

# Modern Probation Theory

Andrew Bridges

Independent Advisor, and proponent of Modern Probation Theory

## What is Modern Probation Theory (MPT)?

MPT isn't about telling Probation practitioners how they should do their work with individuals who have offended, since a valuable canon of material already exists for that purpose, including plenty of research and effective practice guidance that will continue to evolve on how to help people to desist from offending.

Instead: -

**MPT explains how Probation case supervision<sup>1</sup> needs to be managed, which is mainly from the 'bottom-up'.** It's a specific version of *practitioner-centred management*.

**MPT is a 'grounded theory':** It has not been contrived from an abstract 'thought experiment' – instead it has emerged as a theory by drawing on practical experiences of managing Probation that worked successfully in embryo form in the past, and which could be implemented now as a strategically coherent approach.

*"All models are wrong; some are useful" George EP Box*

### Key points:

- MPT is entirely consistent with – indeed it positively advocates – the idea of '*Quality Probation practice*' that most practitioners would recognise, i.e. aiding the 'desistance journey' needing to be made by of each of the people they supervise by *doing the Right Thing with the Right Individual in the Right Way at the Right Time*.
- MPT has *components* which each start from the viewpoint (i.e. the 'viewing position') of the practitioner.
- MPT's four key *components* are **Define (The Three Purposes), Desire, Design** and **Deploy**, each of which, together with the fifth – **Resourcing transparency** - are explored in the more detailed description that follows further below.
- MPT's core *component* **Defines** what Probation work is specifically expected to achieve in terms of **The Three Purposes**; the other *components* flow logically from that.
- MPT treats practitioners as responsible members of staff who want to do a good job (**Desire**), who are always open to continued learning, and who are also always prepared to give account – and be accountable – for doing a good job.
- MPT would in that spirit require practitioners to make *qualitative judgements* about certain key elements of their own work with each case 'in real time' – i.e. as they go along - assessing whether each element has been done *sufficiently* well. They would be using the same criteria as the ones any managers or inspectors would be using if such people should subsequently look at the practitioner's work.

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<sup>1</sup> Little direct reference is made here to community payback (Unpaid Work – UW) or the residential or other aspects of Probation work, though a future detailed account could explore how an MPT approach might apply with them. The focus here is on the role of the *practitioners managing each of the cases* – the "Responsible Officers" in recent parlance.

- MPT would make this possible by a **Design** of a *single Current Sentence Record (CSR)* to replace OASys and nDelius. The ‘lean’ Design of the CSR would radically reduce the amount of ‘required text’, would minimise entering data twice, and more importantly include only the minimum number of mandatory fields – those needed for focusing on **The Three Purposes**.
- MPT accordingly assumes the need to **Deploy** such a CSR, alongside the other essential tools and facilities, both IT and environmental, to enable practitioners to do the work needed.
- MPT recognises the reality that the resourcing of Probation will always be finite, and will sometimes be squeezed. Its **Resourcing transparency** approach would make it manageable – though still difficult - for both practitioners and managers.
- MPT integrates its *components* into a unified approach for managing Probation overall, so that the work each practitioner does with each case aggregates into a clearly identifiable benefit that Probation brings to the whole community. It is unified from bottom to top in the same way that the lettering goes all the way through a stick of old-fashioned seaside rock.
- MPT also has *caveats*. It is particularly important that its features should not be misread, misunderstood, or worst of all misused, since that would defeat its potential benefits. This applies especially to the subjects of performance measures (PMs) and performance management, where awareness of Goodhart’s Law is essential.
- MPT is about managing Probation, and not about who should own it. In principle, the MPT approach could be applied by any future ‘owner’ – although, in reality, locating Probation in direct public service management seems to be the most natural fit.
- MPT recognises that *qualitative judgements* are by necessity involved in any assessment of what Probation work is achieving – so MPT incorporates them explicitly and transparently, which is a wiser approach than employing metrics that appear factually objective, but which almost always include hidden qualitative assumptions.
- MPT relies for its effectiveness on *two-way presumptions of trust*. Practitioners and managers need to be able to start their interactions with a presumption of trust that they are both honestly working towards the same ends, notably the Three Purposes.
- MPT’s overall approach can be summarised in this way: While practitioners will not have discretion about **What** they are expected to achieve, they will nevertheless have a large degree of discretion as to **How** they go about achieving it, and they will be able to self-assess in real time how their work with each case is progressing. This discretion will be informed by the ever-evolving messages and lessons emerging from research and other evidence-informed practice about desistance from offending, and about interventions that help that process.

# **A fuller description of Modern Probation Theory (MPT)**

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## Introduction:

The point of MPT is to counter the problem where for many years now Probation practitioners have been subject to a bewildering series of messages about what their work is supposed to be achieving: frequent reporting, tighter enforcement, tougher control of 'high risk' cases, including recently (worst of all) "successful completions", plus the many other minimum contract specifications that were needed to prevent their employer (if a CRC) from being financially penalised. These messages have repeatedly varied over time, and with a complete lack of coherence.

Overall, it has not been at all consistently clear what Probation work is supposed to be achieving. There has been major restructuring of Probation organisations on several occasions in the 21<sup>st</sup> century already, each with the aim of somehow 'improving' the Service, but still with no real clarity about what Probation supervision is consequently intended to achieve as a result. And now the 2020s decade is starting with the decision for yet another restructuring already made, leaving the planners for the new National Service again consulting on the questions, "What is Probation for?" and "What sort of Probation Service do we want?" The answers to these questions are certainly not straightforward, but any outside observer could be forgiven for gaining the impression that in recent years the various answers offered have been either too simplistic and ineffective, or alternatively unnecessarily complicated, and piecemeal. It's been a case of plenty of changes in structure, but no coherent strategy.

In contrast, MPT aligns itself with the fairly conventional view in business and other circles that the correct approach should be to decide Strategy first, and then decide on Structure afterwards. And the first step in devising any strategy for a personal service organisation like Probation must be to start with the people who provide that personal service, and being consistently clear about what they are being asked to do. That's not straightforward of course.

Probation work is indeed complex work for its practitioners and managers, and MPT recognises that. Every person who offends and is sentenced is an individual human being, and the art of each Probation practitioner is to be able to engage with that individual, whatever the offence and whatever that person's circumstances, and then do the Right Thing in the Right Way at the Right Time with that individual, to aid that person's desistance journey. That work is indeed often complicated, but instead of 'wallowing in the complicatedness' of that work, MPT aims to chart a way through this complex work so that it becomes possible for everyone – practitioners, managers, Court, Government and the wider public (in principle) – to gain a shared understanding of 'what Probation is for'.

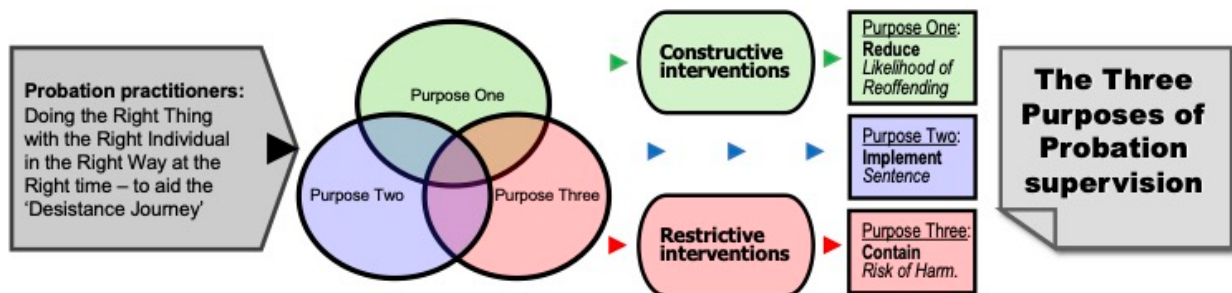
The following sections describe each of the *components* of MPT in a little more detail. Some graphics are also offered; some people find graphics helpful, while others are put off by them. By offering both text and graphics within the following descriptions it is hoped that most readers will find something that will engage their preferred medium for learning.

## Define – The Three Purposes:

The core *component* of MPT is to **Define** what Probation work is expected to achieve as **The Three Purposes**. Taken from the viewpoint of the busy practitioner, who in their normal working day might be seeing a succession of individuals on a tight schedule in an interview room, these can be expressed, when meeting each one, as:

- “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*) – this is **Purpose One**
- “Am I holding this individual to the terms of the Court sentence or licence?” (that’s *promoting compliance*, and enforcing if and when needed) – **Purpose Two**
- “Am I taking all reasonable action to protect others from harm from this individual?” – that’s about additionally using *restrictive interventions* to ‘Contain’ - the individual’s *Risk of Harm to others* – **Purpose Three**

These **Three Purposes** should be seen as separate, but also overlapping, as pictured in the graphic of a three-way Venn diagram. The point of the Venn diagram is to illustrate that some of the practitioner’s actions and interactions with the supervised person during supervision will contribute towards achieving just one of the Three Purpose, while others might contribute to achieving two or even all three of the Purposes at the same time.



The Three Purposes are not new, having been promoted periodically by HM Inspectorate of Probation and elsewhere, but they have not yet had the follow-through needed to focus on them effectively enough. Indeed, it is noteworthy that in the days of NOMS (National Offender Management Service) these Three Purposes equated very strongly with NOMS’s policy of “Punish, Help, Change and Control”, since Purpose One clearly equates to both Help and Change, Purpose Two to Punish, and Purpose Three to Control. There was a clarity about such plain language, despite which it was in time dropped from NOMS’s approach. Nowadays the shortened language is often “reducing reoffending, implementing the sentence and minimising risk of harm” – which wouldn’t matter *if* there were a clearer shared understanding of how the achievement of each of them needs to be measured.

For this reason, where one part of MPT’s core *component* was to Define the Three Purposes, the other part of this key *component* is to Define how each of these Purposes needs to be ‘measured’. In each instance this is done with a number of *qualitative judgements* made by the practitioner in person, and in ‘real time’. Taking this from the practitioner’s viewpoint, what does success then look like when working to each of these Purposes?

For **Purpose One** – which is the purpose which motivated most practitioners to join Probation in the first place – it is when, during the course of supervision, the person under supervision makes progress on the path of desistance, i.e. becomes *evidently less likely to reoffend*.

An explanation is needed here before describing how this approach works. Previous attempts to measure 'reduced reoffending' have all relied on collecting reconviction and/or other similar information, something which by its nature has to be retrospective. In contrast, the MPT approach is to introduce measures that can be seen 'in real time' by the practitioner in person. For Purpose One this leads to the concept of 'Likelihood of Reoffending' (LoR).

There are at least two different ways in which changes in LoR could be measured, but the simplest one to implement is the idea of 'stepping-stones' towards (or back from) future desistance. A manager or inspector might call these "interim outcomes".

The practitioner could put it this way to her/himself when interviewing and writing it up afterwards on a much slimmer and redesigned case record (described later):

"I need to select which specific 'stepping-stones' towards desistance I am planning for this individual to achieve" (ideally, jointly planned with that individual); and later in the Order, "I need to identify which 'stepping-stones' I can now record\* as achieved by him/her."

\*NB The redesigned case record, as described further below, will enable this to be recorded concisely and swiftly, because it will have been designed with that as being one of its key purposes.

The practitioner is likely to be using *constructive interventions* as part of her/his methodology for this 'Purpose One work'. This term covers all the 'positive' work of engaging with the individual under supervision, listening, influencing, directly or indirectly helping him/her where appropriate, and sometimes directly or indirectly seeing him/her through structured programmes of work that enable that individual to become less likely to reoffend in future. (These contrast with *restrictive interventions*, which feature as an additional aspect when it comes to 'Purpose Three work'.)

This approach would lead to establishing the Performance Measure (PM):

*Percentage of cases\* where a measurable reduction\*\* in LoR has been achieved.*

\*The timing of when cases would be assessed can vary; doing it twice – at the six-month point, and at the twelve-month point (say) – might prove to be useful standards, but other timings are possible.

\*\*This deliberately woolly wording would operate for perhaps the first two years, not actually specifying how many stepping-stones, or how much 'progress', would 'count' as a 'measurable reduction'. Then, when some 'benchmark' figures emerge from the data collected so far, one (or more of them) could be set as specific 'bars' in order to define 'how much reduction' - how many stepping-stones - counts as 'success'.

*Caveat:* MPT's PMs should be used only at the highest 'macro' levels, not used for anything smaller than a local Delivery Unit or equivalent. Any attempt to use them for performance management purposes at divisional, team or (God forbid) individual practitioner level would lead to highly destructive perverse effects.

Obviously, there is an element of *qualitative judgement* involved in assessing whether or not the stepping-stone(s), or progress, have been sufficiently attained – but the MPT approach is always explicit and transparent when it is requiring that such a *qualitative judgement* be made.

For **Purpose Two**, 'success' is when the *statutory requirements* of the Court sentence, including any post-custody supervision, have been *properly implemented*. In short, even if there were neither any 'Purpose One work' (*constructive work*) nor any 'Purpose Three work' (*restrictive interventions* -see below) to be done, the practitioner would still need to require some minimum level of contact from the sentenced individual until the Order ended – that task is a 'Purpose' in its own right, a point that has not always been recognised.

Furthermore, it is a single Purpose, even though this too has not always been recognised. Since the late 1990s this work has been treated as a series of separate metrics – promptness of first contact, frequency of subsequent contacts, promptness of taking breach action etc – plus the

entirely unhelpful metric of ‘successful completions’. With MPT these metrics can be set aside, or at best treated as ‘interesting information’, and replaced with the single consolidated Performance Measure:

*Percentage of cases\* where the sentence (etc) has been properly implemented\*\*.*

\*The timing of when cases would be assessed can vary, as already described.

\*\*A formal definition of *sentence properly implemented* would be: Requiring at least a minimum level of contact from the individual under supervision, and EITHER achieving that level of contact OR taking the necessary enforcement actions if the contact requirements are not met.

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The practitioner would regularly need to consider:

“I need to be able to show that I have given this individual *sufficient* instructions to report (and to meet any other statutory requirements), and, if he/she is failing in any of my instructions, I need to be able to show that I have taken *sufficient* enforcement actions.”

These are familiar considerations for most practitioners already, and are complicated by the fact that sometimes there are either national or local ‘rules’ that specify what counts as the *sufficient* frequency of meetings and the minimum interval before taking breach action (for example). Where and when such ‘rules’ don’t apply (no doubt such ‘rules’ will continue to come and go over time) it becomes a matter of *qualitative judgement* as to what counts as ‘sufficient’. (Conventionally, if an officer didn’t see an individual at least once a month, then it rather looked as if contact had been lost – few Courts would consider a case as being under active supervision if interviews were less frequent than monthly. Furthermore, monthly contact was also the minimum frequency acceptable under the Transforming Rehabilitation contracts.) To confirm, these considerations are not new.

This ‘Purpose Two’ sounds as if it’s a simple Purpose to measure, but it’s not straightforward at all, because of the succession of *qualitative judgements* it requires. But, in place of such judgements being hidden inside the detailed technical guidance supporting the plausible-looking metrics, with MPT the design of the CSR will instead make such judgements explicit and transparent. Once it is recognised that this task constitutes one single Purpose, it can be seen that, in principle, every case at every point during supervision will belong in just one of these four categories - either:

- **Not Properly Arranged** – the officer hasn’t arranged a *sufficient level of reporting* (and/or not arranged *sufficient compliance* with any additional statutory requirements), or
- **Individual Complied** – the individual under supervision has *complied sufficiently* with the reporting and other requirements without the need for breach/recall action to be taken\*, or
- **Properly Enforced** – breach/recall action was taken when it became *sufficiently necessary* for it to be taken, or
- **Not properly Enforced** – breach/recall action was not taken when it became *sufficiently necessary* that it should be taken.

\*Where ‘other remedial action’ to promote compliance has been taken – e.g. ‘chasing up’ with letters/calls/visits, short of formal breach/recall, and the individual then complies, this comes into this category.

Achieving either of the middle two categories counts as ‘success’, while falling into either of the other two categories does not.

In this definition, as elsewhere in MPT, the word *sufficient* signals – in an explicit and transparent way - that at least one *qualitative judgement* needs to be made so that an assessment can be

decided. Here, and elsewhere, it signifies that trained practitioners should be regarded as responsible members of staff who are both capable and motivated to make the relevant *qualitative judgements* honestly. They will, in effect, be self-assessing their own work as they go along - and, of course, they will expect to be accountable for their decisions to managers and inspectors when their work is regularly sampled. However, with MPT, instead of working with unclear or even moving goalposts, practitioners will be much clearer about where they should be aiming their work.

The relevance and importance of this consideration becomes even more prominent as we come to **Purpose Three**, 'Containing' - *Risk of Harm to others (RoH)*

There are understandable reasons why many people fail to see that this work is in a separate category from Purpose One work. For a start, there will be a number of 'Low RoH' cases where this consideration hardly applies at all. And then, with the remaining majority of cases, it is true that often the two pieces of work really do overlap. For example, if a domestic violence offender undertakes a (good) domestic abuse prevention programme, and then if it's effective, it really will make that individual less likely to reoffend, thereby also making less likely the potential for Risk of Harm to others.

But as with all the Three Purposes, while they overlap they also, at the same time, are separate. This becomes apparent once one considers what the success criterion might be for this area of work. At first sight the obvious option seems to be '*reduction of RoH*', and indeed the HMPPS guidance for reviewing Serious Further Offence (SFO) cases has recently been including a question focusing on this point – but this is a bad mistake.

Let's look at this from the practitioner's perspective. Suppose she/he is supervising that DV offender, and has at last got him onto an excellent DV programme. But then that person commits an SFO. The fact that the DV programme might have been 'reducing' the man's LoR is no longer the most important point. What the media will want to know is 'Could this have been prevented?' This is not a fair question of course, though it can usually be steered towards the fairer question, 'Was Probation doing its job properly?' The formal reviews should then be determining this by seeking to decide: 'Was all *reasonable* action taken?'

Although the 'reasonable actions' might include some of the *constructive interventions*, such as the DV programme, nevertheless any review will always definitely include the question of whether any *restrictive interventions* should also have been taken. These include all the monitoring and other actions that are available to Probation staff – and to other related public service staff – to control or 'contain' the behaviour of an individual in the community in some way, and to restrict or 'contain' his/her opportunity to cause harm to others.

So with our DV case above, for example, the fact that he's started a DV programme, and his LoR and RoH might have theoretically been 'reduced', will count for little if he has had a new girlfriend for the last six months, and then seriously injured her – and she says that "no one told me about him". The media outrage will be that "She Should Have Been Warned", and – whatever anyone's personal views on this – that is now the nature of the expectations placed on the criminal justice system. Bearing that in mind, the only kind of 'success' that the practitioner can possibly attain with her/his cases with Purpose Three is to be able to demonstrate that she/he 'did their job properly', more specifically: to demonstrate that "*sufficient reasonable action* was taken to Contain and keep to a minimum that individual's Risk of Harm to others (RoH)". In this instance, the officer's *restrictive interventions* would have needed to include regular checking about any



new relationships the DV offender was starting, and taking action to ensure that the new girlfriend knew about the man's past. (It's not easy!)

So, from the practitioner's perspective, to achieve Purpose Three there is a need to consider which *restrictive interventions*, if any, should be applied (in addition to any *constructive interventions*). Sadly, the question for the practitioner to ask with each case is: "If this individual were to commit an SFO tomorrow, what would the SFO Review say I should have done? – and have I done that?"

In the long term, and as a parallel matter, there is an implication for future SFO Reviews here. While it is right that each of these SFO cases should be closely scrutinised, and all possible ways in which it could have been better managed should be considered (and most practitioners probably understand that principle), it does lead to the implication that for the supervising officer there is no such thing as 'success' at all, only 'degrees of failure' (sometimes shared with other agencies, of course). It is certainly a delicate problem: it would be unwise to go to an injured victim or a grieving relative with the apparent message, "Our operation was a success – we're sorry the patient died". But within the Probation world it would surely assist the practitioner in such a case if the Review were able to say clearly: "We've identified one or two ways in which this case could have been managed better, but overall we think that with this case *sufficient reasonable action* was taken to keep to a minimum this individual's RoH."

If, over time, a clearer and reasonably well understood consensus grew as to what counted as *sufficient reasonable action*, then each practitioner would be better equipped to make a self-assessed judgement, "Am I taking *sufficient* reasonable action...?" By recording that judgement on a developed version of the reformed case record (see below), it would in principle invite consultation with the line manager or with other staff "Am I being too hard – or too soft – on myself?"

The Performance Measure for Purpose Three that could apply on a developed version of the reformed case record could, one day in the future, therefore be:

*Percentage of cases\* where sufficient reasonable action is being taken to Contain - keep to a minimum - the offender's Risk of Harm to others.*

\*With the PM in this form, self-assessments would have to be complemented with bloc sampling exercises conducted by managers/specialists, in a pattern to be determined.

However, until such time as the 'SFO Review industry' has established more clearly where to draw the line of what counts as "sufficient reasonable action", it will probably be necessary to make use of the interim measure, as was used by HMI Probation at one time:

*Percentage of the RoH work that has sufficiently met the required quality\*\**

\*\*Effectively, an assessment of the appropriateness and the implementation of any/all *restrictive interventions* needed and applied with one or more cases – i.e. "inputs". If they point towards "sufficient reasonable action" being taken, then they meet the required quality.

*Caveat:* MPT's PMs should be used only at the highest 'macro' levels, not with anything smaller than a Local Delivery Unit or equivalent. Any attempt to use them for performance management purposes at divisional, team or (God forbid) individual practitioner level would lead to highly destructive perverse effects – and especially so with this PM.

So Purpose Three is similar to the other two Purposes in that it depends on *qualitative judgements* about *sufficiency* in order to determine 'success', but it is different in that the judgements needed for Purpose Three are even trickier to manage than for the other two.



Note 1: It could be argued that Purposes Two and Three are not strictly necessary in order to help bring about the Long-term aim. But the reality is that these two Purposes are needed because various external ‘stakeholders’, and the wider public, simply expect them. When Probation is seen as failing with either of them it causes major reputational damage.

Note 2: There is a bigger distinction to be made between the Purposes. ‘Success’ in achieving Purposes Two and Three, as defined above, is a demonstration by the practitioner that she/he “has done their job properly”. It is formally within the practitioner’s control to be able to deliver these two objectives, which in some circles would be classified as ‘output’ objectives – nevertheless, as above, they are necessary. In contrast, it is for the individual under supervision to achieve Purpose One, which can therefore be classified as an ‘outcome’ objective. Since success is not in the direct control of the practitioner – she/he is trying to ‘sell desistance’, but has no final control over whether the other person will ‘buy’ desistance – it is essential that performance management is conducted in the correct way, as reiterated throughout MPT.

A challenging question: Is this really the best we can do? Aren’t these definitions of success so ‘woolly’ as to be of no value to anyone?

Well, the point of MPT is that this really is the best we can do, because all the alternatives previously tried have been self-evidently worse in their effects. Top-down performance measurement has tended to mean that instead of ‘measuring what we want’, we’ve been ‘measuring what we’ve already got’, whether or not it’s of any value. People have trawled all the systems for numerical data, either already available or which could be made available fairly readily, and then decided to use them as a ‘near enough’ substitute for a pertinent performance measure. Such ‘proxy measures’ are intended to be ‘near enough’ and therefore to represent a measure of the wider objective – but they don’t. In practice they serve as replacements for the wider objective and introduce a perverse emphasis. This is not unique to Probation; major critiques have been written about the poor use of ‘metrics’ in many organisations, both public and commercial – but their application in Probation has been on the more egregious end of the scale.

MPT instead relies on practitioners being honest, and on becoming increasingly reliable, in the qualitative judgements they would need to be making every day – a point that is revisited further below. This is not as radical as it might sound, because for the current metrics they and their managers are already making these judgements now – for example, when they have to decide whether or not a ‘failure to report’ should be counted as Acceptable or Unacceptable. These judgements are concealed within the ‘rules’ behind the metrics they support so that those metrics can look deceptively ‘objective’.

With MPT, the *qualitative judgements* - explicit and transparent – are used to define ‘success’ because, frankly, they just have to be. The job is about working with the past, present and planned-future behaviour of the huge variety of individual humans that come before the criminal Courts. As already noted, the practitioners succeed when they do the Right Thing with the Right Individual in the Right Way at the Right Time. It is hardly surprising that *qualitative judgements* are necessary when trying to decide how well that is being done (hence it has to be *practitioner-centred*). And at least with MPT they can also be done in ‘real time’.

## Desire:

MPT takes it as a given that the great majority of Probation practitioners are highly motivated - i.e. they *Desire* - to do a good job with the people under their supervision. Managers should feel that they can trust that that is the case, and act accordingly, except when they need to do something different with any individual members of staff whose behaviour suggests otherwise. Most practitioners will want to continue to develop their skills, and to be open to new learning from colleagues, researchers, managers, and inspectors. They will want to use that continuous development so that they can decide how best they should work with each of all their individual cases as the years go by.

But with MPT there are two 'qualifiers' to that practitioner discretion, which mean that MPT is not about returning to the world of that (probably mythical) recruiting poster from the 1960s: 'Become a Probation Officer and Do what you Like'.

The first qualifier is that The Three Purposes, and how they are Defined, have been set. For the practitioner, it means that there is no choice about the 'destination' – all the choice is in terms of devising and managing the 'journey'. Another way of wording it is to say that there is no discretion about What is to be achieved, but there is plenty of practitioner discretion about How it is carried out. If there are practitioners who instinctively balk at working to someone else's definition of what they should be achieving, they can be invited to consider in what way the definitions described above conflict with their personal view of what the job's about. For senior managers at the other end of the Probation organisation, the merit of the defined Three Purposes is that they coherently explain what the public's money is paying for.

The second qualifier is the *quid pro quo* that exists in any organisation for people who are empowered to decide how they go about doing their own job: they are accountable to others for the decisions and actions they've taken. Managers and inspectors, and probably some others, will have access to the case records (as ever). Practitioners can continue to expect that they will be asked to explain the reasons for how they've done their work, and where a manager considers that an action (or inaction) actively contradicts the achievement of one of the Purposes they might even directly intervene – Purpose Three is the most likely area for when this might conceivably happen on occasion.

Overall, with these two qualifiers, MPT represents an approach where practitioners are trusted to use their initiative, imagination and continually developing skills and learning to their best with each case with the resources available to them. MPT does not consider that practitioners need to be "motivated" or "inspired" by their senior leaders – though this might possibly happen from time to time – since most practitioners came into this work actually wanting to do a good job from the day they started. This presumption of trust has to work both ways, of course – practitioners need to be able to trust that their managers are motivated to be trying to do the same thing – i.e. achieve the same Three Purposes.

But the MPT approach does mean that managers should always bear in mind how their decisions, actions and behaviours are likely to impact on that Desire by their staff to do their best. Obviously, sometimes unpopular decisions will have to be made, but if the right tone has been set in the organisation by the small informal as well as the large formal actions and behaviours of managers – i.e. it is *practitioner-centred* - they will grow a culture in the organisation where that Desire by practitioners will continue to flourish.

## ***Design – a future ‘CSR’:***

This component is not about *organisational* design. With MPT the organisational arrangements for Probation both nationally and locally are secondary issues, and so MPT is largely silent on that subject. Organisations that have sorted out their strategy properly will usually find that the right structure to support that strategy evolves to do so over time.

Instead, this component is about the Design of *how the day-to-day work gets done*. This has to be planned so that it directly supports, or is at least entirely consistent with, the focus on achieving the Three Purposes. Although this Design component potentially includes matters in addition to the case records system, the focus here below is specifically on case records, as this is the single most critical factor that needs a new Design.

MPT envisages the Design and introduction of a new slim system for case recording, which could be called the Current Sentence Record (CSR hereafter). It would be a completely new single system for recording the assessment(s), planning, contacts and reviewing for each instance of a period of statutory supervision. Since in recent years there has been an average of barely twenty minutes official useable work time per week per case in which to do all interviewing and writing up and other support work it seems entirely necessary for the CSR to be as slim and nimble as possible, while enabling the practitioner to record what is necessary and no more. So is it possible to Design and implement a CSR so that it would not act like a cumbersome dead weight hanging round the neck of every practitioner?

The art of getting the Design right is to bear in mind three things: the specific reason for which each particular data field is being included; to keep it ‘lean’ in that only the absolute minimum of fields are required for each specific reason: and to make sure that data only needs to be entered once (until there is a data change). Also, although it must of course meet the various collective needs of the organisation as a whole, it should be Designed from the viewpoint of the practitioner – *practitioner-centred* - and avoid ‘requiring’ excessive information overall.

Obviously, only the outline features of such a Current Sentence Record (CSR) can be outlined here. These features start with a preliminary point:

The practitioner would need, as a separate ‘wing’ or ‘window’, to switch into when needed, the core administrative information about the individual person concerned – date of birth, race and ethnic and other categories, current and previous addresses, list of previous convictions etc. This would be transferred – copied - and attached to each new CSR, only needing to be updated when the information changes. Being separate, it would not be part of the CSR itself. Older Probation staff will remember a white paper sheet called a Part A, that served a similar function in the last paper record system - although even the later version of that form started requiring excessive information. So for the time being, for ease of reference, this ‘wing’ attached to the CSR can be called the ‘Part A window’.

The CSR itself would therefore only have mandatory data fields itself for one of two specific reasons: 1) those needed for some corporate planning purposes, and 2) those needed to record plans-for-achieving, and - later on - to record-the-achievement-of, the Three Purposes. Almost everything else would be one single free text ‘running record’, though with text prompts that could be called upon if required by the officer.

1) The practitioner would therefore need to complete some standardised data fields to enable the organisation to keep track of the shape of its case numbers as a whole. Broadly:

- Category of RoH (preferred) - or RoSH, if we must
- Level of LoR (preferred) at start of sentence, ideally replacing Risk of Reconviction
- Identifying from the 'standard list' of criminogenic factors – just the headings - which ones are currently relevant to this specific individual at start of sentence (NB Two free text fields would be available for adding i) a 'non-standard' factor, and ii) any headline strengths that the individual has that would be useful to refer to later. Neither of these last two fields would or could become part of the organisation's corporate planning database.)
- One further field for entering contact details of any other agencies or individuals involved in the case – necessary so that it can be readily found by any new reader. Alternatively, this field could be in the Part A window.

*Caveat:* Designers of the CSR should be very wary indeed of adding more mandatory fields for this purpose. Most possible options for more mandatory fields sound a good idea at the planning stage, but then prove to be counter-productive in reality. Many produce lots of extra work for practitioners, but prove to be of little more practical value later other than – at best - being 'quite interesting'.

2) The practitioner will need – and hopefully will actually want – to complete and periodically update these further special fields for performance planning and management purposes:

- For Purpose One: To identify any 'stepping-stones' that the practitioner plans for the individual to achieve during supervision to reduce his/her LoR (a current 'standard list' of these would be available in a 'developed' CSR, though again an alternative could be cited using free text). There are various possible ways this could be done. In a developed version of the CSR many of the 'most-used' stepping stones could be given a three-digit code (say), enabling swift data entry on the CSR, but this need not exclude officers from describing a 'non-standard' stepping-stone, though they should be prepared to be accountable for why they chose it as something that would advance the desistance achieved by that individual.
- Later on, for Purpose One: To identify any of the stepping-stones that have been achieved by the individual during the course of supervision, whether deliberately planned for or not. If achieved, it is these that indicate a degree of *reduced likelihood of reoffending (LoR)*. (In some cases, of course, the person under supervision may disappointingly move 'backwards' on the desistance journey – there has to be honesty about when this happens too.)
- For Purpose Two: To specify dates of appointments arranged with the individual, appointments kept by the individual, and any dates of any chasing up actions and/or formal action for breach being taken. The CSR would then be able to produce summary reports indicating progress towards achieving Purpose Two.
- For Purpose Three: To identify whether or not this is a case that requires any *restrictive interventions* to be considered for additional action (for the future, this should be the definition for a case being categorised as anything higher than 'Low RoH')

*Caveats:* Designers of the CSR will be exhorted by enthusiastic and anxious managers to retain many of the well-meant mandatory fields in OASys and nDelius that require practitioners to complete text boxes under various important-sounding headings. But the purposes these serve can be achieved by other means. As for the topic of compliance and breach, this too can be monitored in a 'smarter' way that is less burdensome than now to practitioners and their frontline managers. However, to Design it well will require some careful attention to detail in the planning process.

Overall, the amount of text that is required to be typed into mandatory boxes would be radically reduced, a point mentioned again in the **Resourcing transparency** section further below. The idea is that key data, as above, will be few in number and short in format to enter. All the remaining record will be typed text on one single 'running record', and will include only what the practitioner

decides is needed in order to manage the case. One imagines that, as now, that might be almost minimal for some Low RoH cases, but quite a lot for higher RoH cases. More significantly, the practitioner will be able to see for herself/himself, at the very point of entering data on the CSR, what stepping-stones or progress – if any – have been achieved to date by the person under supervision. And there won't need to be a separate data entry to be made on a separate system.

The free text entries would automatically be dated by date of entry, since the dates of appointments would be in the relevant dedicated fields. The typed texts of assessments, plans and reviews would also be in the running record, but the detailed content of such text would not be prescribed by management, since the *outcomes* of those plans and reviews (the *outcomes* would be required) would be found in their relevant dedicated fields. Such typed assessments and plans could perhaps be in a different coloured print so that they could be easily located. If a plan for supervision is jointly planned with the person under supervision – which is always desirable - this will be recorded just the once, as a part of the record of that interview. It won't need to be repeated in a separate mandatory box for written assessments somewhere else.

Essentially, with MPT, practitioners would have maximum discretion about what to include and what not to include in the text they write. This may seem a frightening prospect for managers and inspectors who worry about what might be being 'missed out', and it would no longer be possible to make aggregated judgements about the 'quality of written assessments' etc since standardised content would no longer be required. But, since 'writing a quality assessment' is not one of the Three Purposes, such judgements are not needed anyway as a 'performance measure'. Quality of assessments and plans becomes instead – as it once was - a topic for practitioner development through discussion with line manager or other colleagues.

However, 'guidance' could be available – and it might be useful to include this within the CSR, perhaps as text that appears if one 'clicks' or 'hovers the cursor over' a particular icon representing 'points to remember considering'. But it is the responsible practitioner who makes the decision about what to include and what not – and one of the factors affecting this will be immediate time pressures – again, see ***Resourcing transparency***.

The general 'rule' for practitioners to consider when deciding how much text to put on the CSR at any one time should be Do As You Would Be Done By: Ask yourself, "If this were a case belonging to one of my colleagues, and I was either now inheriting it – or possibly covering for her/his temporary absence – what is the key information that I would want to know straight away about this particular case, to help me take the right decision/action in my colleague's absence?"

So, of course, many 'Low RoH' cases could be recorded with a minimum of text; some of the higher RoH cases will need a lot of text. Often in such high RoH cases the situation, and the officer's assessment of the situation, changes almost every week, and the distinction between doing a formal assessment and review, and doing a running record, often becomes frankly unnecessary – with MPT this would all be on the same running record anyway. It should be possible to highlight or colour any key text that the officer would want any reader to find quickly, such as the nature of the person's RoH, and the *restrictive interventions* being undertaken to manage that RoH.

With MPT, in a developed version of the CSR, this means that there could be one further 'field' – a checkbox - that a practitioner might need to complete each time they make an entry on the running record: "I certify that I think I am taking *sufficient* reasonable action to Contain - keep to a minimum - this person's Risk of Harm to others". (NB This is NOT about offering some 'false assurance' that the individual under supervision won't commit an SFO – it's about the actions the

practitioner has taken.) This is not a problem-free option, because 'routine self-certification' can sometimes lead to degenerating quality. But it would focus everyone's attention on the definition of success for RoH work, and encourage regular debate as to what constitutes sufficient reasonable action – and it would be done as a 'skill development' matter, rather than as a 'performance' matter.

And, of course, since practitioners will always be accountable for the decisions they've made, their records will be seen periodically by managers and inspectors. Practitioners might even invite comment from their manager in 'difficult to decide' instances. There is an opportunity here to turn 'management oversight' from being a 'checking everything' task into one of 'negotiated responsibility' – i.e. responsibility for the actions and decisions taken remains with the practitioner, until either the practitioner asks for this to be jointly with the manager, or alternatively the manager sees a need to 'take over' responsibility.

More generally, it can be seen from this that MPT envisages a very different style of management of Probation case supervision from the 'megaphone' style that many practitioners feel that they have experienced in recent years. This theme is revisited later on in this account.

Meanwhile, to summarise MPT's version of *practitioner-centred management* as it applies here: Practitioners should be trusted to choose what they write on the CSR, instead of having to compose text for a series of mandatory boxes. Officers often experience the latter as being like having to jump a series of hurdles where this is not necessarily relevant to the particular case. The mandatory boxes and the other specifications – e.g. to demonstrate sound diversity practice – have been introduced for well-meaning reasons, but in practice they are largely more of a problem than a benefit. The bold, and most effective, solution is to make the CSR a tool - not an obstacle course.

A note on developing the CSR: A cautious, but perhaps wise, approach to Designing and implementing the CSR, could be to plan for having an 'initial' version to be rolled out first, followed by a 'developed' version at a later stage, finalised in the light of practical experience to date. The crucial thing would be to ensure that the initial version was designed with the capacity for the future developed version already designed in. For example, For Purpose One a full list of 'commonly-used' stepping-stones might not be ready for use, or not yet tested, when the CSR is first implemented. In its initial version it might be working with a provisional list, or even simply on the concept of 'progress made'.

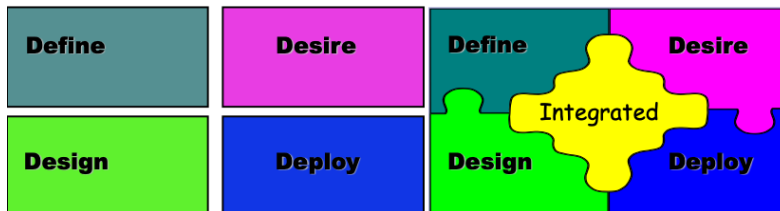
Returning to the general point here, it can be seen that the **Design** component is to a large extent about Designing the new CSR, but in the context of a *practitioner-centred* approach it also has far-reaching effects with its potential for **Design** of the wider 'work process' as a whole.

## Deploy:

Previously this *component* has been labelled either “Tools” or “Equip”, and the only reason to change it to Deploy is to provide some verbal symmetry. And it is no more than a statement of the obvious: Practitioners need to be provided with the tangible equipment necessary to carry out their work as already described. MPT doesn’t need to list these tools, which will evolve over time anyway, but this includes the mobile phones, laptops etc to run the new software, as well as suitable office locations, equipment and facilities. This shouldn’t need saying, yet the occasions still continue where provision has been poor.

Perhaps this is the component where the need to consider the matter from the viewpoint of the practitioner – being *practitioner-centred* - should be most obvious.

*Integration:* This also illustrates the point that MPT cannot be adopted piecemeal – the first four components are mutually dependent, and to ‘miss out’ on one component would mean that the whole strategy would fail. They have to be adopted as a single integrated strategy.





## Resourcing transparency – and each practitioner’s difficult decision

The matter of *Resourcing transparency*, the fifth key component of MPT, could possibly be seen as a stand-alone topic, as it could be introduced with or without the first four elements – though that is debatable, since implementing the *Design* component would help considerably. In any case it’s an approach that may be particularly controversial for some practitioners.

Being a practitioner who is empowered to make most of the decisions about how the work is conducted (in order to achieve the Three Purposes) is both a privilege and a burden. And deciding how to allocate one’s time on the allocated work is itself also both a privilege and a burden. Although MPT focuses this *component* on the individual practitioner’s viewing position again, it poses a very different question for her/him: “This is the quantity of work that has been allocated to me, and these are the officially-paid-for hours that I have available – how do I plan to allocate my working time accordingly?” (Of course, this also often leaves the practitioner additionally thinking, “...and how do I feel about that?”)

Workloads have always been a tricky subject in Probation. In the early 1970s there were still experienced POs around who would recount having once had a caseload of 120 “as a student, which I managed on my bicycle.” In the early 2000s, some Youth Offending Team workers complained to Inspectors that they felt overworked with a caseload of 12. In the 2010s it has not been unusual for Probation practitioners to be reporting case numbers each of 70 or more. The obvious point is that the number of cases is much less important ‘as a number’ than what everyone expects to be done with one’s allocation of cases both separately and collectively.

Historically, this remained very much a matter for the individual conscience of the individual practitioner until a more active approach to managing Probation work started to grow. Unfortunately, the strand of management that sought to measure quantity of work often operated separately from the strand that sought to measure quality of work. And when attempts were occasionally made to bring them together, and it was found that the numbers didn’t seem to ‘fit’, the response was often to ‘move on’, leaving the matter hanging rather than with any attempted resolution. This was understandable, because – candidly – a formulaic ‘top-down’ solution simply isn’t going to work.

In Probation, not only is every case different, but so is every caseload – as is of course every practitioner. (An additional consideration, which is rarely discussed openly, and which is mentioned here now, but not again, is that some practitioners are able to do their work much faster than their colleagues.) Any prescribed formula for weighting cases and workloads will in real life still lead to very inequitable workloads because of the variety of individual ‘messy reality’ circumstances that will continually arise with each case. It must by necessity remain ultimately with the practitioner to plan their own working time for the work they’ve been given. However, it should be possible for Probation management to give practitioners more room for manoeuvre when they are deciding that than has recently been the case. In reality, they can rarely do that by simply reducing numbers of cases, but they can certainly adjust expectations.

In recent years, the demands of OASys, and of other recording requirements, have been the source of some of the greatest despair of some practitioners as they try to work out how to manage perhaps more than 70 cases at a time. The nDelius case record, with OASys included within it, must often feel more like an obstacle course than a helpful tool. It’s an obvious example of where expectations have remained – at least officially – rigidly high, and thereby removed one option for the practitioner in their need to manage their own working hours.

On the particular point of **Design** of the case record, MPT has a contribution to make. The much simpler and outcome-focused format for the envisaged CSR would radically reduce the inflexible demands currently demanded because of OASys and formal initial assessments. In addition, there are often also wider 'everyday' opportunities available to managers that can help give practitioners the room for manoeuvre they need to manage their workload.

However, the main point of this is that – nevertheless – the responsibility of deciding how to manage the allocation of working hours to workload remains with the practitioner. As ever, she/he is accountable for those decisions of course, so a decision to take no action in response to an incident or new information with a high RoH case (for example) would continue to be a decision that was hard to defend.

In the post-2020 Probation world, although the circumstances are once again new, this specific problem for the practitioner is in essence not new at all: how to allocate work time to workload. For an officer with case numbers of perhaps 70 or more, there is a sobering calculation to be made: 140 hours in a four-week period; deduct 15-20% of that for 'non-case' work, and you've barely 95-100 mins per four-week period per case, *on average*, to 'spend'. (Yes, time-per-case here means all the time spent on that case – writing-up, phoning and chasing as well as interviewing.) Undoubtedly, the practitioner will choose to allocate more time to certain cases – probably the higher RoH ones, and often the newer ones too – while some others might only be seen briefly once a month. The principle of that is not new.

The MPT approach adds a dimension to that which ought to be helpful. With each case, the focused question for the practitioner to be asking is "Am I doing all I reasonably can to achieve each of the Three Purposes with this individual?" Practitioners, managers and inspectors all need to recognise that the answer needs to pass a test of *sufficiency*, not one of perfection. And *sufficiency* may be different when case numbers are 70 rather than 40 (or 12!).

With a reformed CSR, and with an MPT way of thinking, a manager's expectation of what a practitioner might achieve with the current 'average time available per case' will be less impossible than it has been in recent years, and more '*difficult but at least possible*'.

Inspectors should continue to take care to ensure that expectations of 'quality' consist not of counsels of perfection, but simply that they should be *sufficient* for the needs of each particular case.

For practitioners, some have perfectly valid reasons for working strictly to contracted hours, while others have their own personal reasons for preferring to work extra hours to do their job to their own satisfaction. Either approach is fine with an MPT approach, and both should be accommodated by their managers – and in a fair way – with the minimum of fuss and formalised scrutiny. Only if evidence emerges of some doubts about how well the officer is working should managers start to take a more 'interventionist' role.

Caveat: The whole MPT approach does require a particular kind of mindset by all involved in it, of course, but it's hardly groundbreaking. It requires an approach to 'people management' that is enabling, rather than oppressive. MPT's version of *practitioner-centred management* is an essential element – this was implied in the **Desire** component.

To reiterate, this approach specifically applies to probation case supervision. More can be said, on another occasion, about appropriate ways of giving broad (not precise) measures of such case numbers for high-level management purposes, using a version of the 'Absorption' method.

## **What about Diversity? Ethics? Engagement? Restorative Justice & Victims? & (etc)**

MPT is largely silent about these and the many other considerations frequently aired in debates about Probation, not because they're not important, but because they belong in a different category. It's the difference between a Purpose and a parameter. Both things are important, but they need to be managed in different ways.

Parameters can be seen as all the various lines that public service staff should stay within – an ethical framework one might say. None of the parameters are exclusive to Probation, although some have a particular application in Probation work. For example, the reason the public purse pays for having specifically a Probation Service is not so that it can 'do good Diversity practice' – good Diversity practice is now expected of all public services. Equally, all public services are expected to behave ethically (some do better than others in practice of course). Health and Safety standards should be adhered to as well, for that matter. In that sense, these are all examples of 'lines that public service staff are expected to stay within' as they do their work – parameters in other words.

Furthermore, in addition to parameters are skills. Probation practice does indeed need to be done skilfully, and, for example, 'Engagement' (as now renamed) is a skill where attention to it has perhaps been neglected in recent years. This and other 'social work skills' are important elements in Probation practice, but they are inputs not outcomes.

Finally, there are various specific practices, such as Restorative Justice, which have an important contribution to make. RJ is a wide topic in itself, and is a practice that is to be encouraged in many specific contexts. However, it would be a mistake to treat all these matters as subjects for carrying out formalised performance management in every Probation case.

It is highly understandable that enthusiastic managers and inspectors – and often practitioners themselves, if offered the chance to review case files outside their own immediate team – start to identify longer and longer lists of "things they would like to see in a case file" in order to identify good quality practice. But, though well-intentioned, this is a trap. It leads to lengthier case inspection forms, and increased 'compulsory boxes' on case recording systems, and more of an obstacle course for future practitioners. It should not be necessary, as a matter of routine, for practitioners to demonstrate in every case record that they have behaved ethically, demonstrated sensitivity to Diversity issues and listened to the person under supervision. The amount of 'routine form-filling' in the case record should be kept to a minimum.

To take the specific instance of Diversity practice: To be required with every single case to compose text at every assessment and review that complies with a series of specifications is not anyhow a particularly effective way of demonstrating good practice, as evidence of 'performance'. In contrast, it is certainly useful to conduct such exercises on specific occasions, as a matter of local arrangement, for discussion with a manager or other colleague – that is an example of doing so for developmental purposes. 'Performance' in Diversity is best demonstrated at a macro level, where the question of 'Disproportionality' can be explored, as was done with the Lammy review, and in recent MoJ reports. There are technical issues to be got right – ensuring that with every comparison one has been comparing like with like – but it has been demonstrated in the past how this can be done. Long before the Lammy review there were other works, such as the Probation Inspectorate's 'Aggregate Findings' report of March 2011, which included an analysis exploring Diversity disproportionality in the macro-sample of cases explored to date in the then current inspection programme. The way forward for measuring 'Diversity performance' will be to examine large cohorts of records from the future CSR, to check for proportionality of outcomes. This will be

possible since the necessary 'identity' monitoring will still be in the records. Meanwhile, other work to help improve Diversity practice should be undertaken through local initiatives, done for developmental purposes.

To confirm, these parameters are in a different category from the Three Purposes. They are prerequisites that apply partly even before one starts work, and then also serve as perhaps boundaries that the Quality Probation practice should not go outside. To assess their quality doesn't require detailed text evidence recorded routinely in every case – many practitioners would observe that there simply isn't the time to do that anyway – but the quality can be reviewed for developmental purpose using sampling exercises where the practitioner knows in advance of actually writing up the case that this is going to happen. It's a bit like doing a planned 'observed interview'.

Once the concept of these important parameters, as distinct from the Three Purposes, is accepted, then it helps to free the Design of the future CSR into focusing on keeping it lean.

## **The final caveat: The need to avoid doing performance management badly**

It has been emphasised throughout this paper that the benefits of MPT would be undone if the day-to-day management of performance, and of staff, is done badly.

MPT does not seek to prescribe in detail how to manage Probation case supervision well. But certain broad principles can be identified, all centred on the theme of what has elsewhere been called '*positive supervision*'.

On the specific subject of managing Performance Measures (PMs), these principles can be employed constructively and usefully at 'whole organisation' level, but it is strongly recommended that at team and individual level such aggregated results should NOT be used as a mistaken way of 'ranking' local teams or individuals. The 'performance' is by the organisation as a whole, covering the full range of cases in different circumstances, high RoH, low RoH, prolific, first-time and longtime, and all the other different characteristics of different cases. It should be obvious that to introduce – explicitly or implicitly – any idea of competition between teams or individuals based on rankings that may hinge on small percentage points is going to affect other aspects of how work with cases is going to be managed. Just as schools can improve their exam rate success by only entering the students they know will pass, Probation units can avoid taking on the more difficult cases if they want to, and can certainly refuse to accept a difficult homeless prisoner on licence to their area.

Doing performance management badly has been a feature of many organisations as well as Probation, and has been described quite fully by Jerry Z Muller in his *The Tyranny of Metrics* (Princeton University Press). However, he also describes how it can be done well, and indeed sometimes is – these quotations come from his final chapter:

“Measurement is not an alternative to judgment: measurement demands judgment”

“Measurement becomes much less reliable the more its object is human activity, since the objects—people—are self-conscious, and are capable of reacting to the process of being measured. And if rewards and punishments are involved, they are more likely to react in a way that skews the measurement's validity. By contrast, the more they agree with the goals of those rewards, the more likely they are to react in a way that enhances the measurement's validity.”

“...ask yourself, is what you are measuring a proxy for what you really want to know? If the information is not very useful or not a good proxy for what you're really aiming at, you're probably better off not measuring it.”

“Measured performance, when useful, is more effective in identifying outliers, especially poor performers or true misconduct. It is likely to be less useful in distinguishing between those in the middle or near the top of the ladder of performance. Plus, the more you measure, the greater the likelihood that the marginal costs of measuring will exceed the benefits.”

“Every moment you or your colleagues or employees are devoting to the production of metrics is time not devoted to the activities being measured. If you're a data analyst, of course, producing metrics is your primary activity. For everyone else, it's a distraction. So, even if the performance measurements are worth having, their worth may be less than the costs of obtaining them.”

“A system of measured performance will work to the extent that the people being measured believe in its worth.... Metrics works best when those measured buy into its purposes and validity.”

“Even the best measures are subject to corruption or goal diversion.”

*The Tyranny of Metrics* (Princeton University Press) Kindle edition, 176-83

The last comment above confirms that even MPT’s PMs should be exercised with care, even though their benefits should outweigh their costs if implemented properly. Goodhart’s Law is a reminder that the usefulness of any metric is jeopardised by the nature of the management attention given to working to achieve it:

“Any observed statistical regularity will tend to collapse once pressure is placed upon it for control purposes”: Goodhart, C. A. E., ‘Problems of Monetary Management: The UK Experience’ (1984) in *Monetary Theory and Practice* (London: Macmillan, 1987), 91–121

Constant pressure down the organisation to focus attention on metrics that frontline staff perceive as being at best doubtful can be described as ‘megaphone management.’ This style is best avoided in other aspects of managing Probation cases supervision too, as it is very alienating to practitioners who consider themselves self-motivating and responsible. As with any issue of human communication, the question of whether an action constitutes ‘megaphone’ behaviour is 50% the manager’s intention or belief, and 50% the practitioner’s perception – so it is not straightforward for managers to identify the most constructive and therefore effective management behaviours.

MPT does not seek to prescribe in detail how to manage constructively, but it does rely on skilful constructive ‘enabling’ management – *positive supervision* - which is the product of accumulated well-chosen formal and informal actions and behaviours by managers. People looking to develop these could usefully look at anything written by Henry Mintzberg since 1984: e.g. Mintzberg, H. *Bedtime Stories for Managers*. Oakland: Berrett-Koehler, 2019.

And for those who appreciate the key message being conveyed in a graphic:



## **Afterword: Has any of this actually been tried before?**

MPT is a 'grounded theory'. That means that the various components in the theory each started with doing some practical action, then with finding that it seemed to be beneficial, and then with composing the theoretical description of it – i.e. it was a case of 'action first, then theoretical description of it afterwards'.

Documentary evidence of some of these practical actions is still available – these documents can be viewed as being illustrations of some components of MPT being carried out in practice, in the past, 'in embryo form'.

A personal narrative here tries to capture some of the key steps in the 'genesis' of MPT. Andrew Bridges writes:

The 1984 regional course I attended for new Senior Probation Officers centred round the 'John Adair model' whereby managers should keep in balance their three roles of Developing the Individual, Building the Team, and Achieving the Task. Among other things, it thereby raised the question for me: In Probation, what 'counts' as Achieving the Task successfully?

But also in 1984, the Home Office's "SNOP" (Statement of Objectives and Priorities), although it clearly did not meet the usual definition of 'Objectives', offered an answer. It set the general idea that the purpose of Probation was to take 'higher risk' offenders on to community orders, and thereby help to keep down the previously-growing prison population. This did at least seem to be a clear specific 'purpose' for Probation nationally, even if it was one that I didn't think would be a very satisfactory one in the long term.

In 1988, in Newport, South Wales, the most able and enthusiastic of the Probation Officers in my team were designing with me and implementing an Alcohol Education Group course (this was in a time long before Accredited Programmes). When I said we also needed to decide at the planning stage how we were going to evaluate its effectiveness, the response from these talented practitioners was "That's your job, not ours". I've had to accept that talented able practitioners are not always that interested in evaluating effectiveness.

Also in 1988, in Newport, where we were implementing the Cambridgeshire 'Risk of Custody' scoresheet (devised by David Bale) for all Court reports across the then county of Gwent, we set for our team the objective of getting on to community supervision a certain percentage of cases whose Risk of Custody scores were 55 or higher. For all its drawbacks, this objective was in line with what we understood to be the national 'purpose' of Probation as specified in SNOP. But much more significantly for the long term, I noticed the sheer power of having an objective where as a practitioner you could see for yourself instantly, in 'real time', whether or not an action you'd just taken, or other event in the case, would contribute to a collective objective. This is a critical element in the MPT approach.

From 1989, just after my move to Berkshire, the whole question for Probation nationally of what 'counted' as 'doing it well' entered a new phase. The 'What Works?' initiative was potentially very encouraging for the interested practitioners since it suggested that they could have a measurably beneficial effect on reoffending if they – I anachronistically paraphrase now – did the Right Thing with the Right Individual in the Right Way at the Right Time. However, all the evidence that measured this then – essentially measuring reconvictions – relied by its very nature on being retrospective. It could not be used 'in real time', a serious drawback from a manager's perspective, and a potential solution was not obvious.

Also at this time, alongside 'What Works?' were a series of other initiatives for measuring how well public services generally were performing; "Economy, Efficiency and Effectiveness" was very much in vogue. At one point HM Inspectorate of Probation focused on undertaking 'Efficiency and Effectiveness' inspections, focusing almost entirely on management practice alone, while they required local Services to monitor and inspect themselves as evidence of how well they were actually doing their work with people under supervision. I later equated this management-focused approach to inspection to assessing a football team by how much you approve of the way that the manager jumps up and down on the touchline during a match.

In my Assistant Chief role at the time I responded to these national developments by devising in the mid-1990s a series of promising-looking performance measures that could be grouped under the four headings, Resources, Standards, Satisfaction and Results (RSSR). The first two headings were about 'inputs' and the second two about 'outcomes'. But there were two problems: the first was that, despite my efforts to simplify it, it was in reality still far too complicated. The second was more serious: for 'Results' we could measure our performance in relation to the latest Home Office prescription for 'enforcing' community orders, but we couldn't 'measure performance' in any real way for what most people would think Probation was 'for', either reducing reoffending or preventing serious harm to others.

In 1996, a seed was sown when I undertook a half-time Research Fellowship at the University of Oxford, and I designed and implemented a research project later published as *Increasing the Employability of Offenders (1998)*. In order to quantify and aggregate my findings from reading 739 case files across the country, I classified what I was finding in the files into Employment-related Interventions (EIs) and Employment-related Outcomes (EOs). This seed later grew into the more general idea of 'positive outcomes that reduce LoR.'

As Chief from 1998-2001, in view of the problems with RSSR I therefore abruptly dismissed my cherished concept after a few months. Instead I used an early version of the Three Purposes as the headline purpose for Berkshire Probation Service (BPS). The other measures in RSSR were largely continued in some form, but were regarded as secondary measures. My aim was to focus on finding a way of defining 'success' in terms of reducing reoffending and preventing serious harm, and if possible also do this 'in real time'.

The solution involved three developments that were radical at the time. One was for me to conduct a series of face-to-face meetings to convince practitioners across Berkshire to think less in terms of the 'problems' that each offender had now, and more in terms of the positive outcomes that they wanted that individual to attain during supervision, outcomes that in turn would make that individual become less likely to reoffend in future.

This linked to the new paper sheet that I also then composed that replaced all free-text assessments, plans and reviews ("Part Bs"). This single four-sheet form, available to be seen online now, enabled practitioners to record their plans, and then monitor the progress of the case against both the Home Office 'reporting and enforcing' requirements and in terms of positive outcomes that reduce LoR. The single form served for the whole duration of the case. (Case administrators then entered the key data onto a relational database.)

The third development was a Risk Management database, effectively a 'live' case record on Lotus Notes software, so that for cases whose Risk of Harm needed to be managed, the officer's live record could be viewed and added to by line managers, including me, and also by our local 'inspection' team every six months.



These systems weren't perfect, and would be done differently now, but because they were essentially 'simple' – i.e. not over-complicated – they worked in practice, both for the organisation as a whole, and for the practitioners themselves. They also 'worked' in the sense that I was able to produce a single-sheet 'performance report' as feedback for all staff every six months until BPS came to an end in March 2001 (examples also available online).

Footnote here: I put the 'BPS Assessment System' forward to the Home Office, to be reviewed alongside other potential assessment models – I believe four were being considered in all for potential national use at that time. The BPS one – four pages for the entire Order - was seen as 'far too simple'. The one selected was of course OASys, 'only' 13 pages long at the time, all of which had to be completed each time an assessment was needed.

I produced a performance report for all BPS staff every six months on a single double-sided laminated sheet of A4 during the 18 months before Berkshire Probation Service was abolished. It focused entirely on how we were progressing together, and there was no question of making invidious comparisons between different parts of the county. Staff certainly noticed my enthusiasm for 'performance targets' – at a revue there was a sketch on the theme of "Andrew's very keen on archery". So in fairness one would have to ask any former BPS staff who can remember that period whether or not they experienced this approach as being constructive and/or at least not in conflict with their own ideas of good practice. Staff could see I was practitioner-centred - people who came into my office often commented that the wallboard I had there showed the operational staff at the top, and the managers at the bottom.

When I started in HMI Probation in 2001, the Inspectorate had already restarted the practice of looking at work with individual cases as part of its own methodology – a good thing. But there were problems with aggregating the findings, and there were problems with trying to be 'objective' about either deciding whether or not each piece of work looked at had actually been done (Yes or No), or if you were 'scoring quality' (whether it was Excellent, Good, Satisfactory or Poor).

My solution was to 'keep it simple'. Our revised method was that the decision to be made with each piece of work in each case was to become a binary one: was it done *sufficiently* well? It meant being 'up front' about the fact that each inspectorial decision being made was now a *qualitative judgement* – but since this was now explicit and transparent we could work on benchmarking those judgements, and even sharing that benchmarking training with current practitioners and managers. The aggregated performance measure could then become: 'Percentage of instances where the relevant work was done well enough' (i.e. *sufficiently* well). This also had benefits for external communications about 'how Probation was doing'.

This was OK as an interim solution, and provided the basis for reporting on the quality of work done by local areas in both the first and the second Offender Management Inspection programmes. But the further step that was still needed was to try to define success in terms of the outcomes achieved. At the 'design' stage we'd experimented with seeing if we could make the 'Outcomes' section of the OMI reports more robust and prominent, but it was quickly evident that case records wouldn't as yet provide us with enough for us to make confident judgements about that. However, in the 'OMI2' programme we were able to introduce the measure for Implementing the Sentence (Envisaged by MPT as Purpose Two). This worked reasonably well.

But the Outcomes sections for Reducing LoR and Managing RoH still needed further development. We needed an approach that would be recognised and accepted for measuring LoR (using either 'positive outcomes' or an alternative). We also needed an approach whereby a practitioner's RoH

work with a case could be described as ‘sufficiently good’. We seemed close to the latter, when in a published report we were reported – even by the Sun newspaper – as having declared that two murders in Bristol could not have been prevented (not precisely what we’d said, but the general point was roughly right). But the world has moved on since then.

For the time being, as a proxy outcome for RoH work, it might be wise for pragmatic reasons to continue with the ‘initial solution’ for Purpose Three: Percentage of the RoH work that has *sufficiently* met the required quality. Similarly, for Purpose One, the ‘initial’ solution of ‘progress’ in the first instance might enable the *developed* solution of the stepping-stones to be introduced to supersede it at a later date.

**Notes:**

1. Some of the ‘historic’ documents mentioned can be found online in a pack headed “BPS Performance’ on [andrewbridgesprobation.com](http://andrewbridgesprobation.com)
2. Biographical: Andrew was a main-grade Probation Officer for eight years before rising by a serendipitous route to become first a Chief Probation Officer and later the Chief Inspector of Probation. Fuller details in the Memoir on the same website [andrewbridgesprobation.com](http://andrewbridgesprobation.com)

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