

Transforming Rehabilitation? Destination unknown

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The voices of concern regarding the impact of Transforming Rehabilitation (TR) on service provision continue to increase in volume. The annual report of HM Inspectorate of Probation (HMIP, 2017a) provides a critical picture of a 'two-tiered service', and notes that while a small number of Community Rehabilitation Companies (CRCs) are performing well, most are not, and overall individuals are being supervised more effectively by the National Probation Service (NPS).

Most CRCs are struggling. Those owners ambitious to remodel services have found probation difficult to reconfigure or re-engineer. Delivering probation services is more difficult than first appears, particularly in prisons and rural areas. (HMIP, 2017a: 6)

Serious financial pressures have led to staff reductions in CRCs and increased caseloads. However, the fault for shortcomings not only rests with service providers. The Ministry of Justice has yet to connect the IT systems of the CRCs with other justice systems, rendering their task even more difficult.

TR is also the subject of a parliamentary Justice Select Committee inquiry, launched in October 2017. The terms of reference of the inquiry focus on two main questions: 1) How effective are government measures in addressing the challenges facing the probation service, and 2) What needs to be done in the short term to improve the system? At the time of writing the Committee has received a number of written submissions, which are available on the parliamentary website.¹ Amongst these is a submission from the MoJ outlining its response to the challenges faced. This has included an adjustment to existing contracts with CRC providers, meaning that the value of contracts is less sensitive to caseload fluctuations, and increasing 'the total potential value of contracts by around £277m' (MoJ, 2017a: 2). Further detail on the contracts is not in the public domain because of their 'commercially sensitive nature', but a confidential copy has been supplied to the Select Committee for scrutiny (MoJ, 2017a).

Part of the narrative of the TR debacle is that the reduction in numbers of people being sentenced by the courts and changed risk profiles has led to less people being supervised by CRCs than originally envisaged, and therefore the calamitous financial situation necessitating the cash injection to maintain services.

Since the Transforming Rehabilitation reforms were implemented in 2013/14, there have been significant and unforeseen changes in demand for probation services. Fewer offenders are receiving court orders (numbers of offenders starting supervision have declined by 11% since 2013) and the nature of offences heard by the courts has changed, with falls in convictions for theft and drug offences and increases in sexual offences. This has resulted in a shift in the risk profile of offenders requiring supervision, with a greater number of higher-risk offenders being retained by the NPS and fewer low and medium-risk offenders being allocated to CRCs. (MoJ, 2017a: 2)

The greater numbers of people being supervised by NPS and the fewer by CRCs provide a clear illustration of the flawed logic underlining risk-based means of allocation. However, the decline in the use of community sentences raises other concerns. By the MoJ's own account, the decline in the numbers of people being sentenced to community orders pre-dates the TR reforms – 'since 2010 the number of community orders has fallen by 40%' (MoJ, 2017a: 4). Patterns of sentencing and reasons for these changes clearly require further scrutiny. Sentencing statistics produced by the MoJ (2017b) show that the numbers of people under supervision in the community are comparatively high – more than a quarter of a million people are subject to some form of community supervision – but that there have been shifts in the composition of this population. Most notably, more people are subject to post-release supervision, and the use of suspended sentences has grown in recent years. All of which must also be viewed within the context of continued record prison levels.

There has also been a decline in the use of accredited programmes, and relatively small numbers of people have been made subject to drug, alcohol or mental health treatment requirements. In 2006 accredited programmes were used in 17% of orders, but by 2016 this figure has fallen to just 7% (HMIP, 2017a). Given the prior emphasis placed on offending behaviour programmes as a pillar of 'What Works', and previous government initiatives that sought to place large numbers of people on such programmes, an issue that received much coverage in this journal at the time (e.g. Raynor, 2003; Merrington and Stanley, 2004), the decline in the use of these programmes is particularly striking. Part of the reason for the fall-off seems to be related to the fact that accredited programmes are not proposed as often in court reports, the format of which has significantly shifted towards oral and same-day delivery (HMIP, 2017a; Robinson, 2017). The issues of sentencing behaviour and sentencers' confidence in community sentences are ones which the Select Committee will consider. In evidence to the committee the Magistrates Association has noted that a lack of information about community sentence provision in local areas is 'a significant problem' (Magistrates Association, 2017: 2), an issue compounded for some by the opacity surrounding the Rehabilitation Activity Requirements (HMIP, 2017b). The fact that court work is the purview of the NPS and CRCs are not represented in courts is likely to compound the situation, but so too are the expectations that cases should be processed quickly, meaning that time for comprehensive assessments is foreshortened.

All of the concerns about TR raise questions about what it is like to experience supervision. The relationship between supervisor and supervisee is a core element

of practice, but in some instances it entails little more than a monitoring phone-call, or a cursory meeting in a public space (HMIP, 2017a). For some people under supervision, this is likely to mean that the experience of a sentence is less burdensome, but for those who seek or require more support there is evidence of significant gaps between expectations and delivery. This is particularly apparent in Through the Gate resettlement provision, where meaningful supports are short on the ground (HMIP, 2017a; Taylor et al., 2017). The question of how we assess experiences of supervision is one that Durnescu and colleagues address in this edition of the *Probation Journal*. Drawing on a pilot study conducted under the auspices of a European project on Offender Supervision,² the authors have devised a series of measures to assess areas such as the effects of supervision on different aspects of a person's life and the quality of the supervisory relationship.

This issue of the journal also includes findings from further research on the Offender Personality Disorder Pathway, with a contribution from Radcliffe and colleagues regarding training and supervision in case formulations. The question of how work is prioritized and resources are allocated are perennial themes in discussions about the purposes, organization and structures of probation. DiMichele and Payne present an analysis from a US study on how probation officers utilize their time. Despite the orthodoxy that more time should be spent with clients posing a higher risk, they note that certain core tasks require equal amounts of time regardless of assessed risk. This issue also includes articles by Smyth and Watson on training provisions for probation staff and an article by Kingston and Thomas on the out-workings of the Sexual Risk Order. The themes raised in all of these articles have resonance for practitioners, policy-makers and those currently considering the future direction of Transforming Rehabilitation. We are particularly keen to encourage dialogue and engagement with practice. Cluley and Marston's practitioners' response to Anderson's (2016) article on the 'Value of Bearing Witness to Desistance' provides important insights into the realities and impacts of working with complex issues and trauma. As always, we appreciate your feedback on any issues raised in this edition.

Notes

1. See: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/inquiries/parliament-2017/transforming-rehabilitation-17-19/publications/> (accessed 04 January 2018).
2. Offender Supervision in Europe was a COST Action (1106) involving 23 member states. Further details available at: <http://www.offendersupervision.eu/about>

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Nicola Carr