The Probation Service: Promoting Value for Money
The Probation Service: Promoting Value for Money
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Summary

The criminal justice system is under considerable stress. Reported crime is high, pressure on the courts continues to rise with record numbers of people remanded in custody awaiting court action. Prisons are acknowledged to be grossly overcrowded.

In a recent Green Paper, Punishment, custody and the community, the Government questioned the need for such extensive use of custody. It is seeking to promote greater use of community-based options particularly for 'recidivist burglars and thieves' and it is proposing 'a comprehensive shift in the way young adult offenders are dealt with in the criminal justice system'. This policy has major implications for the probation service, which is the main agency for supervising offenders in the community. Indeed, John Patten, the Minister of State at the Home Office has asked 'Are we on the verge of a new way of dealing with non-violent, less serious offenders in this country? Can the probation service move centre-stage in the criminal justice system?'

The Green Paper presents the probation service with a major challenge and a major opportunity. If the service is to respond successfully, it will need to make the best use of the skills and resources available. The Audit Commission, as the agency that supervises the auditors of the probation service, has a role in monitoring the value for money it provides, and has undertaken a review of the issues confronting the service. This report sets out the findings of its enquiries as a contribution to the current debate. The review is complemented by a parallel report of an examination by the National Audit Office of the Home Office's control and management of the probation service.

The probation service's role has expanded considerably over the years and it is now involved in some way at every stage of the criminal justice system. Its key functions are to provide information to decision makers (particularly the courts), to supervise offenders on court orders in the community, and to work with offenders in custody and on release. It also undertakes various duties for the civil courts.

It consists of 56 separate autonomous probation areas of very mixed size, with the 12 largest making up over half of the service. Expenditure levels are also very variable, ranging between £230 and £870 per indictable offence. This variety is more the result of history than present need.

Probation practice itself has changed over the years, from a social casework approach aimed at providing an understanding of the individual's development, to a more pragmatic approach which directly addresses the offender's problems. The process of change continues. But the emphasis remains on rehabilitating the offender, albeit by confronting him with the consequences of his offending. This creates some tension between probation and the rest of the criminal justice system. Some regard probation as a 'soft option' which does not mete out to criminals their just deserts. The Green Paper argues that 'the restriction on the offender's freedom of action is a
punishment' and that restrictions inevitably occur during a probation order. Thus the \textit{process} of probation may satisfy the just deserts requirement, even while the \textit{outcome} should still be the rehabilitation of the offender.

The probation service is in any event moving its focus of activity, reducing involvement with people who commit minor offences and increasing activities with people at risk of going to custody. To do this effectively and give value for money the service must target its activities, coordinating them with other agencies within the criminal justice system, and it must develop and apply new ways of working with more difficult offenders. These changes in turn require it to be managed differently.

The way the service currently targets its activities gives cause for concern. Increasing probation activity has coincided not with a reduction in the proportion of offenders receiving custody, but with a reduction in the proportion receiving fines. Various monitoring procedures are being introduced with some success to refocus probation activities. But change ultimately must depend on the actions and policies of others. In particular, the service must influence sentencers; improving performance requires a partnership between the probation service and the courts. Such a partnership must take account of the separation of powers, and a careful balance must be struck so that sentencers become better informed without compromising their constitutional independence. Where partnerships have been developed, improved value for money can follow.

At present there is considerable variation across the country in sentencing and cautioning practices, making consistency and cooperation difficult. However, in the field of juvenile justice inter-agency cooperation has progressed considerably, with many examples of close inter-agency working resulting in major changes to the way young people and children are dealt with. There is a marked contrast with the treatment of adults, with 17-year olds being three times less likely to be cautioned and twice as likely to be given a custodial sentence as 16-year olds (without any parallel change in record or nature of offence).

Probation skills and methods of working have also been developing and examples abound of creative and imaginative initiatives for dealing with offenders. But if these skills are to be put to best use, and if inter-agency cooperation and the targeting of probation activity are to be improved, better management systems are required. The Home Office has given a lead with a Statement of National Objectives and Priorities, and all services now have equivalent local statements, but the extent to which these statements have changed the actual operations of the service is mixed. Further progress is required in six important areas:

\textbf{Demonstrating effectiveness} While there is a striking variety of probation schemes in operation involving much vision, creativity and imagination, these schemes must be evaluated, and their impact on offending behaviour assessed. It is unsatisfactory that, at present, considerable sums are spent with relatively little understanding of the effects achieved.

\textbf{Spreading good practice} Successful schemes and practices should be disseminated. The distribution of such schemes is currently very uneven, and strategies are needed which promote greater consistency between services, taking account of 'best practice' identified through evaluation. There is a clear role for HM Probation Inspectorate in assisting this process.
Developing management systems   Such developments depend on adequate monitoring, and each service should have an appropriate system. It is unnecessary to develop large complex systems; a better approach is to develop a flexible system tuned to local targets and objectives. Improvements in cost controls are also necessary.

Clarifying lines of accountability   Current arrangements for financing the service (both revenue and capital) are under review and care must be taken that new proposals give clear lines of accountability. Probation committees should be required to provide annual reports, to improve accountability.

Developing skills in a multi-disciplinary service   As probation objectives change, it is important that staff skills keep pace. The trend towards a multi-skilled workforce should continue. Furthermore it should be made possible for services to grant-aid independent agencies and local community initiatives, allowing the funding or contracting-out of services where appropriate.

Working with other agencies   If the role proposed in the Green Paper and Action Plan is to be fulfilled successfully, the service will need more effective working relationships with other agencies in the criminal justice system.

In current circumstances it is hard to assess the value for money provided by the probation service. But there can be no doubt about the need to seek more effective non-custodial options. The probation service is the logical place to look. A carefully managed programme of action on the above lines could allow the service to validate its own belief in the value of probation work and to play a much more significant role within the criminal justice system.
Exhibit 1
THE CRIMINAL JUSTICE SYSTEM UNDER PRESSURE

Reported crime has been rising

**NOTIFIABLE OFFENCES**
1976-87

<table>
<thead>
<tr>
<th>Year</th>
<th>Others</th>
<th>Theft/Fraud</th>
<th>Burglary</th>
<th>Violence/Sex/Robbery</th>
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Source: Criminal statistics 1987 (Reference 4)

and prison overcrowding is increasing

**OVERCROWDED PRISONS**

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Source: NACRO briefing paper

more people are on remand

**AVERAGE REMAND PRISON POPULATION**
1976-87

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<th>Average population (Thousands)</th>
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Source: Prison statistics 1987 (Reference 5)

resulting in more people in custody in the UK

**THE EUROPEAN PRISON POPULATION**
1 SEPTEMBER 1987

Source: NACRO briefing paper

*Actual population on 24/6/88 rather than average
Introduction

1. The criminal justice system is under considerable strain. The level of reported crime has risen sharply over the last decade (though there are recent signs of a change of trend). Pressure on the courts is increasing with record numbers of people remanded in custody. Partly as a result, prisons are grossly overcrowded with more people in prison per head of population in the United Kingdom than in any other country in the European Community (Exhibit 1). The Government, in a Green Paper *Punishment, custody and the community,* (Reference 1) published in July 1988 has questioned the need to imprison so many people and has suggested that far more offenders could be dealt with at less cost and with more effect in the community.

2. For such a shift to come about, suitable community-based arrangements must exist. These arrangements must gain the confidence of the courts and public opinion. Primary responsibility for supervising offenders in the community currently lies with the probation service. The service has been expanding its role steadily over the years, and is now involved at every stage of the criminal justice system (although its involvement in some activities such as juvenile justice is reducing). Its role extends far beyond supervising people 'on probation' and includes preparing social inquiry reports to courts, supervision of community service, work with prisoners, (both before and after release), work in the civil courts with children and families, involvement in crime prevention and victim support, provision of information to the crown prosecution service on bail decisions, supervision of money payment supervision orders and many other tasks. It provides a developing range of facilities including hostels, day centres and workshops.

3. In parallel with its expanding role the probation service's budget has also grown, and has more than doubled in real terms since 1974-75. The budget in 1987-88 was £225 million - a third of the expenditure on prisons.

4. Against this background, the Green Paper proposes a refocussing of the effort of the probation service and of the criminal justice system as a whole. It outlines the Government's proposals for reducing the use of custody through the promotion of non-custodial options. They include:

- the introduction of national standards for community service orders with tighter breach procedures and a compulsory period of service in groups;

- additional emphasis on compensation orders;

- more extensive use within probation orders of programmes of activities, preferably agreed with the offender in a written statement tailor-made for each individual and seen by the court;

- particular emphasis on the treatment of young adult offenders (primarily those aged 17-20) with the aim of reducing the number of young people in custody.
5. These proposals were supported by an Action Plan (Reference 2) which requires:

- a comprehensive approach between agencies in the criminal justice system which should include crime prevention and diversion from the courts;
- the spreading of good practice, with local action plans targeting young adult offenders most at risk of custody, and presenting to courts comprehensive individualised programmes which should be properly managed, monitored and evaluated;
- the development of 'intensive probation programmes' for young adult offenders.

6. The Green Paper also put forward for discussion other modifications that would require additional legislation including a new sentence (called a 'supervision and restriction order') with any or all of the following components: compensation, reparation, community service, day centres, restriction of liberty in the community (with possible use of electronic monitoring or 'tagging') and possibly judicial supervision.

7. To implement these proposals, the Green Paper proposed various possible arrangements for organising punishment in the community, recognising that 'there are great opportunities for the probation service. In the short term, no other existing service or organisation is better placed to take responsibility for supervising punishment in the community'. At the same time the Green Paper suggested that 'another possibility would be to set up a new organisation to organise punishment'. The probation service is therefore at a critical point. It can either move to the forefront of the Government's penal policy; or it could find that another agency is given responsibility for new community options and, perhaps, part of its existing workload.

8. The Audit Commission is charged with promoting studies on the extent to which those agencies whose audits it supervises are giving value for money. Over the last year the Commission has undertaken a review of the value for money issues confronting the probation service, and of the impact on them of the environment in which it operates. This report presents the results of that review, carried out under the terms of Section 27 of the Local Government Finance Act 1982.

9. The work has been undertaken in parallel with an examination by the National Audit Office (NAO) of the Home Office's control and management of the probation service (Reference 3). These two separate, but linked, studies provide different perspectives which complement each other. The review has involved discussions with probation staff, and use has been made of published literature and statistics. The study team has also held discussions with the Home Office and a number of academic commentators.

10. Over a quarter of the 56 probation areas have been visited (albeit briefly) and all have been very helpful and cooperative. Particular thanks go to Mary Fielder, Assistant Chief Probation Officer in Greater Manchester, seconded on a part-time basis to the study team, who has contributed greatly to the work. The Commission also acknowledges the cooperation of the University of Cambridge Institute of Criminology and the Greater Manchester probation service Library who produced supporting material and statistics. The Commission staff principally involved were Doug Edmonds and David Browning under the overall supervision of Dr Ross Tristem. Responsibility for the conclusions rests with the Commission alone.
11. The Commission wishes to emphasise that the report differs in a number of ways from the others it has published in the last five years. In particular:

— it concerns an organisation which is not 'a local authority service', although part of its funding is raised locally;

— the service depends for its effectiveness on the actions of a number of other agencies over which the Audit Commission has no influence or authority;

— the demonstration and even the definition of effectiveness is difficult;

— the service's scope and role is under active review.

12. In these circumstances the Commission presents its findings as a contribution to the debate, rather than as a set of firm proposals. The report concentrates on the policy framework within which the probation service now operates, or which is foreshadowed by government policy statements. There are, of course, many who would disagree with the objectives of that policy, and particularly with the aim of finding alternatives to custody. The Commission takes no view on that question; it merely notes the current direction of policy and aims to assess the consequences for the probation service.

* * *

13. Chapter 1 describes the pattern of provision that has evolved since the probation service was established in 1907. Chapter 2 looks at the changes which have been made in the service during the 1980s and assesses their impact on value for money. Chapter 3 discusses a number of areas in which further progress might be made.

14. It is the Commission's provisional intention to undertake a further review of the managerial and financial implications of change at local level over the next year, and to conduct audits of the economy, efficiency and effectiveness of all individual probation services during 1990.
Exhibit 2
THE PROBATION SERVICE'S ROLE WITHIN THE CRIMINAL JUSTICE SYSTEM
The probation service is involved in some way at every stage
1. Probation: Evolution and Prospects

15. The Probation of Offenders Act 1907 first gave magistrates' courts permission to appoint and employ probation officers and enabled local authorities to pay them. The 1907 Act built on earlier legislation extending the powers of the criminal courts to bind over offenders, and added the possibility of supervision by a person specifically nominated by the court. Among other duties probation officers were required to advise, assist and befriend offenders placed under their supervision. The appointment of paid probation officers in all petty sessional divisions and the establishment of probation committees was made obligatory by the Criminal Justice Act 1925.

ROLE WITHIN THE CRIMINAL JUSTICE SYSTEM

16. Since that modest beginning, the role of the probation service has been considerably expanded. Court work (including the preparation of reports) and supervision of people on probation in the community remain major areas of responsibility. But probation officers now work in prisons, and with people after release, either on licence or on a voluntary basis, and they supervise hostels and day centres for offenders. They oversee community service orders made by the courts which require offenders to undertake unpaid work, and are involved in increasing amounts of work before offenders even appear in court - including crime prevention and work with the crown prosecution service. In fact the probation service is involved in some way at every stage of the criminal justice system (Exhibit 2).

17. Although the range of work is now wide, and involves work with many other agencies including police, crown prosecution service, courts, prisons and local authorities, the probation service has retained at its core three key functions:

- providing information and advice to decision makers within the criminal justice system, assisting them where appropriate to operate more effectively and efficiently;

- working constructively with offenders in the community on supervisory orders;

- working with people in custody and returning to the community from custody.

In addition, it has responsibility for a range of statutory duties to the civil courts.
18. The probation service usually provides information in the form of written reports. During 1987, nearly 300,000 reports of various kinds were produced (Exhibit 3):

Exhibit 3
REPORTS PREPARED BY THE PROBATION SERVICE 1987
Nearly 300,000 reports are produced each year

Source: Summary probation statistics, England and Wales 1987

19. These reports are a very important part of probation service activity. They make up a large part of the workload of probation officers themselves and exert an important influence on the criminal justice system. They provide information for decisions on sentencing, bail, parole and child custody and access. Probation officers in effect play an important 'gate keeping' role through report recommendations. In addition to written reports, much advice is given orally - for example in courts, on crime prevention panels, or in juvenile liaison bureaux. In providing both reports and advice the service inevitably depends for its effectiveness on the extent to which it can influence others.

20. People are supervised under a range of different statutes. The three main types of supervision are criminal court orders, throughcare and aftercare and domestic supervision (Exhibit 4):
SUPERVISION BY THE PROBATION SERVICE STARTED DURING 1987

Probation officers supervise offenders under a wide range of different orders

Source: Summary probation statistics, England and Wales 1987

21. While it is difficult to determine the time spent on each activity, about 40 per cent is devoted to working with adults in the community on supervisory orders, 30 per cent to throughcare and aftercare of people in custody, 20 per cent to preparing reports of various kinds within the criminal justice system, and 10 per cent to civil work and work in the community with juveniles (Exhibit 5).

EXHIBIT 5

APPORXIMATE SPLIT OF PROBATION SERVICE EFFORT

Probation and community service orders make up almost half the total workload

Source: Summary probation statistics and Reference 8
Evolving Organisation

22. The probation service's constitution and organisation have developed in parallel with its evolving role. Staff numbers have increased steadily - both qualified probation officers, who must hold the Certificate of Qualification in Social Work (CQSW) or equivalent, and other staff such as sessional supervisors on community service schemes, as well as clerical and administrative support (Exhibit 6). In fact probation officer staff numbers have increased by 27 per cent since 1977, while other staff have increased by 69 per cent to give a service with a wider range of skills.

Exhibit 6
Growth in Probation Staff
Numbers of staff - both full-time and part-time (not whole time equivalents)

Source: Summary probation statistics, England and Wales 1987

23. In organisational terms, the service is diffuse. There are 56 separate probation services in England and Wales. They vary in size from the Inner London Probation Service (ILPS) with over 1,000 staff to the City of London with just five. The largest 12 services employ more than half of all staff; ILPS on its own is as large as the smallest 13 services combined (Exhibit 7). The Audit Commission oversees the audits of all probation services except ILPS, whose costs are included in the metropolitan police fund account and covered in the audit of that fund by the NAO.

Exhibit 7
Probation Area Staff Establishments
Probation services vary enormously in size...

Source: CIPFA probation service statistics, England and Wales 1987-88 (Reference 7)
24. Direct management responsibility is vested in the chief probation officer of each area. Staff may be grouped in a variety of different ways, with different degrees of specialisation. Many areas have specialist teams in prisons and supporting civil courts; most areas have generalists undertaking the bulk of the field work. But there is considerable scope for different degrees of specialisation on many aspects of probation work - and variation often depends on size and local circumstances. A large metropolitan service typically will be organised on a mixture of geographical and functional lines; a small shire county service is usually far more straightforward with managers responsible for a much wider span of functions (Exhibit 8).

Exhibit 8
CONTRASTING ORGANISATIONAL STRUCTURES
... and organisational complexity
PROBATION COMMITTEES

25. In each area, the chief probation officer is accountable to a probation committee. At least two-thirds of its members are magistrates from the petty sessional divisions in the area, plus a member of the judiciary appointed by the Lord Chancellor. This predominance reflects the important and traditional link with the courts. Committees may also have up to a third of their members co-opted. It is usual to co-opt a few people with specialist knowledge. In outer London and in former metropolitan areas, committees must co-opt local authority members. In the shire counties, on the other hand, there has been no requirement in the past to co-opt elected members; this anomaly is to be corrected following the Criminal Justice Act 1988.

26. While each committee looks to the courts for the majority of its members, its finance comes from local authorities and the Home Office. As a result, the probation service is delicately balanced between these three much larger interests. Probation committees are autonomous bodies but in practice they must take account of the views of the three agencies on which they depend, and of the other agencies in the criminal justice system.

FINANCE

27. Since 1907, local authorities have financed the probation service, although for some time the Home Office has met most of the cost. Since 1974 this contribution has been 80 per cent of the cost of most aspects of probation work, although on certain elements such as work in prisons it is 100 per cent. In 1987-88 the Home Office contributed £182 million and local authorities £43 million to the total probation budget of £225 million. The annual budget-setting process involves negotiations between probation services and their equivalent local authorities. One of the consequences of this process has been considerable variation in spending patterns between different services, some of which are more the result of past opportunism of former chief officers than of any rational assessment of current local need. Thus expenditure per head of population aged 15-29 (the age band of most offenders) varies by a factor of more than two to one (Exhibit 9).

Exhibit 9
PROBATION AREA EXPENDITURE (1987-88) PER HEAD
Expenditure per head aged 15-29 varies by more than two to one

Source: CIPFA probation service statistics, England and Wales 1987-88 (Reference 7)
28. The ILPS and the City of London Service are, for different reasons, not comparable with the rest. Apart from these two, the big urban areas are near the top in expenditure terms - reflecting higher crime rates in inner city areas. If expenditure is calculated per indictable offence proceeded against in magistrates' courts (thereby correcting for different crime rates), a different pattern emerges with the large metropolitan areas now in the middle (Exhibit 10). Costs per indictable offence range from £230 to £870.

Exhibit 10
PROBATION AREA EXPENDITURE (1987-88) PER INDICTABLE OFFENCE PROCEEDED AGAINST IN MAGISTRATES' COURTS

Costs per indictable offence vary by nearly four to one

Source: CIPFA probation service statistics, England and Wales 1987-88 (Reference 7)

Evolving Practice

29. The methods of approach used by probation services have changed considerably over the years. Probation had its origins in the religious and voluntary movements of the nineteenth century. Vestiges of the missionary approach persisted until at least the mid-1930s after which it was gradually replaced by a growing notion of professionalism in social work. This new approach drew on a medical/psychotherapeutic model in which offending was often seen as akin to an illness susceptible to expert diagnosis and treatment. The approach developed to put these ideas into practice came to be referred to as 'social casework', with each probation officer operating as an independent practitioner, rather than as a member of a team. This tradition of individualism has persisted, and is the source of some resistance to recent management initiatives.

30. Addressing problems of everyday life facing the offender was an important but secondary part of the job. Confronting the pattern of offending behaviour was undertaken to provide understanding of the individual's development rather than to draw attention to the consequences for the victim and society. But probation officers were seen by courts to combine casework with more controlling aspects of supervision.
31. Selection of offenders recommended for probation ‘treatment’ was not necessarily linked to the nature of the offence committed, or the possibility of a more punitive sentence; the client's susceptibility to treatment was often considered more important. As a result the service was in practice often engaged with less serious offenders, rather than those at risk of going into custody.

32. Increasingly, doubts were cast on the effectiveness of social casework, and the wisdom of maintaining the ‘individual practitioner’ model. These doubts led to a loss of confidence within the probation service and to more strenuous efforts to assess the effectiveness of the service's traditional methods of working.

33. During the 1960s and 1970s a large scale programme of research was initiated by the Home Office to evaluate the effectiveness of probation practice, particularly in terms of reoffending. Simultaneously, similar work was undertaken in other countries - notably the United States. With a few exceptions the research produced inconclusive results.

34. An example of the sort of study undertaken is a review of reoffending patterns undertaken by Phillipots and Lancucki (Reference 9), who carried out a statistical study of a sample of 5,000 offenders convicted in January 1971. They charted the reconviction rates of groups of offenders given different sentences from fines to immediate custody (Exhibit 11).

Exhibit 11

**MALES CONVICTED OF STANDARD LIST OFFENCES - CUMULATIVE PROPORTION RECONVICTED BY SENTENCE AND TIME SINCE JANUARY 1971 CONVICTION**

Studies show consistent differences in reconviction rates for men given different sentences,
35. The main conclusions were:

- there were consistent differences in reconviction rates for men given different sentences;
- the men given different sentences differed from each other in terms of factors likely to affect reoffending rates - such as age, numbers of previous convictions, and type of offence committed;
- when these factors were taken into account, the remaining differences in reconviction rates for men given different sentences appeared to be relatively small; and
- furthermore, these differences could well have been due to other factors that affected the sentence given (e.g. motivation and attitude) rather than the sentences themselves.

36. In other words, any effects due to the impact of the type of 'treatment' were swamped by the effects of other variables such as age, the number of previous convictions and the types of offence committed. The differences in reconviction rates of groups of men with different numbers of previous convictions are far more marked than the differences of groups classified by treatment (Exhibit 12).

**Exhibit 12**

MALES CONVICTED OF STANDARD LIST OFFENCES - CUMULATIVE PROPORTION RECONVICTED BY PREVIOUS CONVICTIONS AND TIME SINCE JANUARY 1971 CONVICTION

...previous criminal record seems a more decisive influence on subsequent reoffending
37. Most research conducted during this period showed that the effects of probation intervention on reoffending were small and difficult to detect against the 'noise' of other factors. People who have spent years developing offending patterns of behaviour or who come from an offending 'culture' rarely change their behaviour overnight, though they may begin to offend less or less seriously.

38. Research findings (Reference 10) also began to suggest that the probation service was similarly ineffective at influencing sentencing decisions. Areas with higher levels of resources were found to be preparing social inquiry reports on a higher percentage of people sentenced, so that the level of 'cover' provided was greater. But greater cover was found to have no effect on the numbers sentenced to custody. Instead it increased the numbers receiving probation and community service orders at the expense of people who would otherwise have received a non-supervisory sentence, such as a fine or even a discharge.

39. Quite apart from the financial implications of this effect, there are other more worrying aspects. Sentencers take into account previous convictions and earlier sentences or orders received when deciding on the most appropriate option for an offender. Both probation and community service orders are often considered more serious than at least the majority of fines on the scale or 'tariff' of sentences shown in Exhibit 13:

Exhibit 13
THE SENTENCING 'TARIFF'
Probation and community service orders are usually considered more serious than fines
40. The concept of a tariff of sentences is considered by many to be unhelpful, implying as it does an inexorable and inevitable shift from one disposal to another, culminating in ever lengthening periods of custody. The alternative view is that fines, probation (with or without additional conditions) and community service can all be used instead of custody. Nevertheless, many sentencers think in terms of a tariff, with the result that where probation and community service orders are recommended too early, people may be pushed 'up the tariff' (i.e. from left to right in Exhibit 13) with unnecessarily severe sentences early in a criminal career. Such a result will also have cost implications.

41. It began to appear, therefore, that probation had little impact on reoffending rates, and that rising levels of resources in the probation service resulted in more social inquiry reports, which appeared to deflect offenders not from custody, but from fines and discharges (see Chapter 2). More expensive options (probation and community service) were sometimes promoted at the expense of less expensive options (fines).

42. In the light of these analyses the service's future looked uncertain. Yet successive governments have continued to invest in it. They have done so in part because the alternative was acquiescence in ever growing numbers of people in custody. But the service itself also began to change. After the period of introspection, in many places reformation and renewal has followed, and the 1980s have seen a rapidly changing service. The approach to dealing with offenders has changed, and there has been a move away from the notion of the individual practitioner and towards a new emphasis on managed programmes.

43. Gradually, new concepts have emerged, which place greater emphasis on changing behaviour than on changing personality. Many new ideas have been put forward. For example, a 'non-treatment paradigm for probation practice' was proposed (Reference 11) based on:

— the provision of appropriate help for offenders, taking much more account of their circumstances and wishes;

— the statutory supervision of offenders, with the concept of control allowing 'choice under constraint';

— the diversion of appropriate offenders from custodial sentences;

— the reduction of crime through prevention strategies which allow communities to tackle their own crime with appropriate help.

44. A new consensus has yet to be reached. There is a continuing debate within the service over the balance to be struck between help and control, and over the role (if any) of 'punishment' in probation practice. Even the ultimate aims of the service are not universally accepted. Some argue that the probation service is not about reducing reoffending at all, and must justify itself on price, or perhaps simply on humanitarian grounds in that it provides help to people in difficulty. These differences reflect similar tensions within the wider criminal justice system.
THE GREEN PAPER

45. The Government's concern about continuing rises in the number of people in custody has now led to the policy proposals in *Punishment, custody and the community*, which could transform the probation service. Its response to the Green Paper has, predictably, been mixed. Some, particularly the more senior, officers argue that the service should seize the opportunity offered to 'move centre-stage' as Mr Patten puts it. Others argue that the proposals, particularly the idea of a new 'supervision and restriction order' are inconsistent with their aims, and reject the notion of punishment entirely.

46. So the probation service is at a turning point, with considerable confusion and debate about the way forward. At the centre of this debate are different ideas about the way to tackle offending behaviour. Some argue that punishment and deterrence must be important elements of the sentence tariff, and that they dissuade people from embarking on criminal behaviour in the first place. Others, including many in the probation service, argue that positive action to encourage the rehabilitation of the offender into society produces better results. Sentencers must decide the appropriate balance between these different approaches every time they pass sentence. They have a variety of objectives to consider including:

- exacting payment through:
  - retribution/punishment
  - reparation to the community
  - and, where possible
  - compensation to the victim;

- protecting the public by reducing offending through:
  - deterrence/threat
  - rehabilitation
  - control/incapacitation.

47. Different sentencing options will meet different combinations of these objectives. Custody is mainly concerned with punishment, incapacitation and deterrence, while community service is concerned with reparation, and probation with rehabilitation. But all options contribute to each objective to some degree.

48. One problem perceived by many sentencers is that while fines on the one hand and custody on the other clearly include retribution and deterrence, these features are not so evident for probation. Probation may be seen as a 'soft option' which does not mete out to criminals their 'just deserts'. Also, the term 'community service orders' with its echoes of voluntary work (community service volunteers) helps to encourage the notion that no punishment element is involved.

49. Some probation officers encourage these attitudes by proclaiming that probation has nothing to do with punishment. But the Green Paper argues, surely correctly, that 'restriction on the offender's freedom of action is a punishment' (and such restrictions inevitably occur during a probation order). Offenders are punished by giving up their free time while on probation, but at the same time, they gain from the experience. So probation can satisfy the call for a just deserts approach while retaining its main objective of helping the offender. In practical terms the service must try to maintain its objective of rehabilitation and reducing offending, while being seen to manage offenders in a systematic and well defined way. Many probation officers have contributed to the ideas behind this strategy, and urge its promotion as part of the response to the Green Paper and the Action Plan within it.
IMPLICATIONS OF THE GREEN PAPER

50. If the Green Paper proposals are developed, the implications for the probation service could be dramatic. First there will need to be tighter procedures for people already on probation. But more significantly, more people will require supervision in the future. Both the service and central government must plan the appropriate changes in advance. Three groups who now receive custodial sentences are potential targets for non-custodial alternatives:

- offenders who receive short sentences (up to 12 months, say);
- offenders who commit crimes against property;
- young adult offenders (17-20) - specifically identified by the Green Paper, and even more specifically by the Action Plan published subsequently.

51. The total number of adults (aged 17+) received into custody under sentence during 1987 was 82,000. Half could be supervised by the probation service; 22,000 fall within the Green Paper target group, being people convicted of indictable offences against property and sentenced to 12 months custody or less (of whom 8,700 were aged between 17 and 20). A further 19,000 were sentenced to custody for fine default (Exhibit 14) and a large proportion of these could be supervised by the probation service if the provision enabling community service orders to be imposed for fine default were to be brought into effect. At any one time these groups occupy nearly 7,000 prison places - equivalent to current prison overcrowding (Exhibit 1).

Exhibit 14
THE GREEN PAPER'S TARGET GROUP
Adults (17+) sentenced to custody for up to 12 months for property offences and fine default

Over half of all those sentenced to custody could instead be supervised by the probation service.

Source: Prison statistics 1987 (Reference 5)
52. If fine defaults are excluded, the target group is still over a third of people sentenced to custody for indictable offences. This is, of course, an arbitrarily defined group - since there will be many people sentenced for less serious violent offences and for sentences of longer than 12 months who might also be included; and there are many in the target group who would not be included, for example because they refuse to cooperate. But these figures give a preliminary estimate of the size of the group targeted by the Green Paper. The whole group could not be given community options all at once. Sentencing practice would have to evolve gradually; and facilities in the community would need to be increased.

53. The increase in workload could be very large. And there would be a major impact on the balance of work. New clients would, on average, be more serious offenders. They would be candidates for day centres, intensive probation possibly including new options such as 'tracking' (described in Chapter 2) or possibly community service, and would almost certainly require more than one hour's supervision a fortnight. The resource implications would be considerable. Careful planning would be needed to ensure that the build-up of caseloads and resources went hand in hand.

PAROLE SYSTEM REVIEW

54. Further proposals which could have significant implications for the future of the probation service have been made by the Review Committee of the Parole System in England and Wales chaired by Lord Carlisle (Reference 12). Various changes are proposed which could increase the number of offenders on licence in the community. The review committee estimate that 'the overall effect could be to increase the aftercare caseload of the probation service by perhaps 10 per cent by 1991 or about £4 million at 1988-89 costs'. More recent calculations have increased this estimate to £7 million. Here again, if any such changes are introduced they must be carefully planned and adequately resourced.

55. It will be for the Government to take a view on the right way forward, in the light of all the representations received. But it is clear, whatever the outcome, that the probation service is at a watershed. On the one hand, the theoretical underpinning of its past approach has been questioned. On the other, it sees the prospect of a significant further expansion of its role in the criminal justice system, which will place new demands upon it.

56. These new demands will require new methods of working. Throughout the service there are many new initiatives which could form the basis for these methods, described in Chapter 2.
2. The Service Today: In Search of a New Role

57. If the service is to progress, and particularly if it is to expand in ways suggested in the Green Paper, its work must be founded on an understanding of:

- the underlying causes of offending behaviour and the risks of further offending;
- the intervention needed to contain and reduce offending behaviour.

58. Many in the service recognise this and have been working to develop the framework for probation intervention, illustrated diagramatically in Exhibit 15.

Exhibit 15
FRAMEWORK FOR PROBATION INTERVENTION

OFFENDER CHARACTERISTICS

59. Offenders are as varied as the crimes they commit. Indeed, a large part of criminology with its considerable literature is concerned with the study of offending behaviour and offender characteristics. There have been many studies ranging from the short and highly specific, to longitudinal studies of sample populations over many years. While the resulting picture is extremely complex (and not always consistent) certain patterns do emerge (Exhibit 16). Possibly the most important factors determining patterns of offending are age, sex, class, environment (rural or urban), numbers of previous convictions and the nature of offences committed. Age is particularly important with the peak age for offending being 15 (Exhibit 17). In the 30-40 age group the curve flattens somewhat - consistent with the notion that in the older age groups there is a smaller 'hard core' population of repeat offenders.
Exhibit 16
CHARACTERISTICS OF OFFENDERS COMMITTING INDICTABLE OFFENCES
While each offender is different, some common trends emerge

AGE AND SEX
- Two-thirds are young men below 30
- Only 16% are women
- A quarter of all men are convicted by 25

TRIGGERS
- Many young men offend in groups
- Many are unemployed
- Many offences are committed under the influence of alcohol
- Addiction (drink, drugs, gambling) increase the chances of offending:
  - to fund the habit
  - because there is less chance of holding down a job
  - integrity is undermined

CRIMINAL CAREERS
- Well over half only offend once
- Most careers are short
- Careers often end when young men ‘settle down’
- The earlier a career starts the later it is likely to continue
- The longer a career has been, the longer it is likely to continue
- A small number persist into adulthood
- About 5% of offenders account for 70% of convictions

PERSISTENCE
As careers progress, seriousness escalates
Persistent offenders commonly:
- come from a low income family
- come from a large sized family
- have parents considered unsatisfactory
- are below average intelligence
- have a parent with a criminal record
A few older, homeless offenders commit many minor offences of nuisance value only (petty persistent offenders)
Exhibit 17

AGE OF OFFENDING

Offenders found guilty of, or cautioned for, indictable offences per 100,000 population by age.
The peak ages for offending are 15 to 20

Source: Criminal statistics 1987 (Reference 4)

60. Patterns of offending can be characterised (Reference 13) by the following four variables:

- participation (the fraction of the population involved);
- frequency (how often offenders commit crimes);
- duration (length of criminal career);
- seriousness.

61. At one end of the spectrum there are those - mainly male teenagers - who offend only once. This group accounts for more than half the total number of known offenders. For these people, the best strategy in most cases is to do as little as possible. The main aim is to get them through their adolescence with the minimum damage - both to themselves and to society - preferably avoiding a criminal record if at all possible. A police warning or caution is coming to be seen as the most appropriate strategy provided the offence is not too serious (Home Office circular Reference 14).

62. At the other extreme a small group of serious repeat offenders can be identified. These people are likely to be beyond non-custodial options, although the probation service will encounter them during the early stages of their careers, and in custody and on licence. Incapacitation is the courts' most likely chosen strategy for this group.

63. Between these two extremes there is a middle range where some form of intervention may be necessary and even successful. This range is not homogeneous and includes all sorts of different offenders. It is possible to identify some common characteristics for some groups, such as the 'petty persistent offenders' who can cause difficulties within the criminal justice system. But offenders in this middle range are not easily classified. The main characteristic they share is that they are on the border between custodial and non-custodial sentencing options. This is the territory in which probation should be operating.
64. Many within the probation service are trying to refocus their efforts on this group. In the past, probation work has often been skewed towards people whose criminal careers are short and who, during that time, commit a few, relatively minor, offences. More recently, intervention strategies have been changing, with services reducing their involvement with people who commit minor offences and who are unlikely to reoffend (who should preferably be fined or discharged), increasing and focusing involvement on people falling into the 'middle range' between custody and non-custody, and modifying such involvement as there is with people certain to be heading for custody, attempting to reduce reoffending on release.

VALUE FOR MONEY

65. This strategy should improve value for money. For people in the middle range, the alternatives open to the court are usually either a short sentence or an intensive non-custodial option (probation, possibly with conditions, or community service). Costs (both financial and human) are very different for the different options. The approximate financial costs (Reference 1) are:

- local prison - £250 per week (six months = £6,500);
- community service - £3.50 per hour (200 hours = £700);
- probation day centre - £30 per day (60 days = £1,800 plus the cost of subsequent supervision).

66. This is not to say that diverting someone from six months custody to 200 hours community service necessarily realises cash savings since the marginal cost of one extra prisoner is low. But over-crowding will be reduced and, more significantly in financial terms, the pressure to build and staff new prisons may be eased.

67. And there may be considerable short-term financial gain from diversion from custody when police cells are used to hold remand prisoners (see Exhibit 1). The Home Office pays police authorities between £50 and £200 a night for every remand prisoner held. So, a diversion from a six months custodial sentence (four months in custody) could realise a marginal saving to the Home Office's budget of up to £25,000.

68. To realise the strategy set out above, and thereby to realise value for money, probation services must:

(a) target probation activities:

- targeting offenders, sifting out those for whom probation intervention is unnecessarily intensive, and identifying those at risk of custody who could be candidates for probation intervention instead;
- targeting resources in packages likely to persuade sentencers and reduce reoffending (taking account of resource costs);

(b) coordinate probation activities with other agencies in the criminal justice system (particularly the courts), winning their confidence in the suitability of the interventions proposed and the effectiveness of the way they are managed;
(c) develop and apply the skills needed to supervise, in the community, people who fall in the range between custodial and non-custodial options and people released from custody. Probation officers should show they are tackling offenders' problems and reducing their offending in terms of both frequency and seriousness;

(d) manage the service in ways that ensure that (a), (b) and (c) are carried out to the highest standards.

TARGETING PROBATION ACTIVITIES

69. The first key step in this process is to achieve appropriate targeting of Social Inquiry Reports (SIRs). This is the main route through which information from the probation service reaches the courts.

TARGETING SOCIAL INQUIRY REPORTS

70. SIRs contain information about the offender's personality and character, community and home background, employment status, educational attainment, financial status, attitude, and an assessment of the response to any previous supervision (Reference 15). They also contain a review of the sentencing options available to the court, and usually a recommendation of the option that the probation officer considers to be most appropriate supported by an explanation of the expected consequences. Increasingly, the recommendation consists of a package of measures put together to address the offender's specific problems.

71. The number of reports produced varies markedly from area to area. The theoretical maximum for people charged with indictable offences is a report for everyone sentenced in both magistrates' and crown courts. Such extensive cover is not necessary. How extensive the cover should be is a matter for debate. SIRs are expensive to produce with an estimated cost of the order of £150 (Reference 6). On the other hand, an offender sentenced without a report may receive a custodial sentence for lack of a suitable alternative.

72. The extent to which probation services can control the cases on which SIRs are written varies. SIRs must be produced where the court directs that a report is required, and courts are in turn obliged by statute to obtain one in certain circumstances unless there are clear reasons for not doing so (Reference 15). Reports are required before anyone under 21 is sent to custody, or anyone over 21 to custody for the first time. They are normally required before making a community service order or a probation order with a residential requirement. Courts also request reports where they are not statutorily required but where the sentencer believes that further information would be useful.

73. Within these guidelines probation officers can still exert considerable influence on the selection of cases. Various strategies are possible. The Home Office give high priority to allocating resources to 'the provision of social inquiry reports on cases where a report is statutorily required, where a probation order is likely to be considered, and where the court may be prepared to divert an offender from what could otherwise be a custodial sentence'. At the same time, many probation committees have passed resolutions specifically discouraging the preparation of SIRs on first-time offenders committing relatively trivial offences.
74. In practice there is considerable variation in the extent of cover achieved in magistrates' courts (Exhibit 18):

Exhibit 18
RATIO OF SIRS TO ADULTS SENTENCED FOR INDICTABLE OFFENCES IN MAGISTRATES’ COURTS IN 1987

There is considerable variation in the extent of cover achieved

Source: Probation statistics 1987 (Reference 6) and criminal statistics 1987 (Reference 4)

75. This range is related to the resources available. More resources result in more reports (Exhibit 19).

Exhibit 19
THE RELATIONSHIP BETWEEN SIR COVER AND RESOURCES

The extent of cover is closely related to the resources available

Source: Probation statistics 1987 (Reference 6) and criminal statistics 1987 (Reference 4)

76. Do these differences matter? Would value for money - in terms of the most appropriate (and cheapest) sentence - be enhanced if all services were resourced to provide the levels of cover achieved by the highest?
77. Not necessarily. The level of cover provided is linked to sentencing patterns. Greater cover was found to have no effect on the numbers sentenced to custody (Exhibit 20), but it increases the numbers receiving probation and community service orders. In addition it reduces the numbers fined or discharged. Increased report writing activity by the probation service without targeting therefore appears to move offenders up the tariff rather than down it. Offenders who would otherwise be fined or discharged are put on probation or community service instead - a more expensive disposal with, if earlier research is to be believed, no more influence on reoffending patterns.

Exhibit 20

LINK BETWEEN COVER AND SENTENCE

Source: Probation statistics 1987 (Reference 6) and criminal statistics 1987 (Reference 4)
78. This shows up at the national level where steady expansion in terms of both finance and staff has led to an expanded role for probation, at the expense of other non-custodial options. The 'market share' of the probation service, in terms of the percentage of disposals it handles, has risen from 9.4 to 16.5 per cent in a decade. But at the same time the proportion of disposals going into immediate custody has also risen, from 13.7 to 15.8 per cent (Exhibit 21). Courts are making greater use of probation in addition to and not instead of custody.

**Exhibit 21**

**CHANGING BALANCE BETWEEN DISPOSALS 1977-86**

The probation service's market share has grown at the expense of fines

![Graph showing changing balance between disposals 1977-86](source: Criminal statistics 1987 (Reference 4))

79. These changes could of course be the result of increasing seriousness of crime or changing sentencing policies over the years. But the evidence of Exhibit 20 shows that they are, at least in part, the result of increasing probation resources. Other work (Reference 16) has shown that the introduction of non-custodial options (suspended sentence, community service) has also resulted not in reduced use of custody but in displacement of other non-custodial options. These findings indicate that the probation service's increased resources have not been targeted in the most effective way.

80. Some in the service argue that probation has succeeded in changing its intervention strategy and is having to cope with an increasingly 'tough' clientele. And it is true that the proportion of people on probation with a prison record has grown. But the reverse is true for community service orders. Against this background, efforts to improve targeting are clearly of critical importance. Two devices offer some prospect of better tailoring of response to offender: monitoring and risk of custody scales.
SIR MONITORING PROCEDURES

81. Many areas are developing SIR monitoring procedures. The information collected varies considerably (Reference 17). This variety is a potential strength and is a feature common to much probation work, demonstrating local creativity and imagination. But an equally common feature of the probation service is that there is little systematic sifting to find best practice among all the different initiatives under way. SIR monitoring appears to be an area ripe for evaluation so that the best ideas can be shared and developed to form a core of professional practice.

82. Two pieces of information are common to all SIR monitoring systems: the SIR recommendations made, and the actual disposals that resulted. The most common method of monitoring SIR work is to make a direct comparison of these two pieces of information using a two-way table (Exhibit 22).

Exhibit 22
SIR MONITORING
The 'fit' between recommendations and sentences can be monitored

83. A sample of cases is plotted onto this chart with each case entered into the appropriate cell. A concentration of cases along the diagonal indicates a 'good fit' with either the sentencer taking the SIR writer's advice or the writer correctly anticipating the sentencer's behaviour (or more likely, a combination of the two). A scattering of cases in the bottom left-hand corner indicates that the report writer has agreed with the sentencer in most instances but has recommended less severe options than the ones actually used by the sentencer in a few cases. Conversely, a scattering of cases in the top right-hand corner indicates that the report writer is, in the sentencer's view, over-recommending.

84. This form of monitoring is straightforward and useful but agreement between sentencer and report writer is not in itself a measure of effectiveness. Both may err in favour of options which are unnecessarily severe or inappropriately lenient. So a more objective methodology is desirable. To this end a number of services have been developing risk of custody scales.
RISK OF CUSTODY SCALES

85. Risk of custody scales are used to estimate the outcome of sentencing decisions. These estimates are based on the characteristics of the offence and other relevant factors, with points allocated according to the factors present for each case. The higher the score the greater the risk of custody, often with a threshold below which custody is unlikely. Typical factors that are taken into account include gravity of the offence and previous criminal history. The purpose of developing such a scale is to help probation officers identify both high and low risk cases, allowing concentration on high risk cases and minimising work on low risk cases.

86. The technique is still under development, but appears to have considerable potential. Scales are widely used in the USA; the best known in this country has been developed in Cambridgeshire (Exhibit 23). Other scales are used in other areas. In the light of the evidence that people not at risk of custody are being drawn into community service (with increased cost and the potential damaging effect of an order that is too high up the tariff), risk of custody scales which improve the targeting of recommendations look to be valuable tools for probation officers (Case Study 1).

Case Study 1 - MID-GLAMORGAN

An example of the potential power of such tools is given by a review of the use of orders in Mid-Glamorgan probation service using the Cambridgeshire scale.

The scale when first calibrated gave a prediction that 81 per cent of all those receiving immediate custody fell within a score on the scale of 55 to 100. The score of 55+ was then fixed as the critical threshold on 1 April 1987. Scores were calculated for all sentences and orders resulting from SIRs. Senior managers were surprised to find that only 36 per cent of community service orders fell within the high risk category. This was in fact lower than probation orders of all kinds (in spite of the supposed high position of community service on the tariff).

An objective was then set to increase the percentage of community service orders with a score of 55+, and by the end of 1987 the percentage had risen to 54 per cent. By October 1988, the objective was raised to 60 per cent but the service actually achieved 72 cent by the end of 1988. Now no SIR may contain a recommendation for a community service order unless a score of at least 55 is achieved without the approval of a senior probation officer - ensuring that 'gate keeping' for community service is rigorous.

87. But to be effective they must accurately reflect sentencing practice, and their most serious weakness is that in some situations they may not do so very well. They assume, for example, that the sentencing 'tariff' follows a smooth progression. In practice, sentencers may try different tactics after a number of offences to try to break the pattern of offending that is becoming established. They may be prepared to try a probation order, even when the risk scale is predicting custody. Risk of custody scales should therefore be used with some discretion and cannot replace professional judgement.
Exhibit 23

CAMBRIDGESHIRE RISK OF CUSTODY SCALE

Source: Cambridgeshire Probation Service
88. While probation officers can control recommendations, they can only seek to influence sentencing. Targeting of SIRs may be accurate, and recommendations appropriate, but unless sentencers take the recommendations into account the probation service is unable to realise the benefits of better targeting. Improving performance requires a partnership between the probation service and the courts. Where such partnerships can be developed and where information is targeted effectively, value for money can be markedly enhanced, as demonstrated by work with fine defaulters and with the crown prosecution service. In the civil courts, too, improved targeting and effective partnership appears to provide enhanced value for money, although further evaluation is still in progress.

FINE DEFAULT

89. Although the use of the fine has declined over the last 12 years, it is still the most common sentence. While the majority of people fined eventually meet their obligations, nearly 20,000 people each year are sent to prison for non-payment. Fine defaulters make up almost a quarter of all receptions into custody - even though many were fined initially for non-imprisonable offences. Most defaulters do not stay in custody for long, but the effect is still to give a large number of people a prison record that they might otherwise have avoided, and to impose a further strain on the prison service.

90. The probation service can play a more active part with those who have defaulted on fines and are therefore in danger of being committed to prison. For some years courts have had the power to make money payment supervision orders. Anyone can be appointed to carry out the supervision but it is usually a probation officer or ancillary worker. At one time this work was given low priority by probation staff, being seen as peripheral to their primary duties. It is now being viewed in a new light in a few areas as the potential for helping courts avoid the use of prison for non-payment of fines has been recognised. Some probation areas are taking a much closer look at the scope for new approaches to the work and are having a major effect (Case Study 2).
Case Study 2: GLOUCESTERSHIRE

In Gloucestershire, a strategy was devised to try to reduce the number of fine defaulters requiring probation officers to play a more active role at various stages:

- improving the quality of financial information given in social inquiry reports;
- playing a more interventionist role in courts;
- giving a higher priority to the management of money payment supervision orders;
- holding extensive discussion with magistrates throughout the county.

The Gloucestershire courts’ use of prison for fine default has been monitored since the introduction of this strategy. At county level there was a 37 per cent decrease in 1985 which in general has been maintained in subsequent years. Variations at individual courts arise for many reasons including the installation of a computer and changes in the level of probation court staffing. Maintenance of the impetus requires constant attention by the service.

MALES COMMITTED TO CUSTODY FOR FINE DEFAULT BY GLOUCESTER AND CHELTENHAM MAGISTRATES’ COURTS

Source: Probation Department, HM Prison, Gloucester
INFORMATION TO THE CROWN PROSECUTION SERVICE

91. Sentencers are not the only people in courts supplied with information by the probation service. Following proposals by the Association of Chief Officers of Probation a few areas now provide information to the crown prosecution service about people appearing in court for whom the police are opposing bail. Often this occurs because of lack of information about the offender's background; a custodial remand is therefore considered the safest option. It is also the most expensive.

92. Frequently these offenders are known to the probation service. Facts about them can be checked or accommodation can be provided if the offender has no fixed abode. The probation service has undertaken a number of pilot studies of schemes to provide bail information to the crown prosecution service. The Vera Institute of Justice has shown that the service can have a considerable impact - with each scheme costing about £34,000 per year and saving between 10 and 15 'prison years' of remand time in one year's work (Reference 18). This number of places costs about £1 million to build and £150,000 per year to run. Such bail information schemes are spreading, and it is expected there will be at least 20 schemes operating by April 1989.

93. The service is also experimenting with the provision of information to the crown prosecution service to help with decisions on whether or not to proceed with prosecution. Where cases are trivial and prosecution would not serve any useful purpose, the crown prosecution service is empowered to discontinue prosecution in the public interest. The use of discontinuance in Germany has helped to clear the backlog of remands and to reduce the prison population. Policies of discontinuance require cooperation between the crown prosecution service and the probation service, and a pilot study is underway in inner London. This work has considerable potential but it is too early for results to be available.

CIVIL WORK

94. The probation service also has responsibility for a range of statutory duties to the civil courts. These include the preparation of welfare reports following family breakdown, where the courts are faced with decisions about the care and welfare of children. Nearly 30,000 are prepared each year, and as they take on average over eight hours (Reference 8) to prepare, they represent a considerable workload.

95. Increasingly, services have been developing teams of staff specialising in civil work. With this development has come an increase in 'conciliation' work. The aim of conciliation is to help the parents in a broken marriage to agree arrangements for their children. Where it is successful, conciliation avoids a dispute in court with an imposed settlement.

96. Conciliation work should lead to more lasting solutions, because settlements have been agreed rather than imposed, and it should save resources. Successful conciliations can save hours or even days of expensive court time and require less probation time than a report. But while there is considerable anecdotal evidence of such savings, conclusive evidence is lacking. Where conciliation is unsuccessful, a full welfare report is required anyway incurring increased probation time; and if gate keeping is not rigorous, welfare officers may find themselves conciliating in cases that would not normally require a welfare report, again increasing workload unnecessarily. The
Department of Social Work at Newcastle University has recently completed an evaluation of conciliation work for the Lord Chancellor's department; the results are now awaited.

97. Probation officers also undertake other duties concerned with the welfare of children involved in civil hearings. These relate to wardship proceedings in the family division of the High Court and guardian ad litem duties in adoption hearings and custodianship. In certain circumstances children involved in matrimonial guardianship or failed adoption proceedings can be made subject to supervision orders. Courts may require that responsibility to be carried out either by the probation service or the local authority. The number of cases involved is quite small: in 1986 it was five per cent of the national probation caseload, down from 10 per cent in 1976. Local authorities are increasingly assuming responsibility for this area of work.

98. Many probation officers think that this process of divestment of duties has gone too far. Civil work is considered to have high status and to require considerable skill; many judges have a high opinion of probation officers as a result. Also it is claimed that the insight gained into family dynamics through civil work helps to inform the work in criminal courts, although with increasing specialisation the opportunity for such cross-fertilisation is reduced. Indeed there is so little overlap in practice with the work in criminal courts that some have advocated complete separation. Further difficulties are caused by the low priority given to civil work by the Home Office on the grounds that it has no responsibility for this aspect of probation work. Probation services find themselves caught between growing demand from the courts for more reports on the one hand, and calls for resource restrictions from the Home Office on the other. Some resolution of these inconsistencies is required if the service is to function effectively.

* * *

99. It can be seen, then, that a number of initiatives are under way in an attempt to improve the way in which resources are targeted. But they could not yet be said to amount to a new strategy for the service as a whole. More is needed, and particularly greater coordination of local effort.

100. But what of the other elements of the value for money equation described in paragraph 68: the need to work and achieve credibility with other agencies, and the need to develop skills to improve the effectiveness of the work probation officers do with offenders in the community? These two elements are examined below.
INTERACTION WITH OTHER AGENCIES

101. The work of the probation service is heavily influenced by other parts of the criminal justice system within which it operates. In particular, it is influenced by sentencing practice. The numbers of offenders given probation or community service orders is a matter for the courts, as is the type of offenders given such orders.

102. The influence which the service can exert on sentencing practice is modest, at best. Sentencers base their decisions on a range of factors, dominant among them being legislative guidance, precedent, experience, custom and practice. In recent years there has been greater adherence to the 'justice model' where the sentence is determined according to a scale or tariff established over time. The sentence given is commensurate with the gravity of the offence committed, with an adjustment up or down according to aggravating or mitigating circumstances. Guidance on the sentence appropriate may be provided by court of appeal (criminal division) guideline judgments, particularly in the case of more serious crimes.

103. This approach promotes consistency, but is not readily amenable to change. Probation officers - and others - argue that policy initiatives designed to produce more alternatives to custody will have no impact on the number of offenders in custody unless sentencers are prepared to divert offenders into them from custody. They argue, furthermore, that Britain already has a wider range of disposals than in other countries. And, perhaps most cogently, that - as Exhibit 21 shows - the increases in numbers of offenders on probation appear to have resulted from a fall in the numbers given less serious sentences.

104. Probation officers also point to the significant variations in sentencing practice from one commission of the peace area to another as a further illustration of the difficulties they face. The use of custody may vary as a proportion of total disposals by as much as two to one (Exhibit 24). Variations in the use of custody between the smaller petty sessional divisions within commission of the peace areas are even greater.
The proportion of offenders sentenced to immediate custody varies greatly.

Source: Criminal statistics 1987 (Reference 4)

While some of the variation between courts can be accounted for in terms of different intake (age, offences and criminal histories of offenders) or in terms of other external factors (judicial procedures, court resources, and local circumstances), considerable differences cannot be explained satisfactorily in these ways. Different courts deal with similar types of offenders in very different ways. Perhaps the most significant finding is the degree of importance attached by court officials to establishing and maintaining a consistent policy within their own individual courts and the relative lack of importance they attach to the policies of their neighbours or to national practice (Reference 19).
106. The Magistrates’ Association is considering the issue of sentencing guidelines on appropriate levels of fines. Such a development could lead to greater uniformity of practice - guidelines on fines for traffic offences have been operational for some time. But even if their use were to be extended there is no guarantee that this would lead to more use of community options. Indeed, where a more systematic approach is used, there may be a tendency to make greater use of custody (Reference 20):

'The (magistrates’) courts generating the most custodial sentences relative to the numbers of convictions for the various types of offences were, however, those where the correlations were strongest between offence type and sentence, suggesting that in Britain as in the United States, the adoption of justice model ideas has facilitated (or at best, not reversed) a movement towards more punitive criminal justice’.

107. Sentencing is a skilled and difficult activity, with sentencers perpetually caught on the horns of a dilemma (see Thomas, Reference 21). Either they observe guidelines and precedents which lead to consistency but inflexibility; or they adopt a more personalised approach which risks variation and inconsistency. Both approaches present the probation service with problems.

108. Variation between areas is not limited to the use of custody. It extends to all sentences and orders, and there is considerable variation between areas in police cautioning practice (Exhibit 25). In addition there is very little correlation between the different uses of each disposal. For example, high use of probation and community service does not produce low use of custody (Exhibit 26).

109. This pattern shows that each area has evolved its own unique sentencing and cautioning practice. Each probation service must therefore adjust its own practice to match local practice by the other agencies, and will in turn be limited by the practice of these agencies. But there is little doubt that the service will make more impact, and deliver the greatest value, if it works closely with other local agencies.

110. An example of the way inter-agency cooperation can achieve change, and enhance the value for money of the service, is given by the arrangements developed to deal with juveniles.
Exhibit 25

EXAMPLES OF THE VARIATIONS IN THE USE OF DIFFERENT DISPOSALS BETWEEN AREAS

These are major variations between areas in the use of all types of disposals

Source: Criminal statistics 1987 (Reference 4)

Exhibit 26

EXAMPLE OF THE ABSENCE OF ANY CORRELATION BETWEEN THE USE OF DIFFERENT DISPOSALS BETWEEN AREAS

Source: Criminal statistics 1987 (Reference 4)
Increasingly, juvenile justice is on the fringe of probation responsibility, with probation services having no significant role with children aged 10-13, and a reducing involvement with young people aged 14-16 following the Children and Young Persons Act 1969 and subsequent practice. This Act envisaged that the probation service would withdraw from juvenile justice altogether in time. This has happened in some areas; in others the probation service still plays a role. But the most important aspect of juvenile justice is the model it provides for what may be possible if the various parties can agree on a common purpose and process.

The aim is to keep young people out of the criminal justice system altogether, wherever possible, and where this is not possible to use community options. In this way the objective is to avoid labelling people as ‘criminals’ at an impressionable age. This different approach of ‘screening people out’ rather than due process has had significant effects. The proportion of children apprehended for an offence who then enter the criminal justice system (i.e. who are ‘found guilty’) has reduced, with a corresponding rise in the proportion who are cautioned. When account is also taken of demographic trends with falling numbers of children, the pattern that emerges shows a marked decline in numbers of juvenile offenders (Exhibit 27).

![Exhibit 27](image)

**Exhibit 27**

**NUMBERS OF CHILDREN AND YOUNG PEOPLE (10-17 YEARS) FOUND GUILTY OR CAUTIONED 1977-86**

There has been a marked fall in the numbers of juvenile offenders entering the system...

The increase in cautioning has been achieved by coordinated action at the local level. Various organisational arrangements are possible, and all bring together the relevant agencies such as social services departments, probation services, the voluntary sector and police forces. The experience of Northamptonshire (Case Study 3) provides an example.
Northamptonshire is not an isolated case, and many other areas provide equally good examples. The considerable progress in the field of juvenile justice would appear to be due at least as much to the improving organisational arrangements as to the will to see the use of custody reduced. However, the separation of powers between courts and the executive are considered by many to render closer cooperation with sentencers inappropriate. A careful balance must be struck so that sentencers can become better informed about initiatives elsewhere in the criminal justice system, without compromising their constitutional independence.

Case Study 3 : NORTHAMPTONSHIRE

Northamptonshire set up a juvenile liaison bureau in January 1984 staffed by a director, a probation officer, a social worker, two police officers, a youth worker, a teacher and a small secretarial staff. The sole source of referrals is the police, who have agreed that no juvenile should be prosecuted until every consideration has been given to an alternative. The work of the bureau can be divided into four main areas:

- direct intervention into the police notification system;
- offence resolution, arranging written apologies, reparation, compensation and victim/offender liaison;
- working with children and families;
- other responsibilities, including monitoring, promoting inter-agency working, developing community resources and liaising with the public.

A key part of the strategy has been the establishment of a centre (the Dallington Centre) to provide programmes for medium to high 'tariff' offenders as direct alternatives to custody and to bring together all statutory work with young offenders.

The results achieved show a marked reduction in action taken against juveniles between 1980 and 1985 well in excess of any effects due to demographic changes.

Northampton has also reported very substantial savings allowing redeployment of probation staff onto other priorities.

A commitment to inter-agency working gave rise to the formation of the Northamptonshire Interdependency Group. Chief officers attend personally, and the group is now addressing the problems presented by young adult offenders aged 17-20.

CHANGES BETWEEN 1980 AND 1985

Source: Reference 22

114. Northamptonshire is not an isolated case, and many other areas provide equally good examples. The considerable progress in the field of juvenile justice would appear to be due at least as much to the improving organisational arrangements as to the will to see the use of custody reduced. However, the separation of powers between courts and the executive are considered by many to render closer cooperation with sentencers inappropriate. A careful balance must be struck so that sentencers can become better informed about initiatives elsewhere in the criminal justice system, without compromising their constitutional independence.
YOUNG ADULTS

115. The Action Plan that followed the Green Paper advocated the extension of many of the lessons from juvenile justice to young adults aged 17-20. Many young adults are not significantly more mature than juveniles, and have many of the same attitudes. Reducing the use of custody, and increasing community options, would certainly seem a worthwhile objective. Indeed in West Germany (Reference 23), the prison population is declining largely as a product of the considerable decline in the committal of juveniles and young adults to custody, and to reducing use of remand in custody. There appear to be several reasons:

— there has been an intensive debate in West Germany for some time, of the type that the Government here is trying to promote with its Green Paper, about the problems associated with custody for juveniles and young adults. This debate has had an impact on sentencing practice;

— more cases have been dropped by the state prosecutor before they come to court in an attempt to weed out the more trivial offences;

— there has been an increasing trend over the past few years in West Germany towards trying young adults under juvenile law. Under the German system, judges have the discretionary power to try young adults (18-21) according either to adult law or the more flexible juvenile law with its wide range of sanctions, and less use of custody;

— there has been a considerable expansion in the number of community projects that are alternatives to custody.

116. In this country, the contrast between the treatment of juveniles and young adults aged 17-20 is marked. Cautioning rates suddenly drop, and use of custody rises dramatically (Exhibit 28).

Exhibit 28
PERCENTAGE USE OF CAUTIONING AND CUSTODY BY AGE
There is a marked change in sentencing practice when offenders reach 17

Source: Criminal statistics 1987 (Reference 4)
117. While some drop in cautioning and rise in the use of custody would be expected because of accruing criminal record with age, the massive drop in cautioning to less than a third of the rate, and doubling in use of custody on reaching 17 shows a complete change of approach. By the time people reach 18, they are subject to the same rate of cautioning and use of custody for those aged 21+. Recent work in the Home Office on 16 and 17-year olds has suggested that 17-year olds with the same number of previous convictions as 16-year olds are consistently more likely to receive custodial sentences. This is true for almost all offence groups, whatever the number of previous convictions (Reference 24).

118. In practice, the issues are somewhat more complicated than they are for juveniles. By 17, some young people are beginning to build up a pattern of offending. Crimes tend to be more serious. It is no longer possible to go on diverting people in such large numbers. Here, even more than for juveniles, it is important to avoid sending the wrong messages. Hence a more complex balancing act is going to be required between:

— diversion for trivial offences and offenders with limited previous criminal histories of offending;
— an appropriate response, preferably in the community, for more serious offenders, or for offenders with longer criminal records;
— a strategy for those who are well on their way to becoming career criminals.

119. The Government proposes 'intensive probation' for young adults in its Action Plan to provide courts with a range of options in the community for more serious young offenders. The basis for a framework for intensive probation already exists, in the form of a mix of probation skills and facilities within which those skills can be practised.

DEVELOPING AND APPLYING PROBATION SKILLS

120. The key requirements are simply stated. Probation officers must develop the skills needed to address offending behaviour in their clients; they must apply those skills effectively in a wide range of settings. And there must be some process of evaluation which allows the impact of their intervention to be properly assessed. A number of areas are rising to this challenge.

DEVELOPING PROBATION SKILLS

121. Uncertainty about the impact of social casework is being overcome by probation officers developing a range of skills including:

— introducing techniques which allow them to challenge offending behaviour directly, confronting offenders with the consequences of their criminal acts, making them think through the implications for themselves and for their victims;
— tackling underlying problems which trigger or exacerbate offending behaviour; and building alternatives and links to take the place of offending behaviour and to help give offenders a stake in society;
— helping offenders to make reparation to the community (especially through community service) for offences committed.
122. There has been a major shift in emphasis, with probation officers now addressing the immediate circumstances and problems confronting offenders in a practical way. Many people have other problems which trigger offending behaviour: alcohol, drugs, poverty, homelessness, relationship difficulties, unemployment or a lack of motivation, self-discipline and control. If these problems are not addressed, the likelihood of reoffending increases.

123. An intermediate objective of the probation service is to tackle problems on the assumption that putting them right will reduce offending behaviour. The extent to which the probation service achieves these intermediate objectives can then be used as a proxy for reducing offending (subject to the above assumption). Many would argue that these intermediate objectives are legitimate in their own right. But the probation service is specifically charged with reducing offending behaviour. If help reduces offending and the nuisance, distress and cost associated with it, then the cost of such help can be justified.

124. A body of theory and practice is developing through the work of a wide range of different individuals working in different parts of the country (see for example, Reference 25). These various activities are summarised in Exhibits 29 and 30, illustrated where appropriate with examples.

APPLYING PROBATION SKILLS

125. These skills are applied in a number of settings depending on the needs and circumstances of the offender and on the type of order or sentence imposed by the courts. A probation order requires regular contact between offender and probation officer, usually weekly or fortnightly for about an hour during the first three months of the order, and adjusted as necessary thereafter. This is a relatively low level of contact. Nevertheless, the probation officer would attempt to use it to challenge the offending behaviour of the probationer, and begin to address any underlying problems.

126. For more serious offenders who might otherwise be heading for custody, the courts can impose a more intensive form of probation order by adding conditions to the basic order, under Section 4 of the Powers of Criminal Courts Act 1973 supplemented by Sections 4A and 4B of Schedule 11 of the Criminal Justice Act 1982. Section 4A allows the courts to specify additional activities, and Section 4B allows the courts to require attendance at a day centre; 4B day centre attendance is typically for all or most of each day for up to 60 days, allowing probation officers far more time with each offender.

127. In custody, probation officers are increasingly applying their skills to challenging patterns of behaviour, tackling underlying problems, and helping the offender prepare for release. After release, extra help with establishing a stable life style may be provided and probation hostels may be used in particularly difficult cases where the offender has no home to go to. The probation service is diversifying and finding new applications for its skills. For example, following a Home Office circular in 1984 (Reference 26), there has been increasing involvement with other agencies in the development of local crime prevention strategies, making use of probation insight into offender behaviour. These initiatives are summarised in Exhibits 31 and 32, illustrated by examples.

...
128. This short summary cannot hope to describe fully the ideas and initiatives under
development across the service. It does show that there is no shortage of imagination and energy.
When these ideas are brought together and applied to individuals, the results can be dramatic, as
Case Study 4 shows. But good ideas are not enough especially where they introduce greater
complexity. They must be matched by management arrangements capable of ensuring that
probation skills are applied effectively.

<table>
<thead>
<tr>
<th>Case Study 4 - BILL, AGED 27</th>
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| **THE OFFENCE:** Bill was before Leeds Crown Court in August 1988 for four non-
domestic burglaries with a total value of £7,000, with three other offences taken
into consideration. |
| **RECORD:** His criminal history went back 15 years, with 20 previous convictions,
including two in the previous two years. He had 11 custodial sentences, plus one
suspended sentence. He was last released from prison in September 1987, and was
back by May 1988. |
| **REFERRAL:** Bill was referred for intensive supervision by his probation officer because
he seemed to want to change and was facing a substantial custodial sentence of at
least two years. He consented to the scheme's conditions and agreed to the
following work plan. |
| **WORKPLAN:** |
| • **Work** - he had employment available to him which would keep him occupied
at the times he normally offended; |
| • **Drink** - he agreed to keep his drinking within reasonable limits; |
| • **Budgeting** - he needed help to live within his means; |
| • **Attitude** - he recognised that he had much work to do; |
| • **Interests** - he was keen to do things to improve his self-esteem; |
| • **Driving** - he promised only to drive legally, having an ambition to become a taxi
driver. |
| **INTENSIVE SUPERVISION:** During the 60 day period of intensive supervision, he
started a job, became engaged, and applied for a provisional driving licence. He
kept his drinking in hand, although his temper and violent behaviour began to
emerge. He received one official warning for departing from his agreed activities
without prior consultation. |
| **CONTINUING PROBATION:** Bill completed the 60 day period successfully and
for the first time acknowledged that his temper was a problem. He agreed he would
need to work on it with his probation officer for the remainder of the probation
order. He found the scheme much harder than prison, because he had been
expected to be open, to think ahead, to take responsibility, and to keep his plans
and appointments. But he wished that he had had similar opportunities earlier. |
**Developing Probation Skills**

**Challenging Offending Behaviour**

**1. Analysing Offending Behaviour**
- Reviewing the pattern of offending behaviour (through 'cartooning' for example)
- Illustrating the consequences of crime
- Drawing up 'balance sheets' showing profits and losses of a life of crime

This phase strips away the pretension that crime is glamorous. Depression can follow - requiring help and opportunities to displace offending.

**2. Exploring Values and Beliefs**
- Challenging and changing values that lead to offending behaviour

**3. Promoting Self-Esteem**
- Engendering positive attitudes
- Improving confidence

**4. Promoting Self-Control**
- Reducing the effects of loss of temper, alcohol abuse, drug abuse, gambling
- Improving self-discipline

**5. Training for Social Skills**
Helping the offender overcome frustrations which can trigger offending behaviour by enhancing literacy, numeracy, dealing with people

**6. Reviewing Life Style**
Pin-pointing boredom, a need for excitement and points where trouble occurs, examining:
- Risk-taking
- Decision-making and problem-solving

**Cartooning** can be used to give insight into offenders' behaviour and attitudes. Each offender depicts the sequence of events surrounding the offence. The probation officer in this case clearly has an uphill task ahead...

**Drunk Drivers' Course, Hampshire**

More than 260 have attended a course for drunk drivers as a condition of a probation order in Hampshire. Course members describe their offence (and behaviour that led to it). The course increases knowledge about the effects of alcohol, and aims to change attitudes and behaviour. So far it has had considerable success with few recissions.

**Tracking, West Yorkshire**

Offending often results from poor self-discipline, and offenders may need extra support if they are to stay out of trouble. Tracking provides offenders at high risk of custody with intensive supervisory support in the community. West Yorkshire employs eight part-time 'trackers' who are supervised by a probation officer. After thorough assessment, a working plan is drawn up and a 'contract' agreed with each offender. The tracker implements this plan through personal contact up to six days a week for 60 days spread over a three month period, complemented by telephone contact and spot checks. The first 28 days are a trial period with the offender bailed pending sentence. Each offender is expected to plan ahead to anticipate and avoid situations likely to cause problems (for example, excessive drinking or peer group pressure). At the same time, the tracker helps the offender put something positive in the place of crime. Breach procedures are clearly defined and consistently enforced, although a close working relationship is also formed, giving a positive experience of authority vital if the offender is to change and accept new responsibilities. The cost at around £100 per week compares favourably with custody, and the results in terms of reduced reoffending are encouraging.

**Staying Out Pack, Nottinghamshire**

The principles of stages 1-6 have been encapsulated in a pack of training exercises in Nottinghamshire. The pack sets out in a clear, systematic way a range of activities for probation officers to undertake with offenders.
Many offenders have accommodation problems, especially:
- people released from custody
- young adults in conflict with their families
- homeless petty persistent offenders

Resettlement of Offenders Consultative Committee (ROCC), Hampshire: An accommodation system linking existing voluntary organisations and housing associations was set up in Hampshire in 1974. The network now provides over 1,000 beds. ROCC, with its coordinating secretary funded by the probation service acts as an umbrella organisation providing financial advice and a range of training opportunities, including monthly courses for all grades of hostel staff. It identifies gaps in provision and provides advice on changes in legislation. In 1989-90 a computerised vacancies service is planned to allow probation staff to make rapid placements. More recently, links have been extended to include local authority housing departments. In this way Hampshire provides an integrated accommodation network making best use of voluntary and statutory resources.

Boarding Scheme, South Yorkshire: In Sheffield, a network of private sector rented accommodation has been built up for homeless, petty persistent offenders, closely supervised by the South Yorkshire Probation Service. Because the people placed have guaranteed rents paid directly by the Department of Social Security and all beds are kept full, the scheme is very attractive to landlords who then receive a regular income. This means that the service can be discriminating and can insist on (and get) a high standard of accommodation. Breakfast, cleaning, television and heating is included. Considerable support is provided to the scheme to ensure standards, and to provide some stability and security to a notoriously unstable group. However, changes in benefits regulations will limit this scheme in future - particularly for young offenders.

Employment Units, Cambridgeshire: Probation staff in Cambridgeshire help offenders to compete for jobs. The service employs within probation teams specialist employment personnel who acquire detailed local knowledge of employers, training opportunities, and sources of funding. Employment officers learn from offenders their personal circumstances, employment histories and aspirations. Many hours are given to developing motivation and confidence, job application and interview skills, and supporting offenders in their search for jobs. The aim is to develop long-term interests and prospects rather than placement in 'dead end' jobs. Success has been high with between 50-70 per cent of people on the schemes placed successfully.

Projects Team, Greater Manchester: In Greater Manchester a Projects Team comprising a senior probation officer and two probation assistants has been set up to develop organised activity programmes for inclusion in probation orders. The aim is to help with personal development, ‘building citizenship’. The team makes extensive use of other organisations, such as the Sports Council, local authority leisure centres, and youth leaders. They also manage the probation service’s own outdoor pursuits centre in Derbyshire, a 60 foot narrowboat, and a large equipment store. They act as ‘consultant’ to other probation staff putting together tailor-made packages for individual offenders, or helping a day centre to plan a programme of group activity work. But the team believes that there is a greater pay-off if people can be encouraged to use free or cheap sporting and leisure facilities available locally, increasing the possibility that they will go on using them after probation contact has finished.

Pitt Street Day Centre, Northumbria: In Newcastle, a drop-in day centre provides itinerant homeless offenders with somewhere to go and something to do during the day. The centre provides hot drinks, occupation and companionship. It also aims to develop both domestic and social skills. But more significantly, it links people into a network of advice and support services which aid resettlement. Above the Centre, the Homeless Offenders Unit staffed by specialists, provides links with accommodation, employment and medical services, and a host of voluntary and specialist agencies for drug users, problem drinkers, homeless women and children etc. In this way the Centre aims to break the cycle of persistent petty reoffending.
APPLYING PROBATION SKILLS
SUPERVISION IN THE COMMUNITY

Nottingham Probation: Supervising offenders may mean working within a community setting with the whole family and not just the offender. It will certainly mean tackling a very wide range of difficult behaviour. In towns, with probation staff working in large groups, considerable specialisms develop, with probation officers providing facilities for each others’ clients. In Nottinghamshire, a wide range of courses for clients has been set up. In 1986, 88 courses were run targeted at specific needs and offending areas (sex abuse, violence, managing money, etc).

North Wales Probation: Supervising probation orders in a rural area needs a different approach because staff as well as offenders can be widely scattered. This has led probation officers in North Wales to work closely with other agencies to provide local facilities tailored to meet individual needs (alcohol and drug abuse, homelessness etc). Careful and sensitive work with local people is also important if offenders are to be re-integrated back into close-knit communities.

Middlesex Probation Order Standards: Middlesex Probation Service has developed good practice standards for the supervision of people on probation, to ensure that this basic cornerstone of the work of the service is sound. Before probation is recommended, both the officer and the offender must be clear about expectations. The SIR should set out these expectations for the court and describe the work planned in a well-argued document. The first interview should take place within seven days of the order being made, and from then on regular contact is essential. During the first three months, probationers should normally be seen weekly. Thereafter, frequency may lessen, but should not be less than once a month. Where appropriate, home visits should be made. Frequency of contact should be recorded. Failure to keep to the conditions of the order must be taken up immediately by letter, visit or telephone with a view to re-establishing contact as soon as possible. Breach proceedings should be instituted if contact has not been re-established within one month. Practice is monitored against these standards to ensure that high standards are maintained.

Sherborne House, Inner London: Sherborne House provides day centre facilities for young offenders of both sexes aged 16-20 who live in Inner London. The 10 week programme is aimed at the more serious or persistent offender; the average number of previous court appearances is 12. It divides into three phases: initial assessment (weeks 1-3), core programme (weeks 4-8), and ending/linking on (weeks 9 and 10). The timetable includes groupwork in which offending behaviour is discussed and challenged. But it also includes activities to develop new interests and skills including workshop sessions, education, social skills training, sports and arts activities. Each course member undertakes a project of his or her choosing to give a sense of achievement and self-worth. And much attention is given to establishing links which allow interests to continue after the course is completed. It is a demanding full-time programme which requires commitment from often alienated and un-motivated young people. One of the main aims of the scheme is to reduce offending behaviour and results so far are encouraging.

Young Offender Project, Hereford and Worcester: In scattered rural areas, day centre arrangements must take into account travelling difficulties. In Hereford and Worcester, day centre staff move between centres and offenders spend part of their time at a day centre and part under close supervision by their probation officer. Those on the programme have more previous convictions than those sentenced to youth custody but recent results show lower levels of reoffending (Reference 27).

South Yorkshire Community Services: In South Yorkshire, community service schemes benefit from effective management, with offenders starting work within a short time of the order being made. High calibre staff are recruited from industry bringing organisational skills. They are not probation officers, although they report to a senior probation officer. There is a highly professional approach with well equipped units, clear procedures for managing and enforcing the order and high standards of work. The schemes provide a wide range of jobs to meet individual needs, including running lunch clubs for old people to promote social responsibility; and undertaking project work such as renovation of a barge to promote a sense of achievement. Good relations are maintained with courts, with magistrates shown schemes in action, leading to high levels of referrals.
Exhibit 32
APPLYING PROBATION SKILLS
THROUGH CARE, AFTER CARE AND CRIME PREVENTION

**Custody**
The focus of probation work in custody is changing with probation officers:
- pulling out of reception and application interviews
- concentrating on courses requiring social work skills
- focusing on preparation for release
- training prison officers to operate more effectively

**Southfield Hostel, Middlesex:** Southfield is a 12 bed hostel for high risk young male offenders aged between 17 and 25 released from custody or on probation. Most are homeless and likely to reoffend. Many have committed particularly serious offences. Southfield specialises in working with young men who have become institutionalised, and who often cannot find anywhere else to go, because of long histories of offending. Without the hostel many would be back in custody within hours of release. It operates a 'key worker' system, and from the start much emphasis is laid on building a relationship of trust, with visits to the offender in custody, and pre-release visits by the offender to the hostel. It is made clear that the offender must choose to come to the hostel, and if he does he must agree to a contract which makes real demands on him (and in return allows the offender to make demands on the hostel). Once there the offender is allowed considerable freedom but must observe the agreed conditions. Almost half the residents stay up to six months, and some as long as 12 months, without reoffending. They are not discharged until they are considered ready. This period of stability and careful placement back into the community are important aspects of the resettlement process.

**Lindholme Prison, South Yorkshire:** In many prisons, probation work is limited to 'receptions and applications' which involve interviewing prisoners and responding to any requests for help with welfare matters either on arrival at the prison or subsequently. This approach can lead to probation staff becoming bogged down with trivia which waste their specialist skills. And it may result in other prison staff abrogating any responsibility for welfare matters. In Lindholme Prison in South Yorkshire, probation staff have withdrawn from this role to provide support and maintenance to the prison as a whole - supporting prison officers who now deal with applications, providing advice and training (particularly to prison staff in the pre-release unit) and being available to assist with difficult or complicated cases. In this way probation officers influence the work and attitudes of all prison staff.

**Crime Prevention**
The probation service works with other agencies to reduce crime:
- by working with offenders to reduce reoffending
- by reducing factors that motivate crime (homelessness, boredom, drug abuse)
- by working with communities to allow them to tackle their own crime with appropriate help

**Kirkholt Estate, Greater Manchester:** Particular attention has been given to crime prevention in Greater Manchester with impressive results. Staff from the probation service and police force worked together to reduce the high level of residential burglary on the Kirkholt Estate in Rochdale, where the rate of recorded domestic burglary was double the national average. Detailed information about the burglary problem on the estate was collected from victims and their neighbours, and from burglars themselves. This information led to a number of preventative measures, which included improved physical security, property marking, replacement of coin-operated fuel meters, and the establishment of neighbourhood watch schemes. Burglaries on Kirkholt fell from 316 in the first seven months of 1986 to 147 during the same period in 1987. Further work is currently taking place to reduce factors which motivate crime. Problems of alcohol and drug abuse, debt and unemployment are being tackled (Reference 28).
MANAGING THE SERVICE

129. A recognition that the management of the probation service must be improved has been gaining ground for some time. During the early 1980s a number of services started to develop strategies to give their work more shape and direction. This trend was supported and endorsed by the Home Office, which produced a Statement of National Objectives and Priorities (Reference 29) setting guidelines for all probation areas (Exhibit 33).

Exhibit 33
STATEMENT OF NATIONAL OBJECTIVES AND PRIORITIES

| In priority order, probation services should: |
| (a) ensure that offenders can be dealt with in the community: |
| — putting into effect all orders made by the court; |
| — maintaining a range of facilities; |
| — reducing the risk of reoffending; |
| (b) prepare social inquiry reports selectively, where: |
| — a report is statutorily required; |
| — a probation order is likely to be considered; |
| — the court may be prepared to divert from custody; |
| (c) allocate sufficient resources to throughcare to: |
| — assist with preparation for release and support following release; |
| — ensure offenders released on licence comply with the licence requirements; |
| (d) allocate management effort to encourage the local community in the widest approach to tackling offending and offenders; |
| (e) contain civil work at a level consistent with local circumstances and the foregoing priorities, meeting statutory requirements. |

130. Some local probation services disagree with some of the aims behind the Statement, and regard it as, at best, a partial exposition of the aims of the service. They have taken advantage of the flexibility allowed to develop their own approach. But, overall, the Statement has had a profound effect. It has accelerated the move from a service consisting of a loose network of independent practitioners to a much more coherent organisation with clearer patterns of management (albeit at different speeds in different areas).

131. All services now have Statements of Local Objectives and Priorities following the lead given by the National Statement (Reference 30). The extent to which these local statements are being implemented in detail varies considerably. Some remain central documents with little local implementation, while others are being used as a framework for team plans with specific objectives, against which performance can be monitored annually (Case Study 5). In general there has been much greater direction of probation officers by management, with greater specialisation and division of labour. The role of the manager is changing from one of generalised support to one of greater clarity of expectation and accountability.

132. But further progress is needed. Many areas have yet to realise the full benefits of improved management. The NAO are also commenting on the need for more extensive implementation of local statements. Chapter 3 points to a number of ways in which the service may be able to improve its effectiveness and deliver value for money.
CASE STUDY 5: THE CAMBRIDGESHIRE MANAGEMENT MODEL

In Cambridgeshire, the service has established four service aims:

- To effect a reduction in custodial sentencing
- To help to reduce reoffending
- To protect and promote the interests of children in separation and divorce
- To discharge statutory responsibilities effectively and to the highest possible standards

These aims are underpinned by the Statement of Local Objectives and Priorities which sets out how the service intends to carry out its statutory responsibilities in ways which are consistent with its values and its aims of reducing custody and offending. The model requires the service to review its achievements each year and set:

- COUNTY tasks and targets (where tasks are inputs and targets outputs);
- tasks and targets relating to the KEY AREAS of all managers and staff within the organisation.

For every role in the organisation, the model for managing into practice the service’s aims and objectives is:

<table>
<thead>
<tr>
<th>MANAGEMENT MODEL</th>
<th>EXAMPLE</th>
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<tbody>
<tr>
<td>1. Identify KEY AREAS</td>
<td>KEY AREA: Team employment unit 1988</td>
</tr>
<tr>
<td>2. Define AIM of each Key Area</td>
<td>AIM: To enhance the employment of offenders and their ability to keep employment</td>
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</tbody>
</table>
| 3. Identify KEY TASKS in respect of each Key Area (KEY Areas do not all need to be given high profile all the time) | KEY TASKS:
  - to help offenders into employment improving their circumstances and choices
  - to make and publicise the unit’s contribution to the work of the probation team to add to its credibility with sentences and the wider community
  - to work with the 17-20 age group in particular, assisting probation officers to offer non-custodial recommendations to courts |
| 4. Determine TARGETS or TASKS in respect of all (or selected) Key Tasks | TARGETS: To maintain in 1988:
  - the 1987 numbers of offenders using the facilities of the Team Job Club
  - a minimum 60 per cent placement rate for offenders using the Team Job Club i.e projected figure of 50 offenders |
| 5. Determine (with dates) ACTION PLAN for achieving each Target or Task | ACTION PLAN: A separate document setting out actions and dates |
| 6. Check each stage of the Action Plan against Performance Standards (Policies and Good Practice Guidelines) | RESULTS: Targets surpassed:
  - numbers of offenders using the Team Job Club has increased by 19 per cent
  - actual placement rate of offenders using the Team Job Club has been 68 per cent |
| 7. Control by regular monitoring | |

EFFECTIVENESS CHECKLIST:
Staff at all levels check that all aspects of target or task work are receiving attention including:
- Marketing and public relations
- Service delivery and development
- Management of resources (training, equipment etc.)
- Intelligence, information, communication
3. Delivering Value for Money

140. Chapter 2 described the striking variety of schemes in operation, and the vision, creativity and imagination going into much probation practice. This might suggest that the service is well placed to respond to the challenge thrown down by the Government in the Green Paper. But it would be premature to draw such a conclusion, and a number of significant problems must be addressed if the potential demonstrated by the more successful schemes is to be realised.

141. The service has yet to demonstrate in a systematic fashion that the vision set out in Exhibits 29-32 is effective, although results from individual projects are promising. And, as a whole, it is far from having in place a framework which would enable that vision to be turned into effective service delivery.

142. It is unlikely ever to do so unless it is managed in a way which allows the results of particular schemes to be evaluated, facilitates the spread of good practice and achieves more effective cooperation with other agencies. The disparities observed between 56 probation areas must be reduced, and the service must better understand and work at the inter-relationships between its own actions and the rest of the criminal justice system.

143. There are six different areas in which progress could be made:

- demonstrating effectiveness;
- spreading good practice;
- developing management systems;
- clarifying lines of accountability;
- developing skills in a multi-disciplinary service; and
- working with other agencies.

DEMONSTRATING EFFECTIVENESS

144. One of the main aims of probation intervention must be the reduction and containment of offending behaviour. The vision outlined in Exhibits 29-32 must be evaluated against this criterion. In practice, intermediate goals can be identified including the reduction of problems that trigger offending behaviour, and the promotion of alternatives and opportunities to displace it. These intermediate objectives often supply the mechanism for achieving the main aim, provided that it can be demonstrated that their realisation reduces offending behaviour. Without this link between probation action and reduced offending the service lacks credibility. But measuring offending behaviour and identifying the factors that affect it are very difficult tasks.
At its simplest, offending behaviour is measured as the number of reconvictions occurring in a given period (usually two years). Taking this definition, typical patterns that emerge are:

- Prison (all adult prisoners) 47 per cent reconvicted in two years (Reference 5)
- Youth custody 66 per cent reconvicted in two years (Reference 5)
- (aged 17-20 on sentence)
- Probation 40 per cent reconvicted in two years (Reference 31)

These simple measures appear at first sight to show that probation is more effective than custody. But a more detailed analysis shows a far more complex pattern requiring careful interpretation:

- the populations are different, with different age structures, previous criminal histories, and different offending patterns;
- reconviction may be a poor proxy for reoffending: it measures the effectiveness of policing as well as offending;
- changes in offending behaviour are often more complex than described by a simple reconviction/non-conviction division; it may reduce in frequency and seriousness without stopping completely;
- rates for custodial sentences normally relate to the period following release, whereas those for non-custodial sentences normally relate to the period immediately following the imposition of the sentence. The figures shown above do not take account of the incapacitation effect of custody.

Given these problems, it is very difficult to link probation action and offending behaviour in a convincing way and make meaningful comparisons with other sentencing options. As described in Chapter One, during the 1970s a number of studies failed to demonstrate that probation interventions had any effect. But such conclusions were more a reflection of the difficulties of conducting the research than a definitive comment on the effectiveness of probation. The research methods used have often been found to be too insensitive to detect the effects of intervention.

However, in spite of the difficulties, some successes have been reported. Studies of parole in England and Wales point to the conclusion that people released on licence perform better than similar groups released at term (Reference 12). The 'Impact' studies of the 1970s did suggest that for certain offender types, increased probation intervention could be effective (Reference 32). There is some evidence that where living conditions are poor, tackling the problems that result can reduce reconvictions (Reference 33). Differences in the personality of the counsellor can be significant (Reference 34) and the success of probation hostels in containing boys without absconding or further offending appeared attributable to the personality of hostel staff (Reference 35). These studies and others give pointers to successful practice. Reviewing this and other research, the head of the Home Office Research and Planning Unit said:
'It is treatments or disposals which assist in the re-integration of offenders into law-abiding communities which show most success' (Reference 36).

If this proves to be the case then many of the initiatives being taken by probation services described in Chapter 2 are likely in the long run to provide good value for money.

149. One particular line of research which is attracting attention is the use of prediction techniques. These approaches make use of the concept of 'criminal careers' described in terms of participation, frequency, duration and seriousness. For a particular group, the outcome in terms of offending rates is compared with the outcome expected for such a group. Where appropriate the measures used can be selective giving greater flexibility. Thus projects directed at young people at risk of drifting into crime can use prevalence measures; while projects directed at petty persistent offenders would perhaps concentrate on duration and frequency. Account is automatically taken of the age, previous record etc. of the group when making the prediction - giving the approach greater sensitivity as well as flexibility.

150. Prediction methods were proposed as long ago as 1971 (Reference 37) but dismissed at that time on the grounds that the predictors available were insufficiently accurate. But methods of prediction are improving as more research is done, and a better understanding is gained of the factors characterising criminal behaviour. Considerable ingenuity can be applied in using predictors imaginatively to bypass many of the problems of criminal justice data. One particularly robust and well tested predictor is the parole predictor (Reference 38) used to predict the likely reoffending of people on parole. This predictor has recently been checked and found to be still valid after 10 years (Reference 39). There are proposals (Reference 40) to adopt this method to provide a tool for evaluating probation; and work in America by the Panel on Research on Criminal Careers is pursuing a similar line (Reference 13). In Cambridgeshire, a risk of reoffending scale is under development, calibrated against a range of factors associated with reoffending (Reference 41).

151. It is vital that all existing schemes are evaluated against robust effectiveness criteria. At present, considerable sums are spent with relatively little understanding of the effects achieved. The NAO will be commenting on the lack of recent research on fundamental issues promoted by the Home Office, and on the developing role of HM Inspectorate of Probation. New schemes should be introduced in a way which facilitates an assessment of their impact. A model of how this can be achieved is provided by the bail information schemes, referred to earlier, which were monitored using prediction methods by the Vera Institute (Case Study 6 and Reference 18). These methods predict the outcome of bail decisions rather than reoffending rates, and the statistical models have yet to be validated, but the case study demonstrates how monitoring through prediction methods can be integrated into the design of new projects from the start, and used to give direction as progress is made.
If such methods could be developed further, it may become possible to apply them locally in a systematic fashion to give feedback to practitioners on a routine basis. Applied nationally they could turn the whole probation service into an evaluation exercise, with the benefit of making real progress at last on the question of 'what works', allowing some rationalisation of the initiatives in progress.

**SPREADING GOOD PRACTICE**

153. It is one thing to demonstrate that a particular practice under particular conditions can have an effect. It is an altogether different problem to introduce the practice successfully across the country, maintaining standards and ensuring consistency. According to Gendreau and Ross (Reference 42):

'We are absolutely amateurish at implementing and maintaining our successful experimentally demonstrated programmes within the social services delivery system provided *routinely* by government and private agencies. This is what doesn't work! We have made only very tentative progress in examining the conditions under which the principles of effective intervention can be implemented and maintained successfully in the real world'.

154. Some form of rationalisation is much needed. While the creativity and imagination used on many probation schemes are striking, the uneven provision of such schemes is equally notable. Every service visited by the Commission could show a number of imaginative schemes in operation. But it was never the same combination in any two areas. While some difference
can be expected because of differences between areas - particularly differences in sentencing practice - many of the best ideas did not seem to have been picked up by other services. Each service appeared to be built around creative, entrepreneurial individuals rather than carefully considered strategies, with the ever-present possibility that the schemes could be at risk when the key individuals eventually moved on. As would be expected, the larger services in London, the metropolitan areas and the larger shire counties tended to have a wider, more comprehensive range of schemes sustained over time (and no doubt a wider range of needs). But nevertheless there seemed to be considerable scope for sharing good ideas. The pattern seemed to reflect the probation service's tradition of independent practitioners, rather than the more recent concept of a carefully planned and coordinated service, and has been described as 'hobbyism'.

155. Even common procedures seemed to vary between areas, and apparently similar schemes were in fact very different in detail. There are considerable variations, for example in:

- hours of attendance required at day centres;
- breach procedures in the event of failure to attend;
- frequency of visits while on a probation order;
- unit costs.

156. It would be inappropriate to fix rigid guidelines to be followed in all cases, since flexibility is required to fit programmes to the needs of individuals, but it is reasonable to expect similar cases to be treated in similar fashion in different areas. Strategies which promote greater consistency between services, taking account of 'best practice' identified through evaluation, are needed. For example, following the evaluation described in the case study above, the Vera Institute of Justice proposed the following recommendations to assist in the construction of a framework for future development of bail schemes:

- a single set of guidelines should be agreed nationally between the probation service and the crown prosecution service, governing the manner in which bail information is provided to prosecutors;
- every probation officer providing bail information to the crown prosecution service as part of a formal scheme should be required beforehand to attend a course of in-service training specific to this work;
- full-time schemes should be preferred as against integrated schemes; and where integrated schemes are necessary, they should be integrated with tasks other than traditional court work;
- resources for training, assistance with implementation and materials for monitoring should be available to all interested probation services;
- the extension of the schemes should be coordinated.

The NAO will be commenting on the role of the Home Office and HM Inspectorate of Probation, in this area, and proposing the need for a clearing housing for prompt dissemination of good practice and successful innovation. The service itself has promoted the idea of a National Probation Centre to spread good practice. A start has been made through the work of the
DEVELOPING MANAGEMENT SYSTEMS

157. Effectiveness does not just rely on the presence of consistent strategies promoting standards. These standards must be monitored. Nothing undermines confidence in the service so effectively as stories of inadequate social inquiry reports, poor supervision with people seen no more than once or twice during their orders, and offenders allowed to ignore instructions with impunity. The probation service can only have a significant future if it can demonstrate that standards of practice are high. Without this, aspects of the service may lack credibility; without credibility, the future of the service must be uncertain. It relies for its livelihood on the decisions of others; if they have no confidence in the service they will not use it.

158. Better quality control and more consistent standards are not inconvenient bureaucratic impositions, but essential components for survival - just as they are in any organisation fighting to compete. It is in the service's own interest to develop appropriate measures and to use them to weed out poor performance and to demonstrate that it is being effective.

159. The extent to which services contribute to reduced (or at least contained) offending must be related to the resources they consume. Two services may be equally effective in terms of their impact on offending, but if one uses fewer resources, then it is the more efficient, and efficiency is just as important as effectiveness. Modest progress has been made towards the development of measures of both effectiveness and efficiency, but this remains an area of some confusion. In addition to the work already mentioned on predictors, a number of other initiatives are underway, including the development of performance indicators.

PERFORMANCE INDICATORS

160. HM Inspectorate of Probation was the subject of an efficiency scrutiny in 1986. The report published in February 1987 (Reference 43) included a recommendation that as part of a range of initiatives by the Inspectorate for promoting efficiency and effectiveness, 'all (probation) areas should undergo a desk inspection of their efficiency and effectiveness over a year on the basis of a matrix of key performance indicators and other relevant material'. A working party was established to develop the necessary matrix of indicators. The action plan for implementation of the scrutiny recommendations required that the working party should report by April 1988 and that the use of performance indicators on a trial basis should begin in September 1988.

161. In the event, it proved impossible for the Home Office and the service organisations to reach agreement on a number of fundamental points. As a result, HM Inspectorate of Probation members produced their own report in April 1988 and appended the response of the service organisations.

162. The significant area of disagreement concerned the importance attached to areas meeting the objectives described in the National Statement (Exhibit 33). The Home Office viewed this as critical while the service organisations pointed to the greater relevance - in their view - of objectives described in local statements. As the Inspectorate's report acknowledged,
the National Statement restricted itself to broad statements of discretion ‘which makes it difficult for the purposes of developing national indicators of performance, because the precise extent of change desired in relation to each aim remains undefined’. A further criticism of the approach taken by the inspectors was that it would generate a vast amount of detail to be processed by the Home Office from the 56 areas each year.

163. The indicators proposed by the inspectorate members of the working party were summarised under three headings:

*Initial indicators* - for which data are already collected by the Home Office. It was proposed that this would make up the initial matrix of indicators to be introduced in September 1988;

*Interim indicators* - requiring some additional data collection but not requiring as much development as;

*Preferred indicators* - requiring more development such as the development of a financial information system.

164. The response of the Home Office to the working party's findings has been to pursue work in developing the initial indicators only and the Probation Inspectorate is currently working on a package of information for all areas. Further work on the interim and preferred indicators of performance will depend on the outcome of the first exercise based on the initial indicators. A robust system of performance indicators could make a major contribution to enhancing the credibility of the service as well as assisting internal resource allocation. The NAO is also commenting on the development and use of performance indicators.

FINANCIAL MANAGEMENT INFORMATION SYSTEMS

165. Closely related to this work on performance indicators is the work undertaken to develop a Financial Management Information System (FMIS). The system, if successful, would provide the probation service with information about the efficient, effective and economical use of their resources. In March 1986 the Home Office appointed consultants to undertake the first stage of the work.

166. Stage One, which produced an initial specification of requirements for the FMIS, was completed in June 1986. The report contained an analysis of the financial management and planning arrangements within the service. It criticised, among other things, the absence of integrated information systems, and described the core elements of a complete FMIS. A second stage was commissioned which involved the development of a prototype FMIS in two areas: Greater Manchester and Kent.

167. Stage Two concentrated on four areas of probation service activity and arrived at notional timings and costs for those activities. The lengthy second stage report was seen by the probation services involved to have left serious questions unanswered. It tackled but did not resolve the thorny problems of integrating cost and statistical information. The second stage concentrated on efficiency to the exclusion of effectiveness, but in response to the criticism expressed, a further paper on ‘effectiveness’ was produced. The service has generally taken the view that its proposals are far too detailed and complex.

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168. The third stage of work on FMIS is being taken forward by a joint probation
service/Home Office team with technical advice from management consultants. It aims to
produce a draft functional specification identifying the potential capability of a FMIS. On this
occasion however, the terms of reference have excluded any requirement to address effectiveness
measures although some effectiveness measures are now included. The Home Office has said that
once a specification has been drafted discussions with the service organisations will follow.

169. There is a risk that the FMIS could be too elaborate and expensive (the second stage
report estimated costs in the range of £5-10 million). Most services appear to be awaiting the
outcome of the FMIS development exercise before improving their financial systems, and few
probation areas could tell how much individual services cost. Yet most accounting systems (and
certainly the Local Authority Financial Information System (LAFIS) used by many councils)
have facilities for assigning additional codes which would allow the allocation of expenditure to
individual schemes, such as day centres for example, (which would become 'cost centres') with
very little extra effort. Only one service (Dorset) used such a cost centre approach on a routine
basis. No one else could say how much their individual services were costing without a special
exercise. One such exercise by the chief probation officer in North Wales showed that
community services in one centre were costing three times as much per case as another centre.
These costs are being linked to effectiveness measures, and such cost and effectiveness measures
are already in place in North Wales for evaluating civil work. It would seem sensible to introduce
elementary cost controls of this kind on a routine basis as soon as possible without waiting for the
outcome of the FMIS exercise.

170. An alternative approach proposed by a working party of the Association of Chief
Officers of Probation is to set up a framework for information needs and allow services to develop
their own systems according to local needs and competence within this framework (Reference
44). This sort of organic approach is often more successful than the imposition of a complete
package although there would need to be some way of comparing services and ensuring that all
are making progress. The NAO have also concluded that it will be important to avoid
over-elaboration in either the scale or nature of the information to be produced and to draw as
widely as possible on successful aspects of existing local systems.

CLARIFYING LINES OF ACCOUNTABILITY

171. The service also needs to be structured appropriately if it is to deliver value for money.
The organisational and financial structure is largely a matter of historical accident. Chapter 1
describes the delicate balance of interests which exist, and some of the anomalies and difficulties
that result.

172. These organisational and financial complexities raise questions of control and
accountability. The Home Office provides most of the money, and has a great interest in the
service and how effectively it operates (not least because of the implications for other heads of
expenditure such as prisons) but it has limited direct say in how the service is used or how big
probation budgets should be. The local authorities, on the other hand, have limited financial
interest in probation, in that they pay only a small share of the budget, but have considerable
influence over its size. The courts have no financial interest in the probation service at all, but
they determine how it should be used. If they make more orders than expected, somebody else has to provide the service and meet the cost, without any control. This curious situation has evolved gradually over time, and has the merit of involving all three main agencies with an interest in probation affairs. But control and accountability are clearly unsatisfactory. Some adjustment may be required to strike a more appropriate balance between the interests of each agency while ensuring clear lines of accountability. In particular, financing arrangements - both revenue and capital - need clarification.

HOME OFFICE PROPOSALS ON REVENUE

173. Not surprisingly, the Home Office is seeking to exercise greater control over the size of its contribution to the probation service's budget and is exploring ways of tackling the financial disparities between services' budgets. The Home Office proposal is to cash limit the specific grant made to the probation service. Its maximum contribution would be determined in advance and local authorities would then receive an 80 per cent grant on their expenditure up to this limit. Any spending above the limit would not be grant-aided and would fall entirely on the local authority's budget. The Home Office contribution would be determined either by formula or by a budgetary assessments approach based on an analysis of the relative spending needs of each committee. Adjustment between services could be brought about by redistributing growth money, rather than cutting grants to services. The objectives are:

(a) to contain spending on specific grant in line with expenditure plans for the year - in the interests both of proper financial planning and of the national taxpayer;

(b) to ensure that the financial consequences of marginal budgetary decisions are borne by local community charge payers, and thereby to increase the local sense of accountability and responsibility;

(c) to increase incentives to local managers to maximise their efficiency and thus secure better value for money.

174. There can be little doubt that cash limiting would impose a tight discipline on aggregate spending and could increase the incentive to spend money efficiently at local level. The Commission understands the Government's reason for proposing such a change; as has already been argued, the current arrangements cannot be said to promote clear lines of accountability.

175. On the other hand there are potential difficulties with these proposals. They would further marginalise the local authority role and exaggerate the financial impact of fluctuations in demand for services. The Home Office would in effect determine the level of expenditure, since it would fix an upper limit to the majority of the budget. The full cost of every pound spent above this grant would fall on local authorities with a 5:1 gearing. A one per cent overspend would result in a five per cent increase on local authorities' contributions. This increase would fall at the margin of local authority spending borne by the local community charge.

176. An alternative approach might be for the Home Office to issue expenditure guidelines rather than fixed limits. The guidelines could be based on a formula (or other suitable method). Some services would be above this guideline and some below, and the expectation would be for
services and authorities to move towards the guideline figure gradually over time, reducing the disparities between areas. The guideline would need to be adjusted from year to year to reflect new government policies. Where local needs are unusual, rendering the guideline formula inadequate (because of a peculiar local problem, or a major local crime prevention initiative, for example), local agencies could agree a level of expenditure different from the Home Office guidelines, without incurring the difficulties of the 5:1 gearing. Indeed, some local variations would be expected, because no formula could adequately take account of all factors. If a limit must be set (to meet Treasury requirements for example) it should be set well above the guideline allowing a reasonable margin for this local flexibility.

177. Each service's budget could be sent to the Home Office after it has been formally approved locally. To give central government certainty over its own contribution at the beginning of each financial year, grant could be limited to this budget figure. Any overspending would then not qualify for grant, giving probation services the discipline of a fixed budget. The current requirement to fix budgets in some areas as early as November 1 could cause difficulties, however, as areas must forecast both requirements and costs up to eighteen months ahead. In the event of disagreement between probation committees and local authorities over draft budgets, appeal to the Home Office for determination on the total budget should be allowed (and not just on small parts of the budget as at present). The decision would normally be made in favour of the agency proposing the budget that is closer to the guideline (subject to acceptable timescales for any changes).

CAPITAL

178. Capital is provided by the Home Office in response to bids from probation committees. This can lead to waste and inefficiency. The NAO is also commenting on these difficulties. The procedures used by the Home Office are usually slow and require considerable preparation. As a result probation committees cannot compete on the open market where speed is usually required to secure a property. Much abortive work can be incurred on surveys, investment appraisals etc. Probation committees are often restricted to purchasing properties surplus to other public sector requirements, where delays do not usually result in loss of the property, but the choice of property is inevitably more limited which may not give best value for money. A more flexible approach is needed.

179. The capital expenditure control system for local government is under review. The Government proposes that borrowing should be controlled by credit approvals to the local authorities augmented by capital receipts and contributions from the revenue account. The Government has consulted interested organisations on possible changes to this system to reflect the particular needs of the law and order services:

— the specific grant share of any capital receipt would be returned to central government since, it is argued, central government will have largely financed the original acquisition. Fifty per cent of the balance would go to debt redemption, and the remainder would be available for additional capital spending;

— payment of specific grant for capital purposes can only be controlled if there are cash limits or if limited to annual capital expenditure guidelines;
— for probation, at least, capital expenditure on major items (mainly offices) only occurs infrequently and is best controlled by means of specific approvals rather than general allocations.

The problem with specific approvals is that it is an invitation for those once removed to give advice and guidance on the details of individual schemes. The Government should consider approving schemes in principle rather than in detail. Services would be given approval for a sum of money for a scheme in advance (perhaps according to a formula based on local property prices) allowing them to compete on the open market to get the best deal possible knowing that the money is available. Committees could possibly be allowed to vire their minor works budget allocation topping up any major capital allocation to give extra flexibility. The Government has recently consulted interested organisations on its proposals for law and order services, and the Home Secretary is likely to announce his decisions shortly.

REPORTING

180. It is perhaps inevitable that the accountability structure of the probation service is complex. There are many legitimate 'stakeholders' whose interests must be taken into account. In such a situation clarity and openness are more than ever vital. The NAO have suggested, and the Commission agrees, that accountability would be enhanced if there were a statutory requirement on each probation committee to publish an annual report, covering both financial and operating performance.

DEVELOPING SKILLS IN A MULTI-DISCIPLINARY SERVICE

181. The probation service has changed greatly since its inception as a social work service for the courts. It now does far more than respond to welfare cases referred to it by magistrates, and is more of an independent agency within the system of judicial administration. But some aspects of the service reflect its past rather than its present, and none more so than the pattern of recruitment and training of probation officers.

182. All probation officers must have social work qualifications or equivalent, and for many aspects of the work these will continue to be important. But if there is to be a successful shift in policy, involving more use of community options for offenders who are currently committed to custody, additional staff with additional skills will be required. They will not necessarily need to be probation officers with social work qualifications. The trend toward a multi-skilled workforce will continue. And it may be appropriate for the service to use other agencies and facilities more extensively. All of these issues will need to be kept under close review.

183. The Home Office has commissioned a review of probation officer training. It is important that this review should take account of the wider responsibilities of the probation service.

184. At present, probation services cannot buy in help from other agencies. This situation is clearly anachronistic in view of trends elsewhere in both local and central government. It should be made possible for services to grant-aid independent agencies and local community initiatives where appropriate by modification to the probation rules (Reference 45).
185. Some of the changes are likely to encounter some resistance. There are some who feel that probation should focus on helping rather than controlling. Such a narrow approach, if taken to extremes, could lead to the service being marginalised as another agency is set up to supervise controlling sanctions. But rather than set up yet another agency which would create additional difficulties of inter-agency coordination, an alternative approach would be to continue to develop a multi-disciplinary service. Such a service would employ a range of specialists including social workers but also others who would, for example, make accommodation arrangements or supervise drug programmes. The overall management of offenders would be undertaken by the officer holding the order - the 'case manager'. This officer must ensure that all elements fit together and that standards are maintained. In a multi-disciplinary service it will be essential that the skills currently available and under development are better targeted and better managed.

186. It may be that if the Government choose to proceed with the more radical options set out in *Punishment, custody and the community*, particularly for schemes involving a high level of surveillance and control, some of these services could be subcontracted to independent agencies. Indeed, such a solution would resolve some of the worries felt by probation officers about inconsistencies between their current duties and developments such as electronic tagging.

**WORKING WITH OTHER AGENCIES IN THE CRIMINAL JUSTICE SYSTEM**

187. The criminal justice system itself is a loose collection of agencies which operate independently. Furthermore, there are differences of view between agencies on the appropriate response to offending behaviour. Some people explain offending behaviour in terms of a lack of social justice and believe that helping disadvantaged offenders will improve their behaviour. There are others who do not have such faith in human nature - including many sentencers who see offenders come back to court again and again. This situation has led to a fierce debate and much of the difficulty at the heart of the criminal justice system results because people cannot agree on the best course of action.

188. The Government's policies require much greater inter-agency cooperation in the future. Local frameworks are developing, including Administration of Criminal Justice Meetings at court circuit level which involve all the key criminal justice agencies. Such frameworks provide models for the future, but at present there are no statutory requirements to establish them. The history of multi-agency working without suitable arrangements promoting cooperation is not encouraging (see, for example, the Commission's report on community care, Reference 46). Consideration might be given, therefore, to the introduction of such arrangements. Some general principles underpinning them include:

- clear policies, that are well defined and agreed by all concerned;
- clear responsibilities, so that everyone knows what to do; and everyone knows what others are to do;
- good communication.

189. In practice, there are a number of approaches that are operating effectively; these can act as models for the rest of the system. Such cooperation should be based on:
— a forum within which the chief officers of all agencies involved in the criminal justice system coordinate policy and ensure a common approach to crime;

— identification of key individuals within the respective agencies who should be given the responsibility for achieving the stated aims and objectives (with accountability for this achievement);

— a commitment by the agencies to partnership;

— a strict collection and sharing of data without which evaluation cannot take place;

— specialism of professionals with clear areas of responsibility.

**CONCLUSIONS**

190. The probation service is at a watershed. The Government is setting a new course for the criminal justice system, which will require a number of major changes. The case for cheaper, less damaging and more constructive alternatives to custody is widely accepted. The Government has signalled its intention to expand the range of community-based options, and its desire to develop them through the probation service as far as possible.

191. The probation service faces a great opportunity. To take full advantage of this opportunity, it must:

- target its activities more effectively;
- promote greater inter-agency cooperation;
- further develop and apply appropriate and varied skills;
- strengthen the management of the service.

192. There are many new ideas and initiatives underway. Stronger management can help the service to realise its full potential. This means:

- ideas and initiatives must be formulated within a strategy;
- new schemes must be evaluated in terms of effectiveness (successful completion of orders, and reduced reoffending rates);
- best practice must then be established through this process of evaluation, and disseminated to other areas;
- appropriate information and financial systems must be developed to support the evaluative process, to improve targeting, and to ensure consistent standards;
- training and staff development must be promoted in such a way that staff skills match changing responsibilities.

193. Central government also has a role to play, helping to establish a suitable framework within which the probation service can operate:

- lines of accountability must be clarified;
• cooperation between agencies within the criminal justice system must be promoted, both centrally and locally to clarify responsibilities, promote commitment and coordinate information;

• evaluation of probation activities must be promoted and coordinated, and ways of spreading good practice must be further developed.

* * *

194. Assessing the economy, efficiency and effectiveness of the probation service is not easy. There is some persuasive general evidence which points to the conclusion that the net effect of probation activity is to push offenders 'up-tariff' into more serious and costly sentences, rather than to divert them away from custody. It is also evident that there is a damaging lack of confidence in the service among decision makers elsewhere in the criminal justice system.

195. On the other hand, well targeted individual schemes can show conspicuously good results. And, in general, it is clear that community-based alternatives to custody are much needed. There is every sign that prison overcrowding is reaching dangerously high levels.

196. In these circumstances a new approach is urgently required. The Green Paper sets out a new policy framework for such an approach. It is vital that a consensus on the way forward is reached quickly.
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