

Written evidence from Andrew Bridges CBE, HM Chief Inspector of Probation 2004-11 (TRH0005)

Website: <http://ambridges.wixsite.com/mysite>

Executive Summary:

1. My Submission focuses on just two strategically critical recommendations, which between them deal directly with Terms of Reference 1(b), 4 and 6.
 - Performance Measures: Government should start setting *productive* Performance Measures, and stop setting *counter-productive* PMs – I explain how
 - Voluntary sector involvement: Government should continue to promote Voluntary sector involvement in TR when it is *productive* for TR, but stop promoting it in TR when there is no business case for doing so
2. It should also be noted that in both these instances:
 - The policy errors currently being made are repetitions of previous policy errors, and
 - They are reflections of a profound failure to implement “Payment by Results”, an approach which I would favour moving towards (but with great care)

Introduction:

3. While Chief Inspector of Probation 2004-11 I developed inspection methodology so that we focused on quality and effectiveness of work done with offenders under supervision – assessments, interventions and outcomes. Previously I had led the demonstrably effective Probation Service in Berkshire, where the performance measures we devised and used not only worked effectively but also were consistent with practitioners’ expectations of what constituted quality individualised practice.
4. My viewpoint continues to be fair-minded and non-ideological - I don’t mind who does the Probation work provided it is done well. I considered the rushed wholesale implementation of TR 2013-15 to be rashly gung-ho, but have always maintained that despite the obvious drawbacks of the new arrangements it should still be possible in principle to make them work effectively – and the results from at least two of the new CRCs (*Cumbria* and *Kent, Surrey & Sussex*) suggest this too.
5. In this Submission I have confined myself to two strategically critical recommendations, although there is much more that I could say. From my earlier direct experience, and from my interviewing a range of staff at all levels since TR started, and other reading, I have a clear view about how Probation work overall (NPS and CRC) can be made to work well, and I have set this out on my website: <http://ambridges.wixsite.com/mysite>

1st point: Performance Measures(PMs) – [Terms of Ref 1(b) and 4]

6. In response to 1(b), joint performance measures are in principle a useful step forward – I have personal experience of using a multi-agency joint PM successfully to increase offender employment in the Thames Valley in 2000 – but there is an earlier step in the planning process that must be got right first.
7. The essential first step is to stop setting counter-productive PMs. For example, most informed participants have known since the 1980s that the figure for “Successful completions of Orders/Licences” is meaningless as a PM, and is even *counter-productive* in that it incentivises the supervising authority NOT to take enforcement action against individuals who are not complying

with their requirements. Over the last 30 years it has been repeatedly dropped (rightly), and then later brought back – why? – Because there is the classic problem of not being able to measure what we *want* to measure (reoffending), and a classic unfortunate solution of measuring *what we can* rather than *what we want*.

8. There is, in principle, a reasonable case for having a ‘proxy measure’, or an ‘interim measure’, as a substitute for what we would ideally want to measure, and no doubt this has been the justification for repeatedly bring back “Successful Completions”. However, the rule should always be that interim measures should be *unfailingly consistent with* – i.e. not in conflict with – the achievement of the desired long-term objective(s) or purpose. If they fail to meet this rule, as in this case, they **MUST** be set aside.
9. I am sympathetic to the fact that is extremely difficult to devise ‘interim PMs’ for Probation work. In my view there are three separate-but-overlapping Purposes of Probation work, of which Reducing Reoffending is just one, and all are difficult to ‘performance manage’. To take just Reducing Reoffending, the problem is the ‘feedback loop paradox’ – how long do you wait before determining whether an individual’s reoffending has ceased or even reduced? A long wait, say two years or more, is quite good for accuracy but useless for performance management purposes, while a short wait is potentially useful for performance management but has shown to be unreliable for accuracy. (Gallant attempts to resolve this paradox have been made without success.)
10. The ‘best available’ interim measure for Reducing Reoffending is to measure *reduced Likelihood of Reoffending*, for which at least two methodologies could potentially be applied – either one, or both, as they are not in conflict. Over time, they could be designed into a national database (though this seems improbable in practice), and in the short term – and potentially long-term too - they could be implemented through the independent HM Inspectorate of Probation.
11. Although the caution by HMPPS over Payment by Results is understandable, given the failures hitherto to define success successfully, the path to future effectiveness lies in devising the right performance measurement(PM) strategy. Until someone else comes up with something better, I believe that the approach I advocate is the best available, and I note that HMI Probation’s current methodology is broadly still consistent with that.
12. In concluding with my first recommendation – that ***Government should start setting productive Performance Measures, and stop setting counter-productive PMs*** – I would therefore add that ***ceasing to repeat old mistakes, and designing a more effective approach to Payment by Results***, would help to achieve this.

2nd point: Voluntary sector involvement [Term of Reference 6]

13. Involving the voluntary sector – and indeed the private sector – in offender supervision can indeed be a good thing, and I have positive experience of both. However, it should be obvious that there is no *necessary* benefit (or drawback) in having a piece of work done by any particular sector – there has to be a business case, assessing benefits/outcomes against costs, for subcontracting each specific piece of work.
14. It is therefore illogical and counter-productive for the MoJ or HMPPS to require CRCs to subcontract to voluntary organisations as an end in itself, even when the CRC has calculated that it can provide the relevant service itself more economically and effectively. In doing so, Government has been repeating the error made by the Home Office twenty years ago, when Probation Services were required to spend a certain proportion of their money on so-called “partnerships”, whether or not there was a business case for doing so. The issue is that some voluntary organisations do provide good value for money to the CRC when bidding to subcontract – which is fine – but some others basically want a handout for doing what they choose to do, whether or not that contributes sufficiently to the specific results that the CRC is aiming to achieve. When implementing their

own current contract, or bidding for a future contract, CRCs should be allowed to make their own decisions about what work to subcontract, and to whom, and then be judged on the results they achieve.

15. To reiterate, many subcontracts to voluntary organisations are productive, and I support these, but some are not. CRCs (and the NPS) should be allowed to make their own assessments and decide which to pursue, without experiencing pressure from Government to influence such business decisions. Logically, this is more in keeping with the idea of Payment by Results for CRCs, and should also lead to greater success for the more efficient and effective voluntary organisations.
16. Accordingly, my second and final recommendation is that ***Government should continue to promote Voluntary sector involvement in TR when it is productive for TR, but stop promoting it in TR when there is no business case for doing so.***

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