

## **INTRODUCTION**

As soon as it was possible to get out of Parliament without having to answer questions about it, the Government published their long awaited Probation System's Review, in the form of an 8 week consultation when Minister's will be on holiday!

It is difficult not to be sceptical about how genuine a consultation this is, especially given the reputation of Governments around "consultations" generally and their ignoring all the warnings about the risks in TR. With some of the disastrous Transforming Rehabilitation Revolution's Chief Engineers still in key position (e.g. Michael Spurr as Supreme Head of HMPPS; Contracts and Costing Chief Iain Poree; Grayling's Chief Communicator Amy Rees back in Wales) this scepticism is re-enforced.

## **REUNIFICATION & ADDITIONAL INVESTMENT?**

However, it is also difficult not to see the critical importance of this next stage in the transformation probation and community rehabilitation services in England in Wales. Napo, along with most experts and probation stakeholders, predicted long before any TR contracts were exchanged, that Grayling's model was unsustainable. In particular:

1. Artificially splitting service delivery at local level between the nationalised NPS and the outsourced CRCs is irrational and dangerous. It creates unnecessary bureaucratic, trust and information barriers between local professionals. It means offender managers in the NPS are overloaded and prone to burn out with only high-risk cases, whilst former colleagues in CRCs have fewer opportunities to learn and develop when working on only low and medium risk cases. It creates an artificial market for staff, especially in areas where recruitment and retention are already difficult, such as London and the South-East.

***Can you imagine any other service being treated like this? What politician would suggest dividing the local fire service into two with the nationalised service only responding to serious fires and where there is an immediate risk to life and a privatised fire service only responding to low risk call outs? Why is such insanity allowed in probation? Addressing this insanity must be everyone's first priority in this review.***

The consultation talks about new models being explored and almost piloted, particularly in Wales, where core probation services are being brought back together. It states, "We will then consider whether the learning from these new arrangements is applicable to the system in England" (pg7). Confirming how serious the Government are about learning will be a big test of the consultation.

2. The TR revolution has been undermined by shocking financial planning and incompetent contract management from the start. This needs to be recognised and addressed in any plans to move forward.

Much has been made and said about the constant need to adjust, top-up or bail-out the existing CRC contracts. The excuses offered by Minister's recently are enlightening in that they shed some light on the continuing weakness of the contracts – e.g. Gauke recently telling Parliament that some contractors are still being paid less than the cost of providing the service as if this was a good thing. In reality, giving this critical work to companies to run against ridiculous margins is dangerous.

Napo believe that the current contracts are founded upon fiction, guesswork and hope – Grayling's team desperately trying to stimulate a non-existent and sceptical market with false and over-optimistic promises. It is inevitable that some owners want to walk away early. Others will want to sue the Government for mis-selling. Simply terminating the contracts and starting again would inevitably cost.

We believe the "early termination of the contracts" is a cover for a final bail-out – those who want to walk being allowed to cut their losses and those who want to stay being squared up to the end of the original contracts so their shareholders are at least not out of pocket and wanting to sue the MoJ. ***A key signpost to if we are right will be the length of the new contracts – something the consultation is silent about.***

However, very little public debate has focussed upon the relative costs of the NPS – also being met by the taxpayer and managed incompetently by the MoJ. Prior to TR, Napo asked what the anticipated budget for the NPS was and were met by an indignant and angry response that it was, "None of our business". We doubt there ever was an original NPS budget – none has ever been published to our knowledge.

We do know that as the number and type of case being passed to CRC's were less than expected there was a corresponding increase in the anticipated number of cases arriving in the NPS. By 2020, there will be several thousand more offender managers in the NPS than was planned in 2014.

The financial strain on all parts of the service has had a constant impact operationally – including upon staff morale. In the NPS this has been amplified by constant payroll and pension issues, as a consequence of forcing it into inappropriate HR systems to meet the TR timetable. Workloads have risen - in CRCs because of staff cuts due to budget problems and in the NPS because they can't recruit enough staff quickly enough. Sickness absence is still high across probation.

***Whatever happens next, Parliament's first question should be, "How much is all of this actually going to cost us?" Napo members, probation's clients, victims and the public can only hope this time probation gets a financial settlement more worthy of its true value.***

3. The consultation also talks about wanting to "Develop a workforce strategy which ensures providers can recruit and develop staff they need to deliver quality probation services and support staff to build careers" (page 7).

**NAPO BRIEFING PAPER #1: Strengthening Probation, Building Confidence**  
**Dean Rogers, Assistant General Secretary (3rd August 2018)**

Even recognising this as an aspiration is welcomed given the experience of Napo members across the NPS and CRCs since TR. The artificial split has been one factor that has prevented any significant progress in terms of developing a clear professional career path from entry level (as a PSO or working in an AP) into senior leadership training and development for probation managers. Napo have long argued for a license to practice for all Offender Managers and, whilst encouraged by this being potentially in the scope of the consultation, we note the limited progress as the NPS had been unwilling to “impose on” private contractors.

***Developing a more coherent professional strategy should start by removing the split between providers of core probation services in communities.***

***The next step is then strategically addressing probation pay reform across the whole service.***

Pay reform was identified as a priority before TR. A sensible and sustainable pay system will be fair and measurably equitable, consistent, stable and transparent. Probation’s is utterly opaque, rooted in unfairness and increasingly inconsistent even locally. Whatever operating model the Government settles for it will not be stable or sustainable whilst experienced offender managers doing exactly the same work in the same offices for the same employers earn several thousand more or less than their each other just because of different start dates. At an ET case in 2016, NPS officials admitted to recognising age discrimination risks. Since then no formal negotiations have been allowed to address these even in the NPS.

This additional cost and financial instability generated by TR has prevented the Treasury releasing funds for probation pay reform. For the last two years, Napo have been told addressing this is Spurr’s “top strategic priority”. In the meantime, the MoJ has been a dysfunctional parent, failing to get its accounts signed off and is now effectively being run by its Treasury auditors – like a near bankrupt business. Since 2016, Probation have seen the HMPPS favourite child, aka the Prison service, get two pay rises whilst probation staff have received literally nothing. In CRC’s, some of the more stable have offered at least something to staff but all are struggling and fear pay reform in the NPS leading to an exodus of experienced staff to their local competitor.

***If Ministers are genuine about valuing staff then finding the resources for pay reform must be built into the costs of the next phase with employers and unions given the space to seriously negotiate a sustainable pay model for the future.***

**CONCLUSION**

***Napo members have been waiting for the Probation Services Review for a long time and will inevitably be reading between the lines. Our first impressions is that this consultation doesn’t give many clear answers or even a clear direction. Right down to how and when it was released, it reflects a Government that’s confused and chaotic - reacting tactically on a day by day basis rather than thinking strategically.***

*This presents us with a huge opportunity. Like many consultation papers the best starting point is not the questions they ask but identifying the questions they don't ask, exploring these and asking what the gap means. The big questions that the paper doesn't ask but needs an answer to are:*

- *Will the Government have the sense and courage to reunite core probation services locally and if so, how and when can this be done?*
- *Will the Government recognise the true value of a professional, trained, locally accountable probation service and how much is it willing to invest to meet this aspiration?*
- *Will this really extend to staff this time, with their response to Napo's demands for pay reform being a critical early signpost?*