**Justice Select Committee**

**Inquiry into ‘Transforming Rehabilitation’**

**UNISON submission**

**Introduction**

1. UNISON represents 3,500 members working for the National Probation Service (NPS) and the 21 Community Rehabilitation Companies (CRCs) in England and Wales. Our members are committed to delivering community safety and the rehabilitation of service users.
2. But all the good work carried out by our members is being put at risk by the ongoing failure of the government’s controversial *Transforming Rehabilitation* reforms which saw the Probation Service broken up and part privatised in 2014/15. The consequences of this disastrous experiment were widely predicted, but are only now being exposed to public scrutiny via recent reports by Her Majesty’s Inspectorate of Probation (HMIP).
3. Communities, service users and probation staff are all being put at risk because of the systemic failure of the TR reforms. The key question is not whether TR should be replaced, but simply what should replace it and how quickly can this be done?

**Executive summary**

* Reports over the last 18 months by HMIP, and the experience of our members who work for the CRCs and the NPS, prove beyond doubt that Transforming Rehabilitation (TR) has failed. There is no evidence that the problems identified by HMIP are being adequately addressed.
* Neither the CRC contracts, nor the centralised command and control approach of the NPS have been a success; both need change.
* Astonishingly, the MoJ is proposing to privatise night waking cover in its high risk NPS Approved Premises from January 2018, despite the record of privatisation in TR.
* UNISON supports the devolution of probation to local level again. Probation was always a local service, which worked to local priorities with local partners. TR fractured this previously successful delivery model to wholly negative ends.
* Police and Crime Commissioners (PCCs) are well placed to provide the democratic scrutiny for probation, as the senior elected CJS representatives in each local police force area. Devolution of scrutiny should start immediately to give PCCs joint responsibility with the MoJ for managing the existing CRC contracts and the work of the NPS in their respective force areas.
* Once the privatised CRC contracts come to an end in 2022, or sooner, if the existing CRC providers serve notice, the CRCs should be returned initially to public ownership. Following this interim stage, work should be undertaken with PCCs, probation staff, their trade unions and other local CJS partners to re-unite the probation service, following consultation on appropriate delivery/employer models.
* As TR was predicated on a model which spread existing probation resources more thinly over a much wider delivery landscape, it is inevitable that mending the problems of TR will need the injection of significant additional funding from the Treasury.
* UNISON has surveyed our members in both the CRCs and NPS with the questions posed by the Select Committee in this Inquiry. We set out the views of these front line probation staff in italics as part of our response below.

**Response to Inquiry Questions**

**Government measures**

**To what extent do the steps taken by the Government address the issues facing probation services?**

**What contractual, financial and administrative changes did the Government introduce for CRCs in July 2017 as a result of their internal review of Transforming Rehabilitation? What has been the effect of these changes on the delivery of probation services?**

1. The MoJ has released neither the findings of its ‘Probation Service Review’ (the internal review into TR), nor the details of the contractual, financial and administrative changes introduced for the CRCs at the end of July. This lack of transparency and accountability makes it difficult for UNISON to respond to this question from the Inquiry.
2. The Probation Service Review looked at work allocation, payment mechanisms, through the gate performance, financial and commercial health and contract management. UNISON believes that this was a sticking plaster approach to a system which was clearly in need of serious remedial surgery. UNISON believes the focus instead should have also been on public safety, the needs and rehabilitation of service users and the incredibly difficult conditions faced by staff in the NPS and CRCs.
3. ***In our recent survey of members, 71% of CRC and NPS staff who responded to our questionnaire reported that the changes introduced for CRCs since July 2017 (insofar as anyone has a clear idea of what they were) have been negative****.* A contributory factor to this response may be that at least two CRC owners have announced staff redundancies since the ‘rescue package’ in July. This suggests that the sticking plaster is already coming off.
4. The CRCs are also suffering recruitment and retention problems, because they are unable (due to contract funding and profit margins) to offer new entrants the same employment package as offered to NPS staff.

**Are strengthening inspection standards and creating joint performance measures (between probation services and prisons) the best ways of improving performance?**

1. ***65% of UNISON members responding to this question in our survey disagreed.***

Whilst UNISON welcomes the recent inspection reports into TR from HMIP, the following comments from our members tell us that more inspection is not the panacea to improve performance. Our members are clear that more staff, better training and more resources are what are needed.

* **NPS members:**

*No action ever seems to be taken from the findings of inspections, leading to no positive changes being made. They are simply box ticking to meet targets, as per the standard for payment-by-results management.*

*It’s all about ticking boxes…..we are not allowed to breach community orders, to keep our figures down and recall to prison is almost impossible, the public are being put at risk, they have no idea*

*Instead of effectively managing offenders we spent most of our work time and resources chasing performance measures.*

*More staff and more time for relevant training is required, lower case loads for PO's they should also be weighted if high risk.*

*All that this means is more red tape. There's enough tick-box way of working without adding more. It used to be about helping people, now it's about ticking boxes to meet targets. Not sure more targets (because that's what performance measures will translate to) is going to help.*

* **CRC members**

*Our primary focus should be public protection, the management of risk. Not performance targets that have led to cherry picking.*

*Providing us with the basic tools to do the job such as suitable premises, adequate staffing and systems that work would be more effective!!*

*We are already over-stretched. If this new proposal means more paperwork then it means face to face work with offenders is lost*

*The need is to concentrate on keeping the public safe, not measuring job performance when hands are tied!*

*The main solution would be put the resources back together and invest in staff, give them a pay rise, talk to the real staff on the front line.*

*Standards, inspections and performance measures in my view are not effective in monitoring delivery. They are simply focal points around which resources are concentrated, so that targets and other measures can continue to be met, although this will be to the detriment of other work which is not measured or assessed.*

*The problem is that there are insufficient staff to adequately undertake the range of duties required. With targets and other measures prioritised, other work, including work directly related to offending and harm, suffers.*

**What impact have the reforms had on:**

**Sentencing behaviour:** 74% of UNISON members report a negative impact

**Recalls to prison:** 68% of UNISON members report a negative impact

**Serious further offences:** 66% of UNISON members report a negative impact

1. Here are our members’ additional comments on these questions:
* **NPS Members**

*TR is placing huge pressure on staff to complete assessments that are quicker and therefore provide minimal information to the court as there simply isn't enough time to do detailed assessments given the workload and time pressures. It's just not safe, especially in cases of domestic violence or child safeguarding concerns.*

*SFOs are increasing due to offender managers having excessive caseloads and being unable to monitor risk effectively in all cases, or unable to dedicate enough time to delivering offence focused work.*

*Staff sickness due to work related stress is huge, caseloads are excessive. In my office the average high risk of harm case load was around 30, pre-TR, now it’s over 50.*

*Post Sentence Supervision has no real rehabilitative value; it's just lip service and a waste of court time for resentencing each breach. I doubt TR has improved the number of recalls, or SFO's. I suspect, if they are not already higher, they will be within a year.*

* **CRC members**

*We have lost credibility with the courts as we cannot deliver the requirements of the sentences imposed. We are told not to recall (unless it is a serious further offence). Due to lack of staff, workloads are high and offenders go 'under the radar' until a serious offence is committed.*

*Working in the CRC, I am discovering that we have a large proportion of cases being sentenced without pre-sentence reports. Therefore, sentences are being passed without the court having information on the individuals in front of them. This of course can lead to inappropriate sentences.*

*Offenders are sentenced often inappropriately where there are insufficient resources to provide the programmes etc that may have been recommended.*

*We are told not to recall or breach, and through the gate isn't working.*

*Some people don't need 12 months post sentence supervision, but have to have contact every week for 12 weeks. We have no discretion on who needs more input. It's all prescriptive.*

*We have been instructed not to recall due to financial constraints.*

**How effective have Government measures been in addressing issues arising from the division of responsibility between the NPS and CRCs in the delivery of probation?**

1. ***86% of UNISON members answered this question in the negative***. The following comments from members suggest that if the MoJ has taken any such measures (and UNISON is not aware of any) they have failed to address the problems of service fragmentation and poor communication between NPS and CRCs.
* **NPS Members**

*I have seen no evidence of any notable "fixes" implemented by MoJ.*

*NPS handle queries from offenders, agencies and prisons for CRC cases all the time, whereas CRCs seem less willing to cooperate, or to take ownership.*

*No exit strategies were put in place when CRC vacated probation offices, so offenders were left to guess where to report and are still confused about where to go for probation support.*

*CRC case managers refusing to refer for risk reviews by the NPS.*

*CRCs are very separate from NPS in my area. It is extremely difficult to get information from them to provide to the courts for example. We are also being told that CRCs are not expected to conform to the same standards with regards to completing OASys reviews etc.*

*Trying to get NPS offenders onto accredited programmes with huge waiting lists and information not being shared is a major risk concern that is still not being addressed despite complaints from courts, NPS Senior Probation Officers, Assistant Chief Officers etc.*

*CRCs do not communicate; they have their own profit driven approach to dealing with orders*

* **CRC Members**

*The division has made liaison between staff impossible. It has not enhanced the service, but destroyed it!*

*CRCs do not have a voice in terms of the work they are being allocated. In the CRC I work in, we are NOT allowed to reject a case that we are allocated from the NPS. It may be that NPS has provided below standard information/no information, or maybe that we disagree with the risk they have assessed the case. However, this does not matter, because we HAVE to accept the case.*

*NPS treat us as second rate citizens.*

*We still have issues getting information from the NPS, especially court staff. Communication with certain courts is very poor.*

*There is still terrible communication and lack of transparency. A ‘them and us’ attitude exists in NPS.*

*Each party thinks that it is in charge*

*There is a large gap between NPS and CRC, which information is falling through.*

*In my area there is a wall between CRC and NPS where previously colleagues would talk and share issues and ways to resolve them in the past. I now have little or no contact with my NPS colleges*

*The division between the two is as wide as ever and is one of distrust.*

**What else should the Government do to address the issues facing probation services?**

1. Members responding to our survey highlighted the need for the government to accept that TR has failed; to take responsibility for mending their mistake; for the service to be re-united, with lower caseloads, more staff and less performance measures.
* **NPS Members**

*Bring the services back together under one public sector service. (A popular response)*

*Give us the staffing levels we deserve, with decent pay and conditions and the funding to rehabilitate effectively and address local needs. (Many respondents asked for better pay and reduced workloads)*

*Acknowledge that this has been a complete failure and that they were warned this is exactly what would happen.*

*Stop 'splitting' the services and have a whole system approach. It's better for the staff and the offenders and provides a consistent and cost effective service.*

*Stop expecting more for less!!!*

* **CRC members**

*Realise it is not a business that can 'make a profit'; it is a public service which needs more staff and funding - not less. (There were many other comments which highlighted the need to reunite the probation service, eliminate the profit motive and restore democratic/public ownership)*

*Reduce caseloads, and bring the service back together, which had a better effect at reducing reoffending.*

*Look after staff - everyone in my office is burning out and stressed. Staff morale is appalling.*

*We need more staff to manage caseloads. At this time we have been sent an e-mail saying we don’t have enough money to hire more staff - this is not acceptable.*

*Accredited programme requirements are decreasing whilst cheaper non accredited versions are being used in place of these. With the focus on rehabilitation, the use of Rehabilitation Activity Requirements has decreased rehabilitation options, and is used as a catch all basis for all services available.*

*Cut down on the number of performance measures and the sheer volume of data entry tasks. Allocate resources better for service users in areas of employment, housing and mental health. Look at short term prisoners and the effect additional supervision requirements placed on probation staff which are affecting effective delivery of services.*

*Increase connectivity, communication and transfer of responsibilities, and reduce red tape.*

*Wherever possible co-locate staff from CRC's and NPS in the same buildings. Try to offer reassurance to sentencers that the Community Sentences that they impose will be delivered.*

**How can the Through-the-Gate provision be improved so that prisoners get the right help before their release from prison and afterwards?**

1. Members provided the following answers to this question:

*More staff in role, better links with accommodation providers and money in the pot for services to be bought.*

*Fund it!*

*They need to be more pro active and liaise with local councils. Prisoners need to be in local prisons otherwise we cannot provide this service.*

*Get rid of it. They don't actually do anything - for my service users I am the one who has ended up securing accommodation and drugs/alcohol support referrals prior to release.*

*The resettlement teams should work more closely with Offender Management Unit in custody and if applicable Offender Managers in the community, it doesn't seem joined up.*

*Benefits need to be sorted and all prisoners need to leave with identity documents which prove their right to live and work in UK; without these they cannot move forward. Full birth certificates and at least a provisional driving licence are required by employers and most banks. All prisoners should also have a bank account before leave custody. All prisoners need effective IT skills, as it is becoming impossible to function without these now.*

*Through the Gate (TTG) in theory is a good concept. In practice it's a non-existent service. TTG staff complete a screening exercise taking into account only what the offender tells them. I have never been contacted by TTG team to verify any of the information, which means the resettlement plans they produce are pretty much worthless as they are often inaccurate (e.g. important risk information re: domestic abuse and child protection/ CSC involvement is missed off completely. It feels like it's focused on ticking boxes, not actually providing a worthwhile service that contributes to resettlement.*

**The future of probation services**

**When should there be a review of the future of the Transforming Rehabilitation model and the long-term plan for delivering probation services?**

1. ***78% of UNISON members believe that this review should take place immediately.*** Given the serious nature of the concerns over TR, raised both through the HMIP reports and by staff working in the CRCs and NPS, the Justice Select Committee Inquiry will in effect constitute an independent review of the future of TR and so will be immediate. There would be no credibility in the MOJ or HMPSS conducting a review themselves as they are too implicated in the failed project. Any delay to resolving concerns around public safety could be potentially disastrous.
2. **UNISON supports the recreation of probation as a unified local service, democratically accountable via Police and Crime Commissioners**. TR has failed because it broke the local bonds which previously sustained the service. The MoJ then imposed a monolithic one-size fits all central command and control model, in the style of the prison service. Privatisation exacerbated these problems by introducing perverse commercial incentives into a people centred business, but the NPS also needs reform. The NPS’ decision to privatise night waking cover in its high risk Approved Premises shows that it has little regard for public safety. UNISON is fearful that privatising night waking cover is only the first outsourcing that NPS will attempt. The NPS E3 programme has also created widespread dissatisfaction among staff, mainly because of its cost cutting measures, forced relocation of staff and rigid staffing model.
3. **The MoJ should therefore devise a rescue plan for probation which by 2022 would lead to:**
* **The reunification of the probation service**
* **Local democratic control of the service by Police and Crime Commissioners**
* **A new unified delivery/employment model**

This rescue plan will require proper engagement and consultation with all relevant stakeholders and a willingness on the part of the MOJ to listen to the voice of service users, probation staff, their trade unions, local stakeholders and communities. This work needs to start now.