

# Napo Parliamentary report

October 2022 to September 2023 (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 120 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. Napo members are encouraged to contact their own MPs and ask them to join the JUPG.

Over the past year, the JUPG has continued to highlight concerns around excessive workloads and staff retention in both probation and Cafcass, with regular written and verbal briefings distributed to MPs and Peers, especially ahead of key parliamentary business such as Justice Questions (see below for highlights of parliamentary activity). Other concerns raised with Group Members include Parole Board changes, disbanding of sex-offender units, One HMPPS and IPP sentences – with John McDonnell telling MPs at a debate (27 April 2023) on the Justice Select Committee's report recommending a mass IPP resentencing exercise that "the POA supports the proposal put forward by the Select Committee – the same goes for Napo, which has also pointed out that the Parole Board cannot deal with this serious matter as promptly as it should because of understaffing." He added:

**John McDonnell:** *Every expert opinion that the Select Committee has sought, whether it is the lawyers, the prisons officers or the probation officers, says there has to be some form of shift. The proposal from the Select Committee on ensuring that there is at least an exploration of the resentencing exercise is therefore one that any Government should seize with both hands. A group of experts who can go through in detail the processes that could be undertaken is the light that any Government would want to see at the end of the tunnel in terms of resolving this matter.*

At the time of last year's Napo conference, Liz Truss was still Prime Minister, but she announced her resignation the following week (20 October 2022) after a collapse in both the economy and her party's popularity. Having served the shortest premiership in UK history – just 49 days, including 10 days of national mourning following the death of Queen Elizabeth II – Truss was succeeded five days later by Rishi Sunak after no other Conservative MP could secure the 100 nominations required by the hastily updated rules.

Dominic Raab was rewarded for his loyalty to Sunak during the summer leadership contests, returning to his role as Secretary of State for Justice on 25 October, having previously been replaced by Truss with Brandon Lewis. Damian Hinds took over from Rob Butler as Prisons and Probation Minister two days later. Edward Argar, Mike Freer and Lord Bellamy continue as other Justice Ministers, but Raab's resignation on 21 April over bullying allegations and subsequent critical report led to the former prisons and probation minister Alex Chalk replacing him.

Labour's front bench saw some changes during the September 2023 reshuffle, with Shabana Mahmood replacing Steve Reed as shadow secretary of state and Ruth Cadbury taking over from Ellie Reeves as shadow prisons and probation minister. Janet Daby became the new shadow minister for youth justice, while Kevin Brennan moved to shadow minister for victims and sentencing. Alex Cunningham continues as shadow courts minister, while Lord Ponsonby remains as shadow justice minister in the Upper House.

### **Campaigns: Workloads and Retention**

Having addressed Napo conference the previous week, JUPG co-chair Liz Saville Roberts raised probation workloads and retention at Justice Questions on 18 October, telling MPs that, "earlier this month, I visited the Caernarfon office of the north Wales probation delivery unit and learned that the region has 27 vacancies in a present workforce of 200", and asking:

***Liz Saville Roberts:** Does the Secretary of State recognise the risk to the effectiveness of rehabilitation and to public safety as a result of the loss of experienced probation staff and increased workloads? Will he commit to no further cuts in probation?*

Justice Secretary Brandon Lewis admitted there was a "challenge across prisons and probation" but insisted he was "very focused on the issue" and that "we are recruiting people across HMPPS at the moment". Following up, his Labour counterpart Steve Reed pointed out: "The probation service is not finding jobs for prisoners because understaffing is at crisis point: the service now faces a shortage of nearly 1,700 officers, according to the MOJ's own figures," asking Lewis whether he would "apologise to victims ... for letting the probation service get so run down that it can no longer control offenders".

Saville Roberts repeated these concerns the following month (30 November) after a ministerial statement on prison capacity and the announcement that police cells would be used to house prisoners as part of Operation Safeguard, pointing out that "insufficient capacity to hold prisoners is directly linked to the staffing and workload crisis in probation" because "staff under excessive pressure are more risk-averse and therefore more likely to recall offenders to prison". Her JUPG co-chair Lord Ponsonby made the same point the following week when Peers debated the measures, asking: "Does the Minister recognise that one solution to the crisis is for probation to be properly resourced and for workloads to be reduced? Does he agree that probation can take the pressure off

prisons?” Responding, Lord Bellamy insisted that “the Government do not accept the link made in relation to the probation service” and added: “We are doing our very best to increase resources for the probation service, to recruit more probation officers and to improve the service to the best of our ability.”

MPs debated Operation Safeguard again at the first Justice Questions of the new year (10 January 2023), with Clive Efford (Lab, Eltham) pointing out:

**Clive Efford:** *The Prison Officers Association says that the lack of staff is exacerbating the crisis in prison places. The Police Federation says that Operation Safeguard puts its members and the public in danger. Napo says that there is a link between the lack of prison places and the workload crisis, which is leading to an increase in the number of recalls. If Operation Safeguard fails, where on earth will the Government go next?*

Responding, Hinds admitted that Efford “is absolutely right to identify that physical capacity is one side of the coin and staffing is the other, which is why we are putting so much emphasis on recruitment and retention in the prison service”. Next, Feryal Clark (Lab, Enfield North) was even more direct:

**Feryal Clark:** *Napo has said that the insufficient capacity to hold prisoners is directly linked to staffing and workload crises in probation, as my hon. Friend the Member for Eltham (Clive Efford) said. Does the Minister agree with Napo’s view that there is a workload crisis in probation services? If so, who caused it?*

Minister Hinds blamed “a very tight labour market with high rates of employment and low rates of unemployment by historical standards”, admitting: “Recruitment is a challenge, but we are putting a huge emphasis on recruitment into the prison service and probation, which fundamentally drives workload. The other side of that is, as always, making sure that we retain staff.” Andrew Gwynne (Lab, Denton & Reddish) pressed the point further:

**Andrew Gwynne:** *But the Secretary of State must know that staff shortages in the probation service are leading to dangerously high levels of workload for the existing staff, who are then leaving in droves, creating a vicious circle against rehabilitation, putting staff at risk and also potentially the public. It has led to the chief inspector of the probation service saying his service is in crisis mode. What is the Secretary of State going to do to break this vicious circle?*

**Dominic Raab:** *The hon. Gentleman is absolutely right that the people who work in the prison and probation services are critical to driving down reoffending. We have an independent pay review body that looks at these things, which we have supported and engaged with precisely to make sure we get the balance right. We have increased funding for the probation service by an additional £155 million a year to help recruitment, and the reforms we have introduced since 2010 are working. We have reduced the overall reoffending rate from 31% under Labour to 25.6% under this Government.*

A fortnight later (24 January), MPs debated serious further offences after chief inspector Justin Russell published a review into the management of Jordan McSweeney, murderer of Zara Aleena. After a ministerial statement, shadow justice secretary Steve Reed highlighted how “the probation service is in freefall and the failures stem from the Government’s severe mismanagement of it. Their botched

privatisation was described by researchers as an ‘unmitigated disaster’, and their rushed renationalisation failed to correct the problems that they caused. The independent review details the severe failings that remain uncorrected in the probation service – failings for which this Government are responsible.” He continued:

**Steve Reed:** *The chief inspector of probation points to excessive workloads and high levels of staff vacancies in the probation services as an underlying cause. One probation officer told researchers: “I do not consider that we are in a position to protect the public, but we will be the scapegoats when tragedies happen.” The fact is that the Government knew about all these problems but failed to act on them with urgency, so they must shoulder their share of responsibility. It is right that the chief probation officer has apologised, and although I appreciate what the Minister has said, will he accept responsibility and apologise not just for service’s failure, but for the Government’s failure to tackle the severe staff shortages and excessive caseloads that contributed to what went so tragically wrong?*

**Damian Hinds:** *I absolutely acknowledge the fact that there have been staff vacancies in the service and case load matters. We are recruiting at pace, with extra funding of £155 million a year. We have boosted our staff complement over the past couple of years to a historic high, with 2,500 people having come into post and another 1,500 coming into post over the course of this planning year. To be clear, in any scenario and any staffing situation, these were unacceptable failings that I have outlined. I want the shadow Minister to know that the increase in resource and staffing is happening right now. Specifically to London, we have put some particular measures in place for London area probation around prioritising staff. Given the particularly high rates of vacancy in London, those measures are important.”*

Conservative chair of the Justice Select Committee, Sir Bob Neill (Bromley & Chislehurst), called for “a comprehensive workforce strategy for probation to ensure not only that we retain experienced officers, but that those who are recruited into this worthwhile and rewarding role are given support and training”, while Aleena’s local MP, Sam Tarry (Lab, Ilford South), highlighted that “the chief inspector noted today ‘a backdrop of excessive workloads and challenges in respect of staffing vacancies in the London region.’” Tarry added: “The problem is that this was not just an individual failure, it was endemic in a system that is clearly dysfunctional,” and asked:

**Sam Tarry:** *What funding and strategy will the Government put forward to expand the probation workforce, tackle excessive workloads and ensure the probation service has the capacity to properly supervise criminals in the community? Having spoken today to the general secretaries of Napo and the POA, will the Government consider having a royal commission to look into the absolutely sorry state of our criminal justice system from prisons to probation?*

Hinds again insisted that “we are investing further in staffing in the probation service” while praising probation officers who “are overwhelmingly doing a remarkable job, and it is incumbent upon us to make sure we do everything we can to support them in that important work and give them the best chance to succeed”. Theresa Villiers (Con, Chipping Barnet) then spoke of a constituent with “a long and distinguished record in the probation service [who] has talked to me about his concerns, most recently in November when he highlighted the high vacancy rates in probation”, adding:

**Theresa Villiers:** *That is echoed in a letter by the chief inspector of probation Justin Russell to the London probation service, expressing concern about vacancies across every role, with an overall vacancy rate of 43% in certain parts of London. That means that effective services simply cannot be delivered. In response to these appalling cases, can I urge the Minister to make sure that we recruit the probation staff we need and retain them in the service, to keep the public safe?*

Hinds agreed that “this is about not only recruiting talented and dedicated people but retaining them. I am focused on that and I know the service is as focused on that as it can be.” Former minister Rob Butler pointed out that “the vast majority of probation officers work incredibly diligently and would be horrified that that happened on their watch”, agreeing that “retention is crucial”. Answering Kevin Brennan’s (Lab, Cardiff West) question on whether “there are any offenders out there who may have been categorised improperly, as happened in this case”, Hinds admitted that, “in truth, in humanity there is no neat high, medium and low distinction between different individuals. Those who have been relatively low risk can become relatively high risk. We see that with many people over time.” And highlighting recent inspection reports on London probation services, Andy Slaughter (Lab, Hammersmith) pointed out that “three quarters of cases failed in their assessment of serious harm”, adding:

**Andy Slaughter:** *My probation service in Hammersmith and Fulham scored zero points, meaning that every service is inadequate – something the chief inspector said he never expected to see. In the light of this meltdown, which is the Government’s responsibility, is the Minister’s reaction not also inadequate?*

Hinds admitted that “a lot of it is to do with ensuring that we get the staffing up to where it needs to be” and claimed: “At the time of the London inspections, quite a large number of individuals had not been allocated to named officers and were instead coming through a central facility. All those cases are now allocated, ensuring that the multi-agency public protection arrangements are properly in place.”

At Prime Minister’s Questions the next day, Labour leader Sir Keir Starmer also raised the case of Zara Aleena and probation failures leading to her murder, pointing out that the inspector’s report found that “staffing vacancies and excessive workloads contributed to those fatal failures”, adding: “It makes it absolutely clear this was not a one-off. As the report says, these are ‘systemic issues’ in the probation service.” He continued:

**Keir Starmer:** *Across the country, probation services are failing after a botched then reversed privatisation and after a decade of under-investment. It is yet another vital public service on its knees after 13 years of Tory Government. I spoke to Zara’s family this morning. It is hard to convey to this House the agony that they have been through. They say that the Government have blood on their hands over these failings. The Prime Minister has accepted the findings of the report. Does he also accept what Zara’s family say?*

But Sunak dodged the question, instead insisting: “The probation service has taken action where failings have been found and where that has been appropriate. With regard to the overall service, there is now £155 million a year of extra investment that we are putting in to the probation service so that we can deliver better supervision of offenders.”

The following Tuesday (31 January) saw a repeat in the House of Peers of the Ministerial Statement on serious further offences. Shadow minister Lord Ponsonby gave some background to the current situation, highlighting how, “in 2014, the Government embarked on their disastrous privatisation of the probation service. In 2020, they abandoned this experiment and brought it back under state control”, continuing:

**Lord Ponsonby:** *For 100 years, probation had benefited from local connections, a degree of local autonomy and professionalism. Unfortunately, in 2020, instead of reinstating local links, the probation functions were squeezed into the Civil Service. The independence and ability to speak out about local issues has gone. On-the-ground contacts with voluntary organisations and essential services such as housing have gone. The very things that are proven to prevent reoffending are gone. Heavy workloads, high vacancy rates and newly recruited, young and inexperienced staff who lack managers to guide their complex work are all factors that lead to mistakes. Ultimately, they endanger the public. This deterioration only makes more pointless deaths likelier. Does the Minister agree that we should reinstate the links to local government so that housing, health, the police and voluntary organisations can play their part?*

Lib Dem Peer Lord Marks of Henley-on-Thames also raised the failed privatisation experiment, insisting that “we can date the parlous state of the probation service to its disastrous privatisation in 2014 and the inevitably challenging attempt to reverse the damage in 2021. However, it is still plagued by a lack of resources and dismally low morale.” He continued:

**Lord Marks:** *The extra £155 million per year for more probation staff will help, particularly if it really does yield a net extra 4,000 probation officers over three years. However, Andy Slaughter MP pointed out in the House of Commons that more than 50% of probation officer posts in London are vacant. Does the Minister agree that filling the vacancies with suitable candidates is a huge challenge? Retention of experienced officers is also vital, as is high-quality training and building confidence that officers are fully informed and that their decisions are not impossibly pressured. In the other place, Sir Robert Neill, the chair of the Justice Committee, pointed out that these issues had all been highlighted by his committee in April 2021. Will the Minister explain how the Government now plan to tackle all these extremely difficult issues?*

Responding, Minister Lord Bellamy explained that “the probation service has been reunified with a view to raising standards”, adding: “The Government believed it right to bring that arrangement to an end, and are currently engaged in restoring, reinforcing and improving the service. The Government recognise that the probation service needs more staff, and an additional £155 million has been invested in that endeavour. This has led to an increase of 2,500 trainee probation officers over the last two years, and a further 1,500 officers are to be recruited by the end of March 2023. I am advised that that is on track.” Responding to Ponsonby’s questions, Bellamy continued:

**Lord Bellamy:** *On the local links question, I have every reason to suppose—but, again, I will clarify this with the service and write appropriately to your Lordships—that, although the emphasis has perhaps moved to more central management, as is probably inevitable in the present modern circumstances, one should not underestimate the importance of local links, particularly with the voluntary sector. I will ascertain and obtain further information on how that particular important aspect is being addressed, in answer to the question of how far the*

*links to local government agencies are being reinstated or used—this is an important question, and your Lordships need to know the answer, so I will endeavour to give more detail on it.*

The Minister conceded that “filling the relevant vacancies is a large challenge and it is particularly so in London, where some areas have had particular difficulties”, adding that “some senior management has had to be replaced, and various remedial action plans are in force to address this; it is all taken extremely seriously. I hope and trust that we will see significant improvements as the increasing staff gradually gain experience and come through the system.” And he insisted:

**Lord Bellamy:** *I am sure it is your Lordships’ experience that, within probation services and prison services, we have many dedicated professionals who go the extra mile to ensure our safety and look after their charges. When things go wrong, they are as devastated as the rest of us. I would not want it to be thought that the front-line staff, whom I personally salute, are under undue criticism in these cases.*

On the same day, the Justice Select Committee held a session on the work of the Ministry of Justice, with witnesses including Antonia Romeo, Permanent Secretary of the MoJ, and Amy Rees, CEO of HMPPS. Committee member Maria Eagle (Lab, Garston & Halewood) raised probation reunification, asking: “How do you think it is actually going in delivering what probation is meant to do?” Rees insisted that “we managed the transaction of putting those back together very well” but that there had been two additional challenges – Covid and “staff recruitment and retention, which again has been an issue right across the public sector and all sectors”. Eagle responded:

**Maria Eagle:** *I am glad that you mention staffing because the Committee and the inspectorate have repeatedly highlighted staff shortages and the consequent excessive workloads as a significant risk to the effective functioning of the probation service. The problems seem to be persisting, don’t they? I know that you have been recruiting, but when do you think that the probation service will get through the staff shortage issues and be able to operate as intended?*

Rees insisted that there had been “record levels of recruitment for trainee probation officers but, as you will appreciate, it takes a long time to train a probation officer. This calendar year – 2023 – is the first time we will see significant numbers of graduation from that investment in recruitment. We have 1,300 of those trainee PQiPs graduating in 2023, and this is the first time they have graduated. That is the lag between the time it takes us to recruit and then train people.” She continued:

**Amy Rees:** *It is a significant challenge for the organisation to have that number of learners because they do not carry a full case load and, as you would expect, need to have significant investment from more experienced probation officers to get them up to speed. They start to qualify from this calendar year. We recognise that, like a newly qualified teacher, in the first year they are qualified they will still be relatively inexperienced and will need the support of their colleagues, so it will take some time. [...] To give you an illustrative example of the sort of levels you are talking about, I was in Greater Manchester not this Monday but the Monday before, where, on paper, they are at 98% of their staffing levels. When you take out those who are training, it goes down to 84%, which is quite a significant difference in running operations every day. To answer your question, it is important to make the distinction*

*between those who are employed by the service and those who are fully qualified and ready to take a case load, which takes upwards of two years for a fully qualified probation officer.*

**Maria Eagle:** *So where are you expected to be? Are you happy with the way things are going?*

**Amy Rees:** *No. Retention has been more of a challenge than we expected. Like many public sector organisations, during covid, retention went down to virtually zero—no one moved jobs—but it accelerated pretty fast as we came out of covid restrictions. We are now beginning to see that settle. We are still lower in probation than many other public or private sector organisations, but it is still a higher rate than before the pandemic. One of our key focuses has to be on retaining staff as well as recruitment.*

**Antonia Romeo:** *As Amy says, this has been seen across the public sector. It is an incredibly tight labour market. We are seeing it across all our business. It is as much about retention as it is about recruitment, for the reasons Amy set out. We have this plan. We are committed to recruiting a further 1,500 officers this year, and we overshot in the two previous years. At one level, we are better than where we expected to be on recruitment, but the problem has been retention. Amy has put a whole plan in place on things like peer-to-peer mentoring, new colleague mentoring, and so on, and encouraging people to return to the workforce if, for example, they took early retirement.*

Eagle asked whether Rees was “confident that you will be able to retain all the people you are spending this time and effort training to be really good probation officers, because there has been an issue with retention, hasn’t there?” Rees replied: “Absolutely” – but immediately admitted:

**Amy Rees:** *Retention is a challenge. As the permanent secretary said, we launched a retention toolkit in 2021. We are doing mandatory interviews.*

**Maria Eagle:** *What is a retention toolkit?*

**Amy Rees:** *It is trying to give all sorts of guidance to HR and local managers on the ground about how they can try to improve retention. Our retention rates in probation are lower than the average for the public sector, as in they are slightly better. The last set of stats was for September. I am confident that when we publish our new set of stats in February you will have seen it drop again—that is happening operationally on the ground.*

Shadow minister Ellie Reeves put the spotlight on probation again at the following month’s Justice Questions (21 February), pointing out that “an effective probation service is key to reducing reoffending, but ever since the disastrous Tory privatisation the probation service has been in crisis”, adding:

**Ellie Reeves:** *Six serious further offences are committed each week, experienced staff are abandoning the service, and the chief inspector of probation has said that it is “impossible to say the public is being properly protected”. The Tories’ legacy is failing to protect the public, failing to punish criminals, and failing to prevent crime. Is it not time they stood aside and let Labour fix their mess?*



A week later (28 February) chief inspector Justin Russell gave evidence to the Justice Committee. Kicking off the session, committee chair Sir Bob Neill asked Russell for his “overall assessment of the current state of the service”, with discussion quickly turning to workloads and staff shortages:

**Justin Russell:** *I think there are many challenges for the service at the moment. If you think about it, we are 20 months on from unification of probation; we are nearly a year on from lifting the full covid restrictions, but the service is very far from operating on a business-as-usual basis. The issues a year ago may have been about covid; they are now about chronic staffing shortages, and that is making it very difficult for the service in some areas to operate. Many parts of the country, particularly London and the south-east, are operating under what they call a red prioritisation framework, which means many routine things are not being done within the service. We are seeing that feeding through into our inspection findings. In 10 of the 19 local inspection reports we have published we rate services as inadequate, which is very concerning. We are not seeing the quality of work being done in relation to sentence management that we would like to see.*

**Bob Neill:** *Is there anything that underpins that chronic staff shortage? Is it pay levels? Is it the nature of the job? Are you able to identify that?*

**Justin Russell:** *There has been an uplifting of the target number of staffing that the service requires. Having implemented a new target operating model, they have done some bottom-up modelling of how many staff are needed to deliver manageable case loads and raised their target by 1,000 last summer, but they are still about 1,800 probation officers short and we are not seeing the numbers coming in. There are good signs in the recruitment of trainees. Nearly 2,000 probation officers are being trained at the moment. They will start to come on stream as qualified officers in the next year or two and I hope that will make a real difference. [...] In general, we are seeing case loads, certainly for probation officers, perhaps coming down a bit since unification. The latest figures I have show that only 12% of probation officers we interviewed said that they had more than 50 cases on their books. That sounds like a big amount, but it is a reduction from what it was in the TR years. When we got our research team to look at the optimal case load size, we found that once case loads get above 50 the quality of work starts to decline quite significantly.*

Edward Timpson (Con, Eddisbury), whose brother James is chair of the Prison Reform Trust and CEO of the eponymous shoe-repair chain, suggested to Russell that high caseloads might be a factor in the 10 areas rated inadequate and asked about the regional variation in staff levels:

**Edward Timpson:** *We know that in Swindon, following the HMIPS review of the Damien Bendall case, high workloads and staff shortages, funnily enough, were contributory factors. Similarly, in Leicester, Leicestershire and Rutland PDU excessive case loads have taken a toll on the organisation. The term “not manageable” in terms of case loads was relevant in nearly two thirds of practitioners in those areas. Are there particular geographical areas of the country you are concerned about, and what can you in your respective roles do to help inject some positive change?*

**Justin Russell:** *We are finding a wide variation, not just between regions but within regions, in case load, workload and perceptions of manageability. London remains the area where case loads are biggest, so the official HMPPS workload management tool figures are well*

*above 120% of what the target should be. When we interviewed staff in London, only 25% said that their workloads were manageable, and it was even less in areas like Hammersmith and Fulham, which had our lowest ratings. In other parts of London—for example, Newham—there are much lower levels of vacancies and not the same issues around staffing. One of the interesting things we are seeing is that even though case loads are coming down for probation officers, a majority of them still say that they perceive their workload is unmanageable. That can be because of the mixture and complexity of the cases they are dealing with, the stresses of covid and all that that implied, so it is not necessarily the case that you reduce stress just by getting the crude case load down; you also need to think about the range of work that people are being asked to do.*

Timpson's Tory colleague, James Daly (Bury North), highlighted how "the shortfall in probation officers in post as of December 2022 was 29% – that was up from a shortfall of 13.4% in 2021", before pointing out that "we clearly need more qualified probation officers to address these issues" and asking:

**James Daly:** *Why are people not coming in and taking up those roles? The roles are there. The vacancies are there to do it. Mr Turner, Mr Timpson, the Chair and I all practised many years ago in the criminal courts. The probation officers I met were some of the best people I have ever come across. They were kind, caring, embedded in their local communities and committed to criminal justice and to better outcomes for people. I am sure that must be the reason people go into it. We have a lot of people who share that vision for their local area. We have a lot of people who want to help people and want to be able to have a career that covers all those things. Why are we not encouraging them into the profession?*

**Justin Russell:** *The probation service is. There is quite a healthy recruitment pipeline at the moment. It has set itself a target of 1,500 new trainee probation officers each year. It is on track to meet that this year, and it met it last year. There are 2,000 trainee probation officers in the pipeline at the moment who will become qualified officers shortly. It is recruiting more administration staff and probation services officers, PSOs, as well. I do not think the issue is attracting people into the service; there are people willing to join. There is a big issue about retaining people in the service, and there are signs that it is the more experienced probation officers who are leaving. The big group who are leaving are people with five to nine years' experience, who are resigning and going to do something else big. There is a big jump in that number, which is very concerning. The priority at the moment is not necessarily recruitment; it is retaining the good, experienced people you have, who can then mentor the new trainees who are coming through the door.*

**James Daly:** *Is that down to pay? I would not say the sector has been devalued exactly, but the changes that have happened and the way probation is delivered have had an impact on people who have been in the service for a long time. Is it a mixture of the two, or do we need to be looking at pay as a way of encouraging people to stay in the sector?*

**Justin Russell:** *The probation service has looked at pay. It is in the first year of a three-year pay deal that was agreed by union members last year, which will raise the top of the probation officer band by nearly £5,000 and give increases to probation services officers. I think the reason is actually more about stress and burnout and people feeling they just cannot cope with the job any more. If you look at the sickness figures, it is now up to nearly 15 days on average lost each year for each probation officer. It is 17 days in London. That is*

*quite a significant increase over the last three years. Half of the days that are lost within probation through sickness are because of mental health and stress, which shows some of the strains that people feel under in the service at the moment.*

Winding up the session, Labour's Janet Daby (Lewisham East) gave "a little historical context to do with staffing", explaining:

**Janet Daby:** *Prior to 2014, the probation service was unified. I was a cabinet member for community safety at that time, and I remember very clearly very experienced probation officers saying to me they did not want the reorganisation to take place and they did not feel that privatisation of part of the service was going to work—and they were leaving their jobs then. That was because of the things I have just said. Then we have more inexperienced staff or new staff coming through, following the leaving of a huge cohort of experienced staff, into a situation where the separation of services into the CRC and the National Probation Service had failed. We have a unified probation service that is still struggling to deal with the staffing issues that were created by the restructuring in the first place. I want to get your comments on that, please.*

**Justin Russell:** *It is important to say we have not gone back to the days of the trusts. People talk about it as though you are going back to 2014. Actually, you are going to a system where everyone is now a civil servant as part of the Ministry of Justice and as part of the general Civil Service. It is a different environment that people are now working in. Partly, what happened was that during the TR period, the CRC period, there wasn't any transparency about staffing levels. They did not have to publish any figures on how many probation officers or PSOs they had. There was no idea of what the shortfall was. As their budgets came down because of the failures of the contractual mechanisms, they reduced their target headcount so that, when the workforces were lifted and shifted into a unified service, the target headcount that was shifted in was far lower than was actually needed to deliver manageable case loads. The service has now come up with a new target operating model for this unified service. It has worked out how many probation officers it needs to deliver that, and how many probation officers it requires if it wants everyone to have a manageable case load. It is saying it is about 6,000, which is significantly more than it previously estimated. That is where the gap comes, because it has raised the aspiration about how many it needs.*

At Justice Questions the same day, Labour MPs Andrew Gwynne (Denton and Reddish) and Kerry McCarthy (Bristol East) both raised Napo's concerns, with Gwynne quoting the chief inspector's assessment that the probation service was "in survival mode' due to staffing pressures and huge workloads" and McCarthy reporting that probation officers had told her that "they are overworked, underpaid and feel undervalued, and that the service is haemorrhaging staff". Following the standard ministerial response, she pointed out:

**Kerry McCarthy:** *There are also an awful lot of people off sick. What impact does he think that will have on efforts to make sure that offenders do not go on to reoffend, and that we do not have a crime wave on our streets because we are simply not putting the resources into the probation service that could help prevent that?*

With Napo launching Operation Protect in the summer, alongside Unison and GMB, to campaign for lower probation caseloads and higher staffing, Paula Barker (Lab, Liverpool Wavertree) informed MPs of the new initiative at Justice Questions (27 June) by explaining:

**Paula Barker:** *According to probation unions, recent restructure and staff shortages are making it extremely difficult to keep tabs on some of the most dangerous individuals in our society. That is adding to the already endemic workforce retention issues. Probation workers are struggling under the pressure, as many leave the profession, leaving newly qualified and less experienced staff to take the reins. Why are calls for immediate Government intervention being ignored by the Department, and will the Minister sit down with probation unions this week as they launch their campaign, Operation Protect?*

But Hinds wouldn't answer this, instead blaming "recruitment challenges throughout society" before boasting about beating recruitment targets.

The following week (4 July) saw MPs vote on HMPPS budgets in a departmental "estimates day" debate. Kicking off, Sir Bob Neill detailed numerous problems in the prison service before moving on to "the critical issue of probation, which is sometimes, I fear, regarded as the poor relation of the two". He explained that the Justice Committee had "found high staff vacancies, overloaded probation practitioners working over capacity, poor staff retention and inaccurate risk assessments, all of which were flagged up by the chief inspector of probation, who said that many services are experiencing exceptional staff shortages, with half the positions at key grades in some areas being unfilled". He continued:

**Bob Neill:** *It is no wonder, therefore, that things are being missed. That is a risk not only to prisoners, but, potentially in the worst case, to the public as well. What is being done to deal with staff pressures in the probation service? We met many probation officers. They want to improve their service, but they need decent and sustained funding to do so. You cannot have it being switched on and off like a light switch.*

Intervening, Conor McGinn (Ind, St Helens North) pointed out that "the privatisation of the probation service was a disaster and it is right that that is being reversed, but that does not mean that probation cannot work with the private and voluntary sector, particularly around employment", giving examples such as Timpson. Neill agreed: "The work of the Timpson family and their firm has been consistently quite exceptional over a long period. I have constituents who benefited through their endeavours and many others in the House will have similar cases." And he added that "privatisation is still affecting morale, it has affected retention and it has created considerable dislocation in data sharing between various services. It also broke a number of the local ties that had been developed between the probation service and local authorities and other providers in the area." Shadow minister Ellie Reeves pointed out that "the fact that little or no rehabilitative work is being done in prisons is making it even harder for probation officers to do their job", adding:

**Ellie Reeves:** *When I speak to them, they tell me that what they long for is to be able to do their job properly, but case loads are simply unmanageable. Officers are having to prioritise paperwork and databases instead of spending proper time with the people they supervise.*

Highlighting how probation's "ill-conceived part-privatisation wreaked havoc on the service and caused a mass exodus of experienced staff", Reeves revealed that, "in total, these reforms cost half a

billion pounds, and they left the public at greater risk from offenders because the work was often reduced to a tick-box exercise. What was the result? Between 2014 and 2019, during the privatisation years, the number of serious further offence convictions increased by more than a third, and the number of serious offenders on probation found guilty of murder increased by 123%.” Pointing out that staffing “shortages and high case loads are leaving the public at risk”, she warned:

**Ellie Reeves:** *Rather than getting to grips with those issues, the Government are currently restructuring probation via the One HMPPS plan. I really hope they will take seriously the concerns raised by the sector and the findings from the damning inspection reports. Funding needs to be channelled to frontline officers, not the bureaucratic layers of organisation above them. That is the only way to reduce the burden they face and ensure they can give proper time and attention to those they supervise.*

Winding up, Minister Hinds outlined the pay situation, explaining that “the probation service is in its second year of a multi-year pay deal for staff. Salary values of all pay bands will increase each year, targeted at key operational grades to improve what has been a challenging recruitment and retention position. The pay increases differ for different job roles, but to provide an example, probation officers will see their starting salary rise from around £30,200 in 2021-22 to a little over £35,000 by 2024-25.”

A fortnight later (18 July), the Justice Committee quizzed new Justice Secretary Alex Chalk, with Edward Timpson asking how far reunification had achieved the Government’s ambition to “strengthen probation and build confidence”. Chalk described it as “a work in progress”, insisting:

**Alex Chalk:** *The critical thing is to increase resource so that it can continue to mature as a process. It is a work in progress. We are not there yet. We put in an additional £155 million: it is worth reflecting. Not only that, but we have an additional 2,626 trainees. When they are fully trained, the number of frontline probation officers will be at full strength. At the moment, part of our sworn strength, so to speak, is not yet operating at full temperature. That will happen over time. Experience, experience, experience is really what matters in this important sector.*

**Edward Timpson:** *You are correct about the number of trainee probation officers who have been recruited since '21-22; and there were more in '22-23—I think there were another 1,500. I take your point about the need for them to have time to learn and grow, and develop their skills, so that they can have the experience that you rightly say is needed; but there are concerns that in the interim, at the moment, some less experienced staff are increasingly having to take on quite complex cases, sometimes with quite minimal supervision. Are you concerned about that, and are you looking to address it?*

**Alex Chalk:** *As I say, the single biggest thing I can do to maximise performance is to ensure that people are properly rewarded. We have done that. The second thing is to make sure we are recruiting. You rightly pointed out that there were 1,000 in year 1, which was 2020-21, with an additional 1,500 in 2022-23. That process has to mature as they come online, so I will continue to do that. The other thing is to provide the tools they need to do their job as effectively as possible. [...] Yes, of course we bring on more probation officers. We reward them properly—but we also give them the tools to work with.*

But Timpson highlighted how, “as of 31 March this year, there was a 28% shortfall of probation officers in post. The most recent report from His Majesty’s chief inspector of probation, Justin Russell, which was published about two weeks ago, found that excessively high practitioner workloads continue to be a problem.” Chalk insisted: “We are on the right glide path. The next 15 to 21 months is going to be a process of steady strengthening.” Timpson then asked what ways he was “trying to retain the vital experience of some of those longer-serving probation officers, so that we do not lose them when they are most needed”, to which Chalk claimed that greater capacity would mean “it is possible to do such things as career professional development” and “increasing personal prestige”. After Chalk pointed out that “good probation officers make the difference between people going straight or not” and “ultimately that protects the public, which is what we all want”, Timpson asked whether he thought, “bearing in mind its recent history, that the probation service has an image problem”, to which Chalk replied:

***Alex Chalk:** I hope not. I do not think so. If you are referring to errors being made, yes, to err is human and occasionally there are errors. Dare I say it, maybe politicians make mistakes from time to time. Overwhelmingly, probation officers are highly skilled and trained, and do an extremely important job. They have to use their judgment to say, “With that offender—do you know what?—I think he is potentially a risk to the general public. What if I don’t recall that person?” By the way, there may be all sorts of reasons, to do with a relationship breaking down, or starting to run with the wrong crowd, or whatever. They have to make those finely balanced judgments, knowing that if they do recall the person it may be a while before they are brought round again before the Parole Board. They do an incredibly important job in keeping the British people safe, and I pay tribute to them. Some of the most impressive people I have ever met in this job are probation officers, and I want to see the continued growth of excellence in that important profession.*

At Justice Questions following the summer recess (12 September), Chris Evans (Lab, Islwyn) highlighted how “Napo, GMB and Unison all say that the probation service is facing soaring workloads. Employees are battling under the pressure and sickness rates are high.” He added:

***Chris Evans:** With many workers off sick, the impact on public safety will be massive. Something must be done. Stepping outside the politics of this, will he commit to working constructively with unions and other agencies to bring about a strategy that will address this critical area of probation?*

However, Hinds would only “commit to working in partnership with unions and other representative bodies and others to make sure that we have the right support for this service”, claiming that “recruitment to the probation service has been very encouraging over the past three years and we have managed to exceed our stretching recruitment targets”. But even his Conservative colleague Theresa Villiers (Chipping Barnet) warned MPs about the “problems in the probation service caused by high vacancy rates and consequentially unmanageably large case loads for probation staff”, to which Hinds insisted that “we have increased probation staff in the London area by 4.5% over the last year, and that includes 270 trainee probation officers in post.” And with growing numbers of Parliamentarians from across the political spectrum putting pressure on ministers over staff shortages and impossible workloads, the JUPG will continue to highlight how the MoJ must listen to its workers and work more closely with trade unions to improve the pay, terms and conditions – and therefore retention – of probation officers.

## Campaigns: Parole Board Changes

Following Dominic Raab's "single view" decision in July 2022 preventing probation officers from giving recommendations to the Parole Board – and the probation unions' campaign to reverse this – the High Court granted interim relief the following month ensuring that the Parole Board could continue to receive any evidence it wanted. After Parliament returned from the Conference Recess, crossbencher Baroness Prashar tabled a regret motion (18 October) against this change, which read:

*That this House regrets that the Parole Board (Amendment) Rules 2022 introduce a "single view" procedure which (1) will prevent forensic psychologists, prison and probation officers, and other specialists working for or commissioned by His Majesty's Prison and Probation Service from making recommendations to the Parole Board on the release or transfer of prisoners to open conditions, (2) has potentially profound implications for the sentence progression of individuals subject to Parole Board oversight, and (3) has been made by the made negative procedure, with no external consultation or parliamentary debate.*

Opening the debate, Prashar declared her interest as a former executive chairman of the Parole Board, before outlining her objections, the first of which was that this had been "introduced without consultation", which "meant that those with experience of the parole system had no input into the new statutory instrument. Such radical changes to how the parole system works should have been implemented only after those who work in it were consulted. The manner in which these changes were introduced, with no consultation even with the Parole Board, undermines confidence in the professionals and the system." She continued:

**Baroness Prashar:** *The second ground for regret is that the Government have simply failed to establish that there is a problem which justifies the package of changes made. In other words, there is no evidence of the problem the changes purport to solve. These changes may well result in increased risk to the public, as the Parole Board is denied the benefit of expert opinion and the opportunity to see how prisoners respond in conditions of lower security. As we know, having the benefit of expert opinion and proper risk assessment is important to ensure that prisoners are prepared for reintegration into society.*

Prashar warned that the change "represents a major interference with the Parole Board's ability to operate independently and undercuts the independence of a court-like body. It also undermines the professional standing of witnesses, for whom risk assessment is a core skill." She then highlighted the ongoing judicial review, in which the High Court "has provided interim relief solely to the plaintiff on the basis that the parole panel should be free to ask any questions relevant to its task and expect the witness to answer them. This includes asking an expert witness for their recommendation." Continuing, she explained that her "third regret is the change in the criteria by which prisoners may move to open prison", warning:

**Baroness Prashar:** *These changes were expressly opposed by the Parole Board and the National Association of Probation Officers. As we know, the period spent in open conditions is a practical aid to resettlement in the community, and considered recommendations by the Parole Board, albeit subject to the Secretary of State's approval, are crucial for public protection. [...] Now, only the Secretary of State considers the public confidence criteria, a task which essentially falls on officials. This has led to a dramatic reversal in the proportion*

*of prisoners being approved for transfer to open conditions. The Parole Board has estimated that the consequent delays may add 800 a year to the number requiring prison places. The Prison Reform Trust has recently received data from the Parole Board showing that, prior to these changes, 94% of recommendations for open conditions made by the Parole Board were accepted; since the change in criteria, and despite a falling number of recommendations, only 87% have been accepted.*

Lord Garnier (Con) followed, adding his support and explaining he wanted to “demonstrate that this is not a party-political issue – this is a matter of constitutional propriety and I think it is a matter of justice”, adding:

**Lord Garnier:** *Long ago, we got rid of political decision-making in the tariff-setting of life sentences for prisoners, and yet we are now introducing political input into questions which should be dealt with by the Parole Board by a “single view” of the Secretary of State. I suppose there was a time when the Secretary of State for Justice might be expected to know something about the law, but that is no longer the case. Therefore, it seems to me all the more extraordinary that a political Minister should have the power, passed by this little-discussed measure, to have a single view which trumps all others – indeed, shuts out all others.*

Lib-Dem Lord Dholakia also declared his support, pointing out that “the proportion of prisoners released on parole who commit a further serious offence is less than 0.5%, which is a remarkable record of the success of the Parole Board in its work”. He highlighted how “it was obviously helpful for the board to receive recommendations from professionals who had particular knowledge of the prisoner [but] these recommendations have now been prohibited”. Calling this decision “totally illogical”, he continued:

**Lord Dholakia:** *This approach is patently nonsensical. It is difficult to see what it has to do with protecting the public or promoting sound decisions. [...] The Secretary of State has always been able to reject recommendations for open conditions made by the Parole Board. But it makes no sense for him or his officials and the Parole Board itself to make their decisions in the absence of recommendations from those who have close knowledge of the prisoner. The new Secretary of State should review this change in the parole procedure and reverse it. [...] I believe strongly that future parole decisions should continue to be based on the accumulated experience and expertise of the Parole Board, informed by reports and recommendations from professionals with close knowledge.*

Crossbencher Lord Carlile of Berriew warned that the change was “nothing less than an unwarranted interference by Ministers with what is clearly, now at least, a judicial process. Nobody can deny that the Parole Board is a judicial process; the issue goes, therefore, to the heart of the separation of powers. The previous Lord Chancellor knew perfectly well that he was attacking the separation of powers.” He added:

**Lord Carlile:** *The provision is vague. What are the terms of reference that would make it appropriate for a ministerial single view to be given? What does a “single view” mean in this context? Who is actually going to make these decisions? Who is going to prepare the papers to be put in the Minister’s red box? This is such an unclear procedure as to be wholly unacceptable. Why on earth are report writers such as psychologists, an example already*



*given, those with real knowledge of the prisoner concerned and, by definition, experts themselves to be banned from expressing a written opinion, which, of course, is not more than that – an opinion, not a decision, on the outcome of the case? This seems to me to presage a political reaction to media stories in an attempt to influence the Parole Board. That can have no legitimacy.*

Labour's Lord Bradley declared his interest as a trustee of the Prison Reform Trust and added his support for the motion, asking: "Has guidance now been issued on the interpretation of the public confidence test and if not, when will it be issued? Who will be consulted on it, so that there is absolute clarity as to what public confidence means?" Conservatives Lord Patten and Baroness Newlove then both spoke against the motion, with Patten insisting that the Secretary of State "should be able to produce a single view in a small number of the most serious cases". But shadow minister and JUPG co-chair Lord Ponsonby backed the motion and put six questions to the Government:

**Lord Ponsonby:** *First, why was removing probation recommendations not included in the root and branch review and why was there no prior consultation with all the stakeholders before the changes were implemented? Secondly, on the removal of probation recommendations, what impact assessments have been carried out regarding black, Asian and minority ethnic prisoners and IPP prisoners? Thirdly, the National Association of Probation Officers is concerned that removing professional recommendations in parole will lead to inappropriate releases and the non-release of those who otherwise may have been granted parole. Therefore, what impact assessment has been carried out on this issue, and did the Government seek the views of the Parole Board itself about having to make release decisions without expert witness recommendations? Fourthly, under the changes, what protections are in place for probation staff who are required to attend a public parole hearing? I agree with the noble Lord, Lord Patten, and the noble Baroness that these hearings should be public, but the question is specifically about the protection of parole officers – and, potentially, expert witnesses – when they are taking part in these hearings. Fifthly, how many responses were there to the root-and-branch review, and how many of those were in favour of the public parole hearings? I echo the question of the noble Lord, Lord Carlile, about whether anyone at all supported the Government's proposals. Sixthly, will the Government withdraw these changes if the judicial review finds against them?*

Quoting testimony to the Justice Committee by the Chief Probation Officer, Sonia Flynn, in September 2022 claiming that "differing recommendations would seem 'quite confusing given that we are one HMPPS' and that the new change 'kind of tidies' that up – that was the justification", Ponsonby insisted:

**Lord Ponsonby:** *I must say that I find that explanation very surprising. I am absolutely sure that Parole Board members are well used to assessing conflicting sources of information; it is what people who sit as judges, or in a quasi-judicial capacity, do all the time. In other contexts, such as criminal courts or family courts, it is absolutely routine to get recommendations from probation officers – or in the context of family courts, recommendations from experts – which can indeed be contradictory. That is what the judges or magistrates do when they decide the merits of a case.*

Responding for the Government, Lord Bellamy insisted that “the change that we are talking about is quite limited – it is concerned with the removal of the previous requirement that written evidence submitted on behalf of the Secretary of State must include a recommendation”, claiming:

**Lord Bellamy:** *The previous legislation said that the staff reports must include a recommendation, and that provision is no longer in force. In other words, the reports continue as they did before, but there is no final conclusion that says, “I therefore recommend” whatever the recommendation is.*

**Lord Ponsonby:** *Is it still open for any expert to give a recommendation if they so choose?*

**Lord Bellamy:** *My understanding is that they are not to make recommendations. They can make their risk assessments and say whether there is a valid release plan; they can do all of those things. They can say this man or woman poses no risk to the public, or does pose a risk, or whatever it is, but they cannot express an opinion on the very question that the Parole Board is required to answer: whether the prisoner should be released. This is essentially a change that brings the decision on release back to where it belongs: the Parole Board, not the expert.*

**Lord Carlile:** *Is not the noble and learned Lord confusing two quite different things? The expert does not give an opinion on whether the person should be released, as the noble and learned Lord suggested has been the case; the expert gives his opinion on whether it is safe for the person to be released. That is quite different. Can the noble and learned Lord, with all of his expertise, think of another form of expert evidence in which the expert is not permitted to give his opinion on the key matter under consideration?*

**Lord Bellamy:** *My Lords, I respectfully submit that we are dealing with angels dancing on pins here. What is intended by this change is to make it clear that the responsibility for the decision rests squarely with the Parole Board, and to avoid the risk, however remote, that the expert report tends to usurp the role of the decision-maker, running the risk of them delegating their decision to the expert.*

Intervening, crossbencher Lord Brown of Eaton-under-Heywood asked: “Why, if this is designed to stop these individual experts pre-empting the Parole Board’s decision, is it left to the Secretary of State to be allowed to do so with his single view?” But Bellamy insisted that “the Secretary of State with his single view does not pre-empt the decision of the Parole Board – he presents a single view to the Parole Board”, to which Brown responded:

**Lord Brown:** *Why is that any different from the same operation being done by those who have been contributing to the background?*

**Lord Bellamy:** *In a sense, this is an inter partes procedure, with the Secretary of State on one hand and the prisoner on the other. The Secretary of State, like a party, is putting his view to the board. That is the single view that, in my submission, he is entitled to put. [...] Far from undermining the Parole Board, the intention of these reforms is to draw a sharp distinction between the roles of those who provide evidence and those whose duty it is to assess the evidence and reach a decision. That is the essential background.*

**Lord Garnier:** *Does my noble and learned friend think it appropriate that a political Minister should be the conveyor of a single view – the only view – on a matter for quasi-judicial discussion?*

**Lord Bellamy:** *The Secretary of State has an overriding duty to protect the public. In that context, as the guardian of the safety of the public, he is entitled to present his view to the Parole Board, which then decides.*

Crossbencher Lord Woolf, author of the seminal report into the Strangeways prison riots of 1990, said he was “really rather surprised at what the Minister says”, insisting:

**Lord Woolf:** *I have sat in courts for many years. To suggest that an expert cannot give an opinion as to what should be the outcome is something I find contrary to everything I remember from my experience, which admittedly was a long time ago.”*

But Bellamy claimed: “I have always understood it to be the case – I hope I have not got this wrong – that an expert should not normally give his opinion on the very issue on which the court is required to decide,” adding:

**Lord Bellamy:** *The scope of the expert’s opinion is to provide the court with the factual details. It is the duty of the expert not to say whether X or Y is guilty or not guilty but to provide the court with the facts on which that decision is taken. At least, that is common practice.*

**Lord Carlile:** *In the jurisdiction in which the Minister is so expert, namely competition law – as he knows, I have sat with him in the Competition Appeal Tribunal – economists and other experts giving evidence before the Competition Appeal Tribunal do give an opinion as to whether the practice under consideration is competitive or anti-competitive. I pull the Minister back to a previous point. Time and again, those of us who have been in criminal courts for a long time have heard judges say to a probation officer, for example, “If I pass a non-custodial sentence, do you think he would comply with orders A, B and C?”. That is an opinion on exactly the issue under consideration. I am completely befuddled by that part of the argument and so, I think, are many noble friends and colleagues.*

**Lord Bellamy:** *Perhaps I ought to try to bring this somewhat tetchy debate to a close. The Parole Board is required to decide that it should direct release if it is satisfied that the detention is no longer necessary for the protection of the public. The provision we are discussing makes it clear that the expert should not pronounce on the prisoner’s suitability for release. In other words, the expert should not pronounce on the principal matter on which the Parole Board is being asked to decide. Subject to that, all the other material that was there before will continue to be there.*

Wrapping up the debate, Baroness Prashar insisted that she “found the Minister’s response rather confusing. He was trying to justify the unjustifiable. If I wanted to refute every point, it would take me about half an hour, which I do not have. This really highlights why it is important to have a consultation – a proper debate – so we are not eroding the fundamental principles on which the Parole Board actually operates.”

The issue was raised by JUPG co-chair Liz Saville Roberts at a Westminster Hall debate (18 January 2023) on the future of the Parole Board secured by Graham Stringer (Lab, Blackley and Broughton). Intervening after Stringer highlighted the Warboys case, she asked: “Does he share my concern that particular emphasis was placed on advice from a psychologist and that advice from probation officers no longer includes recommendations?” She continued:

**Liz Saville Roberts:** *Although their advice is received, the issue of probation officer recommendations is a particular concern for the union Napo. Perhaps the Government should revisit the decision not to receive specific recommendations from probation officers.*

**Graham Stringer:** *I know the trade union believes that recommendations should be made. I have read a lot of the arguments both ways – from the trade union and from the Government, as well as from many of the professional advisers. The case against what the right hon. Lady says is that when there is a recommendation, there is a temptation, for any human being, not to look at the evidence directly. The Parole Board should make its decision based on the evidence before it and its consideration of that evidence, rather than a recommendation. I also see the other side – what people who know the prisoner think, and considering what the probation officers think and recommend, which is important. It is a moot point, but I would not criticise the decision completely to take out recommendations.*

**Liz Saville Roberts:** *I agree that there is a debate to be had on the effect of that. Specifically, I hope the Minister will respond with respect to impact assessments following the change in procedure and the removal of recommendations from probation officers, particularly regarding black, Asian and minority ethnic prisoners and IPP prisoners.*

Labour’s shadow justice minister Alex Cunningham (Stockton North) explained that “changes to the parole system introduced by the Government in June last year prohibit probation officers from giving a view or making recommendations to the Parole Board on progression or release of prisoners, thus removing an important element of professional expert knowledge from the process”, adding:

**Alex Cunningham:** *In July last year, the three recognised Probation Service unions – Napo, Unison and the GMB – penned a letter to the Secretary of State with warnings about the serious consequences of the decision to prevent probation staff from making recommendations in written reports and oral evidence to the Parole Board under any circumstance. The ability to do so has long been a vital and valued part of the parole process. The unions warned that the decision “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.” It further de-professionalises this vital public service role, leading to staff demoralisation, and exacerbating the retention problems that the Probation Service already faces. Prison and probation officers work hard day in, day out to deliver justice, and yet again they have been dismissed, undervalued and let down by this Tory Government. [...]*

*Napo members raised concerns about having to supervise someone in the community who they would not have recommended for release. They talked about the extreme stress that could cause, as well as the increased risk of further serious offences. I am interested to hear from the Minister why removing probation recommendations was not included in the root-and-branch review of the Parole Board, and why there was no prior consultation with all*

*stakeholders before the changes were implemented. Napo is concerned that removing professional recommendations in parole will lead to inappropriate releases and the non-release of those who otherwise may have been granted parole. Will the Minister share what impact assessment has been carried out on that particular issue, and confirm whether the Government sought the views of the Parole Board itself about having to make release decisions without expert witness recommendations? [...]*

*Our probation service is still reeling from the reckless Transforming Rehabilitation programme, a failed experiment in privatisation. That disaster proceeded because the then Secretary of State, the right hon. Member for Epsom and Ewell (Chris Grayling), failed to listen to the warnings of those with the wealth of experience and expertise. I sincerely hope the current Secretary of State does not make the same mistake with parole.*

Speaking for the Government, Minister Damian Hinds insisted that “the root-and-branch review set out key proposed reforms that aim to ensure that public protection is the overriding consideration for release decisions and to introduce additional safeguards into the system”, adding:

***Damian Hinds:*** *We have already taken other steps within the system to enhance public protection and increase confidence. For example, we have reformed the way indeterminate sentence prisoners are moved to open prison conditions, and Ministers can block such moves if they do not meet new, tougher criteria. Also, we have introduced a new system whereby Ministers can submit an overarching view to the Parole Board about release in some of the most serious and troubling cases before any decisions are taken. That ensures that it is made very clear to the board at the outset if there is a case where Ministers would be opposed to the prisoner’s release.*

Responding to the concerns raised by Saville Roberts and Cunningham, who “both asked about not having individual staff recommendations”, Minister Hinds insisted that “reports will continue to provide all the same information, evidence and assessments about the prisoner as they currently do, with the exception of a recommendation or review from the report writer. The reason for that is that it is the Parole Board’s responsibility to decide whether the prisoner is safe to be released or should stay in prison for the protection of the public, based on the entirety of the evidence received.” And he claimed:

***Damian Hinds:*** *The written reports, including those from prison, probation and psychology staff, and the questioning of witnesses at oral hearings, will continue to provide all the evidence the board needs to enable it to reach fully informed decisions.*

***Alex Cunningham:*** *The point about the information staff provide and how confident they are that it is being shared is important. I mentioned that staff appear to be concerned that we are releasing prisoners they would never have recommended be released. What does the Minister have to say to them about the credibility of information that is before the Parole Board, and the confidence in the decision?*

***Damian Hinds:*** *As I am sure the hon. Gentleman recognises, the situation he describes could have happened anyway. I reassure him and other colleagues that this is not a diminution of the information that goes into the risk assessment. All of that information is still there, and that totality of information will be considered in the round. The right hon. Member for*

*Dwyfor Meirionnydd and the hon. Member for Stockton North asked about the impact assessment on changes to the recommendation system. The right hon. Lady specifically asked about impact on minority ethnic offenders. I want to reassure them that that impact is being monitored, though it is too early to assess on a segmented basis. It is important that we keep such matters under review.*

The issue of transfers to open conditions returned to Peers with an oral question (25 May) from Lib-Dem Baroness Burt of Solihull on “what proportion of Parole Board recommendations for prisoners to be transferred to open conditions were accepted by the Secretary of State for Justice from January to March; and on what grounds such recommendations can be rejected”. Minister Lord Bellamy reported that, “from January to March 2023, the Secretary of State considered 90 recommendations by the Parole Board for a prisoner to be moved to open prison. The Secretary of State accepted 14 recommendations and rejected 76.” Responding, Burt pointed out that “the figure that the noble and learned Lord has quoted is less than one in six referrals from the Parole Board, and I cannot get my head around how small it is”, before crossbencher Lord Pannick raised Raab’s recommendation ban:

**Lord Pannick:** *In March, the High Court held that the previous Secretary of State, Dominic Raab, had acted unlawfully by instructing probation officers not to give the Parole Board their view of the risks of release of particular prisoners if that conflicted with his views. Can the Minister assure me that the new Secretary of State for Justice, Alex Chalk, who I warmly welcome to his post, has a better understanding of the importance of the independence of the Parole Board and its processes?*

Bellamy assured Peers that “the Secretary of State will of course abide by the recent decision of the High Court and will entirely respect the constitutional position of the Parole Board”. And after the court’s final judgement in June found the ban to be unlawful, this guidance was finally rescinded, while the following month Alex Chalk also scrapped the new open-transfer criteria – a total reversal of both of these Raab changes.

### **Links to debates, committee sessions and legislation**

Justice Questions (Tuesday 18 October 2022) <https://hansard.parliament.uk/commons/2022-10-18/debates/7A347C38-15C1-4555-9B2D-74C062DED338/OralAnswersToQuestions>

Regret motion by Baroness Prashar (Tuesday 18 October 2022)  
[https://hansard.parliament.uk/lords/2022-10-18/debates/193337FC-D796-4C23-B428-314C204F8830/ParoleBoard\(Amendment\)Rules2022](https://hansard.parliament.uk/lords/2022-10-18/debates/193337FC-D796-4C23-B428-314C204F8830/ParoleBoard(Amendment)Rules2022)

Justice Questions (Tuesday 22 November 2022) <https://hansard.parliament.uk/commons/2022-11-22/debates/6FBEDF55-9DEE-4FCD-AD08-2115A203134A/OralAnswersToQuestions>

Commons Statement on Prison Capacity (Wednesday 30 November 2022)  
<https://hansard.parliament.uk/commons/2022-11-30/debates/520966EF-BB43-4380-8800-21C46222BE00/PrisonCapacity>

Lords Statement on Prison Capacity (Tuesday 6 December 2022)  
<https://hansard.parliament.uk/lords/2022-12-06/debates/F657709E-875C-40DD-AF26-DEB0BEE7A911/PrisonCapacity>

Justice Questions (Tuesday 10 January 2023) <https://hansard.parliament.uk/commons/2023-01-10/debates/6065226C-4FE3-4CD6-9042-53C8548A3B80/OralAnswersToQuestions>

Westminster Hall debate on the Future of the Parole Board (Wednesday 18 January 2023) <https://hansard.parliament.uk/commons/2023-01-18/debates/8D1EFB1E-FAA1-4F90-B05A-8FBBA58F5558/FutureOfTheParoleBoard>

Commons Statement on the Probation Service: Chief Inspector's Reviews into Serious Further Offences (Tuesday 24 January 2023) <https://hansard.parliament.uk/commons/2023-01-24/debates/F730CCA5-2A28-43F6-815A-EA5365F797F6/ProbationServiceChiefInspector'SReviewsIntoSeriousFurtherOffences>

Prime Minister's Questions (Wednesday 25 January 2023) <https://hansard.parliament.uk/commons/2023-01-25/debates/CC1C6066-E0E7-4BF6-84D4-BB5C11BC1EBA/Engagements>

Lords Statement on Probation Service: Chief Inspector's Reviews into Serious Further Offences (Tuesday 31 January 2023) <https://hansard.parliament.uk/lords/2023-01-31/debates/3929DED4-4088-42D2-B8D1-4E9D539DD7EC/ProbationServiceChiefInspector'SReviewsIntoSeriousFurtherOffences>

Justice Select Committee session on the work of the Ministry of Justice (Tuesday 31 January 2023) <https://committees.parliament.uk/oralevidence/12628/html/>

Justice Questions (Tuesday 21 February 2023) <https://hansard.parliament.uk/commons/2023-02-21/debates/F09350D5-5FD4-412B-9F56-C90BFC1B9E27/OralAnswersToQuestions>

Justice Select Committee session on the Work of HM Chief Inspector of Probation (Tuesday 28 February 2023) <https://committees.parliament.uk/oralevidence/12756/html/>

Justice Questions (Tuesday 28 March 2023) <https://hansard.parliament.uk/commons/2023-03-28/debates/0DAA7D76-68AF-4EBC-91E9-7508054F19FF/OralAnswersToQuestions>

Westminster Hall debate on Imprisonment for Public Protection Sentences, Justice Committee report and Government response (Thursday 27 April 2023) <https://hansard.parliament.uk/commons/2023-04-27/debates/DC037346-68F3-4305-9EDE-5DE95D5399B5/ImprisonmentForPublicProtectionSentences>

Victims and Prisoners Bill 2nd Reading (Monday 15 May 2023) <https://hansard.parliament.uk/commons/2023-05-15/debates/FC7E0C2D-1FF5-49A2-91AE-C9BC9804E524/VictimsAndPrisonersBill>

Oral question on Parole Board Recommendations: Open Conditions (Thursday 25 May 2023) <https://hansard.parliament.uk/lords/2023-05-25/debates/B311DC25-F88F-40DF-9C5F-E1228BF76F70/ParoleBoardRecommendationsOpenConditions>

Justice Questions (Tuesday 27 June 2023) <https://hansard.parliament.uk/commons/2023-06-27/debates/88071C4B-619C-4866-BCBF-04779F96CEE4/OralAnswersToQuestions>

Estimates Day debate on HMPPS budgets (Tuesday 4 July 2023) <https://hansard.parliament.uk/commons/2023-07-04/debates/A48BEBE3-ED93-4E2F-8254-3D1E2FCAD991/HisMajesty'SPrisonAndProbationService>

Justice Select Committee session on the work of the Lord Chancellor (Tuesday 18 July 2023)  
<https://committees.parliament.uk/oralevidence/13550/html/>

Justice Questions (Tuesday 12 September 2023) <https://hansard.parliament.uk/commons/2023-09-12/debates/C346BD42-8370-4CBB-9327-9055D227E1D3/OralAnswersToQuestions>

Justice and Home Affairs Committee inquiry into Community Sentences: All oral evidence sessions:  
<https://committees.parliament.uk/work/7425/community-sentences/events/all/> Napo written  
evidence: <https://committees.parliament.uk/writtenevidence/121937/html/>

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