

Written evidence from the Centre for Crime and Justice Studies (TRH0068)

1. About the Centre for Crime and Justice Studies

- 1.1. The Centre for Crime and Justice Studies is an independent educational charity that advances public understanding of crime, criminal justice and social harm. Through partnership and coalition-building, advocacy and research, we work to inspire social justice solutions to the problems society faces, so that many responses that criminalise and punish are no longer required.
- 1.2. Over several years, as part of our *UK Justice Policy Review* programme of activities, we have scrutinised the current, and former coalition, government's probation reforms. We are also actively engaged in probation-related research. Two recent research projects include an assessment of probation practice with young adults and a mapping of probation provision for ex-military personnel with criminal convictions.
- 1.3. This response focuses on section seven of the Inquiry terms of reference: the future of probation services.

2. Summary

- 2.1. In its structure, planning, delivery and financing, probation across England and Wales faces major problems. These are problems created by government, through the ill-advised 'transforming rehabilitation' (TR) programme. Whatever its original intent, this programme is sabotaging, rather than transforming, probation work across England and Wales. The Ministry should acknowledge that, in its current form, probation will not be able to deliver in the way Ministers hoped it would. The government needs to draw a line under the mistakes of the past and take decisive action to place probation on a coherent and sustainable footing.

3. The current situation

- 3.1. In his book, *Competition for Prisons*, the former Director for Competition at the National Offender Management Service, Julian Le Vay, wrote: 'The TR changes lack compelling rationale or evidence; are uncostered; require extremely rapid implementation of new, highly complex organisational and relational models for all participants simultaneously; use payment mechanisms that are entirely untested and carry major risks of unforeseen consequences; rely on new and untested suppliers; require high levels of competence in contracting and contract management that the MoJ has recently been shown to lack; and are being implemented at breakneck speed for no reason – and there seems to be no recovery plan if TR goes badly wrong. It is like watching people doing their best to organise the perfect train crash'.
- 3.2. Le Vay was far from the only informed voice raising concerns about the TR changes in advance of their implementation. In its January 2014 report – *Crime reduction policies: a co-ordinated approach? Interim report on the Government's*

Transforming Rehabilitation programme – the former Justice Committee raised concerns across a range of areas, including programme design and definition of outcome, programme costings, transition planning and professional buy-in, to name but a few.

- 3.3. More recent assessments have vindicated the former Committee's concerns. These include: an April 2016 report by the National Audit Office; a September 2016 report by the Public Accounts Committee; a September 2016 report by the Probation Inspectorate into services for criminalised women; and two joint reports by the Inspectorates of Probation and Prison, in October 2016 and June 2017, on resettlement services for prisoners. A *Financial Times* report, in October 2016, found that 'almost every contract to provide probation services... is lossmaking'.
- 3.4. In a speech in September 2017, HM Chief Inspector of Probation, Dame Glenys Stacey, said that, with some exceptions, Community Rehabilitation Companies (CRCs) are 'not generally producing good quality work, not at all'. She also stated that the 'voluntary and charitable sectors are much less engaged than government envisaged' and that promised improvements to through the gate resettlement 'have mostly not been delivered in any meaningful way'. And she said that 'Probation reform has not delivered the benefits that Transforming Rehabilitation promised, so far'.
- 3.5. This is the context for the written statement by the Parliamentary Under Secretary of State for Prisons and Probation, Sam Gyimah, in which he acknowledged that 'the current delivery of some aspects of probation services must improve'. He also informed the House that the government had 'taken urgent action to adjust the payment mechanism within the CRC contracts' to prevent the companies going out of business.

4. What should be done

- 4.1. The Ministry's current approach appears to revolve around attempting to make a badly-designed system work slightly less badly. The risk is that it will continue to entrench the existing dysfunctions. Instead, the Ministry should take decisive action: to draw a line under the mistakes of the past and to place probation on a coherent and sustainable footing.
- 4.2. Contracts with the CRCs should be brought to a close as soon as possible. If the penalties for ending the CRC contracts early prove too costly, the Ministry should adopt an incremental approach, bringing the CRCs back into public hands as they fail or surrender their contracts.
- 4.3. The government should launch an open and inclusive review of current TR arrangements no later than early 2018, seeking the views of a range of stakeholders, including: the CRC companies and their sub-contractors, CRC and NPS staff

representatives, voluntary and community sector providers and independent researchers and policy analysts.

4.4. Among the questions the review should consider are:

- 4.4.1. What should the governance structures be to ensure the integration of all probation delivery at an area level, and to enable probation to work effectively with a range of key partners in the public, private and voluntary sector; in the criminal justice system and in other services?
- 4.4.2. How can the balance of intensity and frequency of supervision, sensitive to levels of risk, best be struck, so that realistic and appropriate levels of supervisory support are delivered?
- 4.4.3. What is the appropriate balance to be struck between the cost of probation work and the quality of service? How can probation work be funded sustainably, and in a way that embeds quality of delivery and positive outcomes for those under probation supervision as the guiding principles of probation work?
- 4.4.4. What qualifications, skills, experience and personal qualities are required now and will be required in the future among probation staff at all levels? How can probation pay, terms and conditions best be configured to ensure the recruitment and retention of the right staff? How can a culture of continuing professional development be embedded in probation?

4.5. The government should commit to conducting the review in a timely manner and implementing its recommendations as soon as practically possible.

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