

Does Probation need to be Ofsted-ed?

A briefing from Napo, the Trade Union and Professional Association for Family Court and Probation Staff – 5th October 2017

Chief Inspector of Probation, Dame Glenys Stacey has recently signalled her plans for future probation inspections – signalling amongst other elements, an annual in-depth review of performance across all aspects of provision in both the privatised Community Rehabilitation Company (CRCs) and the equivalent areas of the National Probation Service (NPS); and new Ofsted style ratings of Outstanding, Good, Requires Improvement and Inadequate.

Dame Glenys and her team's work over the last two years has been a ray of honesty and hope for those who care about standards in probation, otherwise feeling battered by the unrelenting storms. Chris Grayling's "Transforming Rehabilitation Revolution" turned probation into a disaster zone - tearing up and destroying existing standards and structures; damaging local partnerships with wider agencies and providers; driving out many experienced professionals and local leaders; and leaving chaos and confusion in its wake. The most obvious and startling problems arise from the universally opposed splitting of local service delivery by introducing a legal and commercial barrier to co-operation between those allocating risk levels and managing high risk (in the nationalised NPS) and those managing medium and low risk offenders in the local community (for privatised CRCs). Dame Glenys' speech is uncompromising about the failings of CRC contracts, the chronic underfunding particularly given the need for disaster recovery, and the over-reliance on the "heroic efforts of the workforce". She also recognises that weakness isn't limited to the privatised elements of the new service, but that the NPS is also a cause for concern in places.

Perhaps the cause of most alarm to outsiders but of greatest relief to those in the service, is her emphasis on addressing a lack of clear standards about what good probation involves – confirming that Government caused this storm without actually first establishing what they were trying to achieve! That she then says she has taken it upon herself and her team to produce some standard measures is likely to be welcomed, as they're the only independent body with the capacity and credibility across the service to lead such work.

However, there are also some concerns for probation staff and unions in Dame Glenys' speech. It is natural given her background in education she'd be drawn to the Ofsted framework, structures and language. However, she is walking a fine line and will need to make sure that political pressures and other forces don't tip her off. Ofsted is a term that frightens professionals.

Academics, politicians and inspectors may well say that Ofsted has improved standards in teaching since originally being introduced alongside the National Curriculum in the Major Years, pointing to data and pupil outcomes, and they may be right. But teaching now regularly features in the relegation zone of Professional Morale League Tables and the word “Ofsted-ed” has become a recognised adjective for a form of institutional bullying and stress. Unless handled very carefully, introducing “Ofsted-ing” to probation could just be the thing that sends the service into total meltdown.

This risk is partially recognised in her speech but not necessarily in a reassuring way – warning against creating an industry of “mock-inspection” and saying her team will see “the wet paint”. Those most concerned about stabilising the service and supporting greater professional recognition may say, “Great, expose the chaos” but this will only have a positive impact if criticism leads to outcomes. The other political challenge in Dame Glenys’ speech is that without established standards, what does “outstanding” look like and, more relevant presently, what is “inadequate” and what happens when it is identified.

What happens if CRC X is deemed to have totally failed its inspection? Grayling’s revolution took no account of possible failure so there is no set of rules or plans for such an inevitability. In Ofsted terms, the Governors would be sacked, alongside the Head and the school taken into “special measures”; given a few breaths to magically improve everything before being handed over to a new Board after a further humiliating public flogging. But it’s more complicated with a commercial arrangement like the CRC contracts? Assuming there would have to be a tendering process, could the state step in, at least temporarily? It’s impossible to comprehend how that would happen safely whilst the NPS is currently struggling to even pay its staff and collect pension contributions.

Then you’d ask who would bid to take over in a market that’s already thin (one CRC contract being awarded to the only surviving bidder and only 7 owners sharing the 21 contracts) when:

- a) they’re already likely losing money on their existing contracts;
- b) the reputational risk of failure in a heightened ‘Ofsted’ environment could be damaging; or
- c) few if any of them yet have a track record to trust handing them more work?

And how much would the taxpayer end up paying someone brave, stupid or greedy enough to volunteer? Does the Treasury set credit limits even to its favourite contractors?

At this point, Napo and its members are likely to still welcome Dame Glenys and her cavalry, such is the desperation for help and change, and she has won many admirers for how she has gone about her business since taking office, (especially after it had been tarnished by the previous incumbents association with one of the bidders during the height of Grayling’s storm).

However, to bring sustainable success, Dame Glenys (and other senior probation leaders at national level) will need to avoid the most critical mistake Ofsted made. From the start, Ofsted saw the teaching profession, and especially its unions, through a jaundiced perspective of opponents to change, small 'c' conservatives and a barrier to be beaten down, best characterised by its early leadership from the bombastic Chris Woodhead. Dame Glenys has made a better start and has championed staff in her reports. She now needs to institutionalise professional engagement with staff via the conversations that develop the meat around her skeleton Professional Standards Framework.

This needs to extend immediately into the development of the supporting strategic professional structures that will sustain a Professional Standards Framework— involving:

- unions and staff helping shape and promote new professional pathways from apprenticeship programmes and course content;
- the Inspectorate joining union calls for more managers to sustain positive, coaching based performance development;
- and reward levels that match other professions.

All of these strands are under discussion in different places but without any evident strategic co-ordination across the nationalised NPS, with the resistance to progressive change coming from existing leaders – staff are locked outside the Head teachers' office and worried about being unfairly excluded.

Dame Glenys's first step in translating her ambition into reality should be insisting on inviting the voice of staff into the discussion at all levels. Napo stand ready to engage.

Dean Rogers
Assistant General Secretary

BRF07-17