

BEST VALUE IN PROBATION

OBSERVATIONS OF THE CRIMINAL SUB COMMITTEE OF THE COUNCIL OF HM CIRCUIT JUDGES

- 1 We represent the Circuit Judges in England and Wales. Circuit Judges sit in the Crown Court and both try and sentence the majority of criminal cases passing through the Crown Court. The use and effectiveness of non custodial sentences are matters of importance to Circuit Judges.
- 2 Although there is one Crown Court the Court sits at 78 different Court centres. Those centres are not evenly distributed amongst the 42 Probation Areas. Further the centres are very different in nature. Some centres are large and situated in urban conurbations whilst others are very much smaller serving rural communities. Even where centres are of comparable size and in broadly comparable areas the patterns of crime and the necessary facilities required to deal with offenders vary substantially. Thus, for example, whilst drug misuse is a universal problem there are great differences in prevalence and effect from one location to the next. Further, of course, economic conditions are equally variable which impacts upon crime patterns. We make these points to emphasise the desirability of close local involvement. Whilst we can appreciate that it might be thought that “economies of scale” achieve savings that could be at the expense of curtailing the ability to adjust to local conditions than can be achieved with the 42 local areas.
- 3 The point is the more important when we bear in mind that in an independent exercise it appears that consultants have been employed to advise on the number of Probation Trusts that should be maintained into the future. We comment that the first Trusts only came into being on 1st April 2008 and, within weeks, find this consultation running alongside assessment of the future structure of Trusts putting their very futures at risk. This does not seem to us to be sensible. What is required is a period of stability for consolidation and reflection particularly when there are potentially greater burdens for probation services in the light of steps to alleviate prison overcrowding. Conducting matters in this way does little for the morale of an undervalued service.
- 4 We have noted that the formation of Trusts was encouraged as a means of providing greater freedom and control in the provision of local services and programs. In order to fulfil the roles that the Trusts were to be given the Trusts themselves were required to demonstrate the ability to make use of business methods and business plans. The concept was advanced as a means by which Trusts would be able to apply “best value” in the proper regulation of their own performance of their contracts. The contracts

themselves provide for volume and quality. This consultation appears to a movement away from what was represented to Probation Boards as the purpose and benefit of Trust status. That is to be regretted.

- 5 Probation Officers are dealing with interpersonal situations and individuals who are unlikely to conform to normal patterns of behaviour. Most have substantial underlying problems. Many lead chaotic and disjointed lifestyles. They do not easily fit into categories nor do they follow “national patterns”. Any service based upon dealing with such people must maintain great flexibility and preserve local discretion for individual officers.
- 6 There have already been many “best value” assessments, albeit under different names, in recent times. Regionally Accredited Programs, Approved Premises and Unpaid Work have all been subject to review. It seems to us that these proposals will result in the duplication of work that has already been done.
- 7 Much of the work undertaken by probation services is founded upon innovative programs devised and developed within individual probation areas over a period of many years. The successful programs of the future which may tackle problems and re conviction rates are being developed now by small groups in probation areas. Their knowledge and expertise will be passed on and no doubt adopted in other areas in the fullness of time following local evaluations. It is essential to keep this firmly in mind. Expertise is as likely, if not more likely, to be developed in local areas dealing with particular situations than nationally where recent “coal face” experience may not exist. Any movement away from that and towards conformity with imposed national programs will be to the long term detriment of services. There may be a case for seeking “best value” plans from area Trusts and Boards and the issue of general guidelines to facilitate good practice but there are real dangers in adopting the approach this consultation seems to favour.
- 8 We have noted the way in which this consultation is framed. Sadly the style of consultation and the questions contained therein restrict respondents to expressing views on very limited proposals rather on the broader issues.
- 9 We are concerned at the current levels of funding. Whilst the consultation claims that there have been increases in funding for probation our experience indicates that, in real terms, funding has reduced. In other contexts there have been suggestions of a greater role for probation but without any funding increases. The sort of work envisaged by this consultation will put even more pressure on the service requiring the deployment of staff from front line duties to gathering statistics and completing returns. That risks the successful provision of the core services expected from probation.

- 10 We have set out the points above in this paper because we do not consider that the answers to the questions can adequately express out concerns. We have dealt with the questions below subject to that important qualification.

HH Judge David Swift
Chairman
Criminal Sub Committee
Council of HM Circuit Judges

24th June 2008