

Section 16 - How can we ensure that arrangements for commissioning rehabilitation and resettlement services in Wales involve key partners, complement existing arrangements and reflect providers' skills and capabilities?

Introduction

The key to effective probation services is RELATIONSHIPS. Relationships between practitioners and their clients (we will not use the word “offender” here). Relationships between Probation and other agencies. Relationships between our clients and their families and communities. Flesh and blood, whole human beings. These can be informed by academia, politics, finance, strategy, expedience, logistics, but this work will always irrevocably, rise or fall on the quality of relationships. The systems, processes, markets, accountancy of every single decision and policy that flows from this exercise will succeed or fail on the criteria of how they succeed in forging and enabling healthy relationships.

Attempts to shoe-horn Probation into a market driven model are tortuous, have failed, and will fail. We concur with the Howard League: “Commissioning arrangements should be based on cooperation and joint purpose, rather than competition.”

Furthermore, while unifying offender management in the public sector NPS is a move in the right direction, it is not enough to build the dynamic, flexible, locally embedded probation service that is needed and is possible. Probation is not well placed within the direct structure of the Ministry of Justice and HMPPS. The processes, structures, and prison-dominated culture actively undermine the effectiveness and potential of probation. We believe that this costs a great deal in both money and opportunity. We realise this call may fall on deaf ears, but the call is, nonetheless, to “Free the NPS” at least in Wales. We recommend the establishment of an independent Probation Board, overseeing a Probation Service of Wales

Minimum standards are a good thing, ensuring a consistency in expectation and delivery. Monitoring these is an important activity informing practice and strategy. The setting and checking of minimum standards is an activity which acknowledges that the Work is more nuanced, sophisticated and of long term lasting benefit, but less easily measured. Performance indicators, used sagely, are a crucial pointer to how things are going. They are waymarks, health checks.

They are not the product but have become the product. This is true in both the lamentable CRC regimes and the NPS. This way madness: an industry devoted to achieving outputs at the expense of outcomes, is burgeoning. Let it go. You have hinted that if the Welsh Model succeeds, it might inform future policy. Be brave.

1. Napo Cymru welcomes the decision to reunite Offender Management in the Public Sector in Wales. This goes some way to mitigating the damage done by TR to the once gold standard Probation Service. Much of the language of this consultation and discussions is of business contracts, process maps, and commerce. Rehabilitation is built on relationships with individual offenders, hereafter referred to as “clients”, and between professionals and local partners. Each relationship is unique, and complex. Efforts to reduce this complexity and the profession to a set of production-line processes in order to commercialise the whole, is depressing to witness, and will fail. We applaud the courage and conviction of Wales decision-makers in the approach being taken in Wales, and we hope that as the model for Wales is developed, the potential to thoroughly reimagine and restore the Service is properly explored. We note that CRC offender management is not, however, “going back” to where it was, as there are inherent difficulties and problems with the centralised Civil Service based NPS within HMPPS. We urge the development of a strong statement of values and principles, and (with an eye to the paragraph below) this should be launched and developed with the full participation of your core providers.

2 The primary provider of Rehabilitation and Resettlement (ie Probation) in Wales, and England, is the staff working in “probation”. This is the core service. These professionals have been pushed from pillar to post over a turbulent, and for many traumatic, few years. We strongly recommend that attention and investment is given to facilitating this next phase of change and upheaval, and to the care and support of the staff affected. This should start with acknowledgement from Probation Leaders of their experience and its impact and go on to demonstrate demonstrable, tangible care and attention being given to probation staff. Napo is ready and willing to engage constructively in this process. In the tight deadline to tackle the complexity of commissioning models and the like, Probation staff must not be neglected or taken for granted.

3. Probation is a core public service. Part of our justice system, it sits naturally and properly in the public sector. It should and can work in partnership with other agencies, organisations and sectors. Third sector agencies have a crucial role in the provision of rehabilitative services for groups under-represented in the justice system, and for specialist services such as education and employment.

4 We can see no rationale for the non-inclusion of unpaid work and Interventions, particularly accredited programmes, in the re-unification. Both sit naturally within “probation” and are discussed in more detail below.

5 Unpaid Work: As has been emphasised in documentation and other venues, the rehabilitative potential of unpaid work is highly valued. As a “work experience”, reparation to communities, and to foster self-worth and self-efficacy. Unpaid work has been a visible “shop window” of probation and of community sentencing since it was Community Service. It has the potential to increase the confidence of the public and of sentencers in the wider credibility and benefit of community sentences. For it to achieve all its positive potential, Unpaid Work should

- be wherever possible, undertaken by clients achieving beneficial impact in their own communities. That is to say: taking clients from (in the main) impoverished communities and having them redecorate/clean up cute village halls in affluent suburbs does not achieve this. Work which enhances the environment and facility of their own habitat does.

- afford the opportunity to learn skills and the positive rewards of meaningful work. This can range from establishing regular turning up and effort expended, through teamwork and individual responsibility, to the acquisition of certification and specific skills. Unpaid work should include opportunities and encouragement to gain useful qualifications and “tickets”, such as the CSCS card.

- never undertake work which would otherwise be done by paid employees

- at its most fundamental, be reliable (minimal “stand downs”) respectfully supervised on a pro-social modelling basis, accurately recorded. As has oft been pointed out, unpaid work supervisors spend more time with their charges than anyone else in the community sentence regime, and that contact should be informed and influenced by the wider aims and values of community sentence supervision and contact.

- Where there is more than one requirement, include regular feedback and coordination with an offender manager who will sequence other interventions appropriately, and support compliance and the positive potential of the unpaid work activity.

- Be underpinned by the values and mission of Probation. For unpaid work to achieve all or some of these positives in each placement, an overarching and embedded “probation” values base must inform the planning and execution of its operations. Also, easy, personal, reliable communication between case managers and unpaid work supervisors is highly desirable. For unpaid work to fulfil its secondary but important role of “ambassador” of the wider probation operation, it needs to be “of probation”. Given this, any argument for splitting unpaid work away from the core delivery of probation would have to be compelling, and we can’t see one.

Use of Technology in Unpaid Work: We have already expressed our concerns to the current employers, regarding the development of Skyguard/Telematics technology. We remain highly concerned regarding the potential for inappropriate staff surveillance, and erosion of rights. There has been no impact assessment regarding diversity and the impact on privacy and autonomy.

6 Accredited Programmes

The four accredited programmes delivered in quantity are (at present)

- Sex Offender Treatment Programmes (more than one programme)
- Domestic Violence/Relationships (Building Better Relationships- BBR)
- Substance abuse and addiction (Building Skills for Recovery – BSR)
- Thinking Skills Programme (TSP)

Splitting off the delivery of other programmes -especially BBR- from the delivery of sex offender programmes, and from core probation supervision, has significant problems

- a) For high quality high risk programmes delivery, a CPD route through other programmes is highly desirable. You can have “quantity” and fill the posts in programmes delivery in sex offender work, by recruiting staff and training them up for a week and a bit. This does not achieve Quality. The best route into sex offender work, and sex offender programmes delivery, is to work up through at least one other programme. The best SOTP delivery staff have invested years of training and CPD into their roles.
- b) The modus operandi of Sex Offenders and Domestic Abusers can be similar. Typically, both are complex, manipulative and highly conflicted. Not infrequently they belong to both categories. There is great sense and organisational gain in facilitators becoming experienced and skilled in both programmes.
- c) The CRC/NPS split on a risk basis was particularly problematic regarding domestic violence cases, the majority of which are assessed as “medium risk”. The assessment of most DV cases as medium risk is erroneous and an institutionalised bias against a) the evidence and OASys criteria b) women victims. In our view there should be PO qualified facilitators in the staff group delivering BBR.
- d) Burnout and staff flexibility: We have heard a sound argument for offender managers holding a varied caseload. This should also be true of programmes delivery staff. Having a staff group qualified to deliver more than one programme also means greater flexibility for leave and sickness cover, variable demand.
- e) Good and effective programmes delivery -and risk management- requires ongoing communication, rapport and responsivity between case managers and programmes delivery staff. This is made possible when both are under one organisational roof. The difficulties that occurred in communication and the concomitant loss of confidence, between CRC programmes and NPS OMs over the last few years illustrates this.
- f) Is there evidence that programme delivery from within probation is more expensive for similar quality? We believe that the converse is true, and again see no argument for Programmes delivery to be hived off from other core probation delivery.

7 Other interventions: RARs

In our view, the conception, legislation and execution of RARs needs a thorough overhaul. The wording: “days” in reality being as little as 20 minute sessions, the lack of an evidence base, the risks associated with delivering half-cocked heavily pruned interventions under headings such as “relationships” are not confidence inspiring. RAR’s should, in our view, be very specific in the required outputs, and best suited to where there is an immediately tangible output, eg a C.V. and/or delivering niche specialised services to groups of clients who cannot be served well within core probation delivery

We believe that well designed and clearly defined RAR’s could be the format for local commissioning to niche and specialist organisations and agencies, especially the third sector: examples are

- Women
- Veterans of the Armed Forces
- Careers advice and progression
- Drugs and Alcohol treatment
- Literacy and Numeracy
- Programmes delivered in Welsh

8 The importance of initial assessments: THE PSR

Good and thorough assessment at the outset will inform courts, create confidence, set the scene for targeted and meaningful work following sentence, and establish credibility of community sentences. We strongly recommend a return to full assessments of risk and responsivity, and more detailed and informative recommendations, at the pre-sentence report stage. This does not require additional resources: it is front-loading the work to the most effective place. Thorough investigation and analysis at the Pre-Sentence Report stage will enable a proposed community sentence to become a detailed contract between the court, the client, and the probation service.

9 Housing

If all the papers produced on strategies and signposting and the like were turned back into trees, and they were used to build log cabins, we might be in a better position regarding accommodation for those with criminal records and subject to our supervision. Any commissioning of services aimed at addressing housing should have only one measure of success, and that is people in accommodation. Given the paucity of social and low-cost housing, the most effective work will be locally embedded, creative, and forging links, relationships and agreements with individual landlords and housing providers. This will not easily adapt to large scale commissioning at a high level.

10 Valuing Developing and Rewarding Professional Staff

While we applaud the direction taken by HMPPS and Government in Wales, we believe that the Probation profession should be consistently governed, regulated, inspected and rewarded across England and Wales, as a single entity. We therefore limit our comments on this, believing this should be negotiated and considered at an England & Wales level. We support in principle the development of professional standards and registration. We want to see further investment in Continuous Professional Development, including allowing staff the space within their workloads to undertake this. Probation Staff must be properly paid for the vital and complex work they do.

11 Technology

Lastly: new technology should and can be harnessed to enhance the effectiveness of Probation work. The critical importance of building and maintaining the practitioner-client relationship should inform the way in which technology is used. Where it is employed as a cheap alternative to human interaction, effectiveness is at best compromised, at worst lost.