

Approved Premises: the mid-2022 'State of Play'

At Helen's invitation I'm going to speak for 20 minutes or so on the current 'state of play' with Approved Premises, and then throw things open for a wider discussion. Since February of last year I've been the part-time grandly-titled Strategic Director for NAPA, the National Approved Premises Association - which I'll say a bit more about later on.

First, though, a swift recap about the history of APs - as we now have to call them - even though most of this might be familiar to most of you. I'll then go on to highlight current developments in the AP world.

You'll know that 50 years ago, which was about the time I was applying to become a Trainee Probation Officer, these were called "Approved Probation Hostels". Since the Second World War they had evolved to this state, from 'hostel-type homes for errant boys or girls' that needed to be 'Approved' by the Home Office, while the old 'Approved Schools' - remember them anyone? - went to be under the local authorities as 'Community Schools', in 1969 I think.

Most Approved Probation Hostels were - and indeed their descendants mainly still are - large detached mature properties, small mansions and the like - which have been converted to become small institutions accommodating between 10-30 residents. Most were founded as small local charities originally, but the pattern of ownership has evolved a little since then, as I'll outline in a moment.

Meanwhile, during the 1970s, although the main use of most Probation Hostels was for people on a Probation Order who had been given an additional one-year condition of residence requirement, there was an increasing demand for the Hostels to be used for straightforward pretrial bail purposes. So most then became "Probation and Bail Hostels".

This demand increased during the 1980s, for a combination of reasons, and by 1990, which was at the time when I was the ACPO responsible for four Hostels in Berkshire, "straight bail" - as we called it then - was the overwhelmingly majority purpose for these Hostels.

This seemed utterly bizarre to me, even at the time, when all my then current and previous experience told me that the really pressing need for structured accommodation was for some of the more difficult individuals coming out of prison. I could see more 'difficult' cases being accommodated in Langley House Trust, Richmond Fellowship and simple bareboned local charity after-care hostels than in the better equipped Bail Hostels, which had a level of provision that few bailees actually needed.

In 2001, Approved Probation Hostels were renamed "Approved Premises" - APs - alongside the creation of the then new National Probation Service. There were good reasons for this change to calling them APs, and I wouldn't want to be overly critical of it, but the big drawback is that it's not 'plain language' which an ordinary member of the public might expect to understand straight away.

It was for this reason that when HMI Probation, during my time as Chief Inspector, wrote reports about APs in the 2000s, we always referred to them, in the titles and in the Press Releases, still as "probation hostels". This was not ideal, but my priority was to try to communicate with politicians, journalists and the general public in plain language that could be readily understood.

The really good development, in my opinion, was that the then Home Office, and subsequently the Ministry of Justice, accelerated the changeover of use by APs, so that

they became used almost exclusively as being for “difficult” cases coming out of prison. (I’m using the word, “difficult”, just for today only, as a generic term, for meaning *High Risk of Harm to others* for men, and for women a mixture of High *RoH* and/or those with “complex needs”. There are all sorts of detailed issues with admission policies and practices for and by APs that you might want to touch on later, but those criteria are the broad principles which still currently apply.

Meanwhile the other main change since 2001 has been the gradual trend, until now, towards the great majority of APs being managed directly by central Government, and only a minority of them being managed independently - at the start of last year there were one hundred directly managed by HMPPS, and ten managed independently, by a mixture of historic charities that are becoming increasingly professionalised, and by specialist providers. When you hear me refer to “IAPs”, I’m referring to independently managed APs – and that’s a term - IAP - that has fairly wide usage in the AP world.

There have actually been many gains, compared with the past, from this more centralised system, mainly in terms of capital and revenue investment, alongside some of the considerable disadvantages that many of you will know about, in terms of very slow and frankly poor facilities management etc.

And there have been three further big developments, which have come about only in the last three years or so:

The first of these is that at long last all the AP provision, in England at least, is now managed under one national single central Government team within HMPPS.

As an aside at this point, I’d have to say that I had always assumed, in my Berkshire days, that we were local stewards of what was, in effect, part of a national provision that happened to be in our locality – I thought that, as perhaps many of you did too, even before there was officially a National Service.

So in 2001 I was baffled as to why the then new National Probation Service became fixed on the idea that APs were a regional resource, and until just a couple of years ago they wouldn’t introduce a national team to manage this specialist resource-heavy facility. We in the Inspectorate recommended twice in the 2000s that it needed to be managed as a national resource, though it is almost certainly for other reasons that the National AP team has come about in HMPPS in the last couple of years.

In a second major recent development, HMPPS has definitely been right to devise a major overall Accommodation Strategy for people coming out of prison. This was necessary, to supersede the dog’s breakfast of provisions it inherited from the past – various random ad hoc provisions, plus Bail Accommodation units etc. So now it officially talks about a Community Accommodation Service – CAS – and that this consists of three Tiers, and that all APs, both state-run and independents, are the “Tier One” of this Strategy – the shorthand for this being “CAS1”.

Tier 2 is mainly the old Bail Accommodation provision, where the level of structure and support is obviously not as great as in APs, while Tier 3 is intended to be virtually independent accommodation for ex-prisoners, which some might ‘graduate to’ from more structured accommodation following release.

I’m not saying more about Tiers 2 and 3 here, but you should be aware of this development, and, although there will inevitably arise all sorts of practical implementation difficulties with

all this, it has to be said that in principle it's a positive and more coherent development compared with the past.

Meanwhile, what about APs specifically in all this? Well, the third recent big initiative is the AP Expansion Programme, which is called "AP-Ex" for short – in which HMPPS is on a drive to increase the number of AP beds by 200 in the two years starting just over a year ago.

The first point to make about this is that when the research and statistics people in HMPPS did their projections for potential need for post-custodial accommodation provision, and it is over two years now since this was done, they predicted a possible need for 500 extra AP beds in coming years. Despite that projected need, in terms of intra-Government tight financial policy, it was actually quite an achievement for HMPPS to get the budget for even 200 extra beds, and they have since been pursuing their initiative to achieve '200 in two years' with some gusto. About one hundred confirmed new beds were in the pipeline by the end of March this year.

Some of these new beds, as I shall call them, have come from increasing the size of some existing APs – and this has been a useful element. And this week I attended the opening of the HMPPS AP Joyce Meggie House in south London, which is essentially a rebuild of the former AP, Ellison House, and it might count as part of the 'new beds' though I'm not sure. The nice touch here is that HMPPS has named the AP in honour of a member of AP staff who died of Covid right at the start of the pandemic – this gesture has been greatly appreciated locally, and particularly by Joyce's family, who attended and spoke on Monday.

However, the main plank of this AP Expansion programme has been to commission the opening of new independent APs, a reverse of the recent trend hitherto, and more progress has been made with this than many of you might expect. I told you that there were just ten IAPs at the start of last year – there are about to be fourteen. (And there is one anomalous one that I won't bore you with.)

So it's at this point that I digress to tell you a bit about NAPA. Some of you may remember the old NAPBH (National Association of Probation & Bail Hostels), which was for many years run from Devon by Eunice Dunkley. This was a loose association, to which all the old Hostels 'belonged', but its old informal role was made obsolete with the creation of the 2001 NPS. So in the 2000s it suddenly needed to reconstitute itself to meet the needs of just the independent APs, the APs left over with no collective identity once the great majority of APs were in the tender care of central Government.

So it was long before my time here that NAPA worked out its new role, serving just those independent APs – the "IAPs" – and subsequently decided that the best mechanism for carrying out this role was to become a "Community Interest Company", a CIC, registered with Companies House as such, which it did in 2019.

Since every IAP is by definition independent, NAPA quite definitely does not manage the IAPs! We are the collective eyes, ears and voice for the IAPs, and we provide training events for practitioners, and an annual residential conference – the next one is this July – and for this annual menu of services each IAP pays a modest annual invoice.

We class each IAP – or its parent owning body – as "associates" of NAPA; there are technical reasons why they're not "Members". But here is my analogy concerning NAPA's role: Each Master Builder, for example, is an independent business in its own right – and indeed a competitive one - but each belongs to an Association of Master Builders to represent the interests that they have in common – that's called a 'trade association'. So in

that sense NAPA is the ‘trade association’ for the IAPs - but, if you prefer, the “collective eyes, ears and voice” for the IAPs.

NAPA’s website can be found at napacic.org, and you can see that its Executive consists mainly of individuals from associate IAPs, working for NAPA voluntarily, plus two part-time paid members of staff: I’m one, and my colleague Caroline Morgan – no, this is a different Caroline Morgan in case you’re wondering – is the other one, as Company Secretary.

Finally, what are the main current issues for the APs, in mid-2022?

In the state-run sector, as I call it, a substantial step forward in just the last month or so, was the regrading of a whole sector of AP staff from Band 2 to Band 3 status and pay, and this is of great credit to Sue Taylor, a Deputy Director within HMPPS, who was determined to get this through before she retired – and she’s retired last month now!

Another big development in the state sector is now the plan to improve staffing at night by having proper double waking night cover nationally – the current provision in many places of just a security guard alongside one AP worker is unsatisfactory for many reasons that you can well imagine, so HMPPS knows that it needs to change this.

There are many other detailed operational issues for the state sector, which a national service is not so well equipped to manage, and I won’t bore you with those now, but I will of course mention the pandemic that obviously deeply affected APs in both sectors. As you can guess, that has been a huge challenge, which they have all come through remarkably well, during a period when almost the whole of the rest of the Probation world was either shut down or working from home.

I’ll now cross back to the independent sector, the IAPs.

Don’t forget, these are the last remaining equivalents of the CRCs – the CRCs that so many of you were so anxious to get rid of – because these are the last bodies that, in practical reality, have a responsibility for, in effect, “managing sentenced offenders”. What issues are they currently facing?

1. First: For the independents, the biggest strategic issue currently is that of the contractual relationship with HMPPS, which is about to go through another step-change. Things have already moved on from the days of 25 years ago when a two-page letter awarding an annual ‘grant’ to a hostel was sufficient. Contracts were established instead of grants in the 2000s, and revised into something more elaborate in 2015, taking over 30-odd pages. Now, following a ruling by HM Treasury, a much more highly regulated contracting regime has to be established by April 2024, with contracts that occupy some 200-plus pages about to become the norm. Some form of competitive tendering will also, at least theoretically, have to come into play – how this might be managed pragmatically is something yet to be worked out.

2. Second: The outstanding operational matter is always managing referrals. In principle, all individuals who are referred to APs should be High or Very High *Risk of Harm to others* cases, in order to be eligible for consideration, but they mustn’t be so impossibly high as to be unmanageable. There is always a tension between the personnel making the referral and the personnel receiving the referral as to whether a particular case can reasonably be managed.

For a start, there is an insurance issue – state-owned APs are covered by Crown Immunity, while IAPs purchase insurance on the open market, and insurance companies want to know, and indeed they want to have a say, in the property and personal liability risks that they are being asked to take on.

More significantly, some of the most difficult cases to resolve are female cases, where much of the problem can be that the woman's self-destructive behaviour is so relentless, and so destructive to other residents as well as to herself, that she ends up having to be recalled, which only means that the cycle has to start all over again.

In relation to this particular point, it should be noted:

a) Although the independent sector is only just over 12% of the total AP provision, - for the female APs, the independent sector has over 50% of the provision, so it is very live for IAPs.

b) Furthermore, you may well have heard the Prison Inspectorate complaining in their recent report on HMP Bronzefield, that some 65% of released women did not have stable accommodation to go to – yet I have to tell you that currently female AP occupancy is relatively low, well under 80%. Objectively there is a high 'need' for places, but for a combination of reasons this doesn't currently turn into high occupancy in reality. This issue will need some attention this year.

c) And following on from all this, one has to ask, when hearing about some of these cases, where disruptive self-destructive behaviour is so relentless, why such women aren't being considered for mental health units. This is a social policy dilemma with far-reaching implications, and we could spend a whole day exploring that topic on its own.

3. And the third topic I've selected is that of Terrorist cases at APs. -

Individuals imprisoned for terrorism offences are often required to live at an AP on first release, and while most other residents are required to move on after just 12 weeks, new provisions mean that terrorism cases will be required to STAY for a full year before moving on.

And of course, in recent memory we've had two cases of terrorist attacks by such cases while they have been resident at APs. The Fishmonger Hall case was at an HMPPS AP, and the Streatham High St case was at an IAP. Although neither AP was in the firing line for direct criticism after these cases, you can well appreciate what stresses the AP staff experienced during and after these catastrophic incidents.

That's just a selection of current issues for APs - there are others - but I'll stop there and see what if anything you'd like to discuss further.

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