

The probation spending crisis

Mark Oldfield and Roger Grimshaw argue that increased probation funding has failed to match the costs of delivering services.

At the end of the 1990s, the Probation Service in England and Wales was about to become a truly national service for the first time, cementing a pivotal position in the criminal justice system. It seems therefore surprising then, that only eight years into the twenty-first century, a survey by the Probation Boards' Association (PBA) should find that a large proportion of what was now the National Probation Service appeared to be on the verge of financial meltdown with probation areas being forced to freeze recruitment, shed posts and to begin to plan redundancies.

Emerging from the web of organised philanthropic projects that marked the late 19th century, Probation's role had mediated the narrow and austere sentencing practices of the magistrates' courts by providing a mechanism by which background information about the defendant could be made available to the court before it passed sentence. Sentencing aims could extend beyond punishment to consider matters of rehabilitation, social integration and incorporation. For the next 90 odd years, probation occupied this role, 'in' the criminal justice system but not quite 'of' it. Interestingly, during this period probation was rarely subject to much critical scrutiny and was held in high regard by politicians and sentencers alike.

After a period of intense scrutiny and self-questioning during the 1990s, it had seemed that probation's future was again secure, as the quasi-autonomous and locally governed probation services of England and Wales prepared for reorganisation into a National Probation Service. A large body of work had begun to highlight the effectiveness of community penalties compared with other, more punitive approaches. Rejecting the notion that "nothing works", probation had begun to incorporate many promising findings of research into its programmes and practices. The widespread optimism at this empirical support for probation's rehabilitative potential was enhanced by the election of a New Labour government in 1997, which brought with it the hope of real investment in a progressive and effective criminal justice system.

By 2007, the outlook was far less rosy. Alarmed by the announcement in late 2007 that probation budgets were to be reduced over the coming three years, and by the rising probation caseload, NAPO (the Trade Union and Professional Association for Family Court and Probation Staff) asked us to look at spending on the probation service since the turn of the century. It seemed clear that from the parlous state of financial affairs reported by many Areas in the PBA's survey, that something was amiss. A service whose first Director, Eithne Wallis, had

demanded that it became a 'world leader in corrections' was now reduced to fire-fighting measures to balance the budget. Yet, from the government's perspective, probation funding had never been so high and had increased year on year since the NPD was created. We began to examine the extent and consequences of this descent into financial turmoil (See Oldfield and Grimshaw 2008).

As far as budgets are concerned, there was certainly evidence of increased spending on probation. In real terms, budgets rose by 21% between 2001 and 2007. However this overall change masks the fact that real terms growth during the period was very modest with the exception of the financial year 2003-4 where the budget rose by around 29%. Annual changes in the budget were made more difficult to interpret due to the fact that the calculation of Probation Area's budgets was carried out using a formula which a large number of services held to be inadequate for assessing their actual needs. As a report by the National Audit Office (2008) noted, the lack of unit cost measurement in probation meant that no one knew what it cost to put an offender through an accredited programme or to carry out unpaid work in the community. No matter how much money was allocated, there was no certainty that the sum was appropriate for the probation area it was allocated to.

The Probation Service workload during this period experienced constant growth in a similar manner to the expanding prison population as courts' sentencing patterns became increasingly severe, using prison and community penalties in preference to less intrusive penalties such as fines or discharges. The workload of the Probation Service rose steadily from 2001. Court Orders over the next five years rose by 26%, whilst work with prisoners increased by 17% (see Table 1).

With the rise in the number of offenders being supervised, one might imagine that the numbers of probation officers would have experienced significant growth. This was not the case. Between 2002 and 2006, the number of qualified probation officers fell by 4% and of trainee probation officers by 30%. On the other hand, the numbers of probation services officers increased by 77%. This trend reflects the experience of other areas of the public sector where less qualified staff supplement or substitute for, staff with higher levels of training. 'Frontline' staff have therefore increased by about a fifth but the mix has altered (see Table 2).

Whilst the numbers of qualified practitioners has not increased, there has been substantial growth in the numbers of managers in the service, with the number of senior managers increasing by 70% between 2001/2 and 2005/6.

Table 1: Caseloads, 2002-2006

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2002-2006 % change |
|------------------------|---------|---------|---------|---------|---------|--------------------|
| Court orders | 116,100 | 120,700 | 128,200 | 137,400 | 146,500 | 26% |
| Pre-/post-release work | 77,200 | 80,400 | 83,400 | 89,400 | 90,700 | 17% |
| Total caseload | 193,300 | 201,100 | 211,600 | 226,800 | 237,200 | 23% |

Source: Offender Management Caseload Statistics, (2006)

Table 2: Staffing, 2002-2006

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2002-2006 % change |
|----------------------------------|-------|-------|-------|-------|-------|--------------------|
| Senior probation officers | 1,100 | 1,130 | 1,173 | 1,240 | 1,793 | 63% |
| Senior practitioners | 218 | 227 | 336 | 439 | 345 | 58% |
| Qualified probation officers | 6,214 | 5,358 | 5,610 | 5,824 | 5,964 | -4% |
| Trainee probation officers | 1,566 | 1,784 | 1,732 | 1,407 | 1,098 | -30% |
| All probation officers* | 9,098 | 8,499 | 8,851 | 8,910 | 9,200 | 1% |
| All main grade officers** | 7,780 | 7,142 | 7,342 | 7,231 | 7,062 | -9% |

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|--|--------|--------|--------|--------|--------|------|
| Probation services officers | 4,083 | 5,648 | 5,644 | 6,800 | 7,247 | 77% |
| Psychologists | - | 23 | 18 | 19 | 21 | - |
| Other operational | - | 1,081 | 1,377 | 1,507 | 1,543 | 43% |
| Operational staff, excluding probation officers | 4,083 | 6,752 | 7,039 | 8,326 | 8,811 | 116% |
| All operational | 13,181 | 15,251 | 15,890 | 17,236 | 18,011 | 37% |
| 'Frontline' staff*** | 12,081 | 13,017 | 13,322 | 14,470 | 14,654 | 21% |

Source: National Probation Service Workforce Profiles for relevant years

*Includes senior probation officers, senior practitioners, qualified probation officers and trainees

** Includes probation officers and trainee probation officers

*** Includes senior practitioners, probation officers, trainees and probation services officers

The figures only tell one part of the Probation Service story, however. From 2002, the Probation Service has undergone a process of almost constant change, not only reorganising itself into a national service but also introducing a whole raft of new working involving programmes, practices and procedures. This ongoing change has required staff to adapt to new methods of working, undergo training and then readjust to yet more change. Furthermore, the creation of the NPS involved an intensive process of micro-management from the centre, involving a Byzantine system of financial control. Interference with areas' budgets mean that they were unable to make savings and set aside money to deal with future contingencies. A target based system of

performance measurement focused more on internal processes than actual outcomes relating to reducing crime whilst centralised collection of data duplicated work already done by probation areas.

In addition to its rising caseload, the probation service has had to cope with the introduction of a complex risk assessment tool, OAsys, delivering accredited programmes, enhanced community punishment, drug rehabilitation requirements of community orders, basic skills and other forms of intervention, many of which required areas to achieve numeric targets in terms of throughput. The NAO speak in their report about the 'perverse incentives' of such catch all targeting: in effect, organisations become focused on meeting targets at the

expense of other considerations. Such a focus is understandable, since the National Probation Directorate inflicted cash penalties on those services that failed to meet these numerical criteria.

As if this were not enough, from 2004 onwards the service has been confronted with the emergence of the National Offender Management Service with the result that, as well as having to cope with the new demands and innovations required by the centre, probation areas have been required to work on preparing for the introduction of NOMS with its creation of quasi-markets for correctional services. The future of probation is uncertain. The Offender Management Bill 2007 opens the way for the work traditionally done by the probation service to be put out to tender. Probation Areas must now achieve Trust Status by 2010 or face external competition.

The impact of almost unceasing change has taken its toll on probation services. Sickness levels are higher than the average in the public sector and offender managers frequently change. Youth justice is a more attractive field of work than probation, as the caseloads are considerably lower (H.M. Inspectorate of Probation 2006/7). This disruption of the probation service over a prolonged period has serious implications for the criminal justice system, firstly in terms of adverse effects upon public safety considerations and upon the delivery of services in line with the sentencing courts' intentions: waiting lists for programmes, high caseloads causing contact time to be curtailed with some offenders and the need to manage such caseloads through local agreements with courts to restrict their use of community sentences, all compromise probation's ability to offer coherent and credible alternatives to custody.

It is hard to think of how the fledgling years of a new organisation could have been made more complex and convoluted than they already have been. During the first

eight years of the twenty first century, probation has been treated –like other public sector organisations – as a 'legacy system'- a mode of providing services deemed to be outdated and in need of modernisation by replacement with a structure more in line with the politics of the day – centrally controlled, reliant on procedures rather than staff expertise and permeated by market forces. A more considered approach might have focused on the introduction of evidence-based practice whilst maintaining organisational stability in order to provide a secure base for the evaluation and development of effective work with offenders. Instead, probation has experienced a 'year zero' approach in which – as the first Director of the NPS put it- "the pace of change must be relentless." Against this background of constant change, it is, ultimately, not surprising that the unfocused allocation of budgets based on an inadequate formula has failed to meet the needs of probation services. ■

The report, Probation resources, staffing and workloads 2001-2008 is available to download at <http://www.crimeandjustice.org.uk/probationspendingstructure.html>

Mark Oldfield is an independent researcher and **Roger Grimshaw** is Research Director at the Centre for Crime and Justice Studies.

References

- H.M. Inspectorate of Probation, *Annual Report 2006/2007*.
 National Audit Office (2008), *The Supervision of Community Orders in England and Wales*.
 Oldfield, M and Grimshaw, R (2008), *Probation resources, staffing and workloads 2001-2008* London: Centre for Crime and Justice Studies. Free to download at <http://www.crimeandjustice.org.uk/probationspendingstructure.html>.