

## Speech given to Criminal Justice Alliance on 1<sup>st</sup> July 2009:

### The given title “The Challenges facing Probation”

So: my given title, “the Challenges facing Probation” - Don't you sometimes think that the term “Challenge” is becoming a joke term nowadays? Often, when an official spokesperson says “The new challenge now is – [whatever]”, don't you find yourself thinking that they really mean is “This is a huge problem and I've no idea what to do about it!”

Well, as you know, I'm not an official spokesperson for anyone or anything – I am an independent Chief Inspector of Probation and youth offending work, and I trust that you look to me to be a source of independent and authoritative evidence-based ‘Fair Comment’ on what is being achieved with taxpayer's money, and what it is *possible* to achieve with it.

But nevertheless I still found it very difficult to pinpoint the right ‘line to take’ with the title I was asked to speak to: “The Challenges facing Probation”.

You might be wondering what all the fuss is about: I'm the Chief Inspector, aren't I, I've had ten years in front-line practice, six years in front-line management, and the last 20 years in senior management - so I *ought* to be able to tell you fairly clearly where Probation is coming from and where it is going – shouldn't I? - If I don't know, who does?

But I don't find it quite that easy – some people would say that the ‘Challenges’ are not so much problems as stimulating and exciting opportunities, while others would say that *opportunities like these* are simply *insoluble* -

- and I have heard some taking a dramatically apocalyptic line about the medium-term prospects for Probation in this country.

So I'll outline both my dilemma in handling this topic, and also outline how I propose to deal with that dilemma too.

Most of you will know that less than two years ago Probation in England & Wales celebrated its centenary – the centenary of The Probation of Offenders Act 1907.

Although there had been schemes established by what were called ‘Police Court missionaries’, and by philanthropists such as Frederick Rainer, during the preceding 20 years, the statutory role of a probation officer for each Court became established in principle from 1907.

So in 2007 various events were held to celebrate the 100<sup>th</sup> anniversary, including a number of books, reviews, websites and conferences looking back over the previous 100 years, and many of them also tried to look ahead too.

The problem is this: Everyone in the Probation world has got a different opinion about what's going on, and where we're all heading -

Why? – Because ‘Probation’ has meant so many different things to different people over the years, and the work has been done in so many different ways, in different times and places, and everybody involved has got a different opinion about all of it.

So to try to simplify this somewhat, I thought that what I'd do is to give you two versions of what I've got to say, in parallel – the *pessimistic* and the *optimistic* version of events - past, present and possibly future - You can then each see what you think you can make of it all.

The *optimistic* version of the last 100 or so years goes as follows:

For the first 60 odd years of the Probation Service you had a collection of well-meaning idiosyncratic people who worked idiosyncratically but basically benignly with Probationers and others, most of whom were not especially serious offenders.

In the late 1960s it became fashionable to call people under Probation supervision “clients”, consistent with the *language of social work* at the time.

Over the next 30 plus years the Service worked hard to become more professional, better managed and more influential, and working with increasingly serious offenders -  
- and working increasingly scientifically from the 1990s onwards, employing evidence-based methods and practice.

Then in April 2001 the 54 separate local Probation Services were combined into a single National Probation Service, directly accountable to the Secretary of State, though managed through 42 local Area Boards.

And now, although the option of merging with the Prison Service had been rejected in 2001, the question of merger was revisited in 2007, and now, since April 2008, the Prison and Probation Services have come to a position where they are now being managed as a single “NOMS Agency” - NOMS, in case you were wondering, or had forgotten, meaning National Offender Management Service.

The *optimistic* version of the future therefore envisages:

- better co-ordination between Prisons and Probation in resettling some quite serious offenders in the community more safely,
- better use of health, employment and education, drugs alcohol and housing services in order to aid that work,
- better services generally through commissioning rather than by providing them directly, - and -
- - better evidence of Probation’s future overall achievements through small but significant reductions in reoffending rates.

That’s the optimistic version - and I’ll return to it in a moment, but first I’ll give you the *pessimistic* version:

In the ‘good old days’ we in Probation could work with individual offenders – “clients” we often called them - according to their individual needs, giving more time to those whom we thought would benefit, sometimes working with them in unconventional ways, producing individual successes that we could look back on with pride.

Then ‘managerialism’ began to creep in at the beginning of the 1980s, so that practitioners had less and less scope for individual discretion, and found themselves instead spending more and more time in front of a computer filling in forms, records and data sheets, and less and less time with the individuals under supervision themselves.

From this pessimistic viewpoint the nationalisation of the Probation Service in 2001 was the second-to-last straw, and the takeover of Probation by the Prison Service under the name of the NOMS Agency in 2008 was definitely the *last* straw.

This is certainly how it looks to many when they consider this alongside the news of the tough budget regime, and the transition to Trusts, that Probation will experience over the next three years. From this viewpoint the continuing demands on Probation look increasingly ill-matched with both the *resourcing* & the *national direction* of Probation by a Prison Service dominated regime.

What do I think about this version of events? - Well I think that you can’t blame people, particularly in the London Area, which has undergone more organisational upheaval than most in the last 8 years, for feeling very disenchanting with so many organisational changes coming in such rapid succession.

And when you merge bilaterally two organisations, but where one of them has a very much larger headquarters infrastructure than the other one, and the head of the larger one becomes the head of the new merged organisation, it's best to acknowledge that it's bound to seem to most people like a takeover -  
- in this case a takeover of Probation by the Prison Service.

But I also think that when you've acknowledged all the difficulties it's important to look beyond them, and plan and work for the excellent things that I believe that Probation still can, and indeed should, achieve in the future. However, for me this also all comes with this serious caveat: that Probation may well may not receive the credit it deserves, even if it succeeds – a point I'll return to in a moment...

But a reminder next about the nature of Probation practice:

Conceptually it is such a straightforward simple uncomplicated process for the officer: -  
- you are paid to sit down and listen to, and talk with, another human being, and try and influence that individual so that he or she will lead a better life in the future, to the benefit of society as a whole, as well as to the benefit of that individual person, one hopes.

Individual conversations, each a combination of listening and talking, clearly have huge *limitations*, as no one can be absolutely compelled either to listen or to talk if they are determined not to do so -

- so in that sense it is a very much 'weaker', less punitive, intervention than almost all of the many other punishments that have been tried with offenders over the centuries.

But it is also true that 'having a talk' can be incredibly powerful, and indeed have a long term beneficial effect: Perhaps many of you will remember something that a teacher said to you at school which perhaps you remembered for the rest of your life? Well - similar moments happen from time to time between a probation officer and the person under supervision – and in fairness this happens sometimes inside prison too, with prison staff sometimes achieving their own impact.

In all the guises in which Probation work has been undertaken in the last 100 plus years, the work has been variations of the theme of trying to influence somebody through conversation, usually, but not always, one-to-one –

- Sometimes this also takes place in *groups*, or in a *hostel setting*, and to a lesser extent even during the unpaid work offenders undertake on what we were until recently calling Community Service. [then we had to call it Community Punishment, then Enhanced Community Punishment, then Unpaid Work, and now Community Payback]

Every individual person, including every individual who has offended, is a unique individual who goes through their own individual ups and downs in life at different times -

- Sometimes they need sympathy and understanding, but sometimes they need to be brought up short;

- Sometimes they need help with an aspect of their life, and sometimes they need to be told quite firmly that such & such is unacceptable, or even to be instructed either to do, or not do, something.

When you think about it, it's not that different from many other individual personal relationships or personal services: you want the Probation Officer to do *the right thing with the right individual in the right way at the right time*. You want them *exercising their individual judgement* in how they do this. You don't want them carrying out their duties through a series of set instructions, having to 'follow the manual' at every step. You want, I suggest, their individual judgement to be good enough to be able to decide what is the best approach, at any one moment, to getting that individual offender to improve.

In the language of the original Act of Parliament, this meant that the officer's duty was to "Advise, assist and befriend" the offender – a perfectly respectable job requirement, and one to which many 'of the pessimist viewpoint' look back with great fondness, often linking this affectionately to when the people under supervision were frequently referred to as "clients" – indeed a few still argue actively that Probation should go back to that explicit ethos.

But another hard reality is that we currently spend about a billion pounds a year on the 42 Areas of the Probation Service nationally, and most people recognise that for that kind of money there has to be a wider duty to society as a whole as well as to the individual under supervision – and, contrary to what you may have heard elsewhere, the great majority of Probation people do clearly support this *wider* duty.

The language in recent years, which personally I have found to be particularly helpful, is to assert that what Probation now does with offenders under supervision, instead of 'Advise, assist and befriend', is '*Punish, help, change, and control*' each individual according to the individual need of the case. Remember different individuals need different things - a one-size-fits-all approach to this work simply won't do.

Incidentally that's what the Probation Inspectorate focuses on: how often the right thing is done with the right individual in the right way at the right time -

- Our inspections are principally a series of assessments of a representative sample of cases in each local Area so that we can assess how often this work is being done well enough. I'm not saying more about 'what *this Inspectorate* does' right now – as that's not my topic for today - but it's the evidence from our inspections that prevents me from joining the *Pessimists'* camp, despite my many reservations about current trends.

Looking now at the "challenges" facing Probation currently I acknowledge that things are often going to be very tough for people trying to make Probation work in the coming years -  
- however I do think that most of them are solvable.

What are those continuing challenges? – Well: - ...

- More organisational change is coming, I'm afraid, with local Boards being mainly replaced by local Trusts, who will appear to have more local power, but in practice probably won't.
- Regional Directors of Offender Management will bring some improved co-ordination between Prisons and Probation,
- but people will be dissatisfied with the progress achieved, because there is a distinct limit on what can be achieved co-ordinating this at a predominantly regional level.
- Against the odds there will be a continuing improvement in the consistent quality of the supervision of offenders in the community, with individuals increasingly complying with their Court Orders, receiving the Help and the Change programmes that they need, and with Probation better at exerting the Control needed with certain offenders in order to help protect the public.

As an independent Inspectorate I expect us to be able to report on this progress in the coming years, as we have been able to report on the modest progress achieved in recent years. We *don't* withhold criticism when it is due, and therefore my claim is that our *judgement of this progress* should be recognised by the public as 'quality assured Fair Comment'.

But, to return now to my major caveat, the bad news is that in practice I don't expect the continuing future progress by Probation to be widely recognised by the public *at all*.

Public expectations of what can and should be done with offenders at all levels will continue to go up and beyond what it is *remotely possible* to achieve in practice - and as with many other public services Probation will get much more criticism for what it is not doing than it gets any recognition for what it is doing. This syndrome is especially strong, given that people feel very emotional about crime - I know I do - and given that Probation is largely a service that is invisible to the public day by day - and its key measure of success is when '*nothing happens*', i.e. when someone doesn't reoffend.

That is my qualifying downbeat note: it is not unique to Probation as a public service that the public is very likely to perceive things as getting worse even though Probation is likely to continue improving in a number of key respects in the coming years. But I think that Probation is likely to experience this syndrome particularly sharply, and its *leadership* will find this particularly difficult to deal with. I'm afraid I don't myself have an answer to it, as this is part of a deep social trend - increasingly to expect more from almost all public services than it is remotely possible to deliver - and I fully expect the suspicion of, and active hostility towards, public services will get worse as the current recession bites harder.

Meanwhile, underneath this froth of public expectations and perceptions, real Probation Officers will continue to have their regular talks with real offenders, supported by services from other providers - work that *in principle* still has much *continuity* with the past 102 years. And despite some of the difficulties officers experience with high numbers of cases, poor IT systems, and sometimes difficult office conditions, all of which make the job harder to do, I think that they will *continue to improve* the way they do this.

So: it is in the context of an extremely sober take on its present very tough circumstances and prospects that I nevertheless put myself in the *Optimistic* camp in my assessment of the Challenges facing Probation, and Probation's response to those "challenges".

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