

Probation reunification – the next steps

A briefing from Napo (August 2019)

Napo warmly welcomes the government's decision to reunify probation but is concerned that plans include the provision that vital parts of the service are still to be run for profit. We sincerely thank all supportive parliamentarians for their decisive pressure on ministers to help bring about this historic U-turn.

The decision to return 80% of work currently managed by private-sector Community Rehabilitation Companies (CRCs) back to the public-sector National Probation Service (NPS), when contracts expire in April 2021 is a major victory for common sense – and a clear government admission that the grandiose vanity project to privatise probation has well and truly failed.

Alongside many others, Napo has campaigned tirelessly against the devastating Transforming Rehabilitation (TR) reforms in 2014, led by then-justice secretary Chris Grayling. We warned that probation could not, and should never be, run for profit, and that splitting the award-winning service would undermine public safety. Unfortunately, our member's serious misgivings have been proved right, with failing CRCs needing to be bailed out with at least an additional £280 million of taxpayers money. Meanwhile, the number of serious further offences (SFO's) most usually involving murder and/or sexual assault have soared by a staggering 23% over the last two years and over 40% since TR was implemented.

Going forward, Napo insists there are still serious public-protection problems within the new plans to retain a so-called "mixed market" model, with vitally important interventions and unpaid work placements remaining in private hands. The track record of the private sector in supervising a client base from which serious reoffending frequently occurs is lamentable, and it is scandalous that ministers are prepared to run that risk against all empirical evidence to the contrary.

Scapegoating of staff is unacceptable

Serious questions also need to be raised about the culpability and potential criminality of some of the private probation providers following a number of serious further offences that have taken place under their governance. This is especially the case within the South West and Wales areas previously run by Working Links (who entered into Administration in February this year), and who have been replaced by the CRC previously covering Kent, Surrey and Sussex. Many warnings were raised by Napo with Ministers and the employer about their reckless operational model, but these went unheeded.

As a result of unmanageable workloads and operational systems that were (and still are) unfit for purpose, we are also seeing an alarming rise in SFO disciplinary investigations involving our hard pressed and exhausted practitioners working for the NPS. Many staff in the NPS who are supervising high-risk clients are typically facing workloads of almost twice their capacity, due to 1000 unfilled vacancies across the NPS (which are another direct result of the fragmented service created by Grayling).

Napo is not prepared to see our members scapegoated following these investigations, (or during the increasing number of inquests that they are being asked to provide evidence to), in order for politicians to lay the blame somewhere else for their complicity in destroying a once Gold-Standard Public Service.

We are grateful to shadow Labour minister Laura Pidcock for raising this specific issue at May's Justice Questions, telling MPs that "Napo has called for the scapegoating of probation officers to end, especially after the reviewing of cases that have already been covered by a review," and asking: "Does the Minister agree that the probation service should take responsibility for structural failures leading to serious further offences, rather than hanging its workers out to dry?"

In response, Minister Robert Buckland paid tribute to probation officers, saying: "They are dedicated public servants who use their professional judgment and skill to help assess risk, which is an onerous task. I do not approve of scapegoating. I expect the service to support probation officers who are under pressure, but for cases where there needs to be an investigation, due process then has to take place."

Our vision for the future

In our current negotiations with Ministers and senior MoJ and HMPPS leaders, Napo has made it clear to that we have a number of 'red lines', including:

- The restoration of all probation work back into public control and ownership
- The need to ensure that the earlier and already scheduled transfer of offender management work to the NPS in Wales becomes the benchmark for the process to follow in England
- All probation staff to be placed on NPS pay, terms and conditions in advance of the move to transfer offender management work and the letting of any new contracts to so-called Innovation Partners and sub-contractors who would form part of a Dynamic Framework.
- Continuity of employment for the appx 8,000 CRC staff transferring into the NPS

Beyond these immediate priorities, Napo has a progressive agenda for the reform of Probation and its return to full public ownership and control. In re-designing Probation it is vital that lessons are learned from the profound failure of "Transforming Rehabilitation" (TR); yet simply re-drawing the line between public and private provision is not enough to repair the massive damage to the service.

Napo have four key demands for the future of Probation:

Fully integrated service provision

In all of the many criticisms of TR the split in the service between the NPS and CRCs has been universally acknowledged as a cause of poor service provision, increased bureaucracy, duplication of work and communication issues. Napo want a fully integrated and unified service, with all core functions -including unpaid work and interventions- delivered from a single organisation. This does not preclude the involvement of specialist provision by the third sector in a partnership arrangement but ensures that the management and delivery of core services is carried out in a co-ordinated manner.

Keeping probation in the public sector and never for profit, but out of the civil service

Our members agree that nobody should profit from crime and equally no one should profit from the delivery of Justice as a result of those crimes. The delivery of Probation Services belongs in the public sector but the move to the Civil Service as a result of TR has meant that the National Probation Service is now overly bureaucratic and follows a top down "command and control" culture. This means that the responsiveness to local priorities that was once a key feature of Probation has been lost and innovation is reserved to those promoted to senior positions rather than open to all. Probation Officers are, as part of their training, encouraged to think critically about the work that they are doing and the systems in which they are doing it. This is almost impossible from within the Civil Service where criticism of the establishment is forbidden.

For many years Probation has struggled for recognition and focus against the forced partnership with the Prison Service. Although we recognise the advantages of working closely with our colleagues in the Prison Service we are not an adjunct to that service and while there are many areas where our work and ways of working align, there are also many areas where they do not. Successive Governments have failed to understand this reality making it nigh on impossible for the Probation Service to focus on developing its own culture and values.

Our demand is for Probation Services to exist outside of the Civil Service but in the public sector, as a non-departmental government body(in the same way as organisations like CAFCASS and many others). This would allow for a degree of consistency through a national structure but would enable the development of more effective probation practices.

A service built on evidence based practice

There is a wealth of evidence about how to support people to desist from offending. Research into desistance and risk assessment and management is abundant, yet little of this knowledge is being employed in redesigning Probation Services. Much of the pressure that staff leaving the service describe is about being asked to work in ways which they feel do not represent good practice and which in some cases are dangerous. There is no sign of these lessons being learned. In addition there have been attempts to silence those who raise concerns about practice and the evidence of a need for change has been suppressed, for example in the case of the report exposing serious problems about Sex Offender Treatment Programmes in prisons.

At the same time as the feted reintegration of offender management work following TR, the other big project is the Offender Management in Custody (OMiC) project. OMiC builds in multiple changes of Offender Manager despite the fact that such changes were criticised so much in the TR model that it caused a significant change of policy and hastened the move to reintegration.

All probation practice should be based on evidence, and changes should be made to ways of working based on this and not the convenience of the organisation or the needs of a private contract.

Rooting Probation in the local community and partnering with local specialist providers

Probation is about people; and people exist in communities. The link to the community is vital and must be prioritised. What works in one village, town or city might not work elsewhere. There must be a facility to respond to local needs and priorities and to shape service delivery to suit. Frontline practitioners must be empowered to work in a way that meets the needs of both their client and their community rather than to a centralised agenda.

There are many third sector providers working in response to local needs that might be excellent future partners for the delivery of probation services, either as a contractor or in other arrangements. Sadly, many of these very local services were simply frozen out of the system due to TR but where they exist they should be involved in an appropriate way. Large contracts are not the way to deliver such innovative and responsive partnerships; as smaller third-sector organisations cannot compete with large companies who are better able to offer cash guarantees and present artificially low bids. There should never be a separation between probation services and the support mechanisms that exist, but working together in a joined up way is often impossible when there is no local control or accountability over the system.

Suggested actions by Parliamentarians

Supportive MPs and Peers are encouraged to consider asking one of the following questions when opportunities arise.

- Privatising probation has proved to be a costly and dangerous failure, so why are ministers still insisting on keeping the profit motive at the heart of core probation services?
- Does the Minister agree that probation officers currently working at the failed private probation companies should be placed on public-sector pay, terms and conditions in advance of transferring to the National Probation Service?
- What assurances can the Minister give to this House that probation officers will not be scapegoated for serious further offences where they have not received the necessary support from senior management or have suffered from systemic operational failures not of their making?

- Does the Minister agree that the failure of TR (as evidenced by numerous HMI Probation reports, the Justice Committee and NAO), along with the massive amount of additional taxpayer's money used to shore up failing CRC contracts now warrants a Public Enquiry?

Ian Lawrence
General Secretary

Katie Lomas
National Chair

For more information, please contact Tania Bassett, National Official for Press, Parliament and Campaigns, on 07904 184 195 or tbassett@napo.org.uk