

Response to the Strengthening Probation Consultation Paper August 2018

By Andrew Bridges: HM Chief Inspector of Probation 2004-11, Chief PO Berkshire 1998-2001

Introduction:

Question 17 is the essential first step. Therefore I will deal with this first, in a little detail, and then outline what this means for each of the other Questions, taking them in their given order. Note: I don't just tell you what I think is needed; I can SHOW you what to do – with more details available on request – based on my practical experience of actually doing it.

My answers address specifically what “we” – which I take to mean central Government – should do. With my approach, many of the Questions refer to matters which Government might ask other participants to act on, but they are not for Government to do itself.

Question 17 Response: My recommended Framework:

[What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?]

Summary: Government should select wisely the Operational Outcomes – “measures of success” - and thereby Prescribe WHAT Probation work is required to achieve, but DON'T Prescribe HOW it must be achieved.

Explanation:

When Government is commissioning a service, as with the current CRCs, or is centrally managing, as with the NPS, it has just two key tasks: 1) To ALLOCATE the resources for carrying out the service within its statutory rules – I recommend the Absorption method - (not addressed further in this response, but happy to advise if asked) - and 2) To PRESCRIBE what the service is required to achieve. This is consistent with the sound tenet of business planning – often advocated, but less often carried out – of “Strategy first; Structure afterwards”.

The principle is: **Prescribe WHAT** is to be achieved, but only **Advise HOW** it is to be achieved, i.e. Commission the taxi, but don't ‘backseat drive’ it. The HOW is for the NPS operational management, and for each independent contractor or “probation provider”, to decide – but this only works if the WHAT has been Prescribed well enough.

For England & Wales as a whole, of course the key **Strategic Outcome** that Probation must achieve is **measurably reduced reoffending** by the individuals under current or recent statutory supervision each year (though this must also be achieved without undue risks to the reputation or credibility of the system as a whole, a point I return to further below). Police reconviction figures, when aggregated ‘nationally’, are probably the ‘best available’ means of measuring the progress or otherwise towards this Strategic Outcome each year for England & Wales as a whole in broad headline terms.

However, this information is unsatisfactory when people attempt to use it as a detailed performance measure for comparing progress by different geographical ‘regions’ or areas, for three key reasons: 1) There have been, and will continue to be, varying Police recording practices in different areas and over time, making detailed inter-area comparisons of Probation achievement questionable; 2) In any case, at operational level each performance measure has to employ a **more directly related metric**; and 3) Each performance measure also needs a **shorter feedback loop**, to enable learning and improvement by the people who do the work. Therefore Government should retain the key Strategic Outcome at national level, but should set Operational Outcomes (“interim outcomes” in the language of some theorists) for each of the geographical ‘regions’ / areas / companies to achieve - which will in turn lead to the achievement of the Strategic Outcome.

Government should therefore Prescribe that there are **Three Purposes** that Probation work must achieve, and at the same time Prescribe the **Operational Outcome** for each of these Purposes that will clearly define how success with each of these Three Purposes is going to be measured. I have considerable practical experience in the detail of this approach, and I have written about it too, so I am providing the bare bones of it here below, without going into the detailed explanations at this stage – I could readily provide these separately.

The Three Purposes are: **Reduce the Likelihood of Reoffending (LoR), Implement the Sentence, and Manage/Minimise Risk of Harm to others (RoH)**. The first of these is worded this way for specific reasons, but is designed to contribute directly towards achieving the national Strategic Outcome. The second must be recognised as a Purpose in its own right (it often isn't), and together with the third the achievement of these latter two Purposes prevent 'reputational disasters'. All three Purposes are **separate from each other**, and measured by separate means, but **they also overlap with each other**, in that many Probation activities contribute to achieving two or three of these Purposes at the same time. See the attached graphic. Please also note:

- This is largely consistent with the loosely worded "purposes" of Probation in the 2007 legislation, and in the consultation briefings, but here it is far more focused and is also located within an overall coherent strategy that can be 'performance managed'.
- Therefore "Engagement with service users and stakeholders", however desirable as a means, is not an Outcome in its own right, and should therefore not be treated as such.
- It is however entirely consistent with the onetime NOMS formula of "Punish, Help, Change, Control", if it were re-ordered as **Help & Change, Punish** and **Control**, and my wording points towards how each of these should be measured.
- It is also entirely consistent with idea of the **"GMPTC-Plus" option, offered as a possible payment mechanism** in the consultation briefings
- Victim Satisfaction is a different separate matter – mentioned briefly further below.

Crucially, the means of measuring the progress towards the achievement of each of the Three Purposes – the Operational ("interim") Outcomes – can be **calibrated quantitatively** – as I outline below – though it has to be understood that this inevitably involves some **qualitative judgements** of the contents of (ideally, suitably structured) **case records**. This can be carried out using the approach suggested in the consultation presentation on performance management (p26): "The intention is for these to be assessed through providers' internal quality assurance, with the Authority auditing a sample of cases." The Inspectorate would clearly play a key role in this, but by no means the only one.

I welcome the proposed approach, because it indicates a willingness to move beyond simply 'measuring what we can already measure' and instead to **measure what we need to measure**. Poor metrics lead to the perverse incentive to "Hit the target but miss the point". But of course **measuring what we need to measure** is not easy to achieve – though it can be done, through case assessments, by self-assessment plus external auditing and inspection.

In very brief summary, the Outcome for each of the Three Purposes needs to be as follows:

- 1) **Reducing LoR**: Percentage of cases where the offender is assessed as being less likely to reoffend at the six-month point (and at later points too, ideally)
- 2) **Implementing the Sentence/Licence**: Percentage of offenders who have Complied, PLUS those who have been properly enforced
- 3) **Manage RoH**: Percentage of the RoH work that has sufficiently met the required quality [NB Similar to, but better than, the proposal in the consultation briefing]

I can provide detailed explanations about these on request, including why I no longer advocate metrics for the timing and 'quality' of sentence plans etc (as per SL3, SL4). In particular, there are two potential '**distance travelled**' methods for measuring *reduced LoR*, which do not conflict with each other, so either or both could be employed. I will also mention here that I have devised a fictional but plausible **case study** that illustrates how the first Purpose could be achieved with a case, but would fail badly, and very publicly, and therefore 'reputationally', on the other two Purposes – the point of this is that it illustrates the logic behind my proposed approach.

Furthermore, I have devised a **Case Assessment Tool**, focusing on these three Outcomes, that shows how this could be implemented in practice. An important benefit that this brings is that the Three Purposes, and how they are measured, could be not only understood at senior management level but also understood at practitioner level too, making it also possible for **each practitioner and frontline manager to monitor their own local progress**, and (if they want to) see how far it is contributing towards the success of their organisation as a whole.

A practitioner perspective: A focus on achieving the Three Purposes means that each practitioner who manages cases can, 'in the very moment' of doing the job, keep asking herself or himself, not only at formal review times but also during most contacts:

- i) "Am I holding this individual to the terms of the Court sentence or licence?" – that's **Implementing the Sentence** (NB Not arranging to see the individual at least every month probably counts as NOT achieving this Purpose)
- ii) "Am I helping this person to become less likely to reoffend in future, and how will I evidence that?" – that's using principally **constructive interventions** to achieve measurably **reduced Likelihood of Reoffending**
- iii) "Am I taking all reasonable action to protect others from harm from this individual?" – that's using principally **restrictive interventions** to minimise the individual's **Risk of Harm to others**

Furthermore, practitioners can see for themselves how each of those Purposes is being measured, and to see **at the time** how far it will be counted as successfully achieved.

They are also likely to recognise this as doing a worthwhile quality job, and not just doing 'empty box-ticking' – important in view of the commendable desire in the consultation briefings to focus on Quality. For Quality consists of having wisely-chosen Outcomes to aim for – WHAT practitioners are being required to achieve – but also a freedom for them to **exercise individual responsibility** to decide HOW they achieve it with each individual case, while also being **accountable** for those decisions.

NB However, one reason why this focus is necessary is that the practitioner will at best have on average about **two hours per month per case** to do ALL the work that needs to be done with that case. Often, with understaffing, there will be less time per case.

Similarly, at area management level, it allows **policy and resource management decisions to be made locally**, based on a 'business case analysis' of what will be most effective locally, as one would expect.

Questions will quite properly be raised about the role of central Government in decisions about **Diversity, Decency, Health & Safety, Competencies & Training, Fairness, Conduct and Complaints**. These are all **Essential Prerequisites**, which apply to most other public services and commercial enterprises and not just to Probation. Government could therefore reference the expectations of relevant existing legislation or of specific external bodies as being the '**boundary standards**' within which it expects Probation work to operate in order to meet these *Essential Prerequisites*.

Two implications of this approach to the *Essential Prerequisites*: 1) Government will need to establish a **Regulatory Body** to take care of both **Competencies** ('Influencing skills' and other related skills) and **Conduct** – and the Probation Institute has a very good case for serving as that for both of those roles - and 2) With **Diversity**, it would be legitimate for Government to specify, not only compliance with the Equality Act 2010, but also that all reports of Outcomes achieved should be capable of being **segmented** into separate reports by race and gender to monitor whether performance results are being achieved proportionately to the race and gender (and possibly other characteristics too) of the offenders being supervised.

Finally, **Victim Satisfaction** is for mainstream Probation an additional 'bespoke' *Essential Prerequisite*. There are staff units, both inside and outside Probation, whose Purpose is to achieve *Victim Satisfaction*; therefore Probation's own Three Purposes must be achieved in a way that enables (or is at least consistent with enabling) those allied staff to achieve their own *Victim Satisfaction Purpose*.

This Framework that I'm proposing means that central Government would adopt the correct role in establishing this individualised personal service as an effective operation – i.e. a "**Quality service**" where practitioners use their **influencing skills** to do the **Right Thing with the Right Individual in the Right Way at the Right Time**, in a way that can be measured and managed transparently, to achieve the prescribed Outcomes.

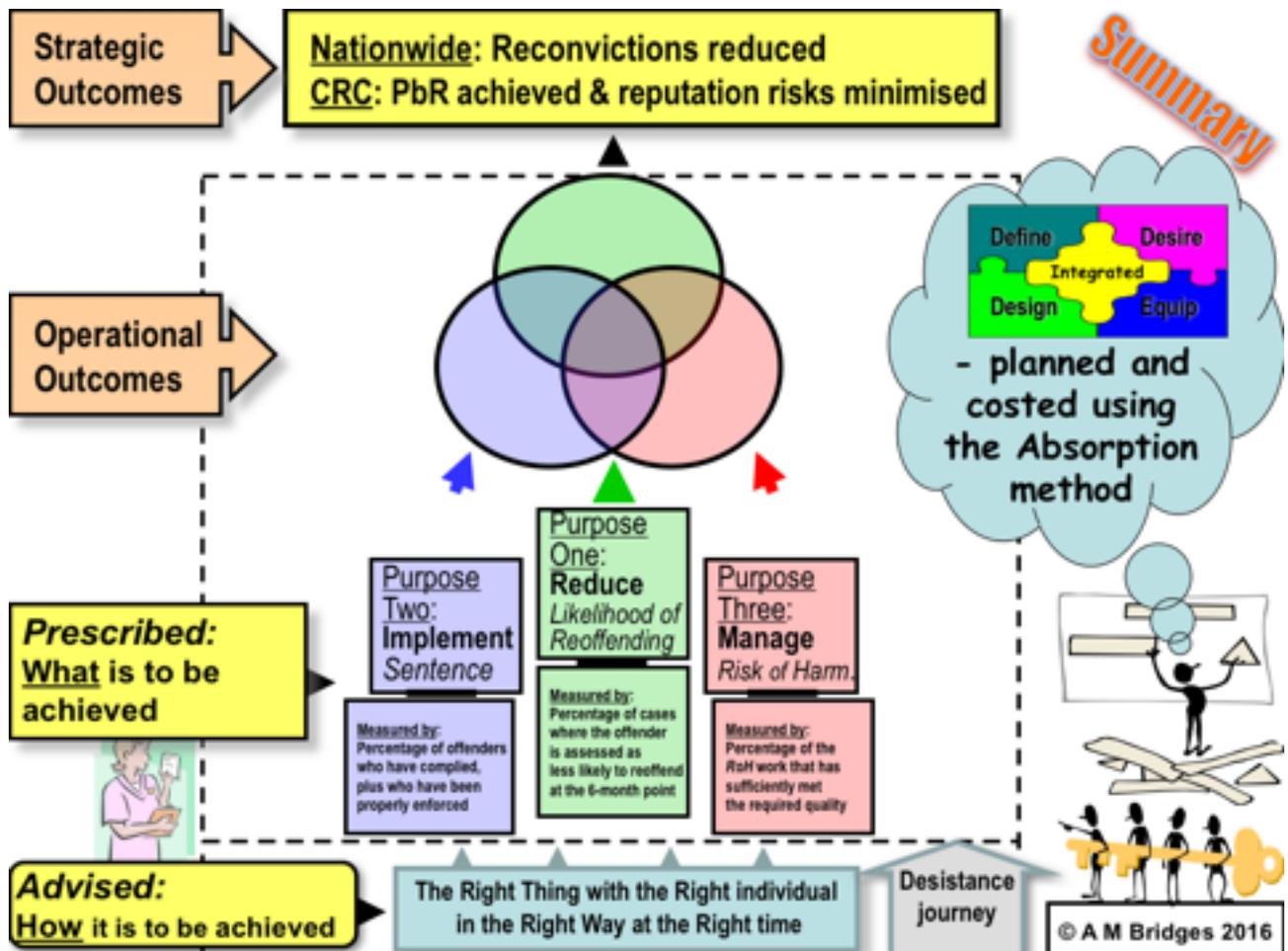
One additional implication: Since the commissioned contractors, as well as the NPS itself, must achieve all Three Purposes, it is misleading as well as inelegant to require them to badge themselves "Community Rehabilitation Companies". The 'Probation' label is important, as an indicator that it is the same Three Purposes that need to be achieved with each case, whoever is doing the work, or helping (subcontracting) with some of that work. The consultation paper seems to recognise this already by grouping the contractors with the NPS under the general heading of 'probation providers'. Therefore clearly the contractors should be permitted – indeed encouraged - to badge their companies that do this work as 'Probation' companies – possibly **Independent Probation Companies**.

With other details too, Central Government might nevertheless still want to take a view about how some aspects of Probation work are managed, but it is a **sine qua non** of this Framework that on these subjects Government's role should be to Advise only, and not to Prescribe, despite all temptations to do so. Accordingly, many of my responses to the remaining Questions in the consultation paper should be understood as my opinions on '**what Government might choose to Advise**'. NB Central Govt Advice should not always be necessary or even desirable.

Summary Chart of how to Make Probation Work:

This coloured Summary Chart captures in graphic form the key points above, plus some other points covered in 'Making Probation Work' and other articles that can be found on my website:

ambridges.wixsite.com/mysite



My responses to the other 16 Questions:

Question 1 Response: [What steps could we take to improve the continuity of supervision throughout an offender's sentence?]

Summary: Advise only.

As per Q17 above, Govt should with this matter Advise only, because this is a matter for local managers to decide HOW it delivers service. They often have good reasons (though sometimes poor reasons) for organising themselves in ways that militate against continuity - e.g. by having specialist teams or small separate geographical sub-areas. Govt can Advise or recommend that in general terms continuity of supervision in principle is considered more likely to enable the required Three Purposes to be achieved, but it is a matter for local managers to devise the means whereby continuity of supervision is maximised.

Question 2 Response: [What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision, and in which circumstances are alternatives to face-to-face meetings appropriate? Do you have evidence to support your views?]

Summary: Prescribe that Implementing the Sentence is a Purpose in its own right, with 'requiring contact at least monthly' as a new 'benchmark indicator' of this, but otherwise avoid specifying further detailed requirements.

One of the Three Purposes of Probation is to Implement the Sentence as an Outcome in its own right. (Definition: Either the offender complied with the requirements of the Order or Licence, or the officer appropriately enforced it – in both instances the sentence has been properly implemented.) The logic is that even if the other two Purposes were apparently already achieved, the offender should still be seen to 'serve' the sentence passed by the Court. If the offender does not, then the supervising authority will be seen as 'not doing its job properly', which is a reputational risk to Probation work generally, to the wider CJS too, and even to Govt.

Defining what counts as Implementing the Sentence is not straightforward, and the previous experience of prescribed detailed National Standards in the early 2000s was that great quantities of monitoring still led to unsatisfactory unintended consequences. We don't want a repeat of people focusing on the detail and thereby missing the point of the Purpose.

My experience of inspection was that in the end a qualitative judgement has to be made, along the lines of "Would a reasonable person consider that the individual in this case is still serving the sentence? Or if not, is the supervisor acting properly to enforce it?" These are questions that any practitioner, manager or inspector can ask of her/himself, of their own case or of any case they examine, if they are also aware of some **benchmark indicators**.

It is reasonable for Govt to specify some benchmark indicators to enable that judgement to be made with each case, but I would **strongly counsel against prescribing these as new "minimum standards"**. This has the effect of focusing everyone's attention on achieving each detail as an end in itself, which often has unintended consequences (such as committing to prison for breach individuals with mental health difficulties). Instead, with this Purpose, we want practitioners and managers focusing on the question of whether their overall implementation of the sentence is sufficiently good. With that question, they will be aided by having the *benchmark indicators*.

As it happens, Govt has already set out some helpful indicators with its existing Service Level requirements of SLs: 1,2,6,10, and maybe 16&18. (**SL8 should however be culled**, certainly as a performance measure, and almost certainly even as 'interesting information' – we have known for over 25 years that it indicates nothing in itself.) These should become **benchmark indicators**, and if you wish you could require providers to continue to report on them, for the purpose of public accountability, but they should not be seen as Outcomes or performance measures in their own right. And they need one obvious addition:

The case manager – "Responsible Officer" – should clearly be arranging a direct contact, normally face-to-face, with a **minimum interval of at least once per calendar month**. Failing to arrange this undermines the credibility of the sentence in the eyes of the judiciary and general public, and the supervising organisation looks especially culpable should the offender commit a serious offence. The purpose of that minimum interval (and the enforcement of it if necessary) is simply to achieve the Purpose of Implementing the Sentence. The much-more-frequent contact that is to be expected early in most Orders should be determined by local management, for the purpose of achieving one or both of the other two Purposes of Probation.

Once again, the setting of this minimum interval should not be a required target in itself, but should be a benchmark indicator for those whose task it is to decide whether the sentence is being implemented properly in each case. Note that **this indicator refers to what the practitioner arranges**. (Should the offender fail to comply, then the question moves on to the consequential issue of whether the practitioner is taking sufficient action in response to that failure, and to a range of other considerations too varied to cover further here.)

Logically, the questions listed in Q2 are not the business for Govt to specify centrally. Any responsible case manager should be able to decide the frequency and nature of the full range of meetings and requirements needed in any individual case that are required to enable all Three Purposes of Probation to be achieved with that case.

NB Community Payback/Unpaid Work (CP/UW) will need separate *benchmark indicators* of what counts as satisfactorily Implementing the Sentence, as will Electronic Monitoring.

Question 3 Response: [How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment-related skills and experience?]

Summary: By selecting the Operational Outcomes for CP/UW, Government can specify how this work should contribute to the Three Purposes of Probation

In principle, the Three Purposes of Probation also apply to Community Payback/Unpaid Work – albeit with a very different emphasis. Although it is primarily a retributive sentence (punishment), making *Implementing the Sentence* its primary Purpose in its own right, there is also a necessity to be alert to potential issues of *Risk of Harm to others*, and there is additionally an opportunity for some constructive activities that may help the individual *to become less likely to reoffend*.

Given that ‘increased employability’ reduces *Likelihood of Reoffending (LoR)* in most cases, it would be reasonable for Govt to **Prescribe measures of increased employability as an Outcome** for CP/UW schemes to achieve. We did this in Berkshire from 1998-2001, by specifying WHAT the scheme had to achieve, but not micromanaging the details of HOW they had to do it.

It is also helpful if and when the rules of CP/UW specify that a certain (small) percentage of the sentenced hours for the individual offender can be completed doing only direct personal training for that offender. However, that should not be a Prescribed ‘target’ (that would be prescribing the How), and it should only be a ‘maximum permitted’ percentage - maybe 10% – otherwise the credibility of this primarily retributive sentence is undermined.

(The issue of how CP/UW is also expected to help achieve the third Purpose is one I could address another time.)

Q4 Response: [What changes should we make to post-sentence supervision arrangements to make them more proportionate and improve rehabilitative outcomes?]

Summary: 1) Consider the option of removing the sanction altogether with Post-release supervision (PoRS); 2) In any case, the period should be much shorter

1) The sanction: With PoRS Central Govt needs to decide what Operational Outcomes it wants to Prescribe. Do all Three Purposes of Probation apply to this work? If they don’t all apply, what are the implications? – and are those implications acceptable? - On balance, my view is perhaps not.

Discussion:

PoRS was introduced for the commendable reason of providing a “rehabilitation” service for a large group of adult offenders who were previously not receiving it (in the framework I use, “rehabilitation” means work to *Reduce the Likelihood of Reoffending (LoR)*). There is no reason why the same *LoR* Outcomes Prescribed for other Probation work should not apply also to PoRS.

But does the Purpose of Implementing the Sentence also apply to PoRS? An argument can be made that, unlike with early release on parole, with PoRS the offender has completed his/her sentence already, and that therefore there should be no obligation on that individual to comply with what the supervisor arranges.

Personally, I don't hold that view myself, provided that it was clear when the original sentence was imposed that PoRS was an integral component of that sentence. However I also understand that there is concern about the numbers of cases being breached and returned to custody, and that therefore removing that sanction is being considered.

The effect of removing the sanction would be to say that there is now no Sentence to Implement, and therefore no Outcome to Prescribe. What implications would this have for Probation practice with these cases?

In the days of "voluntary after-care" in the 1970s-80s, Probation sometimes 'offered' a service with some adult post-release cases – this was very much part of my personal practice at that time. It was often done very passively – including by me on occasions – and the work faded into disrepute over time and withered away. Yet we also supervised statutory post-release 'licences' for 17-21-year-olds, usually much more actively – though with breaches being virtually unheard of.

Reflecting on those experiences, and taking into account today's climate, I think it would be possible to require Probation to **arrange** PoRS for adults leaving prison even if there was no formal obligation on the offender to comply. The Probation organisation would be measured on its success in achieving the Prescribed 'Reducing LoR' outcomes, so would be incentivised to be active in offering appointments, plus the related services, and in persuading the offender to co-operate. But Probation would not be penalised if and when the offender didn't co-operate, because the Purpose of Implementing the Sentence would not apply in these cases, since Probation would have no enforcement powers.

This leaves the judgement to be made: Would Government be content with that, or would it be seen as undermining the credibility of Probation and/or the wider CJS?

Linked to that issue is the question of the third Purpose. In cases where there is some Risk of Harm to others (RoH) – and PoRS will include a number of 'medium-risk' Domestic Violence cases – without an Enforcement role the supervising staff would have a reduced capacity for monitoring, let alone intervening with, any behavioural concerns that might arise. If a serious offence, or other catastrophic incident, arose with an unco-operative PoRS case, would this have been a 'reputational risk' that had been acceptable to Government?

Conclusion: There is a credible argument based on pragmatic reasons for removing the sanction in PoRS cases, meaning that success with such cases would be measured by the Outcomes for just the one Purpose of *Reducing LoR*. However, on balance, I would personally prefer instead that the Three Purposes of Probation should apply to all forms of Probation supervision, because of the reputational risks of not doing so.

2) Length of post-release supervision: I would be amazed if there are many additional constructive outcomes being achieved after the first three months of PoRS in most cases. So I'd reduce PoRS to three months – or six at the very most. For prison sentences of under three months I'd probably make the length of supervision the same as the length of the sentence – this would be just for a sense of proportionality. My view here would apply whichever course Government chooses over whether to retain the sanction on the offender.

NB However, please note that such a change would have implications for contractors if you continue to pay them by 'current caseload' – the workload would in reality be little different, while the numbers on paper would look a lot lower. My own system of 'costing' Probation work, using the Absorption method, was largely but not wholly based on case starts, and would recognise this.

Q5 Response: [What further steps could we take to improve the effectiveness of pre-sentence advice and ensure it contains information on probation providers' services?]

Government should Advise only, as this is an operational matter, although the point below (see Q6) about removing any obstacles to communication should be considered.

Q6 Response: [What steps could we take to improve engagement between courts and CRCs?]

Summary: Govt should remove any statutory obstacles to private providers communicating directly with Courts, and then Advise only.

My understanding is that many believe that commercial organisations are not allowed to communicate directly with Courts, which might be seen as 'touting for business'. However, this barrier is clearly counterproductive when a Court is seeking information to help them decide how to deal with a sentenced offender, or when they might want to hear directly from a supervising authority about how a current case is progressing. Therefore, any statutory rules that may exist on this point should be amended or removed, to allow local initiatives to improve such communication. However, the Government should not attempt to micromanage how such communication initiatives should be carried out, so should do no more than Advise on that subject once the rules have been clarified/amended.

Q7 Response: [How else might we strengthen confidence in community sentences?]

Summary: Government should quietly promote the Three Purposes of Probation with the judiciary, but avoid 'talking it up' too much. Otherwise, Advise only.

Confidence is promoted chiefly by how the service operates in practice at each locality around the country, so is primarily a local operational matter. However, there is a role for central Government, as the commissioner of this service, to brief the judiciary on what Probation and all community sentences are being required to achieve, i.e the Three Purposes. But while this should be done perfectly openly the objective of this promotion of Probation work is not to grab today's headlines. So no aspirational claims, overpromising, or talking tough or big (please, no "Tough Alternatives to Prison"), but a straight description of the Three Purposes and what they mean, and if required how progress on them is being measured. Apart from that, do no more than advise and encourage at local level: my experience is that 'good news' stories about Probation can be achieved at local levels, but not at a national level – the understandably natural response of journalists to central Govt talking things up is to be suspicious and critical. But 'good news' can be promoted locally.

Q8 Response: [How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have evidence to support your proposals?]

Summary: All performance reports on achieving the Prescribed Outcomes should be capable of being 'segmented' by race and gender (at least). Apart from that, Advise only.

a) Service Delivery: In keeping with the rule of Prescribe WHAT, but only Advise HOW, the role of central Govt here is to specify that there should not be 'disproportionate' outcomes for 'different cohorts' of individuals under supervision, with any of the Three Purposes of Probation. Provided that the case record system has included a field to identify the required 'different cohorts' –

notably race and gender – then there should be no difficulty in producing ‘segmented’ performance reports to identify whether any particular cohort is showing results that are different from those of the total sample. I have experience of doing this in practice as both a Chief PO in 2000 and as Chief Inspector 2004-11, resulting in useful information in both instances.

As always, the role of central Govt should be otherwise only to Advise on methods and initiatives that help to promote effective practice with diverse groups, and not to seek to impose micromanaged requirements, despite all temptations to do so.

b) Service Development, including Staffing: It should be sufficient to require compliance with the Equality Act 2010, with the role of regulating much of that lying with the relevant Regulatory bodies – including the Probation Institute for *Competencies* (inc Training) and *Conduct*.

Q9 Response: [How could future resettlement services better meets the needs of offenders serving short custodial sentences?]

Summary: Continuity of case management is an important factor in ‘Through the Gate’ (TtG) work, but it’s a complicated and difficult matter.

1. Govt should confirm that the Three Purposes of Probation apply to TtG cases too – it is largely up to the providers to work out how best to achieve them.
2. But Govt also sets any statutory rules, and it is right that it should require that every case has a named person (case manager or “Responsible Officer”) who is in charge of managing that case, leading the task of achieving the Three Purposes of Probation with that case. An active and responsible case manager is of course the starting point for any effective Probation work.
3. Ideally, that named case manager should be a Probation practitioner from the offender’s home area (as was ‘normal practice’ at one time), but for a variety of reasons this is probably not possible nowadays.
4. The **proposal in the consultation paper** for an ‘inside’ case manager who transfers to an ‘outside’ case manager ten months before release is therefore not ideal but may well be **the ‘best available’ way forward**. It will be by no means problem-free in practice, but neither is any other system. Obviously this means that those serving “short” custodial sentences would have an ‘outside’ case manager throughout.
5. Most people recognise that one of the biggest obstacles to effective Probation practice with those serving custodial sentences is that most are imprisoned at some distances from their home area. Accordingly, there are regularly various proposals for addressing this problem. **Please don’t be beguiled by such proposals**. Short of a complete rebuild of the entire prisons estate, the problem of geographical distance is not resolvable to any satisfactory level. Some minor adjustments can be made to prisoner distribution (that’s fine), but a high proportion of prisoners must inevitably be located well over 50 miles from their home. Therefore, continuity of case management must be managed in a way that is **designed to accommodate the ‘geographical gap’**, rather than be based on trying to remove that gap. Much more can be said about how to do this another time.

Q10 and Q11 Response: [Q10: Which skills, training or competencies do you think are essential for responsible officers authorised to deliver probation services, and how do you think these differ depending on the types of offenders staff are working with? & Q11: How would you see a national professional register operating across all providers – both public and private sector, and including agency staff – and what information should it capture?]

Summary: Govt should establish the Probation Institute as the Regulatory Body that would manage the Competencies and the Conduct of staff undertaking Probation work, and thereby answer these Questions.

As per my Q17 Response, *Competencies* and *Conduct* are two of the *Essential Prerequisites* that apply to most personal services nowadays, especially any public service. The public expects assurance that people who do this work are capable of performing competently, and will also behave ethically. When a number of different employers are involved in providing such services (including subcontractors) then this actually becomes more important, because Government cannot provide this assurance directly itself. A separate and independent Regulatory Body is needed for this purpose, and the Probation Institute (PI) is very well placed to fill this role.

I declare an interest, in that I am a Fellow of the Probation Institute – though I am not a Director, nor do I have any governing or financial interest in the PI. However, I can think of no other organisation that would be fit to take on the role of being such an independent Regulatory Body for these two roles. However, I would add that ‘role boundaries’ are very important. So:

- a) the PI should not stray beyond its proposed roles with *Competencies* and *Conduct* into trying to govern policy or performance management,
- b) (e.g.) the Prisons and Probation Ombudsman should remain focused on *Complaints*,
- c) and equally that HM Inspectorate should not encroach on the proposed role of the PI.

As for the detailed point about the different levels of skills required for different cases, this matter is well accommodated within the NVQ-type accreditation approach, even if some of the specifics might now need some tweaking. Staff can ‘grow’ their skills under good management, and we should not go back to a system where there was a rigid ‘qualification bar’ half-way ‘up’ the practitioner grade. That ‘bar’ had many unintended negative effects.

Q12 Response: [Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?]

Summary: The changes are a small step in the right direction.

If one accepts the current overall ‘national’ system as a given, then the planned rationalisation of the regions/areas, and leadership changes, are a sensible next step. But of course “integration” also requires suitable IT and joint working by all levels of staff in all the relevant organisations, so much remains still to be done.

Q13 and Q14 Response: [Q13: How can probation providers effectively secure access to the range of rehabilitation services they require for offenders, and how can key local partners contribute to achieving this? & Q14: How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?]

Summary: All organisations that work with Probation must recognise that they too are expected to help to achieve ALL Three Purposes of Probation.

Starting point: Using ‘partner providers’ should not be seen as an Outcome in itself. The ‘Probation provider’ should be able to make unfettered decisions about each prospective ‘partnership’, based

on making its own business case analysis: Is the proposal a cost effective way of enabling it to achieve the Three Purposes of Probation with enough of its cases?

Hitherto, one of the biggest obstacles to effective joint working, or effective subcontracting, has been when there is ambiguity or uncertainty in what the 'partner' organisation is expected to achieve. In my experience Probation managers are regularly offered services that sound nicely rehabilitative, but on close examination don't stand up to a careful business case analysis. Those managers should not be constrained by special rules, or subjected to influential special pleading, in order to bypass that analysis. However, in contrast to that problem, such joint working can work really well when there is a good business case in my experience, i.e. when clear joint objectives have been agreed. If it's a genuine 'joint working' partnership then those joint objectives have to be ones that contribute to **both partner organisations each achieving their own individual objectives** too; if it's a 'purchased service' then it is only the purchaser's objectives that have to be met.

One of the many key benefits of defining the Three Purposes of Probation (and also how these are measured) is that every 'partner' should appreciate what work they are involving themselves in. They must realise that they are accountable to Probation not only for achieving any 'rehabilitative' outcomes (i.e. *reducing LoR*) but also for enabling Probation to achieve any issues that may arise concerning *Implementing the Sentence* – such as promptly reporting any failures to attend - and *Managing RoH*, which means that "client confidentiality" cannot always be the supreme consideration.

When voluntary sector providers are focused on helping to achieve all three Three Purposes of Probation, then their proposals will be much more likely to succeed in any business case analysis.

Q15 Response: [How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?]

Central Govt should only Advise re local co-commissioning of services.

Q16 Response: [How can we ensure that arrangements for commissioning rehabilitation and resettlement services in Wales involve key partners, complement existing arrangements and reflect providers' skills and capabilities?]

As with England, central Govt should not "ensure" any of HOW services are carried out.

On no account, either in England or Wales, should central Government seek to impose on operational management how they organise their services. Management should involve other providers where there is a sound business case for doing so, but not be told that they have to spend a certain percentage of their budget on "partners", whether there is a business case for doing so or not. (I have experience of the perverse incentives and negative effects of this being attempted centrally.)

Andrew Bridges
August 2018