

PROBATION SERVICE WORKLOAD PRIORITISATION - REPORT OF AN HMIP NATIONAL SURVEY

Background and Objectives

This report is of a limited postal survey of the 42 Probation Areas. It has modest aims and should be regarded as the first step in ongoing monitoring work. The immediate background to the exercise is as follows.

In early summer 2002 a number of media reports appeared which suggested that the Probation Service, particularly in London, was not delivering all the court reports requested of it. On 7 July the Lord Chief Justice wrote to HM Chief Inspector of Probation expressing concern about the situation: 'if the Probation Service cannot provide PSRs, how can we be confident they will be able to carry out the necessary supervision of offenders?' The Chief Inspector instituted inquiries. He learned that the London Area was encountering resource difficulties and had decided formally to prioritise the work of their staff. He also learned that the situation in London was not unique. He wrote on 4 September to all Boards and Chief Officers asking them to answer three questions:

- What workload prioritisation decisions had they made, and issued formal guidance or instructions to their staff about, in the last six months?
- Why had they considered it desirable or necessary to take those decisions?
- Did they currently have any unallocated court report requests and what was the trend in the number unallocated?

The Chief Inspector undertook to feed back HMIP's analysis of the results. This report honours that undertaking.

All 42 Areas have replied. There has inevitably been variation in the form of replies. Some Areas have stuck precisely to the terms of the first question – prioritisation decisions taken in the last *six months* - others have not. Some have provided much detail, others have answered cursorily. But, either way, there is ambiguity in some cases as to Area's situation. Further, it is clear that the interpretation of 'unallocated' is not everywhere the same. It follows that the information in the hands of HMIP is not strictly comparable across Areas. Caution should therefore be exercised about focusing too much on Areas whose replies are cited: they tend, necessarily, to be those which provided HMIP with the most detailed information.

The report aims, in part, to indicate whether the Service is encountering difficulties delivering all the court reports currently requested of it and, if so, why and how that difficulty is being responded to. It seeks to shed light on whether resource pressures are leading to other workload rationalisation decisions being taken and, if so, describe the nature of those decisions, how

consistently they are being made across the NPS, and the manner in which they relate to key Ministerial priorities and standards. This prompts a broader, third issue. How do recent developments square with the commitment which the Service has – see Circular 4/2001 *Joint Agreement on Priorities and Employee Care* of 8 January 2001 – to set workload priorities so as ‘manage the risk to the public’ (both risk of harm and likelihood of re-offending) and ‘provide a safe and healthy work environment’.

The latter reference explains why this report is a first step. HMIP was not a signatory to the 2001 *Joint Agreement*, but agreed to participate in the process. In particular HMIP agreed to ‘examine the extent to which services [now Areas] have responded to the model agreement as a standard component of inspection work. HMIP also has a duty to contribute to sound policy on prioritisation and employee care by providing advice and disseminating good practice based on inspection findings’.

It is *de facto* the case that workloads in all organisations are prioritised, formally or informally, systematically or haphazardly. Probation Standards are not everywhere met 100 percent. The question arises, in the light of the *Joint Agreement*, whether workloads are locally being prioritised without cutting across National Standards and other key Ministerial priorities. This is the policy issue to which HMIP must constantly be alert.

The Survey

Whether Area COs/Boards have made and disseminated any formal workload prioritisation decisions in the last 6 months?

Because Areas differ in whether they restrict their answers to the last six months, interpretation is not straightforward. Nevertheless:

- 13 Areas (Bedfordshire, Cambridgeshire, Cumbria, Dyfed-Powys, Greater Manchester, Gwent, Lancashire, Lincolnshire, Northumbria, North Wales, Staffordshire, Surrey, Sussex) report having made no such decisions, with generally no further qualification. A few Areas refer to waiting for the national Workload Measurement Tool (WMT) to be agreed and applied.
- 15 Areas (Avon and Somerset, Cheshire, Derbyshire, Devon and Cornwall, Durham, Essex, Humberside, Merseyside, Nottinghamshire, North Yorkshire, South Wales, Suffolk, Teesside, West Yorkshire, Wiltshire) say, or imply, that they have not made or disseminated formal decisions but indicate they have issued guidance (or refer to existing guidance) relating to prioritisation. The guidance is typically general, in terms of what work has priority (typically ‘high risk’ cases and/or court reports and/or key work specified in business plans, the *New Choreography*, etc) rather than what does not have priority. Several Areas, however, comment specifically on what work is being given less priority as a result - usually non-statutory work.

- 14 areas (Dorset, Gloucestershire, Hampshire, Hertfordshire, Kent, Leicestershire and Rutland, Lincolnshire, London, Norfolk, South Yorkshire, Thames Valley, Warwickshire, West Mercia, West Midlands) report guidance having been issued or action taken recently on prioritisation and either imply or state that these are formal decisions. Again these decisions are generally in terms of what work has priority rather than what does not. All generally imply that priority is being given to 'core' or statutory work, particularly to 'high risk' cases. Four Areas (Gloucestershire, Kent, London, South Yorkshire) indicate that the guidance provides that, in some cases, some offender contact work is being, or might be, reduced below national standards, for 'low risk' offenders after the first 12 weeks. London appears to have issued the most wide-ranging and fully defined set of prioritisations.

Overall a majority of areas (29 of 42) have issued some form of guidance on workload prioritisation and several others report that they are preparing guidance currently. The form of the guidance varies but there are some discernible common themes. Priority is being given to:

- work with high risk offenders (particularly of harm, but also re-offending)
- contact/supervision during the initial periods of orders/licences
- delivery of accredited programmes
- OASys roll-out
- increasing the use of SSRs

Work is being cut out or low priority given to:

- work with low risk offenders, particularly after the initial phase of orders/licences
- some pre-release resettlement work, particularly visits to 'low risk' prisoners other than towards the end of their custody
- court duties unrelated to PSR/SSR preparation
- in some Areas: contributions to YOTs; secondments to partnerships (eg Crime and Disorder Act work); and some longer term work with victims that could be handled by others.

Formal guidance is not necessarily an accurate guide to *de facto* prioritisation, however. A considerable number of Areas, whether or no they have issued formal guidance, report taking action to maximise use of SSRs. Many also report initiatives designed to reduce courts' demand for reports and/or use of community penalty orders in cases which do not appear to warrant one. In this connection, several Areas express concern about the increase in court demands. Two, for example, state that take-up of SSRs is not reducing demand for PSRs: rather, SSRs are being asked for in cases where PSRs would not previously have been requested. There is also concern about PSRs being asked for in 'low seriousness' cases. Finally, several Areas refer to plans to reduce workloads by limiting proposals for CROs in PSRs to cases which more clearly warrant one. Warwickshire, for example, has specific numerical targets for the number of orders to be started. Recent NPD figures

supplied to HMIP confirm that the drive to increase the use of SSRs has not had the intended effect of reducing requests for PSRS, but has resulted in an overall increase in requests for court reports.

Some of the guidance suggests the possibility or likelihood that national standards on contact will not always be met. In 12 areas (Derbyshire, Dorset, Gloucestershire, Hampshire, Hertfordshire, Kent, London, North Yorkshire, Nottinghamshire, South Yorkshire, Suffolk, Teesside, West Midlands) lower priority is given to contact through office appointments (other than in 'high risk'/public protection cases). This lower priority generally applies to later phases in orders/licences (for example, after the first three or six months, or the second half of the order; or when the requirements in the supervision plan have been met). Three Areas (Hampshire, Gloucestershire, Suffolk) indicate that contact in the relevant cases may be by telephone rather than face to face. In several areas, mere 'signing in' contact, overseen by PSOs or administrative staff, may be authorised for offenders not defined as 'medium' or 'high risk' (sometimes described as those offenders not required to undertake accredited programmes). In four Areas (Hertfordshire, London, Suffolk, West Midlands) lower priority is being given to home visits: visits are being made only when required on public protection grounds.

In most Areas the guidance is for 'lower priority' being given to contact in the circumstances described above and decisions have generally to be endorsed by the appropriate line manager. In one or two, however, the guidance is firmer. For example, that all 'low risk' offenders should be required only to 'sign in' after six months.

Some Area guidance has implications for other National Standards. Dorset states that the community punishment order requirement of undertaking five hours work per week may be relaxed. London reports that no bail information work is currently to be done. Hertfordshire reports that lower risk cases have 'minimum supervision planning'. South Yorkshire indicates that the timeliness of supervision plans has lower priority. Teesside reports that certain cases have 'minimum supervision plan reviews'. Norfolk reports limiting parole assessment reports except in 'high risk' cases.

Furthermore, as indicated in the next section on unallocated court reports, 10 areas report that the 15 day national standards timeliness limit for PSRs is not always being met.

Why are workload prioritisation decisions currently being made?

Putting on one side the perennial case – as per the *Joint Agreement of Circular 4/2001* – for workload prioritisation, many Areas refer to current resource-workload pressures. The principal issues referred to are:

- staff retention difficulties
- staff recruitment problems
- budgetary pressures
- the introduction of OASys

- trade union concerns regarding work pressures
- the repercussions of the national Street Crime Initiative (in those Areas where it applies)

A number of Areas report transferring work from Probation Officers to Probation Service Officers. The organisation of this varies considerably, though several Areas refer to POs preparing PSRs, with more supervision work being taken on by PSOs. It is unclear whether the difficulties experienced in some Areas are due to excessive workloads or less efficient management of different staff resources, or a combination of both factors. Account needs to be taken, for example, of geographical factors. It is clear that Areas in the South East, are encountering severe difficulties recruiting and retaining staff.

Unallocated court reports?

Though 'unallocated' is being defined in different ways between Areas:

- Three Areas (London, Nottinghamshire and Thames Valley) report currently having unallocated court reports.
- Six Areas (Bedfordshire, Devon and Cornwall, Gloucestershire, South Wales, Suffolk, West Mercia) report recently having had unallocated reports.
- Ten Areas (Cumbria, Derbyshire, Greater Manchester, Hampshire, Leicestershire and Rutland, Merseyside, Norfolk, South Yorkshire, Staffordshire, West Midlands) report that in certain cases the National Standards timeliness requirement of 15 days has been or is being relaxed on some occasions, most commonly to 20 days. It is not always clear whether this extension results from a formal prioritisation decision or simply happens by default as a result of workload pressures. More than one Area suggests that it has problems allocating reports promptly during main holiday periods.

Conclusions and Recommendations

In relation to the 2001 *Joint Agreement* the majority of areas have issued some guidance on workload prioritisation but in only a minority does there appear to be *formal* guidance. Some Areas are in the process of preparing guidance. Others say they are waiting on application of the national WMT. Further, even where formal guidance has been issued, it generally refers only to what work has priority, not the reverse: detailed guidance spelling out both sides of the prioritisation equation remains exceptional *HMIP recommend that further guidance on priorities – both locally and nationally – should indicate both what has priority and what should be given relatively low priority.*

The guidance so far issued is in broad accord with National Probation Standards and other key Ministerial priorities, though there are instances where specific standards are shaded – that is, it is indicated that specific

standards will not be met. It is generally, though not invariably, the case that those Areas which report controlling workloads through offender contact prioritisation make less reference to court report initiatives and *vice versa*. This suggests a differentiated Area approach to a common workload problem.

In a few Areas court report requests continue to be unallocated. The evidence suggests the problem is being addressed and the situation is not deteriorating. Many Areas are taking initiatives with local courts to reduce the demands placed on them with respect to court reports and community penalty orders. *HMIP recommend that these initiatives should be given high priority locally and nationally.*

Some Areas, whether or no they have issued guidance, think there is need for a stronger prioritisation lead from the NPD: they either regret the time it is taking for the WMT to be agreed or seek guidance for their own operation. *Given that some of the Area guidance being issued is shading some National Standards, and that failures to meet National Standards in part reflects prioritisation by default, HMIP recommend that the NPD issue at least some general guidance to Areas regarding workload prioritisation in advance of the WMT being applied.*

For the reasons explained in the introduction HMIP will continue monitoring these issues. This will be done principally through the new area inspection programme, commencing in Spring 2003, which will include consideration – in consultation with the Audit Commission – of resource usage and value for money issues.

Her Majesty's Inspectorate of Probation
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