

Submission to HMIP Consultation on a National Inspection
10 November 2024

This submission has been drafted by Dr Matthew Millings and Professor Harry Annison, on behalf of the Rehabilitating Probation project team, and based on the empirical research, analysis, and published findings from this project.

Research Team

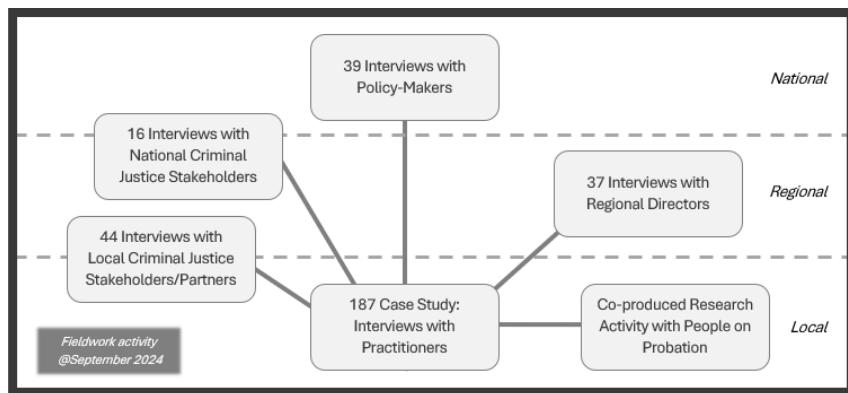
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Project Context

Our ESRC funded study, *Rehabilitating Probation* (Ref ES/W001101/1, Jan 2022-March 2025), 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 March 2025 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.

At time of writing in November 2024, and having secured the necessary ethical and access approvals, we have completed three rounds of interviews with frontline probation staff within one case study region (n=183 interviews); we have conducted three sweeps of interviews with all 12 Regional Probation Directors (n=38 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=65); and have conducted a series of interviews with national level policy/decision-makers (n=41).

Members of the research team have facilitated a series of workshops with different people who have experience of probation. These workshops have been co-designed by the peer researchers involved in the Rehabilitating Probation project, who were keen that we go back to look at fundamental question of what *is* probation for and try to envisage what probation *should* be for.



Further details about the research project, related publications and activities can be accessed at www.rehabilitating-probation.org.uk

We would welcome the opportunity to engage further with HMIP in relation to the envisaged National Inspection of the Probation Service.

Question 1 – Should HM Inspectorate of Probation undertake a national inspection?

Yes. The proposed examination of the wider issues within the structure and governance of decision-making would be welcome, addressing an apparent gap. Our own fieldwork for the 'Rehabilitating Probation' research project has found staff commonly express the desire for a more contextualised analysis (by bodies including HMIP) to be made of the drivers of frontline probation service delivery.

Our research provides support for, as the Consultation document sets out, the examination of whether regional and local level leaders are able to 'manage risk and change effectively' and how that can be supported by 'a nationally driven culture with opportunities for regions and PDUs to be innovative where appropriate'. We have observed through our research that the challenging working conditions experienced by managers and staff, throughout the post-unification period, has inhibited the scope for leaders and staff to pursue innovative practice to the extent they might otherwise wish. We welcome this proposed national inspection and its ability to seek better to understand the obstacles faced.

This is a timely moment for such an inspection. Our research has found that the considerable focus on structural reform within probation has undermined the ability of those at all levels of the service to engage in sustained reflection upon the appropriate role, purpose and values of The Probation Service – both now and into the future. We have observed that these are perceived challenges at the level of national and regional leadership. We have also identified a challenge at the level of practice, and the need to be fostered an ongoing, pluralistic debate about the current and desired future nature of probation practice – what does good probation work look like?

The proposed national inspection can potentially play a role in drawing out this debate.

Question 2 – Is our focus on how national arrangements and activity enable the effective delivery of probation services the right approach?

Yes. Intended benefits of probation unification, as set out in the Target Operating Model (2021), included improvements to the effective delivery of probation practice ('consistent supervision and targeted rehabilitation') via a 'skilled and resilient workforce', supported by a 'flexible, responsible and

collaborative system' (HMPPS, 2021: 8). Regional empowerment was also a stated motivation of probation unification; for example the Target Operating Model (2021) envisages 'ensuring that people can be their best by empowering regional leaders to make decisions about what works in their communities and to make effective plans for future delivery' (HMPPS, 2021: 132).

These speak to the central underpinning role that is inherently played by the national structures, leaders, systems and resources. At present however, these elements are not captured by probation inspections. Our research has evidenced that the ongoing sequence of PDU-level inspections that are reporting ratings of 'Inadequate' or 'Requires Improvement' are having an impact on the professional esteem of individuals, and the morale of PDUs and Regions. We have also identified a cumulative impact of the national picture of inspections; negative reports in other parts of the country resonate with staff teams in other PDUs, especially so given their frequency.

The scope to broaden the focus of Inspection activity and to better understand wider structural issues in supporting the delivery of effective probation practice would therefore align well with our practitioner respondents' desire to ensure that the full context of the complexities and challenges posed by the current landscape, in efforts to deliver high quality probation practice, is captured.

Question 3– Are ICT and facilities the right elements of infrastructure for us to focus on?

Yes, these are crucial issues that managers and practitioners report to us as having significant impacts on their ability to sufficiently manage their time and demands. As the Consultation sets out, inspections of individual PDUs are able to observe premises and speak to staff who work in these places, but the responsibility for being able to do anything about enhancing the quality of these workspaces sits beyond the PDU – and beyond the Region.

A more detailed assessment of facilities through the enhanced scope for inspection would help critically explore the quality of accommodation and work space provision for both staff and the people on probation accessing probation services. In our research, during this past three years, we have routinely seen staff talk about how important their work space is to their sense of professional identity and organisational belonging.

Question 4 – Does the standards framework overall cover the key national areas that contribute to the effective delivery of probation services? If not, what is missing?

Yes, the framework that has been developed is comprehensive enough to cover the need to consider the strategic vision for the probation service, the issues related to recruiting and retaining staff, the channels of decision-making through to the local PDU level, and the need to think critically about the strength and contribution of partnership arrangements to supporting effective practice.

Our longitudinal research project, involving three sweeps of interviews with those at all 'levels' of probation – including national leaders and policy makers, Regional Probation Directors, frontline staff and wider stakeholders – has allowed us to generate considerable insights into the dynamics that can stifle effective decision-making, innovative thinking and professional curiosity. We would anticipate that the national inspection proposed by this Consultation would enable the Inspectorate itself to develop a fuller understanding of the relevant dynamics. We would welcome any opportunity to inform the national inspection by providing a briefing based on our research findings.

Question 5 – Are any of the proposed prompts insufficiently linked to effective service delivery? If so, which ones?

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Question 6 – Are any of the proposed prompts insufficiently precise? If so, which ones?

N.1.2.d) The framing of the question presumes that national leaders are the “drivers” of the quality of service delivery. This framing of the question appears to pre-suppose an answer to the foundational question about the vision and strategy for the probation service (N.1.1.a)) and the means by which high quality probation work is to be achieved in specific localities. We would suggest that the following phrasing may be more appropriate: “Do national leaders understand and enable improvements to the quality of service delivery?”

N.1.2f) This question appears to contain two distinctive questions, which could be set out as follows:

“When developing and formulating national changes, is the impact...?”

“When implementing change, is the impact...?”

N.1.3a) While direction communication from ‘the centre’ to regions/PDUs will be necessary and desirable in specific circumstances, the wording of this question risks presuming a solely hierarchical and uni-directional relationship between national leaders and regions/PDUs.

We would encourage HMIP to reflect on whether they wish to capture national engagement with regions/PDUs and communication with regions/PDUs, which is a broader and potentially more informative set of considerations.

N.1.3.b) This appears to include two discrete (albeit likely often inter-related) questions, which could be phrased thus:

“Are regions and PDUs sufficiently supported to pursue innovation?” [Which speaks to questions of resources, infrastructure, as well as culture]

“Are regions and PDUs provided with appropriate levels of autonomy to meet local challenges, needs and to drive innovative measures?” [Which speaks to empowerment, systems, as well as culture]

N.1.3c) It is not immediately obvious whether this question relates to the organisational culture of the probation service, or more informal occupational cultures that may exist within probation. The former would focus upon efforts to shape ways of working and sets of shared norms and values of probation professionals, by organisational leaders. The latter would consider more informal occupational culture(s) where staff groups within the service nurture their own forms of belonging and shared identity.

The nature of the national inspection would encourage a re-wording to focus more clearly focus on the former: aspects of strategic leadership and vision.

N.1.4 c) The question pre-supposes a shared understanding of the notion of learning ‘systematically’. It is possible to imagine – and we have seen evidence through our research – of a range of ways in which

systematic learning could be pursued; which might lean primarily upon research, theory, and/or staff-led ideas and leaders' efforts to utilise these to develop policy and explain decisions to staff.

This suggests the need for clearer definition of 'systematically', and/or an openness by the Inspectorate to differing conceptions of the ways in which learning by leaders can occur and informed in what ways.

Question 7 – Should we rate individual standards in our national inspections?

The analysis of our longitudinal empirical data we have conducted for our project 'Rehabilitating Probation' provides clear support for the proposition that there is an argument grounded in legitimacy and perceived fairness for a national level inspection to be assessed in a similar manner as is the case for PDU-level inspections.

Question 8 – Should we award an overall rating for national inspections?

The analysis of our longitudinal empirical data we have conducted for our project 'Rehabilitating Probation' provides clear support for the proposition that there is an argument grounded in legitimacy and perceived fairness for a national level inspection to be assessed in a similar manner as is the case for PDU-level inspections.

Question 9 – Is there anything in our proposed standards or the way we suggest we will produce ratings that you think could lead to undesirable behaviours, outputs or outcomes? If so, please tell us.

Probation practitioners and the Inspectorate

In the third year of our 'Rehabilitating Probation' research project's interviews with probation practitioners, a growing number of respondents have shared negative reflections on HMIP inspections: both an increasingly critical view of the inspection of their own PDU/region but also their perception of its wider impact.

The frequency of the negative assessments of probation PDUs, the repetitiveness of the systematic problems that underpin negative assessments, and the lived reality of knowing how difficult it is to deliver effective practice in the current working climate are cited as common concerns

Therefore it is likely that many staff will respond positively to the Inspectorate's stated intention to develop its remit and to broaden its focus onto important aspects of the systematic problems and 'the centre's' role in ameliorating or exacerbating them.

It is likely that – and would be beneficial if – a national level inspection better surfaces the complexity of delivering impactful probation practice, and empowers HMIP to do so both within the specific inspection, but also in its wider work. This would validate the observations shared by practitioners about the need to place day-to-day realities of service delivery within its broader systematic context.

Probation Stakeholders and National Inspection

Our research interviews with probation partners and stakeholders has evidenced that while strong existing connections have helped to sustain relationships with partners, the sustained series of negative

PDU inspection reports has shaken confidence in probation. A national inspection would hold potential to increase the visibility of the Probation Service, as well as providing partners with the opportunity to understand more about the structure and ambitions of the service.

The implicit vision for probation

The questions within the proposed inspection tend to presume a hierarchical, top-down governance approach to probation. This may or may not be defensible or desirable. Indeed, elements of such a vision can be observed in the language and approach of any modern public sector body; and here in published statements by both the Inspectorate and HMPPS.

But we can also observe that both the Inspectorate in a number of recent publications (eg Annual Report 2022-23, 'Interventions Landscape for Probation Services' Bulletin, 2024) and HMPPS, including in probation's Target Operating Model (HMPPS, 2021) can be read as setting out a vision for probation whereby high quality probation practice is driven by empowered regional and local leaders, and practitioners (an approach which we might term more 'egalitarian' in character, Annison et al, 2023).

This is not the place to provide an adjudication on the desirability of one governance approach over another.

We can however observe that it is far easier systematically to evidence success within a hierarchical, top-down governance model, than it is to evidence success within a more 'egalitarian' approach. Therefore HMIP may wish to reflect further upon the shaping of the questions (and see our earlier comments as regards specific questions); the challenges inspectors may wish to pose to national leaders through the process (most obviously, posing 'counter-factual' questions about why certain approaches have been preferred over others); and relatedly, the assumptions that may benefit from being held open (for example is a strong centre with a firm grip of the probation regions evidence of a positive, or problematic, situation as regards the national arrangements for the delivery of high quality probation services?).

We would welcome the opportunity to engage further with HMIP in relation to the envisaged National Inspection of the Probation Service.

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