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STRENGTHENING PROBATION, BUILDING CONFIDENCE
CONSULTATION RESPONSE FROM THE CENTRE FOR JUSTICE INNOVATION

A strategy for effective community supervision

To maximise public safety, we have set out what effective community supervision ought to look like. It includes:

- **Improving the relationship between the courts and probation,** by improving the training, guidance, information (especially on the effectiveness of sentences) and liaison between them;
- **Making the court experience fairer to promote desistance.** Research suggests that when people involved in the justice system encounter a process that they feel is procedurally fair, reoffending goes down. We recommend that the Ministry of Justice provide permission to local court areas to test out and evaluate our new model of procedural fairness.
- **Reducing the intensity and length of community sentences for low-risk offenders.** We recommend trialling the use of deferred sentences for low-level community order cases and shortening the overall community sentence length given to low risk offenders, in order to reduce the burden on and caseloads of probation officers.
- **Improving the quality of supervision for medium and high risk offenders**, by emphasising procedural fairness and continuity of contact between the offender and the probation supervisor.
- **Testing new approaches to improving compliance with community sentences** that offer timely and proportionate sanctions, use "problem-solving" techniques to address the issues driving non-compliance and feel fair and transparent to offenders.
- **Expanding the use of electronic monitoring as an additional tool for use in supervision,** especially trialling the use of GPS electronic monitoring technology in the management of domestic violence perpetrators as a tool within their supervision.
- **Reducing the use of short prison sentences,** including introducing a presumption against very short prison sentences, expanding the use of deferred sentences as an alternative to short prison sentences especially for female offenders, and piloting the use of judge led problem-solving orders as alternatives to over 6 months prison sentences.

The system to deliver effective community supervision

The form of probation must flow from function. If we are to deliver this strategy for effective community supervision, we need to:

- **Make probation local again.** In our view, probation is fundamentally a community service. Therefore, any restructure of probation should realign around the current 42 police force areas, based on a mixed funding formula in which Police and Crime Commissioners, local authorities and central Government all fund new probation areas. Given that all this money is currently in HMPSS, there would need to be significant devolution of national budgets.
- **Make probation whole again.** We call on the government to reintegrate probation across the whole of England. New probation teams should be funded to broaden their responsibilities, providing short interventions and assistance to offenders given out of court disposals and new deferred prosecution options, already being implemented by the Ministry.
- **Give probation a national voice,** by emulating the model of the Youth Justice Board, where an independent non-executive agency presided over by a prominent chairperson. This new Probation Board would be responsible for workforce development and would seek partnership with academic and practice innovation organisations to evaluate and innovate on new approaches to interventions and supervision.

INTRODUCTION

1. The Centre for Justice Innovation seeks to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems.

THE RELATIONSHIP BETWEEN COURTS AND PROBATION

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

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

2. There has been a 24% decrease in the number of community sentences in England and Wales over the past ten years, with much of the decline occurring since 2011.[1] As part of our work to understand this decline, we have been examining the relationship between the courts and probation services, with a particular focus on the National Probation Service's (NPS) work in courts.

3. In our interim analysis,[2] we found that between 2012/13 and 2016/17 there has been a 22% fall in the number of new Pre-Sentence Reports (PSRs) produced. This fall means that there has been an increase in the number of sentences passed (both community sentences and custody) where no new PSR has informed sentencing.

4. The way that pre-sentence advice is delivered to the court has changed significantly too. There are fewer new PSRs being produced each year, and far fewer of those are written. While the NPS has put significant effort into procedures to ensure the quality of pre-sentence advice under the new regime, such as the development of new procedures to facilitate timely access to information, this nonetheless amounts to a significant reduction in the volume of pre-sentence advice produced.

5. Decline in the use of PSRS is part of a broader picture of reduced communication between sentencers and probation providers. Reductions in the scope of magistrate training, reduced access to specific information about probation programming, an erosion of formal contact between sentencers and Community Rehabilitation Companies (CRCs), and a lack of opportunities for sentencers to have post-sentence updates on progress and outcomes of community sentences, all contribute to issues around sentencers' perceptions of community sentences.

Improving the relationship between the courts and probation

6. We have identified a number of practical steps which can be taken to address these issues. Firstly, to address the issue of the volume of PSRs, we would suggest that Ministry of Justice work with the Sentencing Guidelines Council to develop a guideline about when a PSR is required.

7. Second, effective training for magistrates can help raise their awareness of community sentences. In our research, we have identified joint CRC / NPS training for new and existing magistrates which took place in Leicestershire as an example of good practice. This took place on CRC premises and featured a 'marketplace' element where attendees could learn about different interventions and meet with service users who were making good progress on their orders. Attendance was encouraged by holding the event on the weekend, and providing travel expenses for attendees. The Ministry should work with Her Majesty's Courts and Tribunal Service (HMCTS) and probation providers to ensure the availability of high-quality training.

8. Third, providing more specific information on local interventions available through the CRC may enable report writers to make more detailed and authoritative suggestions. One example of good practice comes from Northumbria CRC where their "rate card" has been repackaged in a format targeted directly at court users. The rate card offers details of the interventions available and guidance on how to include them in a sentence.

9. In addition, sentencers continue to want an understanding of the effectiveness of community sentences at both a local cohort level and on an individual level. We are aware that in Scotland, regular reports on offender progress are given to sheriffs. Recognising the additional paperwork burden this could represent, we instead suggest that effort is made to deliver automated reports to sentencers from probation case management systems via the CJS Common Platform that show sentencers progress and completion of orders.

10. Four, liaison between representatives of sentencers and probation providers is vital to ensuring mutual understanding. We therefore welcome the publication of PI 05/2018 and the increased clarity around liaison arrangements. However, we note that, in the case of magistrates' courts in particular, providing information arising from the group to individual magistrates may be problematic. We would encourage the Ministry to work with HMCTS and the senior judiciary to ensure that the mechanisms to provide information to magistrates are fit for purpose.

11. Lastly, the fact that the vast majority of post-sentence contact between sentencers and offenders on community orders occurs in breach hearings or at the point of sentencing for a further offence, has long been identified as a factor undermining sentencer confidence in community orders. As described below, we would favour extending the use of problem-solving courts which enable judges and magistrates to monitor the supervision of complex offenders on orders and provide a more complete picture of their performance.

COMMUNITY SENTENCES AND THE USE OF SHORT PRISON SENTENCES

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

Question 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?

Question 7: How else might we strengthen confidence in community sentences?

Question 9: How could future resettlement services better meets the needs of offenders serving short custodial sentences?

12. There is considerable evidence that community sentences are an effective means of reducing re-offending. Internationally, there is consistent evidence that re-offending rates are higher for those leaving prison than those serving community sentences.[3] Confident that community sentences already represent an evidence-led effective response to offending, we nonetheless believe that more can be done to strengthen their operation to improve the public's safety.

13. If we want to improve public safety even further, any new effective community supervision strategy needs to encompass proposals to reduce the use of short custodial sentences too. Too many people in our communities suffer from the crime caused by short sentenced prisoners who re-offended at a rate of over 60%. We therefore support the calls by the Justice Secretary and the Minister for Prisons and Probation to reduce the number of prisoners serving short sentences of under 12 months.

14. With that in mind, our response looks at a range of issues, to draw together a more complete picture of what effective community supervision could look like. At the heart of our approach are a number of principles:

- Immediacy— Sentences should be started and completed relatively quickly;
- Community safety— Sentencers should have the option of imposing controls on offenders such as curfews, geographical limitations or alcohol bans if they are required to ensure community safety;
- Legal leverage— Research indicates that individuals must have a practical incentive to complete court mandates;[4]
- Proportionality—Replacing very short prison sentences with long community sentences and/or heavy doses of community supervision (no matter how well intentioned) is unlikely to work;
- Help— Offenders should be provided with help to address the issues driving their offending;
- Procedural fairness— Offenders be able to understand the requirements they are being asked to complete and have a clarity about what the rules, incentives and sanctions are.

Making the court experience fairer to promote desistance

15. Research suggests that citizens' perceptions of the legitimacy of authorities to make decisions and interventions in their lives is closely tied to the fairness of how they are treated by them or perceive they will be treated by them (a concept known as procedural fairness).[5] This is not just a nice to have--research suggests that procedural fairness has significant instrumental value. When people involved in the justice system encounter processes that they feel are procedurally fair, compliance with court orders, such as a court summons, goes up and reoffending, even among the most violent offenders, goes down.[6]

16. Procedurally fair processes tend to have four evidence-led components: clear understanding of the processes and decision making; opportunities to express voice; a sense that decisions are made by neutral arbiters; and the feeling that individuals have been shown respect.[7] In working with 5

magistrate court areas, we developed a model of procedural fairness in court that could be tested and evaluated against its aims. The model includes the following core features:

- Providing better information to defendants before attending court;
- Preparing defendants for the opportunity for direct engagement with the bench;
- Enhancing engagement during the hearing itself through such means as having practitioners in the room with an understanding of defendants' specific needs, checking defendants' understanding more effectively, explaining the roles of those in the court room where appropriate and giving defendants an opportunity for direct engagement with the bench;
- Following up after hearings to check understanding and next steps; and
- Supporting voluntary take-up of community services that are available locally to tackle wider needs that may be contributing to offending behaviour.

17. We recommend that the Ministry of Justice, HMCTS and HMPPS provide permission to the existing 5 local sites and new areas such as London who already wish to test out and evaluate this model of procedural fairness in court.

Trialling new deferred sentences for low risk offenders

18. We suggest trialling the use of deferred sentences for low-level community order cases (and possibly for those offenders who would otherwise get fines that they cannot repay). Public data shows that there were over 15,000 offenders last year who received a community sentence with only one requirement who had either no or one previous conviction (representing around 23% of the community sentence caseload).

19. Instead of requiring them to complete a community order, we suggest this cohort should be allowed to complete very short sentences of unpaid work swiftly (up to 5 days). This type of community sentence could be paired with voluntary referral to rehabilitation services through advice and support clinics such as run at Highbury Corner and Plymouth magistrates' courts or other services (such as women's centres where appropriate).

20. There should be clarity about the sentence. It should be given out in understandable blocks of working days, not hours as is currently done. On successful completion, offenders or those supervising their sentence could present evidence of completion, to an appointed administrative court officer, following which they would receive an absolute discharge. The principle is to get these offenders off probation's caseload (and allow offenders to finish their mandate swiftly and move on with their lives) as quickly as possible while nonetheless delivering community reparation swiftly.

21. While the NPS could retain responsibility for this cohort, they could outsource the delivery to other agencies, including the voluntary sector, as it is a relatively cheap, simple intervention to deliver. Outsourcing it from traditional probation services may lead to new innovative ways of delivering it.

22. We understand deferred sentences are not used much as they complicate HMCTS's statistics on timeliness— when public safety and liberty are on the line, this is the tail wagging the dog.

Reducing the caseloads of probation officers by reducing the length of community sentences for low risk offenders

23. Over 65,000 community orders last year were over 12 months long and it is likely (though current public data is silent on this) that over 50,000 of these are either low to medium risk. It is evident that the reality of supervision for many of these offenders toward the end of their sentences is relatively light. The tail end of community sentences represents to us unnecessary work. We are already concerned that high caseloads are significantly impacting on probation officers' ability to reduce re-offending as we know that reduced caseloads can have a positive impact on overall re-offending.[8] Assuming that longer supervision equals better supervision is, in our view, not only misguided but unrealistic in the current fiscal climate.

24. We recommend that the Ministry of Justice and HMPPS work to shorten the overall community sentence length given to low risk offenders, removing the need for probation officers and offenders to prepare for check-ins and terminations for good progress.

Improving the quality of supervision for medium rand high risk offenders

25. By reducing the burden of supervising low risk offenders, probation can more usefully improve the quality of supervision it gives to the medium and higher risk offenders. The evidence around desistance and quality supervision is clear and in many ways obvious: Probationers value direction and also help in assisting them with practical issues. Probationers tend also to report that they want to be listened to, want to see the same officer each time, having home visits and for their probation officer to take the time to recognise them as individuals and to develop a relationship with them.[9]

Testing new approaches to improving compliance with community sentences

26. Compliance with community sentences has emerged as an area of particular concern since the Transforming Rehabilitation reforms. A case file review by HMI Probation indicated that non-compliance with community sentences was a growing issue, undermining public protection and impacting on community sentences' ability to reduce re-offending.[10]

27. Having undertaken an initial review of the evidence in this area, our judgement is that the current enforcement process unnecessarily limits the professional discretion of offender managers (who often try and work around the system anyway), is too focused on the drawn-out process of instituting a formal court hearing, and can seem arbitrary and opaque to offenders. Instead, evidence suggests that an effective system for responding to non-compliance should offer timely and proportionate sanctions[11], use "problem-solving" techniques to address the issues driving non-compliance[12] and feel fair and transparent to offenders[13].

28. We have identified three examples of promising practice in other jurisdictions which we believe are more in line with the evidence. The Channel island of Jersey uses a system of informal 'compliance meetings' as an initial response to non-compliance[14]. These meetings, which are initiated after 1-2 unacceptable absences, are attended by the offender, their probation officer and the officer's manager. If the offender's conduct at the meeting is not considered satisfactory then a formal breach hearing can follow. However, the meeting is intended to help people complete their order successfully if possible. To this end, it provides a warning of the consequences of non-compliance but also explores and addresses factors which might impede compliance.

29. The Washington State Swift and Certain (SaC) probation model in the USA focuses on timely, predictable and proportionate imposition of sanctions on offenders who breach conditions of probation. The programme was rolled out in 2012, and is based on Hawaii's well-evidenced HOPE programme[15]. The SaC programme also instituted an administrative process for delivering low-level sanctions without a court hearing. Evaluation suggests that SaC has had a positive impact, with offenders spending less time in jail as a result of non-compliance, showing lower-re-offending rates and requiring less state support[16].

30. In France, sanctions for non-compliance are imposed by specialist courts devoted to the implementation of sentences: The Juge l'Application des Peines (JAP) and, for more serious cases, the Tribunal l'Application des Peines (TAP). JAPs have a significant degree of discretion which they use to provide individualised responses to non-compliance which seek to support rehabilitation and desistance. Researchers note that JAPs engage directly with offenders and work to ensure that they understand the process and the outcomes of the system[17].

31. None of these models will translate directly into the context of England and Wales. However, considered together, they offer an illustration of elements that might be included in a graduated process for responding to better to non-compliance than our present system.

32. We recommend that the Ministry of Justice and HMPPS work with NPS and CRCs to test out new, more graduated and personalised approaches to improving compliance of offenders on community sentences, based on these effective practice examples.

Expand the use of electronic monitoring as an additional tool for use in supervision

33. Technology which can track an offender's actual location via Global Positioning Satellite (GPS) has been available since the early 2000s. Transdermal technology – real time detection of substance misuse by equipment placed against the skin to sample sweat – has become available more recently. As these technologies have come to market, competing suppliers have worked to address early issues around data integrity, battery life, and robustness, meaning that the y are now more practical for real-world use.

34. Yet our current use of electronic monitoring does not make effective use of the available technology. The 5-year old policy goal of using GPS tagging for a high volume of offenders on GPS is unrealised. A terse National Audit Office report excoriated the Ministry of Justice for failing "to achieve value for money", with "an overly ambitious strategy that was not grounded in evidence, and failed to deliver against its vision."[18] We await the results of a series of GPS pilots yet have heard that they have reportedly struggled to secure uptake by the courts.

35. However, there are also some promising initiatives. Court-ordered sobriety monitoring, using transdermal tags to measure alcohol levels of offenders, was first piloted in London in 2014 after legislation created the Alcohol Abstinence Monitoring Requirement (AAMR) which courts in designated areas could use for those whose offending was drink-related. An evaluation of the pilot cautiously suggested that compliance appeared "higher than for some other orders[19] and the approached was extended across London in 2016. Having delivered over 1,200 orders in the capital so far, its future in London is uncertain. However the AAMR disposal is at now being trialled in other areas.[20] GPS tagging is also being used, albeit in low volumes, to monitor prolific offenders in a number of Integrated Offender Management units.

36. Experience has shown that, when used well, the existing electronic monitoring technology can be a useful part of efforts to give courts and the public greater confidence in community supervision, to reduce harm to victims and to tackle offending. For example, in the USA, tagging technology is being used to protect victims of domestic and gender-based violence.[21] In the Netherlands, electronic monitoring is seen as a much more re-integrative tool, and has primarily been a probation-led and probation-developed technology.[22] There probation officers can use electronic monitoring much more flexibly than their counterparts in England and Wales, giving them discretion to respond to offender behaviour by increasing and reducing restrictions.

37. We support the Probation Institute's recommendations that "it is time to agree the purpose of the use of technology… and develop a comprehensive strategic approach to the use of technology in probation, rehabilitation and resettlement services."[23]

38. In our view, a new strategy should promote the use of electronic monitoring in the following ways:

- The strategy should enable local areas to make additional investment in the testing and expansion of new technology could develop practice organically where there is demand. In particular, Police and Crime Commissioners should be encouraged to test further the use of voluntary GPS monitoring as part of Integrated Offender Management schemes and explore, with probation, its better deployment in more general offender management;
- In line with the recent Government consultation on domestic violence, the Home Office and the Ministry of Justice should trial the use of GPS electronic monitoring technology in the management of domestic violence perpetrators on bail and on community orders as a tool within their supervision.
- The greater use of electronic monitoring in efforts to reduce the use of short term custody (though not as a stand-alone requirement) (see below).

Introduce a presumption against very short prison sentences

39. Nearly 60% of under 12 month sentenced offenders that receive 3 months or less. According to Ministry data, they are sentenced to an average of 1.5 months prison, meaning around 22.5 days of prison (due to sentencing discounts). Over 40% of this cohort committed theft offences, 20.5% non-motoring summary offences and 7.2% public order offences.

40. Not only is their re-offending a public safety concern, but the impact of high volume, low stay prisoners on the safety and security of the prison estate is deeply troubling. While the number of short sentenced offenders in prison is small— latest prison population figures show they occupy just 6.4% of the available prison capacity— the flow of under short sentenced offenders into prison is considerable.

41. In Scotland, the use of short prison sentences of less than 12 months has declined over the past ten years by 23%. Since the introduction of the presumption against the use of 3 months or fewer short prison sentences in 2011, community sentences have risen, the use of short prison sentences of 3 months or fewer has continued to decline and the use of short prison sentences of 3-6 months has declined. This suggests both that there has been negligible up-tariffing following the introduction of the presumption (courts giving 3-6 month's prison when they would have given 3 months or fewer) and that some of the offenders who may have otherwise received a 3 month or fewer sentence are likely to have received community sentences instead.

42. We strongly urge the Ministry to introduce a presumption against short sentences of 3 months or less.

Expand the use of deferred sentences as an alternative to short prison sentences

43. Previously, we suggested expanding the use of deferred sentences for low level offenders. Here, we return to the idea of using deferred sentencing as a means for offenders to demonstrate to the court that there are motivated to change. Here, the court could pass a deferred sentence, allowing offenders to access interventions and complete unpaid work. This type of sentence could be offered to offenders who would otherwise face custodial sentences of up to 6 months and from whom the court requires a sign that they are likely to complete a community order. If successfully completed, the court could choose either to impose a shorter community order (taking into account the time spent on the deferred sentence) or dismiss the case if progress is exceptional.

44. Such a model would require a judge to pass the sentence, review progress half way through the order and, at the end, make a decision. Recent evidence coming from the use of Structured Deferred Sentences (SDS) in Scotland (in which the sheriff takes into consideration a participant's compliance and may continue the SDS, end the SDS and admonish the participant, or impose an alternative sentence (usually custodial) indicates that the prospect of admonition upon completion of the SDS which may act as an incentive to compliance.[24] This type of order could be especially effective for female offenders who would benefit from referral to a women's centre.

45. We recommend the Ministry expand the use of deferred sentences as an alternative to short prison sentences.

Pilot the use of judge led problem-solving orders as alternatives to over 6 months prison sentences

46. We have long argued[25] that problem-solving court approach, of the kind already in use in a number of sites in the UK[26] would be effective for these offenders. Problem-solving courts focus on enhancing collaboration between courts and probation by providing sentencers with richer information about offenders, and encouraging courts to take a more active role in the supervision of offenders. The Ministry of Justice committed to considering the introduction of problem-solving courts, in their report, *Transforming our Justice System*, published in September 2016, which described them as "a significant step forward in addressing offenders' behaviour and preventing future victims" As yet, we are unaware of any progress in this area.

47. We suggest piloting a maximum 9 month judge-led problem-solving community sentence as an alternative to prison sentences of over 6 months (according to Ministry data, this was 5,203 court cases, sentenced to an average of 9.49 months prison, meaning around 142 days of prison (due to sentencing discounts)).

48. For these cases, we recommend a 9 month community order or suspended sentence order, reviewed every month by a judge. Aside from this regular judicial monitoring enabled under legislation, these would be standard 9 month orders, although we would recommend calibrating the overall days that need to be completed with the actual prison days that would have otherwise been served.

49. To do this, the Ministry would need to extend the power to undertake regular court reviews of community sentences to all courts (section 178 of the Criminal Justice Act 2003). Once this secondary legislation was passed, the Ministry could trial the use of these powers in a small number of dedicated court listings. The evidence on problem-solving suggests that, for example, grouping people with substance misuse problems helps the court and service providers specialise and provide targeted interventions. This is the approach being taken in a number of places like the Aberdeen Women's problem-solving court, the Substance Misuse court in Belfast and the new domestic violence court in Derry.

50. We recommend the Ministry pilot the use of judge led problem-solving orders as alternatives to over 6 month prison sentences.

THE STRUCTURE OF PROBATION

Question 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?

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

Make probation local again

51. Probation services in England and Wales have been re-organised four times since 2000. It is unclear that any of these reorganisations have led to improved outcomes — indeed we are impressed that outcomes have remained relatively positive in a period of such turmoil.

52. We therefore approach the notion of a new restructure with a heavy heart. We can see that moving to a different structure is complicated by the contracts (ending in 2020), and therefore what the Ministry sets out as interim state is probably the least worst option available.

53. But form must flow from function. In our view, probation is fundamentally a community service. It is responsible for understanding the assets available in local communities, working with offenders to connect them up with local services, working with local partners (especially the police) and being aware of the day-to-day reality of the communities in which offenders live.

54. We therefore urge the Ministry to consider a more radical vision of the future following the end of contracts in 2020. Lack of co-terminosity between probation and the police, perhaps the most crucial partner in the management of harm and offending in the community, is an annoyance at national level that develops into a migraine at the local. Any restructure of probation should realign around the current 42 police force areas.

55. Further, a move to a probation structure which is coterminous with police force areas would enhance the ability of Police and Crime Commissioners (PCCs), Mayors and probation leaders to collaborate on more effective offender management. We do not believe that most PCCs are ready to take over responsibility for probation services at this stage but, in time, the gradual devolution of budgets for those probation services in which partnership with the police is crucial should be transferred from national agencies like HMPSS to PCCs and Mayors. One area, for example, that PCCs could be more heavily involved quickly is in commissioning electronic monitoring across joint probation and police offender management, taking that responsibility away from national agencies, and creating a more diverse market of purchasers and, in time, suppliers.

56. Effective probation is, in many circumstances, a collaboration between local services, including the police, employment services, housing agencies and others. We believe that this principle of collaboration should be embedded within any new probation structure. Just as happens in policing, a 42 area probation structure would, underneath those areas, have sub divisions based on smaller geographic patches. Taking inspiration from Youth Offending Teams (YOTs), we argue that new local probation areas should, at their local basic community levels, be formed of multi-disciplinary offender management teams, embedding police and social services within offender management as happens in YOTs.

57. While we see this structure would be separate from the police and from the local authority, we can see that a mixed funding formula in which Police and Crime Commissioners, local authorities and central Government all fund these new probation areas would reflect the mixture of local and national needs. Given that all this money is currently in HMPSS, there would need to be significant devolution of these national budgets to local authorities and Police.

58. However, we recognise that keeping the current state of funding the same will not deliver the changes needed. One sensible way forward to raise more money for justice could be for the

Government to implement the new 'Crime and Justice' Precept, recommended in a new report by Crest Advisory.[27] As the report highlights, PCCs already raise revenue for policing through the Police Precept, but at present lack a separate mechanism to generate funding for new or improved criminal justice services in their area. This new precept would help inject new funds into public safety.

Make probation whole again

59. As many predicted, the split between the NPS and CRCs has been a major fault line which has hampered the work of both agencies. We are therefore disappointed that these proposals do not recommend reintegrating the NPS and CRCs in England. We call on the government to extend the decision to reintegrate probation in Wales to instituting similar arrangements across the whole of England. If the Government is insistent on keeping part of the provision of the probation services private, they could test whether one of the 42 new probation areas could be wholly run privately. But the principle remains— probation should be made whole again.

60. Moreover, new probation teams should broaden their responsibilities, providing short interventions and assistance to offenders given out of court disposals and new deferred prosecution options (currently being considered by the Ministry). This extension of the remit of probation into a more general Adult Offending Service will require a combination of Government and local authority funding and would only be possible if new money is found.

Provide probation with a national voice

61. With a more local probation structure, it will be necessary for probation to have a clear voice nationally, to the public, to parliament, and to the Ministry and Whitehall. The police, by dint of their size and public importance, can rely on their voice being heard through organisations like the Police Chiefs Council. However, relying, as the police do, on an association of senior leaders has not previously proved successful in probation.

62. Instead, we argue that a national strategic focus can be created using emulating the model of the Youth Justice Board, an independent non-executive agency presided over by a prominent chairperson. A similar arrangement, with a small executive staff, created from existing HMPPS resources, would give probation an independent, national voice. This would separate probation and prisons, providing a much a clearer distinction between the two services, and helping reinforce their separate identities, focus and professional expertise.

63. This new Probation Board would be responsible for workforce development and would seek partnership with academic and practice innovation organisations to evaluate and innovate on new approaches to interventions and supervision.

ENDNOTES

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