



## **A response to Community Sentence Inquiry**

*Written evidence from Dr Matthew Millings (Liverpool John Moores University; Project Lead), Dr Harry Annison (University of Southampton), Professor Lawrence Burke (Liverpool John Moores University), Professor Nicola Carr (University of Nottingham), Professor Gwen Robinson (University of Sheffield) and Elly Surridge (Liverpool John Moores University).*

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1 As a research team, we are being funded by the Economic and Social Research Council (ESRC) to conduct research into the experiences and consequences of the unification, in June 2021, of probation services in England and Wales. Our project *Rehabilitating Probation: Rebuilding culture, identity, and legitimacy in a reformed public service* (ES/W001101/1) started in January 2022 and has funding to run until December 2024 and across five work packages that are running in parallel we are conducting research that is capturing first-hand accounts of the impact of organisational change at a) local, regional and national levels; and b) from a range of perspectives, both within and outside of probation.

2 At time of writing in June 2023, and having secured the necessary ethical and access approvals, we are part way through a second sweep of three rounds of interviews with frontline probation staff within one case study region (n=100 interviews completed thus far); we have conducted two of three planned sweeps of interviews with all 12 Regional Probation Directors (n=24 interviews); we have conducted interviews with a series of national and local level probation service stakeholders and criminal justice partners who are directly involved in partnership work with the probation service, including representatives from HM Courts and Tribunals Service, the judiciary, Police Services, Office of Police and Crime Commissioners, and HM Prison Service (n=34); and have conducted a series of interviews with national level policy/decision-makers (n=26). We also have a work package dedicated to exploring the insights of people who have experienced being supervised by probation services and co-producing research tools with them to better understand the realities of community sentences.

3 The research is allowing us to explore how probation practitioners are engaging with the opportunities and challenges emergent within the reconfiguration of rehabilitation services and to scrutinise the impact of reform on innovative practice, partnership working, as well as the re-negotiation of organisational and occupational cultures. Our engagement with external stakeholders is also allowing us to explore the impact of reform on the confidence of criminal justice partners in probation services and to identify the triggers for stimulating confidence in probation practice(s).

4 It is as a result of the current research - and of research team members' previous involvement in funded research on probation reform and Through The Gate resettlement provision - that we feel we can share insights that not only explore question 4 under the '*Delivery of Community Orders*' section, but that help offer wider context to the bulk of other questions being asked about the integrity and performance of community orders.

5 Given the scale of the changes brought about by the unification of probation services, it is difficult to present a measured assessment of the impact of the reform programme as it is likely to be some time before the efficacy of the new working models can be ascertained. It is clear though that the early stages of unification have been marked by a number of significant challenges/concerns that are reflected in the

Committee's terms of reference for the inquiry. Whilst it is acknowledged that the bulk of frontline practitioner observations reported here are only drawn from one probation region the Inspection reports by HMI Probation and shared learning in a workshop with Regional Directors suggest that the messages from our research are not confined to the area observed. We have however limited our submission to those areas of the inquiry which we believe are most pertinent to the scope of our research.

*Question 4. What are the main obstacles to the effective delivery of community sentences? What are the best practices for the delivery of community sentences?*

6 We can draw here on insights from work we have undertaken with frontline probation practitioners and with Regional Probation Directors to explore the obstacles to the effective delivery of community sentences.

- Within the first sweep of interviews with probation practitioners, taking place one year after unification, there was an inescapable **sense of crisis** all participants identified as confronting all working in probation. Staff shortages, sickness levels, the departures of experience staff, and prevailing uncertainty as new structures are being established are all shaping what many found to be a very challenging climate within which deliver robust support and services to people on probation. All believed these were challenges being faced by practitioner peers within and beyond the region and were common to a sector that many identified as feeling very unsettled. Ministry of Justice workforce data, published most recently in March 2023, validate these concerns around the number of people in post falling short of expected staffing levels.
- Our interviews with Regional Directors, one year on from unification, likewise saw them identify that **staffing concerns** are a very real and very stark problem for all probation regions in how they deliver services. That is, concern in trying to fill vacancies; in supporting the continuing professional development of existing staff and building a culture where staff feel valued; in the service being able to pay competitive salaries; and in terms of retaining staff and stemming the numbers leaving the service (but not always the sector). Regional Probation Directors at times also used the language of crisis when making sense of the staff shortages they are having to manage (with some offices operating at 60% capacity) and the challenges this imposed in seeking to develop rounded practitioners. Within the very clear stated concerns around staffing there was recognition of the work being undertaken nationally to try to address staffing concerns and developing efficient ways of working.
- The interview schedules for the first round of interviews with probation staff and Regional Probation Directors did not explicitly ask participants a question about their views on the Transforming Rehabilitation (TR) reform programme. However, its impact on the working environment and working practice of probation services was a feature in most of our interviews and demonstrated how painful the **legacy of TR** is for many. The speed and reach of the implementation of TR still feels raw for the majority we spoke to, as does the way the reforms fractured the service and split offices/relationships. The strength of feeling expressed – some talked of organisational trauma (also discussed in Robinson 2023) - contextualises why many staff within the new organisational structures of probation divisions remain hesitant and insecure in seeking to deliver effective community sentences.
- From our interviews with frontline probation practitioners in our case study area there was a prevailing sense, one year on from unification, that staff felt they were part of a **fractured workforce** that was still in a state of transition. Participants cited the impact of Covid measures in creating staff 'bubbles', hybrid working practices, and changing the layout of office spaces; the organisational shifts and changes that unification has entailed; and the continued legacy of TR, in

compromising efforts to (re)build organisational cultures within often redefined local and regional identity forms and in compromising the attention that could be given to developing and refining good probation practice. Whilst some within our sample identified feelings of great optimism and hope in assessing their **reactions to unification** - and the vast majority agreed reunification was the right change for probation services - there were many who were much more measured in how they reconciled the processes and outcomes of reunification. Many staff considered they were realistically pragmatic about the challenges associated with bringing together component parts of probation which had learned to operate in isolation from one another, especially within the context of Covid. Others reported feelings of anger and resentment at what they saw as the needlessness of being split and of the danger of losing lessons of good practice/innovation, especially from the disbanded CRCs.

- The **harmonisation of staff groups** within a unified service has been, and one year on from unification continued to be, a challenge for Regional Probation Directors. Creating coherent office and regional based identities for staff groups has been hard through Covid measures and hybrid working practices. Some went further to identify the legacies of the organisational trauma generated by TR in creating what can at times be enduring cultural differences between *micro-cultures* of staff groups that need to be navigated and overcome. In building inclusive cultures, RPDs identified the work they had undertaken to challenge the language and narrative of (CRC) *failure* in terms of emphasising structural and systemic failure of the model rather than associating failure of individuals and staff teams. In other cases, some RPDs cited the symbolic importance of being an RPD who had previously led a CRC as helping ensure (as one put it) “*years of people’s careers aren’t rubbed away*” and efforts to draw through the learning and generated good practice from both legacy organisations is realised, especially in respect of some of the innovative working in the fields of community sentences that the CRCs had developed.
- As practitioners reflected on the first months of being part of a unified service and **the dawning reality** of change, a very mixed picture emerged. Whilst the bulk of respondents would characterise working within the sector as challenging and difficult, we could also speak to people from the same probation office on the same day who would have contrasting emotions and experiences to draw upon, emphasising again the nature of a fractured service. Once again, many were pragmatic in identifying that organisation change takes time to implement, that trying to harmonise two distinct organisational cultures from legacy organisations is difficult, and that the on-going and unrelenting resource and operational challenges impact on the speed of engineering change.

7 In addition to the voices of those working within probation services, we have completed a round of 34 interviews with external stakeholders in our case study region and will be commencing the analysis of the generated data in the coming weeks. These interviews have been with, amongst others, representatives from HM Courts and Tribunal Service, the judiciary, Police Services, the Offices of Police and Crime Commissioners, and National Organisations who work in partnership with probation services. The interviews with criminal justice partners have provided us with insights into the day-to-day negotiations of shifts and changes in sentencer confidence during and beyond the implementation of the TR reform programme. Our engagement with police service and Police and Crime Commissioner representatives have provided us with insights in how – strategically and operationally - the organisational changes and structural changes to the delivery of probation services have impacting on the nature and form of their partnership working arrangements.

8 In the interviews we have conducted to date it is possible to identify a consistency in the view that the speed, reach, and legacy of the Transforming Rehabilitation reform programme had harmed the ability of probation services to deliver rehabilitation services. Whilst many of our participants – from legacy NPS and CRC organisations alike – felt confident in being able to isolate pockets of good practice /

innovation that had occurred during the operation of devolved probation services, there was a general agreement that flaws in the model of split probation services (2014-21) had created instability within the sector. It means that whilst most of our sample supported the decision to unify probation services in June 2021 their enthusiasm for change was tempered the appreciation many voiced of the time and effort required to harmonise the working practices and organisational cultures of the newly formed probation divisions (often comprising multiple former NPS divisions and staff groups from different CRC providers). The powerful legacies of organisational change on practitioners' occupational identities and practice confidence, we feel, shape the context within which the integrity and performance of rehabilitation service provision need to be judged. In ways consistent with the messages captured within a series of HM Inspectorate of Probation reports since unification, our research is highlighting how staff shortages and accumulated fatigue from years of organisational reforms and related uncertainties continue to challenge the ability of the unified Probation Service to innovate and deliver effective community sentences.