

Consultation: Strengthening probation, building confidence - Northumbria LCJB response.

NORTHUMBRIA
CRIMINAL JUSTICE BOARD
Reducing crime, increasing justice



1. What steps could we take to improve the continuity of supervision throughout an offender's sentence?

Continuity of supervision is an important principle. The relationship between practitioner and offender can be key to supporting behavior change. The pre-sentence assessment is crucial in ensuring allocation to the right provider. This together with prompt allocation to a named responsible officer (RO) could be monitored as could any transfers of cases, and the frequency of this, accepting that sometimes transfers between ROs will be necessary.

The offender management model of an RO managing the case and brokering services for that offender is a sound model.

2. What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision, and in which circumstances are alternatives to face to face meetings appropriate? Do you have evidence to support your views?

A minimum standard regarding frequency of contact with an offender could improve confidence in, and effectiveness of, Community Sentences and this contact should be face to face, certainly in the early stages of supervision. This is important in establishing trust within the working relationship. However emphasis needs to be equally placed on the need for all contact to be meaningful and relevant to risk management and rehabilitation.

There is some evidence that intervention should be front loaded, ie more contact in the early stages of supervision and that over time, as needed, support should shift progressively from probation to community resources which remain available post supervision and support reintegration into the community. Weekly contact in the early stages of supervision can help to build an effective working relationship. Thereafter, depending on progress, contact could become less frequent but needs to be sufficiently flexible to respond to crises and relapse therefore an element of professional discretion seems appropriate. Similarly an element of professional discretion regarding the nature of the contact, eg telephone contact, may be appropriate in various circumstances at a later and more stable stage of supervision than an enforced face to face contact in all circumstances.

3. How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment related skills and experience?

This could benefit from a more cross departmental approach involving partners such as Local Authorities, Job Centre Plus and DWP as well as probation providers, for example, intensive unpaid work attendance should not put access to benefits at risk. Equally a more collaborative approach to establishing more meaningful projects and placements which really do offer the development of work related skills could prove beneficial. Better integration of unpaid work tasks and the 20% allowance of hours for ETE could also support this.

Identifying appropriate work is a challenge for probation providers and there could be potential for a more systematic Local Authority driven model in terms of identification of visible and meaningful work schemes. This could be mutually beneficial and Local Authorities will have a good understanding of the local labour market needs.

The Female Offender Strategy recognizes that good community management works and supports ongoing development of Women's Centers with evidence to support this approach. Could women with an unpaid work requirement complete their hours within Women's Centers where available, possibly at the same time being given access to wrap around services? We know that women offenders are also often victims and may have unmet needs which can contribute to further offending. Whilst unpaid work is a punishment, it should also support reparation and rehabilitation.

4. What changes should we make to post-sentence supervision arrangements to make them more proportionate and improve rehabilitative outcomes?

Is there a development need amongst probation staff regarding the distinction and purpose between supervision on post release licence and post release supervision?

Rather than the standard period of supervision being 12 months for all, is there scope for the period to be based around risk and need?

Consideration of incentives for probation providers to encourage innovation during the rehabilitative supervision period, could help.

5. What steps could we take to improve the effectiveness of pre-sentence advice and ensure it contains information on probation providers' services?

This clearly requires effective dialogue between NPS and CRCs and we would suggest direct communication between CRCs and sentencers could be beneficial. Given that the majority of pre-sentence reports are now prepared on the day, the NPS need quick access to CRC information about offenders and the interventions available. CRC presence in courts is worth further consideration and could help to increase the confidence of sentencers in community sentences.

Revised protocols regarding CRC and NPS liaison arrangements with sentencers should also help.

6. What steps could we take to improve engagement between courts and CRCs?

Please see comments in 5 above. The courts, CRC and NPS are active members of the Northumbria LCJB and this is an important mechanism for effective communication, particularly around performance.

7. How else might we strengthen confidence in community sentences?

The introduction of the generic Rehabilitative Activity Requirement (RAR), where the details of supervision are largely determined post sentence by the RO, and therefore not explained in detail to sentencers, presumably has had some impact on confidence levels in community sentences, said to be at an all time low. Whilst the rate card has not been used as intended nationally, it is thought to have worked relatively well in Northumbria, having been designed with sentencers in mind and made easily available to them in different formats.

The suggestions in 5 above could help to address this confidence issue as could consideration of a 'report back' mechanism to sentencers explaining the detail of RAR delivery in some NPS and CRC cases. Sentencers are concerned to ensure that the sentence of the court is enforced appropriately so evidence of timely enforcement and robust management of sentences is key to promoting confidence. Performance information regarding the delivery of interventions could also help.

The evidence base for the supervision of women indicates a different approach from that with men and the courts should be made aware of local arrangements for female offenders and understand the rationale for a holistic 'distinct approach'.

8. How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have evidence to support your proposals?

We welcome the Female Offender Strategy and within that, encouragement to further develop a 'distinct approach' and strengthen the Women's Centre model with access for all women at all stages of the criminal justice system including Out of Court Disposals.

With women and other cohorts of offenders who have particular needs and vulnerabilities, probation providers would benefit from flexibility to access specialist provision locally either on a commissioned or spot purchase basis, ie a mixed economy, to meet local need bearing in mind such need can change over a contract period and needs to be able to respond to spikes in certain crimes or within offender cohorts.

Commissioned mental health pathways need to better meet the needs of probation cases.

This all links to the case for wider local, integrated commissioning arrangements to address criminogenic need and human need.

The pathways for Drug Rehabilitation Requirements and Alcohol Treatment Requirements need revisiting alongside Public Health/ Local Authority commissioners as arrangements are now outdated given the increased use of on the day reports and Transforming Rehabilitation. The numbers of these requirements have drastically reduced but the need is still there for such interventions.

9. How could future resettlement services better meet the needs of offenders serving short custodial sentences?

Again the position could benefit from a more collaborative and joined up approach between government departments, for example, not being able to claim Universal Credit upon release does not support rehabilitation. There are also differing views between Local authorities regarding whether an offender has intentionally made themselves homeless by their offending. Therefore the establishment of a new cross Whitehall Reducing Reoffending Board is welcomed.

Releasing prisoners on a Friday is said to be a long term issue and can mean less access to necessary services such as accommodation and health provision over the critical initial release period.

Short term prisoners do need stability within the prison estates rather than being moved further away from home due to capacity issues in local resettlement prisons. The issue of geographical dispersment across women's prisons is even more of a challenge in terms of resettlement and we agree there needs

to be a greater focus on robust alternatives to short prison sentences and access to relevant services for this cohort in particular.

10. Which skills, training or competencies do you think are essential for responsible officers authorized to deliver probation services, and how do you think these differ depending on the types of offenders staff are working with?

Training for ROs should be evidence based and incorporate research regarding preferred and validated approaches to working with different cohorts of offenders as well as being skills based.

Female offenders should be allocated to female ROs who are trained to work in a trauma informed approach and are able to identify issues relating to domestic abuse; sexual abuse; human trafficking; CSE; modern day slavery; honour based violence and FGM and ensure related needs are met.

We suggest that competencies and training should be transferrable between probation providers. All providers need to be competent in recognising an escalation in risk and risk management and in rehabilitation.

11. How would you see a national professional register operating across all providers – both public and private sector and including agency staff – and what should it capture?

A professional register of all provider staff, as proposed, would seem to be a good idea and should include agency staff providing it is kept up to date and maintained.

12. Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?

The proposed 10 probation areas/regions makes some sense in the North East area and is coterminous with some other criminal justice partners boundaries. It will however mean an area with 3 police forces and 3 PCCs.

Is there any intention for the future larger CRC to have some local delivery and commissioning arrangements at a sub regional level for example; Northumbria and Durham Tees Valley? If not, does the re-organisation into larger areas threaten the commissioning ambitions for local co commissioning with the PCC and other partners to meet local needs? Could it make probation more distanced from local partners and communities?

We agree that probation providers need to be part of an integrated probation system. The proposed HMPPS senior leader role for each area, whose role is to drive delivery of integrated, locally tailored services across both NPS and CRC and partners will be a critical role in supporting integration.

13. How can probation providers effectively secure access to the range of rehabilitation services they require for offenders, and how can key local partners contribute to achieving this?

Wider commissioned interventions, including those by the CRC, need to meet the needs of both NPS and CRC cases. As previously stated, increased flexibility to commission some local specialist providers alongside regional commissioning would be welcomed. Thereafter we would suggest the role of existing partnership structures such as Community Safety Partnerships (CSPs) and Health and Wellbeing Boards

(H&WB) in this agenda is revisited, particularly in terms of statutory responsibilities for offenders. Is there any potential for revised national protocols/expectations re collective action? In the past, probation providers had more influence re commissioning, particularly regarding supported accommodation and substance misuse treatment services.

Increased flexibility to commission local services, and to co-commission, could help bring probation back into these local decision making arenas. If H&WBs commission relevant services should police and probation membership be re-considered?

14. How can we better engage the voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

The ability of probation providers to commission and spot purchase local services could provide an incentive for the voluntary sector to further engage in service design and delivery. That said, in Northumbria some voluntary sector organisations are very well engaged in this manner, particularly those delivering women's services. Local service providers delivering essential services do need to be engaged, as well as the larger national providers already engaged with the CRCs, to ensure offenders can access the services they need.

15. How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?

Local Criminal Justice Boards seem to be key here. The Northumbria Board has recently experienced a reinvigoration of arrangements, starting with our PCC taking over as Chair. One of the sub groups leads on the prevention and rehabilitation agenda and their current priorities include an LCJB governance arrangement for a new IOM model and strengthening community resolution interventions to improve victim satisfaction and diversion from the criminal justice system.

The PCC has also co-commissioned delivery of CRC women's hubs for women subject to conditional cautions and we are now considering diversion from simple cautions in a similar arrangement. PCCs with their local knowledge; commissioning experience and experience of facilitating partnership working are well placed to take an increasing role in the commissioning of probation services and delivery. Co commissioning between probation providers and the PCC, and other partners could support a whole system approach as well as developing the local delivery landscape to meet local need. PCC oversight of regionally or nationally commissioned services would provide more local accountability and transparency of services which are either currently managed centrally or through contracts managed by the MoJ. However any such significant change to the PCC's role would need to be made clear and formalized at both national and local levels.

It is important that both CRCs and the NPS are engaged at a strategic level with local partnership arrangements such as the LCJB, Community Safety Partnerships, and Integrated Offender Management.

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

Insufficient knowledge to comment.

17. What should our key measures of success be for probation providers and how can we effectively encourage the right focus on those outcomes and the quality of service?

Probation providers should be measured in terms of the desired outcomes that they have reasonable control over, eg successful delivery of community orders/licenses. It seems unfair to measure them against outcomes such as settled accommodation and employment, where a collective responsibility across government departments is more appropriate and where others control commissioning and resources. Measures should focus on outcomes and not referral rates.

The measurement of reoffending rates is clearly complex. However measuring the number and frequency of reoffending, whilst important, does not necessarily correlate with the successful management of risk. The current measurement methodology does not support providers in the identification and targeting the most active offenders in a timely manner. There should also be more investment in longitudinal research regarding what works and the relationship between various interventions and desistance.

Jane Mackintosh on behalf of Northumbria LCJB.