas inspected so far, that proportion falls significantly in some parts of the country, to as low as a fifth in some parts of London, reflecting the problems we have seen there.

Slide 9

User Voice also collect more in-depth evidence from qualitative interviews with people on probation, which again show both positive and negative perceptions. These quotes are lifted from our recent reports and you can find more of them there.

Where the relationship with a probation officer goes well, the results can be genuinely transformational. So, on the positive side we have one person on probation telling User Voice:

"The community services and mental health support has really helped me. My mental health and offending deteriorated in 2019 when I lost my dad, and the support of the community services and groups has been a real help for me."

And someone else told them:

"In fairness, [they have] really helped me and [she] has got me back to drug and alcohol services and she helped me get some mental health support so now I've been diagnosed, and I am waiting to start treatment."

That's not the case for everyone, so by contrast, that first quote on the other side of the slide tells a very different story:

"No. I need help with my mental health and with housing but they ain't done anything. Just write it down and nothing ever happens"

Slide 10

Role of the voluntary sector

Since this is a Clinks conference, I wanted to finish by saying something about the role of the voluntary sector as a partner to the probation service.

Not surprisingly, Commissioned Rehabilitative Services have been a particular focus of our inspectors over the past year – so I thought I'd concentrate on what we're finding in relation to these, from the data we're looking at and interviews and focus groups with probation staff and CRS providers themselves.

As you'll all know, in May of last year the government announced £195 million worth of CRS contracts to 26 organisations – and their supply chain partners. With two thirds of this funding going to registered charities.

While I do give credit to the MoJ commercial team for the best efforts they put into this exercise last year, the contracts – over 100 of them – had to be developed, let and mobilised at great pace – often on the basis of fairly sketchy evidence about potential demand.

We have found a mixed picture in terms of the effectiveness of this provision.

Four issues, in particular, have been raised particularly frequently and the following slides bring together some of the published observations of my inspectors from a range of local inspections across five regions:

Slide 11

First, there have been problems with referral volumes. For some services and in some areas, particularly for accommodation support, referral volumes have been far higher than expected, leading to backlogs and long waiting times. For other services, e.g. wellbeing – there's been a lack of referrals. You see a range of quotes relating to this on this slide, including for example, this observation:

"CRS providers report that the number of referrals to their services are, in some cases, 150-200 per cent higher than projected. The result of this is waiting lists and financial penalties for not being able to offer an initial appointment within 10 days of referral".

By contrast, in another area we found:

"Referral rates for other CRS services are too low (such as women's services, education, training and employment (ETE), personal wellbeing) and the services are undersubscribed"

Slide 12

A second issue has been around the appropriateness of referrals and lack of information going to the provider. Providers told us they don't get the background information they need, including contact details, to start working with the referral. And they have lost their

access to the nDelius case management system they used to have under previous arrangements, which could give them up to date risk and safeguarding information on the person being referred.

So, for example, that first quote on this slide from one of our local reports, says:

"Relevant information was not always provided on the referral form, which resulted in delays and requests for additional information before a referral was accepted and services deliver."

In another, my lead inspector said CRS providers they'd interviewed:

"Remain concerned about the lack of access to risk information...hampered by their loss (in most cases) of access to nDelius and OASys"

Slide 13

Thirdly, there's a lack of knowledge and a loss of confidence amongst practitioners in the value added of some services. Particularly in relation to accommodation, where probation staff want access to actual housing stock for their cases – not just sign-posting to the council housing office – which they felt they could do themselves anyway. Practitioners from a CRC background told us they missed some of the positive partnerships with voluntary sector organisations – eg around mentoring or mental health counselling – that had been developed during the TR years but were then lost after unification as all these contracts were cancelled. As the last quotes on this slide note, practitioners also told us that they didn't have options for accessing services in a hurry if the person they were supervising was in crisis.

On a brighter note, feedback has been more positive for women's services, where the relationship with the provider often went back further than unification and real value was felt to be added (though providers still reported feeling swamped sometimes).

Slide 14

And a fourth and final issue was a lack of information for PDU managers on referral volumes or outcomes or how contracts are performing. And what they felt were missed opportunities to build these outcomes, for example for job placements into the contracts.

Note, for example, this quote on the slide where we were told that:

"Many staff remain frustrated that although commissioned centrally there is no obligation for service providers to produce outcome data which makes their evaluation difficult to judge".

Though some of these issues reflect the teething issues you'd expect in the early days of any contracted-out provision and referral arrangements do seem to have improved over the past year – others relate more fundamentally to the way the services were procured in the first place.

As HMPPS starts to prepare for the next round of contracts, there's an opportunity to think again – about the right balance between contracted out services and in-house expertise (e.g. in relation to housing advice) or between central and locally directed commissioning. Regional directors have been making imaginative use of their ROIF funding to support a wider range of needs, using smaller and more local providers and that does feel to me like a better way forward in the future.

Some conclusions

I believe, like many in the service believe too, that the voluntary sector can play a hugely positive role in meeting the profound needs of people on probation – and in prison too.

But that relationship needs to be one that adds value and builds on the strengths of both sides in the partnership – and directly addresses the real needs of people on probation.

Getting this right for the future, means I think, these things:

Being clear about the respective roles of probation practitioners and voluntary sector partners. What should be the actual role of the frontline probation officer in meeting the needs of the person they so carefully assess at the start of their community order or licence period? I'm not sure they know any more – and I don't think I do either.

What interventions should probation practitioners deliver themselves? What should they refer on for others to do? A future in which the only role of probation practitioners is to signpost people on to other organisations for them to do the 'real' work – doesn't feel like a job I'd much want to do and surely isn't what people join the service to do.

Second, we need a commissioning framework which allows much greater flexibility and autonomy to local service leaders – including heads of local delivery units – to meet the specific and often highly localised needs of their caseloads. Given the complexity of needs we see in the cases we inspect and the degree to which these needs almost always overlap – a one size fits all specification will never work.

Third, we need to get back to that spirit of those very first probation volunteers, I mentioned at the beginning with a focus practical assistance and real outcomes – a stable home; a job; a residential drug treatment place; a course of counselling for depression or anxiety – not on merely signposting people to other organisations to join their queue of referrals. Ultimately, this may mean putting more money in the hands of the probation service itself to commission these things – e.g. supported tenancies or residential drug treatment places – itself.

And fourthly, there need to be strong relationships and collaboration between probation and voluntary sector partners. Areas where probation staff were most positive about commissioned services were often those where the CRS staff were embedded in the probation office itself and could interact with probation colleagues on a daily basis. And we found something similar in our thematic inspection of IOM arrangements – when co-location of drug workers or other services was a great driver of effective practice. Both sides of the partnership need to trust each other to share important information on cases being referred – whether that's about risk assessments one way or whether someone's turning up for their substance abuse appointments the other.

Conclusion: If we can get these things right, I'm confident there can be a bright and productive future for the relationship between probation and those of you who work in the voluntary sector. And a place for all of you, whatever the size of your organisation. These have been challenging times for the probation service – and for all of you too as we come out of the pandemic. But let's hope the worst of them are now over and we can now focus on a more positive future.

Thank you.