

Reasons for a Reunited Probation Service

Briefing 4: No local accountability or meaningful involvement with stakeholders by the NPS or the CRCs

Courts

Prior to TR probation had regular contact with sentencers in both Courts. In the Magistrate's Courts forums were held to give magistrates an update on sentences, on programmes that are available and on what work or projects clients will be carrying out as part of their sentence. In the Crown Court similar events were held as well as joint training and good practice sharing. This led to both Courts having confidence in probation and a clear understanding of what probation involved. Since TR this has stopped. The CRCs are not allowed to have direct contact with the courts for fear of a conflict of interest and pressure on NPS staff in the courts has led to little or no contact outside of the court room.

This has significantly affected sentencing patterns with magistrates in particular saying they have no confidence in probation, the CRCs or what they deliver. This in turn has led to CRCs seeing less business than originally estimated, a greater use in short prison sentences and a significant increase in people being sentenced with a pre-sentence report. The latter having a disproportionate impact on women and BAME clients.

Less 3rd sector provision

One of the key innovative ideas behind TR was to see an increase in 3rd sector provision of services. Prior to TR many probation Trusts were already using 3rd sector provision on a payment by results basis or direct flat fee for service. Once preferred bidders had been identified it became apparent that very few 3rd sector organisations were directly involved in the first level of the contracts and those that were, were much larger organisations such as Shelter.

Napo and others were reassured repeatedly by the MoJ that a diverse range of providers would still be involved at the 2nd and 3rd level of the contracts. However, this has not transpired. Clinks has reported that many 3rd sector organisations and charities were simply not able to take the financial risk of getting involved.

Once contracts had been signed CRCs owners cut back on partnership contracts as a means of saving money. The end result is that there is less 3rd sector and charities involvement in probation provision than before. The NPS is currently forced to outsource all their 3rd sector partnerships through the CRCs at a higher cost than it would be if done directly. As such the NPS has been priced out of its own operating model and staff have very few options for local services to work with clients.

No localism

The NPS has now been consumed by the civil service and is run directly from Whitehall. As such it has become too remote from the local communities it should be serving and has no autonomy to work with local services or meet the local needs of its clients.

A one size fits all model does not work when you are dealing with complex individuals in a variety of settings, from inner city London to rural Cornwall. Directions from London do not take account of these local variations nor do they allow any flexibility for local managers.

CRCs are in the main, large corporations that have international business above them. This has led to a profit and target focused approach to probation leaving little resource for responsiveness and need on a local basis. They are not subject Freedom of Information requests leaving them unaccountable to local communities. They now charge very high prices for Unpaid Work to be carried out which alienates local charitable causes and limits who then can benefit from the unpaid work.

Questions you may wish to ask

- How does the MoJ intend to rebuild the confidence with Courts and engage sentencers and CRCs?
- Does the Minister accept that reunifying the probation service under public ownership and creating a localism approach is the only way to resolve the issue of 3rd sector involvement, greater community engagement and rebuild the confidence of Courts in probation?
- With TR failing so badly at involving the 3rd sector and creating a mixed market, what steps will be taken in the next round of probation remodelling to resolve this?

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