

Napo Justice Unions’ Parliamentary report

October 2021 to September 2022 (prepared by Solidarity Consulting)

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Summary and overview

Napo is a founding sponsor of the Justice Unions Parliamentary Group (JUPG), working alongside the POA, PCS, UCU and the Police Federation of England & Wales to advance campaigns of relevant concern in Parliament. Over 100 cross-party Parliamentarians are members of the JUPG, which is co-chaired by Liz Saville Roberts, MP for Dwyfor Meirionnydd and Westminster leader of Plaid Cymru, and Labour’s Shadow Justice Minister Lord Ponsonby of Shulbrede, with secretariat support from Solidarity Consulting (see @JusticeUnions on Twitter).

Group members make up the bulk of Napo’s parliamentary support and continue to make interventions on behalf of the union – including via written and oral questions, Early Day Motions, debates, select committee inquiries, legislation, letters to ministers and other activities (highlights detailed below). Napo members are encouraged to contact their own MPs and ask them to join the JUPG.

The Group’s probation campaigning over the past year has focused mainly on workloads and retention of staff, with regular written and verbal briefings distributed to Members, especially ahead of key parliamentary business. While crunch pay talks were happening with the employer, relevant Napo concerns were raised at oral questions in the House of Peers, at Westminster Hall and Opposition Day debates, and from the Labour Front Bench at Justice Questions, with many Parliamentarians highlighting the negative impact of low pay – including Grahame Morris (Labour, Easington), who told MPs in June: “I hope the Government will recognise the value of probation officers in the current pay talks”, and Shadow Justice Minister Alex Cunningham (Stockton North):

***Alex Cunningham:** The rate at which probation officers are leaving the service has increased by a quarter since 2015. Resignations have consistently outstripped retirement and other reasons for leaving the service over the past five years: 60% of all leavers are choosing to walk away. The causes cited by some include high workloads, stress and poor pay, given the nature of the work and the rising cost of living.*

Other activities have included scrutinising the decision in July by then Justice Secretary Dominic Raab to prevent probation officers giving recommendations to the Parole Board, with Rebecca Long Bailey (Labour, Salford & Eccles) raising union concerns to a panel including Jo Farrar and Sonia Flynn at the Science & Technology Select Committee in September.

Napo continues as a founding member of the Joint Unions in Prisons Alliance, alongside POA, PCS, UCU, RCN, BMA, Unison, GMB and Unite. JUPA has campaigned in Parliament and beyond since 2018 on issues of joint concern to prison staff, especially health and safety. This work took on a new dimension during the Covid pandemic and has resulted in regular meetings between the JUPA unions and HMPPS health and safety officials. JUPA's "Safe Inside" campaign was central to Grahame Morris's private members bill, the Prisons (Violence) Bill, and amendments to the Police, Crime, Sentencing and Courts Bill (see Campaigns and Legislation, below).

Morris's Bill fell when Parliament prorogued at the end of April. The Queen's Speech the following week contained very little related to justice apart from proposals to further criminalise protest with the Public Order Bill, plus new plans for the much-promised Victims Bill.

Victoria Atkins continued as Prisons Minister until July's mass Government resignations to bring down Boris Johnson, when she was replaced by Stuart Andrew (Pudsey). Rachel Maclean (Redditch) was appointed as a Justice Minister after Liz Truss won the Conservative party leadership. Dominic Raab continued as Justice Secretary throughout the leadership contest but was replaced by Brandon Lewis (Great Yarmouth) by PM Truss. On the Labour benches, Steve Reed (Croydon North) took over from David Lammy as Shadow Justice Secretary in November 2021, while Shadow Prisons Minister Lyn Brown was replaced by Ellie Reeves (Lewisham West & Penge) in December 2021. In the House of Peers, Justice Minister Lord Wolfson resigned from Johnson's Government over Partygate in April 2022, eventually replaced by Lord Bellamy, who continues under Truss.

Three days after Parliament returned from summer recess, business ground to a halt due to the death of Queen Elizabeth II. It is anticipated that parliamentary business will resume on Tuesday 11 October after an early end to the Conference Recess.

Campaigns: Workloads and Retention

With national probation pay negotiations already under way, Baroness Blower secured an oral question on 9 June on what estimate Ministers had "made of the workload levels in the Probation Services and the Children and Family Court Advisory and Support Services". Answering, the temporary Justice Minister, Lord Stewart of Dirlerton, serving as Advocate-General for Scotland, would only talk about average case loads held by probation officers – rather than the Workload Management Tool, the official method of measuring workloads:

Lord Stewart: *As of March 2022, 96% of probation officers and National Probation Service officers held fewer than 50 cases, with an average case load of 34. The average case load for the 4% who hold more than 50 cases is 59. The number of open active children's cases within Cafcass in May 2022 was 34,834. This has reduced from 38,178 in April 2021 but still represents an increase of 15.1% on pre-pandemic levels."*

Baroness Blower responded that she was keen "to discuss those figures with the Minister as I do not entirely recognise them", and highlighted recent MoJ data showing that "some regions, including London, are understaffed by hundreds of permanent posts, costing the taxpayer £23 million in agency cover fees", adding:

Baroness Blower: *Record high numbers are leaving the probation service due to poor pay and excessive workloads, often of 110% of their requirement. Does the Minister accept that poor pay for probation staff is a false economy?*

However, Lord Stewart insisted that these problems were because "a new model of working is being introduced which necessarily is causing some strain in the service", adding that "the Government consider that this new approach is necessary and will repay the short-term hurt which its introduction is causing. The Government and the National Probation Service are committed to maintaining levels of staff in this exceptionally important field."

After declaring her interest as a former chair of Cafcass, Labour's Baroness Pitkeathley pointed out that "the difficulties of staffing for these services are a reflection of the whole social work profession, with low morale and very great difficulties of recruitment and retention because of poor pay and poor support over a great many years". The Minister was disarmingly honest, admitting:

Lord Stewart: *My Lords, one of the difficulties in relation to retention of staff in this body is a pay structure which means that the pay of Cafcass staff, tied as it is to Civil Service staffing models, can be less than what is available to professional people working for other agencies, such as in local government.*

Confirming there were "great problems" within Cafcass, he added that, "as to the retention and recruitment of staff, the Government are working with Cafcass to seek to maintain and, indeed, improve levels of staffing in this important area".

Speaking on behalf of Labour, Lord Ponsonby of Shulbrede raised the "huge backlog" in unpaid work as part of a community sentence and how "a low number of offenders actually complete their unpaid work", which "undermines the sentence itself as well as victims' faith in the justice system", adding:

Lord Ponsonby: *What can the Minister say about the staffing levels necessary to administer unpaid work? Does he believe that this backlog can be reduced by any sensible proportion in the next year or so?*

Answering, Lord Stewart claimed that "training for probation staff to equip them with the necessary knowledge and information to be able to superintend unpaid work in the community, as with every aspect of their work, is invaluable" – apparently confused over who delivers this work. He insisted: "The Government have met their target to recruit 1,000 officers holding professional qualifications in probation for the financial year 2020-21 and 1,500 officers for the financial year 2021-22."

Less than a fortnight later, Grahame Morris secured a Westminster Hall debate on Sentencing and Repeat Offenders, at which he accused the Government of “failing our police, Crown Prosecution Service, Prison Service and Probation Service, thereby compromising public safety”. He continued:

Grahame Morris: *The failure is systematic. When I presented my Prisons (Violence) Bill in the previous Session of Parliament, I warned that offenders often left prison more damaged and more dangerous than when they arrived. The out-of-control levels of prison violence make rehabilitation in the current circumstances practically impossible. That leads to more reoffending, at a cost of tens of billions of pounds a year to the criminal justice system, as well as causing misery for millions of victims and their loved ones, who have to live with the consequences of even more crime. That situation is more than an appalling waste of both public money and people’s lives; it is nothing less than a crime against our communities, and I must say that the Government are complicit in it.*

After accusing the Government of breaking the Prison Service, Morris insisted that Ministers “have also broken our Probation Service with a failed privatisation experiment”, adding:

Grahame Morris: *They took an award-winning service, envied and held up as a model and example around the world, and smashed it – fragmented it into little pieces, each to be run for private profit. [...]*

Probation officers play a vital role that is largely unrecognised in reducing reoffending. That is what their jobs are all about and how we gauge their success. They perform a vital public service, protecting our communities from crime, while helping ex-offenders to develop the skills they need to turn their lives around. By introducing a profit motive into probation—a mistake since acknowledged—the previous Government betrayed the highly skilled and priceless work done by probation officers with many years of experience, leaving their pay, terms and conditions at the mercy of private firms, which tried to reduce their role to little more than a tick-box exercise. That led to a flood of resignations, with people leaving the system, and all the problems we saw as a result.

Even now, two years after the Government admitted defeat and announced a full reintegration and renationalisation of probation, the service is still in the midst of a recruitment and retention crisis, very similar to the one in prisons. Napo has told me about the workload crisis facing its members. Many probation officers are working over their recommended offender management levels—the number of cases they have to look after—by between 20% and 50%, and in one case, by over 90%. The staffing and workload crises in probation have had terrible and tragic consequences in the past. It is no wonder that the mental health of many probation officers is at breaking point.

The Government have put the public at serious risk from reoffending by trying to run prisons and probation on the cheap, and undermining the pay and terms and conditions of those critically important workers in the process. [...] The Conservatives have portrayed themselves as the party of law and order and they like to claim that tag. However, the reality is that if we look at the prison system and the amount of reoffending, the Conservatives are the party of crime and chaos.

Speaking on behalf of Labour, Shadow Justice Minister Alex Cunningham highlighted that “worrying hangovers, such as recruitment and retention, from the previous system of community rehabilitation companies” and warned:

Alex Cunningham: *The rate at which probation officers are leaving the service has increased by a quarter since 2015. Resignations have consistently outstripped retirement and other reasons for leaving the service over the past five years: 60% of all leavers are choosing to walk away. The causes cited by some include high workloads, stress and poor pay, given the nature of the work and the rising cost of living. My hon. Friend the Member for Easington talked of some of those issues. The workloads of existing staff have now reached unsafe levels. That is reflected in the alarming growth in certain serious further offences in recent years; that is, offences committed by repeat offenders who are the subject of probation supervision. I am sure the Minister will tell us how we are going to reconfigure the probation service, to ensure that we can put that right. SFOs for murder were higher in the three years to 2020 than they ever have been—surely, the most severe form of repeat offending that there is.*

Responding, then Justice Minister James Cartlidge stated that, “in June 2021 we launched a new unified Probation Service across England and Wales”, and claimed:

James Cartlidge: *Unification of the Probation Service, underpinned by increased funding of £155 million per annum to recruit additional staff, will help to reduce overall case loads, enable robust management of offenders in the community and support better public protection. That means that we can supervise offenders with rigour and discipline, as well as enforcing the consequences of non-compliance.*

The following week saw Labour use one of its Opposition Day debates on the subject of “community payback”, with Shadow Probation Minister Ellie Reeves kicking off her speech by telling MPs that “the Lord Chancellor knows that community payback does not work because of the mistake that his party made in 2014 in rushing through a privatisation that the Probation Service did not need”, pointing out:

Ellie Reeves: *Probation officers work incredibly hard and do an extremely important job, but they are being let down by this Government. The fragmentation that followed privatisation in 2014 dangerously reduced staffing, increased workloads and meant less supervision for offenders. The results have been dire: 4 million fewer hours of community payback were completed in 2021 than in 2017.*

After Home Office Minister Kit Malthouse (North West Hampshire) and the then Minister James Cartlidge both protested that “it was a pandemic”, Reeves explained: “The huge fall started years before the pandemic in 2017, and it has continued since. No one had heard of Covid in 2017, so it is disingenuous to suggest that it is all because of Covid.” She continued by insisting that “Ministers must end the chaos that they have created in the Probation Service by ruling out any further reductions in staffing” – before JUPG co-chair Liz Saville Roberts intervened:

Liz Saville Roberts: *The hon. Member mentions cuts to probation, which have led to a workload and staffing crisis in the probation service. It is no surprise that there is a direct relationship between that and the huge drop in community sentences in Wales; in 2019, there were nearly half as many community sentences as there were in 2010. Does she agree with me and Napo Cymru that devolving probation will be key to restoring restorative justice for perpetrators of crime and their victims in Wales?*

Later in the debate, Grahame Morris highlighted the key role of the JUPG in keeping Parliamentarians abreast of union concerns:

Grahame Morris: *I attended the Justice Unions Parliamentary Group yesterday and subsequently had discussions with members of Napo, the probation officers union. They were at pains to point out the huge caseload many of their members are carrying and the difficulties that presents in terms of assessing cases and identifying those suitable for community service and community payback.*

Kit Malthouse: *The hon. Gentleman is right that the Probation Service has a heavy caseload, and that is why we are in the process of recruiting significant numbers of new probation officers; there were 1,500, I think, last year with more to come in the year ahead. We have been given significant investment by the Government to expand that capability and I am very aware of the caseload pressures across the country.*

Former Shadow Minister Lyn Brown warned that “a lack of investment in the Probation Service is part of the problem”, adding that, “when I was a Shadow Probation Minister, I frequently heard of probation staff taking on huge, extraordinary numbers of cases”. She continued:

Lyn Brown: *Good, valued probation staff are not just an early warning system for when an individual is going off the rails; they are agents of hope, healing and personal change. That can only happen if professionals are given the time and resources to develop the real relationships that are essential if we are to turn lives around. It is about understanding the needs, vulnerabilities and risks of the people they are supervising. We need probation staff who organise unpaid work to have good links with employers, councils, colleges and local charities. They need a range of opportunities to be available so they can tailor the service to a person’s skills and needs. Most of all, they need the necessary time and trust to inform the courts of the most effective, most appropriate and fairest type of sentence.*

Grahame Morris: *My hon. Friend hits the nail on the head. The Minister suggested that Opposition Members do not appreciate the work of probation officers, so will my hon. Friend please set the record straight? We really do appreciate the work of probation officers, and we acknowledge the hiatus caused by the privatisation of the probation service. I hope the Government will recognise the value of probation officers in the current pay talks.*

Lyn Brown: *My hon. Friend is absolutely right. If we are to turn around people’s lives, and if we are to make a dent in the crime on our streets, we have to resource those who are working with people who often have immensely disorganised lives, who may have a history of trauma and who might need a proper intervention by social services or the Probation Service to enable them to put their life straight. All too often, the only contact we have with the Probation Service is to criticise it for not recognising that somebody is about to go off the rails or has already gone off the rails and for not having a close enough eye. The reality is that our Probation Service needs the resources to work properly with the people in its care, as well as resources for healthcare, drug rehabilitation, alcohol dependency and so on to use as tools in its work.*

In his speech, Morris explained that, “in 2019, the Chief Inspector of Probation found that because of the Government’s Transforming Rehabilitation reforms, which split probation provision into the public-sector National Probation Service and privately owned community rehabilitation companies, probation services are ‘failing to meet all performance targets ... In too many cases, there is not enough purposeful activity ... The probation profession has been diminished ... There is now a national shortage of probation professionals’.” Morris continued:

Grahame Morris: *The chief inspector noted that there is too much reliance on unqualified or agency staff, and that “in the day-to-day work of probation professionals, there has been a notable drift away from the evidence base”. I think the Government acknowledge that privatising probation was an error, because they renationalised it, but these issues prevail. [...] The Probation Service recently launched a recruitment drive—the Minister mentioned this—to attract 500 extra community payback staff. The question I want to ask is this: how does the Minister expect to attract people to these important roles, given that retention, let alone recruitment, is struggling? The probation union Napo tells me of issues involving staff feeling unsafe at work—that may be partly due to concerns about covid—frustrations over stagnant pay and a lack of progression in jobs, and, overwhelmingly, covid-induced backlogs that are still clogging up the system.*

Shadow Minister and JUPG co-chair, Lord Ponsonby of Shulbrede, also quoted the Chief Inspector at a debate on Reoffending and Rehabilitation the following day:

Lord Ponsonby: *It is worth quoting the Chief Inspector of Probation, who has described the Probation Service as being “in survival mode” due to staff shortages. Can the Minister say anything about the recruitment activities of the Probation Service? To make community sentences work as they surely must, we need to reinvigorate community sentences and the probation service.*

And at the following week’s Justice Questions, Labour’s Chris Evans (Islwyn) asked about “the adequacy of staffing levels in the Probation Service”, to which Minister Malthouse claimed: “The Probation Service is committed to increasing recruitment to fill probation officer vacancies. The adequacy of staffing levels is monitored on an ongoing basis through operational management and plans around recruitment and retention.” However, Evans responded:

Chris Evans: *I recently spoke to a probation officer who is off work due to stress. They told me: “We are losing no end of experienced officers and management doesn’t seem to care.” With record levels of staff leaving the service and overworked officers fearful that any wrong decision could lead to tragedy, what specific actions will the Minister take to improve working conditions for probation officers?*

Kit Malthouse: *Although, obviously, people do leave the Probation Service from time to time, I hope the hon. Gentleman recognises the very vigorous recruitment campaign over the past three years. We have taken on: 1,007 new recruits in 2020-21; 1,518 in 2021-22; and 1,500 more this year. However, he is right that we need to work hard to make sure that we retain staff as well.*

Malthouse admitted that workloads are “often a cause of stress and strain” but claimed that “the latest numbers tell me that only 4% of probation officers have a workload above the recommended maximum, and there are obviously reasons why that may be the case”. But he added that “there is, obviously, much more that we can do, and one of those things is to agree a productive and helpful pay settlement. We are in conversation with the unions and, indeed, with colleagues in the Treasury about reaching a conclusion on those discussions soon.” Shadow Minister Ellie Reeves followed this up by asking about the threat of civil service staffing cuts:

Ellie Reeves: *Dedicated probation officers are telling me that they cannot manage their workloads as it is. One said: “I used to spend about an hour each week with my high risk cases, but that simply isn’t possible with my current caseload. I no longer have confidence I can manage my cases in a way that keeps the public safe”. After the Prime Minister’s pledge to cut civil service numbers by a fifth, will the Minister now rule out any more cuts to the Probation Service?*

Kit Malthouse: *As I said in my previous answer, we are always reviewing case loads. I know the hon. Lady will recognise that the Inspectorate of Probation report on case loads, workloads and staffing numbers indicated that the recommended case load should not exceed 50, although it also said that there should not be a precise target. I am happy to tell her that 96% of probation officers and probation service officers hold fewer than 50 cases, with an average caseload of 34. Having said that, we recognise that the profession, which is valuable and does important work, presents particular stresses and strains. As part of the reunification process, and moving towards a target operating model, staff wellbeing and welfare will be a key element in our considerations.*

JUPG members will continue to raise the alarm about excessive workloads and the urgent need to improve the retention rates of probation staff.

Campaigns: Parole Board Changes

In July, JUPG members were sent a copy of the joint union letter from Napo, Unison and GMB to Dominic Raab expressing alarm over the then Justice Secretary's decision to prevent probation officers giving recommendation to the Parole Board, and were asked to raise the issue and union concerns during parliamentary proceedings. When Parliament returned in September, the Science & Technology Select Committee held a one-off evidence session on the Evidence Base of Parole Board Decisions, at which Rebecca Long Bailey highlighted the letter to the first panel of witnesses, which included Jo Farrar, Second Permanent Secretary and Chief Executive Officer, Ministry of Justice and HMPPS, Martin Jones, CEO, Parole Board, and Sonia Flynn, Executive Director Chief Probation Officer and Women:

Rebecca Long Bailey: *I understand that probation unions wrote to the Justice Secretary in July, raising concerns about changes. I will read out quite a worrying paragraph, which says, "The decision you have taken to prohibit probation staff from offering recommendations on prisoners progression and release severely endangers the ability of the Probation Service to protect victims of the most serious offences, and indeed the wider public, from the risk of serious harm posed by many individuals involved in the parole system." How would you respond to those concerns? I will start with Dr Farrar.*

Dr Farrar: *I am sure that others will want to add to this, because we have thought carefully about it. The first thing to say is that we are absolutely not stopping probation officers and psychologists giving really valuable evidence to the committee. We are operating now in a similar way as we would in court. As Martin said, this is a judicial process. We put forward all the evidence but we no longer put forward individual recommendations. Sometimes, we will bring recommendations together, and the Secretary of State will give a view, but in most cases, we will not put forward a recommendation. We will put forward the high-quality evidence that we have always done and are, as Martin said, improving constantly to make sure that a balanced view is given to the Parole Board. As I said, the prisoner and the Secretary of State are party to parole proceedings, similar to in the judicial process, whereas probation officers are not. We want to make sure that we act in a very similar way to how we would act in other judicial processes.*

However, as numerous people pointed out on social media afterwards, probation officers do in fact give recommendations in court, completely undermining Farrar's argument. Next it was Sonia Flynn's turn to answer:

Sonia Flynn: *It is absolutely correct that we have made changes, both to the guidance that we have given to probation officers and to the report template that they have to complete; we have removed the section where there was a recommendation. As Jo has outlined, that has not in any way taken away from the core body of work that they are there to do, which is to present the risk and, if the Parole Board is minded, to set out the requirements of a licence, so that the individual can be safely managed in the community. That has resolved an issue that we have seen over time, whereby Jo's staff could provide a recommendation to the Parole Board that is different from that of the probation officer. That seems quite confusing, given that we are all one HMPPS. This kind of tidies that up.*

Martin Jones also expressed satisfaction with the changes, but with a note of caution:

Martin Jones: *In reality, if the evidence of the prison and probation service, and the psychologists, is that a person is safe to be released, the question of whether they recommend that might be a bit of a distraction—other than on one point: the research that I mentioned in my opening remarks shows that 90% of our decisions are in line with the recommendations and evidence of report writers. If there is more ambiguity, particularly in cases where we are sitting on the fence, that may present a challenge for the clarity of our decision making. That is something that we will work on closely.*

The job of the Parole Board members, as the judicial decision makers, is to scrutinise the people who have put forward that evidence, and they are quite skilled at understanding what the right decision is at the end of the process. It will probably take some questions to tease out those people's view on whether the risk is manageable in the community. It is really important that the parts of the system work together. We will ensure that we do not have a lack of clarity about whether a person remains a significant risk to the public. I want to ensure that we get the right evidence to make the right decisions.

Rebecca Long Bailey: *Just so that I am clear, you mentioned that a probation officer can state in their evidence that there is a risk. Surely that would be a recommendation?*

Martin Jones: *Yes. When you are looking at parole decisions, it is not so much about there being no risk; it is about the risk reducing over a period. You are quite right, in a way: if somebody says to a Parole Board, "There's a really high risk that this person will commit a serious offence after their release," it would be pretty obvious to the panel that had a recommendation been made, it would have been, "Do not release this individual." Then you have people who have been in prison for 50 years, and the probation officer, the prison officer and the psychologist may say, "This person is now very low risk"—it is never zero risk—and then you can see which way the recommendation would be.*

The difficulty is the blend in between. The art is in trying to get underneath to test the risk. The really crucial part in how that comes through in hearings is in looking at the risk management plan developed by the probation officer, and asking, "Is this plan going to manage the risk in the community?". To take a pretty obvious example, we might know that a person's risk is around drinking alcohol. Over the last year or so, we have started to release people on the condition that they wear a tag to monitor their use of alcohol. That is a pretty useful tool for us in relation to people who may fall off the wagon. In the past we may have taken some assurances by asking, "Okay, what do we know about them?", but of course things can go wrong pretty quickly in the community. Some of the new technologies can be helpful ways of understanding the risk.

Long Bailey pushed the point further:

Rebecca Long Bailey: *I still feel that there is a bit of ambiguity here so—just to be clear—if the probation officer thought that an offender posed a significant risk and did not feel that they should be released back into the community, they wouldn't be able to say in their evidence, "I do not recommend that this offender be released."*

Martin Jones: *That is my understanding of the way the recommendations work.*

Dr Farrar: *But they would be able to say, "Based on evidence, this is the risk that the offender poses." That would be very clear.*

Turning to another key Napo concern, Long Bailey asked: "What consultation has there been with the probation unions about the changes that you have made to Parole Board decision-making processes?" Sonia Flynn claimed that "there has been extensive consultation following the decision's being made" – seemingly unaware that consultation is supposed to happen before a decision is made. Flynn continued:

Sonia Flynn: *We have agreed to set up a joint working group with the probation trade union, so that we can monitor these changes over time. If we feel that there need to be any changes to the guidance that we have issued to the staff, we will work jointly with them.*

Rebecca Long Bailey: *When was the last meeting that you had with the probation unions about this issue?*

Sonia Flynn: *I was with the JNC last week, or the week before. Plans for the membership of the joint working group have commenced.*

Rebecca Long Bailey: *There are a number of probation unions, as you are aware, and they haven't indicated any lengthy or extensive consultation at all.*

Sonia Flynn: *Well, I know that there have been meetings with them to talk through the decision made by the then Deputy Prime Minister and how we intended to respond to that. We have also agreed to set up a joint working group with them to monitor the changes over time.*

Fellow Committee member Tracey Crouch (Conservative, Chatham & Aylesford) picked up the theme, asking Farrar: "What is the process for evaluating these reforms? Is there a timeframe for when you will look back to see whether they are working?"

Dr Farrar: *Yes. Sonia might want to pick this up in a bit more detail, but the process that she just mentioned with the trade unions is a very important part of that evaluation. We have implemented only a few of the public recommendations; a number of other recommendations will form part of legislation, so there will be extensive consultation on that.*

Tracey Crouch: *Are you expecting that legislation soon?*

Dr Farrar: *No, that still needs to be negotiated. There are one or two things in the recommendations that we are also piloting. If they prove positive, we will roll them out. All that leads to more evaluation and time for engagement and consultation as we move forward.*

It's unclear which recommendations or legislation Dr Farrar is talking about, but the JUPG will continue to fight these foolish changes and attempts to deprofessionalise probation officers, with the union case bolstered by a High Court judgement in August granting interim relief ensuring that the Parole Board continues to receive any evidence it chooses to.

Campaigns: Safe Inside

Prison violence has soared since austerity cuts to staffing a decade ago, peaking just before the start of the Covid pandemic and reducing under the lockdowns – with latest MOJ data suggesting that prisoner-on-prisoner assaults levels are rising again after briefly returning to pre-austerity levels, while prisoner-on-staff attacks are down only 20% from their peak in 2018-19. Throughout the past year, parliamentary allies have continued to amplify the concerns of Napo and its fellow Joint Unions in Prisons Alliance (JUPA) members (POA, PCS, UCU, RCN, BMA, Unite, Unison and GMB), calling for all prison staff to feel “safe inside”.

At the first Justice Questions of 2022, in February, Shadow Minister Ellie Reeves asked MPs to “look at the state of our prisons: drugs up 500% in the last 10 years; violence up by more than 100% between 2010 and 2020; and almost 12,000 frontline prison officers leaving the service since 2016”. She asked: “With prisons in crisis, it is no wonder that reoffending rates are, staggeringly, over 40%. The Government are failing to keep the public safe. When are they finally going to get to grips with this?” In reply, Minister Kit Malthouse claimed that “reoffending rates now are lower than they ever were under the Labour Party and we continue to make inroads into that number”, adding:

***Kit Malthouse:** Look, we are not pretending that the picture of the prison estate is entirely rosy – there is still lots more to do – but the Government have recently announced enormous investments, not least in drug rehabilitation and treatment both within and outside the secure estate, and we believe that will make a huge difference.*

Grahame Morris continued the scrutiny by asking about prison safety, with then Minister Victoria Atkins replying that, “in the Prisons Strategy White Paper we have committed to a zero-tolerance approach to crime and drugs, which fuel violence behind bars”. Responding, Morris raised his new Private Members Bill, which he had dubbed the “Safe Inside Law” when presenting it the previous month:

***Grahame Morris:** I noticed that the Minister was nodding during the presentation of the Bill. Will she listen to her prison staff and back the provisions in my Bill to reduce violence, including the obvious step of counting all kinds of violence, not just the most serious cases, against prisoners or staff as key performance indicators or management targets for every prison?*

***Victoria Atkins:** The hon. Gentleman talks about an issue on which there is agreement across the House. I do not think that anyone in the House wants to see our brave prison officers hurt or put at risk in their place of work. That is completely unacceptable, which is why I was nodding along through his comments on his Bill. I recognise many of the points that he rightly made in presenting his ten-minute rule motion. We note, however, that HMPPS and private prison providers are already subject to statutory duties to protect staff and prisoners from violence.*

Minister Atkins is correct, but it is clear from the soaring levels of violence against staff that these statutory duties are not being taken seriously enough, which is why the Prisons (Violence) Bill is so needed. Morris also tabled EDM 949 on Prison Violence, which “insists that rebuilding staff experience is key to reducing violence, and that improving the pay, terms and conditions of prison staff is a vital first step to solving the current recruitment and retention crisis”. In the House of Peers, Prisons Bishop Rachel Treweek adopted Liz Saville Roberts’s “Protect All Prison Staff” amendment to the Police, Crime, Sentencing and Courts Bill, which sought to extend “emergency worker” protections to all prison staff (see Legislation below). The JUPG continues to work alongside JUPA to ensure that all prison staff are protected at work.

Legislation

Following the “Smarter Approach to Sentencing” 2020 White Paper (which governments use to lay the groundwork for potential new legislation), the Police, Crime, Sentencing & Courts Bill was presented to the Commons in March 2021, with JUPG co-chair Liz Saville Roberts introducing her “Protect All Prison Staff” amendment at Report Stage in July. At the time, she revealed to MPs that “the 2019 ‘Safe Inside’ survey conducted by the Joint Unions in Prisons Alliance showed that all prison staff – not just prison officers, but prison educators and teachers as well – are subjected to shocking levels of violence and are routinely exposed to harmful drugs.”

Unfortunately, the amendment wasn’t selected for a vote, but when the Bill moved to the House of Lords it was reintroduced by the Bishop to HM Prisons, Rachel Treweek, the Lord Bishop of Gloucester. Speaking at Committee Stage on behalf of Bishop Rachel in October 2021, the Lord Bishop of Durham told Peers: “This amendment is supported by the Joint Unions in Prisons Alliance, and it has shared disturbing anecdotes from prison workers, as yet unsupported in law as emergency workers. One worker reported: ‘Cutbacks in prison officers mean we are at greater risk than ever. I have been working in this environment for 10 years and have never known it so bad.’” He continued:

***Lord Bishop of Durham:** Prison chaplains share in the front-line care of prisoners, providing pastoral and spiritual comfort – it is shocking that they might be seen as an easy target for physical assault,” sharing distressing testimony by several chaplains before adding that, “in the last 12 months, I have spoken to two prison chaplains in my own area – one was assaulted and the other explained the fear they now face because of the amount of lone working they find themselves doing and how often there is no one nearby if something were to occur. It cannot be right that some front-line prison workers are protected while others are not.*

During the same debate, Earl Attlee spoke to his own amendment, backed by Labour, outlawing the disgusting practice of potting:

***Earl Attlee:** We ask prison officers, governors and others to look after some of the most mad, bad and sad members of our society. Some, as we know, are just minor offenders, while others are particularly evil, devious and dangerous. We have a retention problem within the Prison Service – allowing this type of assault to go unpunished must surely have a negative effect on morale and retention. We owe it to those charged with such onerous duties to protect them so far as is possible from assaults of this nature – and indeed from any other. We can discharge our duty by ensuring that there is a high probability of prosecution and conviction for these offences.*

The then Minister, Lord Wolfson of Tredegar, rejected the two amendments as undesirable and unnecessary, and as is usual at Committee Stage they were both withdrawn before a vote. However, at the next stage in January, Earl Attlee brought back a version of his amendment outlawing the “facilitation of potting” – which is committed if someone “is in custody and causes or permits their own urine or excrement to be intercepted without lawful reason or excuse”, punishable by up to an extra two years inside. This was supported by both Labour and the Liberal Democrats, whose spokesperson in the upper house, JUPG member Lord Paddick, explained that “the actual assault was covered by existing legislation, but the preparatory acts in preparing these disgusting attacks on prison staff needed to be addressed. That is how we arrived at the revised amendment, and I am very happy to support it.”

Again, Wolfson insisted this was unnecessary but promised to look at the lack of spit kits and consider “whether there is a need to make them available to prisons nationally as part of our focus on reducing crime in prisons.” He added that the Government “are taking the matter seriously – we recognise that more can be done to improve the effective prosecution of crimes in prison.” Without enough votes to secure the amendment, Earl Attlee withdrew it but warned: “Ministers and officials should be aware that I will be working very closely with the Prison Officers Association to monitor progress and, if necessary, we can bring this amendment, or a similar one, back at a suitable legislative opportunity.”

The following week, Grahame Morris presented his Prisons (Violence) Bill, supported by a cross-party coalition of JUPG members – Gordon Henderson (Conservative), Wendy Chamberlain (Lib Dem), Liz Saville Roberts (Plaid Cymru), Chris Stephens (SNP), Kenny MacAskill (Alba), Jim Shannon (DUP) and Labour backbenchers John McDonnell, Richard Burgon, Paula Barker, Mary Kelly Foy and Ian Lavery. Introducing his Bill, which sought “to establish a duty on HMPPS and private prison operators to minimise violence in prisons”, Morris pointed out that “the sky-high level of violence plaguing our prisons makes rehabilitation inside practically impossible, meaning that offenders often leave prison more damaged and dangerous than when they arrived.”

He explained that the Bill would use the recent Prisons Strategy White Paper’s “framework of key performance indicators” – which would be extended to include the safety of prison staff and prisoners and the adequacy of staffing, staff retention and staff experience levels – with any financial penalties for failing these KPIs “going towards making injury compensation schemes fit for purpose by widening the scope for claims, removing the unfair barriers throughout the process, and lifting awards to reflect the bravery and commitment shown by prison officers and other staff working in our prisons system.”

Morris added that “the second part of my Bill would enshrine in law a range of initiatives designed to protect staff and prisoners from violence and to encourage staff, especially prison officers, to stay in the job. The most wide-ranging of these is the Safe Inside Prisons Charter. This set of reasonable and straightforward principles for safe systems of work is endorsed by the Joint Unions in Prisons Alliance, a coalition of nine prison unions.” He continued:

Grahame Morris: *Above all, my aim with this Bill is to focus minds on the terrible conditions that face both staff and prisoners in our prisons, and to start a national conversation about how we may solve this crisis. It is time to replace warm words with action. If Minister will not act, we must work together across party lines – I am grateful to all right hon. and hon. Members from across the House who have indicated their support for my Bill – to pass the “Safe Inside” law ourselves. I therefore humbly request that my Bill be given due consideration and passed into law.*

Unfortunately, the Government refused to grant any parliamentary time for this Bill, and so it fell when the session ended in April. However, it is hoped that a supportive MP who is successful in a future Private Members Bill ballot will adopt something similar in the next parliamentary session. The Bill and amendments will also serve as oven-ready additions to relevant future legislation, including any proposals arising from the Prisons Strategy White Paper itself or the legislation mentioned by Jo Farrar in her evidence to the Science and Technology Committee in September.

Links to debates, committee sessions, legislation and EDMs

Oral Question on Probation and Cafcass Workloads (June 9 2022)

<https://hansard.parliament.uk/Lords/2022-06-09/debates/2E6197E0-549B-4AA6-877D-F99835329111/ProbationAndCourtServicesWorkload>

Westminster Hall Debate on Sentencing and Repeat Offenders (June 21 2022)

<https://hansard.parliament.uk/Commons/2022-06-21/debates/657E07C9-373B-487D-8579-0E6B8867A008/SentencingRepeatOffenders>

Opposition Day debate on Community Payback (June 29 2022)

<https://hansard.parliament.uk/Commons/2022-06-28/debates/DF8AD007-9CEE-454A-9D2E-4EA2D0BDAE28/CommunityPayback> & <https://hansard.parliament.uk/Commons/2022-06-28/debates/0E9B8E4B-48A6-416B-969F-067333799EA1/CommunityPayback>

Lords Crime, Reoffending and Rehabilitation debate (June 30 2022)

<https://hansard.parliament.uk/Lords/2022-06-30/debates/F9968023-9CEF-48FA-992C-436083FA5C32/CrimeReoffendingAndRehabilitation>

Justice Questions on Probation Recruitment and Retention (July 5 2022)

<https://hansard.parliament.uk/Commons/2022-07-05/debates/1909BF5D-CF1E-4E62-A55E-6A33DA857E31/ProbationService>

Science & Technology Select Committee, one-off session into the Evidence Base of Parole Board Decisions (September 7 2022) <https://committees.parliament.uk/oralevidence/10653/html/>

PCSC Bill “Protect All Prison Staff” amendment (Lord Bishop of Gloucester)

<https://bills.parliament.uk/bills/2839/stages/15740/amendments/88907>

PCSC Bill “Offence of Potting” amendment (Earl Attlee)

<https://bills.parliament.uk/bills/2839/stages/15740/amendments/88712>

PCSC Bill “Facilitation of Potting” amendment (Earl Attlee)

<https://bills.parliament.uk/bills/2839/stages/15878/amendments/89684>

Prisons (Violence) Bill (Grahame Morris) <https://bills.parliament.uk/bills/3100>

EDM 949 Prison violence (3 February 2022, Grahame Morris) <https://edm.parliament.uk/early-day-motion/59447/>

To find specific contributions mentioned in this report, search <https://hansard.parliament.uk> for the relevant text. Clips of parliamentary contributions can be viewed via @JusticeUnions on Twitter: <https://twitter.com/JusticeUnions>

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