

**Inspection Work: reimagining probation practice indirectly:
how the work of the Inspectorate can support a reimagined
rehabilitation**

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12_ CHAPTER 12: INSPECTION WORK

Reimagining probation practice indirectly: how the work of the Inspectorate can support a reimagined rehabilitation

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Abstract

Her Majesty's Inspectorate (HMI Probation) is charged with inspecting adult probation and youth offending services in England and Wales. The Inspectorate has existed since 1936 and, since 1991, has played a significant role in the development of effective practice. In this chapter, we combine analysis of inspection reports, inspection standards and research into the impact of inspection in probation conducted by one of the authors to argue that the Inspectorate can contribute to reimagined probation practice. In our analysis, we focus on three of the four forms of rehabilitation laid out in the introduction to this book. Specifically, we argue that the standards support personal rehabilitation; that the way in which the Inspectorate engages with staff and – increasingly people on probation – can be understood through the lens of moral rehabilitation; and that thematic reviews and inspections can have a significant impact on policy that can support social rehabilitation. We conclude with a discussion of the difficulties in attributing cause and effect to inspection work and consider how the Inspectorate can work towards a more productive, parsimonious and proportionate system for delivering probation.

Introduction

In this chapter, we explore the work of Her Majesty's Inspectorate of Probation (HMI Probation) in England and Wales and the way in which it does, or could, contribute to three of the four forms of rehabilitation which form the basis of this book. Inspection – as a *setting* for practice – is slightly unusual compared to the other settings covered in other chapters, but it plays an important role in the field of probation because of its ability to influence probation policy, practice and practitioners. In spite of this, it is largely un-researched with academic literature on the topic being restricted to commentaries and reflections from serving and former Chief Inspectors (Morgan 2004, 2013) or desk-based analysis of all criminal justice inspectorates such as that undertaken by Shute (2013). Recently one of the authors of this chapter – Phillips – has undertaken research on the impact of

inspection on probation policy and practice (Phillips 2021a, 2021b). Beyond this study, there is little academic research on the way in which inspection shapes practice. However, in his research, Phillips found that leaders both within probation providers and external organisations make extensive use of inspection reports. Thus, in this chapter we use inspection findings and reports as a source of evidence with which to understand how inspection contributes to rehabilitative practice. By drawing on academic research, key inspection findings and recommendations, this chapter examines how the Inspectorate's chosen methods of inspection and engagement with the broader field of community sanctions does and/or could create the circumstances in which probation providers and practitioners can support the reimagined vision of rehabilitation outlined in the introductory chapter of this text. We hope that focusing on the example of inspection in England and Wales might also contribute to debates about the development of similar processes in other jurisdictions.

We start by providing a brief history of inspection and the current policy context, covering the standards which HMI Probation uses to assess the quality of practice as well as its work in promoting effective practice and the underpinning evidence base. The substance of the article then considers how HMI Probation's standards and definitions of effective practice are linked to three of the four forms of rehabilitation as outlined in the introduction to this volume. We conclude with some broader reflections on how HMI Probation can and has resulted in a system of community punishment which is more parsimonious, proportionate and productive.

Brief critical history

Founded in 1936 and given its independence in statute in 1993, HMI Probation has been entrusted with a wide variety of evolving duties and responsibilities over its lifetime. In its early years, the Inspectorate was mainly focused on the selection, training and competence of individual probation

officers, with the confirmation of every new probation officer in post remaining the Inspectorate's responsibility until the end of the 1960s.

During the 1980s, the focus of the Inspectorate's work was considered by the Cabinet Office Efficiency Unit. The resultant *Grimsey Report* recommended that work should now be primarily directed towards the efficiency and effectiveness of probation areas. The report further highlighted the need for a rolling programme of inspections across all probation areas and thematic inspections involving the selection of themes or topics of current interest to Ministers, the probation service and related bodies. Both types of inspection have continued to date, with the rolling programme having different titles and formats, with some changes in emphasis over time. Recent thematic inspections include the management of people convicted of sex offences, Integrated Offender Management, accommodation, race equality, and community-based drug treatment and recovery work.

The Inspectorate was not placed on a statutory footing until the enactment of the Criminal Justice Act 1991 which strengthened its authority and widened its powers. Sir Graham Smith was appointed as Chief Inspector in 1992 and he completed the Inspectorate's first ever annual report. All Inspectorate reports became public documents - an important development in terms of transparency and independence.

During the second half of the 1990s and early 2000s the Inspectorate played a significant leadership role in the development of effective practice, leading to the publication of two significant documents aimed at improving probation service practice: (1) *Strategies for Effective Offender Supervision* (Underdown 1998) and (2) *Evidence Based Practice: A Guide to Effective Supervision* (Chapman and Hough 1998). The Inspectorate also carried out an audit of the accredited programmes in use across probation.

The largest addition to the Inspectorate's work in recent years has been its leadership since 2003 of the inspection of youth offending work. The Chief Inspectors of the criminal justice inspectorates also agreed to work together more closely on joint inspection and, in particular, to develop an annual Joint Inspection Plan. Joint thematic inspection work has become a major area of activity alongside single thematic inspections and routine rolling inspections.

The Inspectorate has also strengthened its research function over recent years, establishing a specific research team which undertakes its own analysis and research, and commissions external researchers for discrete projects. As part of its commitment to reviewing, developing and promoting the evidence base for high-quality probation services, the Inspectorate began publishing *Academic Insights* papers in 2019. Prominent academics are commissioned to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services. An online evidence resource has also been established, summarising key research findings and presenting them as concisely as possible.

Increased focus is again being given to the identification and dissemination of effective practice, with a new series of online effective practice guides to complement inspection reports and exemplify the standards against which youth offending and probation services are inspected. Most recently (from April 2021), the Inspectorate has taken on a quality assurance process for Serious Further Offence reviews. The Inspectorate examines and rates a sample of Serious Further Offence reviews and convenes multi-agency learning panels to bring together agencies involved in specific cases to improve practice and strengthen partnership working.

In June 2019, Justin Russell became the 13th Chief Inspector in the history of the Inspectorate, succeeding Dame Glenys Stacey. Over its lifetime, the Inspectorate has developed from a very specialist unit to one whose current tasks extend across a wide range of probation and youth offending

work and stretch into many other aspects of the criminal justice system. It is an organisation that has both initiated change and adapted to the demands placed on it by both government and the wider community. The current mission of the Inspectorate is set out as follows:

Her Majesty's Inspectorate of Probation is the independent inspector of probation and youth offending services in England and Wales. Our mission is to promote positive changes in these services. Our recommendations, research and effective practice guidance drive improvements at individual, local and national levels. This leads to improved outcomes for adults on probation and children in contact with youth offending services, better information and support for victims; and better protection of the public.

(HMI Probation 2021b)

However, the evidence on whether inspection has a positive impact on practice is still under-developed (National Audit Office 2015; Shute 2013) and so care needs to be taken when seeking to understand the real extent of the impact of inspection. Indeed, in many ways, inspection functions indirectly. In Phillips' research, leaders agreed that inspection findings shape policy but we should also remember that there can be a considerable gap between policy and what happens in practice. In short, the impact of the Inspectorate will always be contingent on the extent to which practitioners implement new policies arising from inspection findings and that this is dependent on a practitioner's capacity to do so in the context of existing workloads, skills capabilities and organisational support. Nevertheless, in this chapter we identify important standards and findings which we believe have the potential to shape policy and practice around enhancing probation practice but it goes without saying that more research is needed on whether inspection changes practice and, in turn, whether this improves the lives of people under supervision.

Current policy context

On 26th June 2021, a unified, public sector probation service was established, responsible for managing all those on a community order or licence following their release from prison. As set out in the 2021 *Target Operating Model* (HMPPS 2021), probation services are now organised around 12 regions (including Wales), overseen by a regional probation director who provides strategic leadership and is responsible for the overall delivery and commissioning of probation services.

Reunification is the fourth major structural reorganisation for probation over the last 20 years. While the Inspectorate declared the previous model to be *fundamentally flawed*, it should not be assumed that merely lifting and shifting large volumes of cases from the private sector into the public sector will improve the quality of work undertaken by probation staff. Vacancies for probation officers must be filled and staff properly trained for their new responsibilities, and they need to be able to access a broad range of interventions and community services. More fundamentally, structural change needs to be backed by sustained investment.

The Inspectorate must always adapt its inspection approaches in line with changes to delivery models so that it can provide an optimal view of the quality of service delivery. Key changes for 2021 include a switch to the local probation delivery units (PDUs), in place from June 2021, as the key unit of inspection. As set out in the revised standards framework (HMI Probation 2021c), there are a set of standards covering organisational inputs (domain one) and a set of standards covering the quality of delivery in individual cases (domain two). There are to be inspections in a sample of PDUs in each region each year, supported by a regional review. The Inspectorate has also taken the opportunity to introduce a new inspection standard looking at intermediate outcomes, as well as seeking enhanced input from people on probation and strengthening the focus on diversity and inclusion.

Personal rehabilitation

The Inspectorate supports a range of forms of personal rehabilitation in both narrow and broader senses. Firstly, the Inspectorate ensures that probation services deliver rehabilitative services in the form of evidence-based or evidence-informed interventions which are appropriately tailored to the individual – these should be combined to produce a high-quality, well-focused and personalised service, engaging the person on probation. Appropriate interventions include accredited programmes which – on the whole – align with a correctional approach to rehabilitation underpinned by cognitive behavioural therapy. Such an approach rests on the idea that people on probation have ‘cognitive deficits ... [and so] ... targeting these deficits, and building offenders’ “cognitive skills” could be a fruitful strategy for reducing their propensity to offend’ (Robinson and Crow 2009: 108). Such an approach largely focuses on the individual.

However, we would argue that HMI Probation’s standards suggests scope for probation services to deliver a much wider form of personal rehabilitation which engages people on probation and takes into account the social context. As discussed above, HMI Probation inspects probation practice against a set of agreed standards across two domains – underpinned by evidence, learning and experience. Domain two focuses on practice and it is here that we can see the potential for facilitating practice which focuses on personal rehabilitation. Cases are assessed against standards which ask whether probation staff assess the risks and needs of people on probation. The standards require staff to balance risk and rehabilitation and identify appropriate ways forward that are then outlined in a sentence plan which should be created collaboratively with the supervised person. For example, Standard 2.2.2 asks probation staff to focus on factors related to the risk of reoffending but also to assess factors which are linked to desistance, protective factors and the individual’s strengths. These should – in well managed cases – then be incorporated into the sentence planning and practice which takes place with the person under supervision. Inspectors then use case interviews with probation

practitioners to explore the way in which risks and needs are assessed, interventions are planned, implemented and reviewed. These interviews are, in the main, received positively by practitioners (Phillips 2021a) and their dialogic nature means that staff are able to provide their own account of how they have supported people on the caseload over and above the relatively reductive nature of nDelius records and Offender Assessment System (OASys) reviews.¹ In Phillips' research, he observed interviews in which practitioners were able to give examples of how they had supported the personal rehabilitation of the person on probation and then receive immediate positive feedback. For example, one practitioner talked about how she had supported someone who had started his Order whilst in a very chaotic situation. Although the person on probation had been breached the practitioner felt that he had made good progress in his life in relation to where he had started and that they had focused on where he wanted to be. This wider context that was provided through the case interview allowed for a much more nuanced assessment of risk and need. This was deemed to be high quality work – in spite of the fact that the person on probation had not complied – and the inspector made sure in the interview that this was conveyed to the practitioner.

Such an approach should – in theory at least – support a form of probation practice which provides people on probation a voice in their sentence and an opportunity to use their sentence to create opportunities to improve skills, access to employment and so on. Wherever possible, the individual should be meaningfully involved in their assessment and enabled to identify issues themselves, working out who they want to be and what they want to achieve, and this is often a focus of case interviews. A sentence plan that the individual does not sufficiently understand or agree with is unlikely to be implemented. Research suggests that where practitioners draw up plans in collaboration with the individual, respect and foster their personal agency, focus on strengths as well as needs and risks, and target motivational factors, people are more likely to desist (McNeill 2006). Individuals are then more likely to fully engage and have a direct investment in achieving the agreed outcomes.

Practitioners should thus make efforts to engage the individual as an active participant and help them to set goals towards desistance and the inspection standards should support this way of working.

The standards also require probation staff to make appropriate referrals and necessitate engagement with other organisations in the delivery of a sentence and in the management of any risks. In this way, the standards serve to support a more social form of personal rehabilitation by acknowledging that probation alone cannot support people in their attempts to desist from offending, and that people cannot desist without being part of their wider community. Although this could sit more in the area of social rehabilitation, the nature of such referrals tend to focus on developing human and social capital and so we have chosen to include it here. This illustrates one problem with typologies such as that developed by the editors in that there will always be overlap and ambiguities in terms of what a certain form of rehabilitation looks like. In any case, this includes an implicit acknowledgement of the fact that probation supervision is (almost always) a time-bound activity and that, once an Order or sentence has expired, a person's probation worker will no longer be able to support them. The standards, then, push staff to think beyond the end of an Order to ensure that appropriate links and networks are made and maintained in preparation for that time.

Alongside the inclusion of personal rehabilitation in the standards, there is also an emphasis on risk and public protection. Inspectors make judgements about the quality of delivery in individual cases across the *ASPIRE* process of Assessment, Planning, Implementation and Reviewing. At each of these stages, inspectors consider the sufficiency of the focus on (1) engagement, (2) desistance and (3) keeping other people safe. In the *Target Operating Model* for the unified probation service, the terminology of Assess, Protect and Change has been adopted; the intention being to provide practitioners with 'the right tools and support to assess an individual's risk, protect the public and enable those they supervise to change their underlying behaviour to break the cycle of reoffending' (HMPPS 2021: 54).

A key challenge in probation practice, is finding the right balance between risk and desistance. In the research carried out by Phillips, he found that where inspectors talked about cases being managed inadequately, it was primarily because risk-focused work was being poorly implemented rather than, for example, practice in relation to personal rehabilitation. Indeed, some of the practitioners he spoke to said that inspection seemed primarily focused on risk management rather than personal rehabilitation, which was seen as something that could only come once appropriate risk management is in place. There is a danger that too great a focus on risk means that the personal rehabilitation gets side-lined. In turn, this is potentially problematic because personal rehabilitation can play a vital role in the reduction of the risk of reoffending and harm.

In one of the Inspectorate's *Academic Insights* papers, Kemshall (2021) highlights the importance of a blended approach, combining practice to manage risk with practice to enhance desistance. The stated aim is to reintegrate individuals on probation safely into the community, with a dual focus on: (1) protecting the individual from further failure, isolation and stigma; and (2) protecting the community from further harm. In essence, desistance and risk management operate in tandem to achieve both non-offending and public safety. The key task for practitioners is to act in transparent, defensible and evidential ways, seeking an appropriate balance in each individual case between risk and rights, protection and integration, desistance supportive work and control. Again, the case interviews can provide practitioners with the opportunity to demonstrate that this is how the case has been managed and, potentially, represents another opportunity for inspection to shape practice.

Moral rehabilitation

The work of HMI Probation can also be seen to support practice which is conducive to moral rehabilitation. The standards devised by HMI Probation have a constant theme running throughout

which is engagement with people on probation, with consideration given to how practitioners engage them in the planning, delivery and reviewing of their sentence. This is a reflection of those moral values laid out by the editors in the introduction to this volume, stressing that moral rehabilitation is about enabling a conversation between service users and practitioners, and communities.

A strong theme emerging from the literature is the importance which people on probation place on the relationship with their supervising officer; for some, this is felt to be the cornerstone of a successful probation period. Supervision should not be something that is done *to* a supervised person, with service users highlighting the importance of real collaboration and co-production. They stress that any initial decision to change their lives has to be theirs, but individual practitioners can help to keep them motivated to want to keep working on issues and to seek out solutions and suitable help through problem-solving advice. By implementing a model of practice which explicitly seeks to engage people on probation (as encouraged through the inspection standards), probation practitioners are – in theory at least – encouraged to implement a moral form of rehabilitation.

Morgan (2004) argues that inspection needs to reflect the values of the organisation that it is inspecting and, in many ways, HMI Probation has sought to do this in recent years. For example, when developing new standards during 2017, it undertook extensive consultation with staff in the service and beyond in order to work out what exactly does make for *good quality* probation practice. The Inspectorate wanted to see the extent to which they could build a common view of the standards expected of probation services, helping to achieve buy-in from practitioners and other key stakeholders. The resulting standards are flexible yet focused on both managing risk and building upon people's strengths and assets. It is worth noting that Phillips (2021b) found that the majority of participants felt that the standards were a fair representation of what they themselves would see as *effective* practice.

There is also something to be said about the methodological approach within inspection and HMI Probation in particular. Rather than taking an audit-focused approach which generally relies on looking at case files with little input from individual practitioners, HMI Probation makes use of a dialogic approach to case assessment. These case interviews have been described by Phillips (2021a) as opportunities for staff to engage in reflection and receive positive validation for their work, as well as allowing for constructive discussion about areas for improvement. More importantly for this discussion, though, is that they are a way for inspections to focus more on *how* something was done rather than *whether* it was done. This means, then, that staff can employ and justify *creative agency* when being interviewed by an inspector. During his research, Phillips observed staff talking to inspectors about their work in a way which highlighted their own definition of *quality* and were able to highlight an individual's circumstances which could then be considered as part of the overall case assessment. This enables staff to ensure that their cases are assessed in a way which responds appropriately to the individual situation of the person on the caseload. The standards, then, embed professional discretion and autonomy in a way which is less possible with other forms of governance which operate more *at a distance*. In this way, inspection in probation appears to be a way of moving probation practice away from the increased technicism observed in recent years and towards the indeterminacy and professionalism which is a cornerstone of good practice.

Another key element of the Inspectorate's methodological approach is the offer to people on probation of the chance to take part in inspections via a range of surveys and interviews. There is a renewed commitment to providing meaningful opportunities for involvement and making engagement accessible, recognising the importance of giving a voice to those who are supervised, alongside the engagement and dialogue with practitioners set out above.

Moral rehabilitation is also concerned with the way in which the public respond to and think about people with convictions who are serving a period of time under supervision. Again, the Inspectorate

plays an important role thanks to its relatively prominent role in the media and political circles. Moral rehabilitation is about reflecting ‘the effectiveness of the organisation and in this sense, values, moral purpose, and outcomes are all related components of the legitimacy of an organisation’ (PAGE). In this sense, the Inspectorate has the potential to play an important role in demonstrating to the public about how effective probation is and therefore reinforcing the legitimacy of the operation of the service to members of the public.

One of the aims of Unpaid Work is to provide people on probation with an opportunity to make amends and provide reparation for the harm they have caused through their offending. It can thus be seen as a way of encouraging moral rehabilitation in that it can create encounters between people on probation and people in the community, with the public able to nominate unpaid work projects and receive feedback on their progress. In a 2016 thematic inspection (HMI Probation 2016), inspectors found significant variations in the quality of unpaid work delivery, with little consideration given by practitioners as to how unpaid work could contribute to the broader aims of probation. To continue to monitor the quality of delivery and help drive improvement, the Inspectorate developed a specific inspection standard for unpaid work which was applied pre-unification in all inspections of the Community Rehabilitation Companies. About 1,500 cases were examined in total, and the delivery was judged sufficient in a reasonable majority of cases, including in relation to maximising the opportunities for personal development. However, the Inspectorate has also highlighted the need to provide better opportunities for unpaid work placements, further encouraging moral rehabilitation – the range of projects provided should engage, and be relevant to, all sections of the community.

Social rehabilitation

In the introduction to this volume, the editors argue that rehabilitation can be ‘*social*’ in the sense that rehabilitation seeks to promote the restoration or establishment of social bonds that will support the

(re)integration of the individual ex-offender into the community and in doing so, strengthen collective efficacy of society itself' (PAGE). Dealing with the first of these points, the Inspectorate has an important role to play. It is – as the editors of this volume argue – not enough to simply *treat* people under probation supervision. People who have offended must *make good* by working to reduce the harm they have caused, but society and probation must also work to provide the conditions that increase the chances of people being successful in their endeavours.

As set out in the standards framework for probation inspections, the Inspectorate examines whether local services are engaged to support and sustain desistance during the sentence and beyond. In one of the Inspectorate's *Academic Insights* papers, Albertson (2021) summarises the concept of social capital and how increases in the strength, range and quality of bonding, bridging and linking opportunities can be beneficial in supporting the desistance process. A six-stage social capital building process model is presented to aid the practical identification of a wide range of such opportunities. The model highlights the importance of working in close partnership with local communities, enabling practitioners to support the building of social capital in the wider community context. Through the dissemination of publications such as this, as well as using them to inform inspection standards and methodologies, the Inspectorate can facilitate social rehabilitation.

The use of peer mentors is also recognised in the *Target Operating Model* for the new probation delivery model, stating that the unified service will 'work with the New Futures Network, who support prison leavers into employment, to maximise opportunities for current and former service users to secure roles with us' (HMPPS 2021: 155). Peer led work, including peer mentoring schemes, are a critical strand of this work'. In another of the Inspectorate's *Academic Insights* papers, Buck summarises the evidence base in relation to mentoring and peer mentoring, with a focus on its potential for supporting and empowering individuals to desist from offending (Buck 2021). She highlights how mentors who draw upon lived experiences can potentially inspire mentees in a

personalised way, offer high levels of support, reassurance and encouragement, and provide a bridge to other services, as well helping mentees identify and avoid common problems. Buck also explores the practicalities of undertaking (peer) mentoring within criminal justice contexts so that safe and ethical practice can be maintained. As set out, investment in high-quality training and support for mentors is essential.

The Inspectorate's influence on the wider social field is clearly important and represents another way in which the Inspectorate supports social rehabilitation. Whilst most of our discussion thus far has focused on influencing practice, the Inspectorate also aims to impact on policy, creating the conditions in which social rehabilitation becomes more achievable. By using the considerable body of data it gathers about people under probation supervision, the Inspectorate is in a strong position to say what people need in order to be successful. This data is presented in Annual Reports and also through *Research & Analysis Bulletins*, for example, a recent bulletin has demonstrated that reductions in the quality of delivery are linked to larger caseloads and staff feeling that they do not have the skills, ability and knowledge necessary to supervise their caseloads (HMI Probation 2021a). The Inspectorate's *Academic Insights* papers also have a role in influencing policy through aiding understanding of what helps and what hinders the delivery of probation services. For example:

- Sirdifield and Brooker (2020) highlight the need for increased investment to ensure that sufficient appropriate mental health provision is available to meet the complex needs of the probation population.
- Marder (2020) promotes a restorative culture requiring the design of interventions strongly informed by principles such as voluntariness, repairing harm, stakeholder participation and relationship building. It is then emphasised that strong leadership is required from policymakers and managers so that restorative principles are not unduly diluted.

The Inspectorate does not have any financial resources to remedy gaps which are found in the services for people under supervision and it is thus reliant on influencing others to make the necessary changes in terms of funding, commissioning, policy and delivery frameworks, and frontline practice. In the research carried out by Phillips, thematic inspections were highlighted by external stakeholders as being particularly influential in terms of policy and were cited regularly as examples of how the Inspectorate influences probation at a national scale. These thematic inspections are conducted either as single inspectorate inspections or jointly with other inspectorates. Notable recent inspections have focused on the topics of sexual offending, accommodation, race equality, Integrated Offender Management (IOM), and community-based drug treatment and recovery work.

The first of these – the thematic inspection of work with men convicted of sexual offences, published in January 2019 (HMI Probation 2019a) – was conducted jointly with HM Inspectorate of Prisons, and with involvement from HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). Since the publication of this report, the following actions/progress has been noted:

- In June 2020, digital updates were made to OASys to integrate the Active Risk Management System (ARMS), creating a single ‘ARMS informed OASys’ to embed ARMS into probation practice.
- In May 2021, the *HMPPS Approach to the Management and Rehabilitation of People Convicted of Sexual Offences* was launched. The document sets out expectations for HMPPS’s work with people convicted of sexual offences, including both operational requirements and good practice to support assessment, to promote effective rehabilitation, and to inform risk management in both probation and prisons. These include a detailed description of the accredited programmes for men convicted of sexual offences, which are designed to promote rehabilitation through a strengths-based approach.

- Changes to multi-agency public protection arrangements (MAPPA) level one arrangements were implemented in August 2021 through *The Probation Service Management of MAPPA Level 1 Cases Policy Framework* – which refers to the thematic inspection as one of the drivers for the review. The policy framework is intended to: empower practitioners to make decisions and take action to deliver effective public protection; and provide clarity to enable managers to have meaningful oversight.

The IOM thematic inspection was conducted jointly with HMICFRS and published in February 2020 (HMI Probation and HMI Constabulary and Fire & Rescue Services 2020). This inspection examined how IOM had been operating since the implementation of *Transforming Rehabilitation* and in a climate of reduced police numbers. After a 2015 relaunch, IOM had received less attention from the Ministry of Justice and the Home Office, and the inspection found that there was no centralised national leadership of IOM. Strategy and leadership were driven at a local level, with Local Criminal Justice Boards (LCJBs) and Community Safety Partnerships (CSPs) providing strategic oversight and setting priorities. Police and Crime Commissioners (PCCs) were supporting IOM in most areas, leading work to help re-define the approach. However, *Transforming Rehabilitation* had impacted negatively on partnership working and the consequences for the integration of services at a local level were not considered or sufficiently planned for.

Following the inspection, a new *Integrated Offender Management Strategy* (HM Government 2020) was published in December 2020, establishing a new *neighbourhood* crime focus. The IOM strategy also dovetails with other related projects which are intended to complement IOM across England and Wales, including:

- the expansion of electronic monitoring (EM) for acquisitive offenders leaving prison on licence

- problem-solving courts, announced in the Ministry of Justice's *Smarter Approach to Sentencing* White Paper
- an increase in the use of community sentence treatment requirements, also announced in the Sentencing White Paper

In response to the inspectorates' recommendations, the IOM/EM Strategic Oversight Board was established, including attendance from across the Home Office, Ministry of Justice, probation and policing. In addition, a reconfigured IOM strategic leads meeting was set up to report to the oversight board and drive forward changes set out under the published strategy. The IOM strategic leads meeting ensures that probation leads are kept informed of IOM refresh developments. This has included the development of operational guidance which sets out best practice, informed by operational insights and seeks to promote consistency whilst allowing local regions to reflect on and adapt their existing governance structures. All forces now have access to and are able to utilise the IDIOM system (a web-based offender tracking tool, provided by the Home Office to police forces) to support IOM cohort tracking and evaluation, and a national user group is now in place to support ongoing implementation and change.

The thematic report on *Accommodation and support for adult offenders in the community and on release from prison in England* was published in July 2020 (HMI Probation 2020). Following the inspection, HMPPS published an *Operational Accommodation Framework* which sets out commitments spanning a two-year period to build on the probation reform programme and also learning from the coronavirus (COVID-19) pandemic which led to the development of Regional Homelessness Prevention Teams. In July 2021, a government-backed scheme to provide temporary, basic accommodation to prison leavers launched as part of efforts to cut crime and homelessness. Over 140 councils across England have also been awarded a share of more than £13 million to help

find longer-term accommodation. The aim is to cut crime by reducing the number of prison leavers ending up homeless so that they have the foundation to get a job and access treatment for addictions.

A thematic inspection on race and racial inequality in probation services was published in March 2021 (HMI Probation 2021). This is a relatively neglected area of research, even though people from minoritised ethnic groups have long been over-represented in the criminal justice system. The inspection uncovered systemic and specific/individual examples of racism existing in the service and HMPPS have now tasked the regional probation directors to ensure that in commissioning services, an analysis of local demographics has been undertaken and that the services commissioned reflect the regional profile of ethnic minority people on probation. The Race Action Programme (RAP) will create a register made up of national and regional ethnic minority and Voluntary and Community Sector (VCS) organisations and strive to better understand the barriers that smaller and specialist organisations face when seeking to provide services. As part of the support for people on probation, the RAP will continue to work collaboratively with the HMPPS External Advisory and Scrutiny Panel (EASP) which includes ethnic minority people on probation organisations focused on improving service delivery. Immediately after the publication of the thematic, HMPPS launched the *Diversity, Inclusion and Belonging Roadmap* and the action plan for probation outlining the commitment to ensuring the whole of HMPPS is a fair place to work for all.

A joint thematic inspection of community-based drug treatment and recovery work with people on probation (undertaken with the Care Quality Commission with support from the health inspectorate Wales) was published in August 2021. The inspection found that the national government strategy to combat drug-related crime was not sufficiently embedded in the Probation Service and that leadership in probation services had not been strong enough to drive positive outcomes. Local partnerships had become weakened, particularly in England, where there had been disinvestment in provision for drug users. Services had been commissioned in a fragmented way, without a guiding mind to organise and

control progress. In contrast, devolution in Wales has helped to protect the investment in drug services, with a stronger partnership approach. To support the necessary improvements moving forward, the Chief Inspector of Probation has welcomed Dame Carol Black's recent call for additional ringfenced government funding for drug misuse treatment, rising from £119 million in year one to £552 million by year five, highlighting that people on probation should be an urgent priority for any future increase in investment, which would cut crime and save lives.

These recent examples show how thematic inspections can help to identify and address social barriers to rehabilitation, promoting policy and practice changes that may increase practical help for people under supervision, so that their reintegration is better supported.

Discussion

Inspection provides several opportunities to facilitate and encourage practice which supports different forms of rehabilitation. In this chapter, we have presented evidence that it can achieve this on a range of levels from influencing policy makers to challenging and supporting individual practitioners *on the ground*. What is crucial about the way inspection achieves this – for the person on probation – is that it is almost always mediated and indirect, although increased moves towards co-production and service user engagement should overcome some of these issues. The Inspectorate thus heavily relies on buy-in from key stakeholders to do what it asks people to do. In terms of influencing practitioners and providers, this means that the Inspectorate depends upon being seen by those it inspects and with whom it engages as having legitimacy.

There is an important but neglected dynamic in relation to the potential for inspection to impact on probation practice. Because inspection has an impact indirectly through making recommendations in reports, by supporting staff with decision-making in case interviews, or through the publication of

research findings and effective practice guides, it is important to know how, and whether, these outputs result in actual change, be that policy reform, changes in practice, or improvements in peoples' lives.

As set out in the *Memorandum of Understanding* (HMI Probation, Ministry of Justice and HMPPS 2018) between the Ministry of Justice, HM Prison and Probation Service and the Inspectorate, targeted recommendations are set out within Inspectorate reports, which must be considered and responded to through monitored action plans. However, Kirkham and Behan (2016) have argued that because accountability bodies do not have the statutory power to enforce the implementation of recommendations, they must garner a high degree of legitimacy from the people that they are seeking to impact or hold to account. We can consider this through the lens of Tyler's (1990) concept of legitimacy which suggests that if people view the organisation which is imposing rules (i.e. inspection standards) as giving them a voice, being independent, respectful and neutral, they are more likely to comply with those rules.

In Phillips' study he found that people working in probation held the Inspectorate in high esteem. Most participants felt that the inspectorate was independent and respectful. There were some questions raised - primarily by people working in the private-sector Community Rehabilitation Companies - about the neutrality of the Inspectorate but, on the whole, participants were positive. This is not to say that this automatically means that the work of the inspection will improve the outcomes for people under supervision and this certainly represents an important area for future research.

Reducing penal excess

We wish to finish this chapter by considering how HMI Probation can – and has – played a part in reducing penal excess through the three concepts of *parsimony*, *proportionality* and *productiveness* (McNeill 2018). Starting with the latter, the previous discussion on the Inspectorate’s standards shows how – on paper at least – much of the work of the inspectorate is focused on ensuring that sentences are delivered in a way which enhances individuals’ chances of stopping offending and adopting a new non-offending identity after the delivery of a sentence. In particular, the standards and inspection methodology focus on the quality and outcomes of practice rather than the processes that people follow. Although a less well-developed area of the Inspectorate’s work, it is currently enhancing its ability to contribute to policy on the outcomes of probation work. Indeed, there is still considerable debate about whether inspection *per se* improves practice across a range of policy fields such as education (Jones and Tymms 2014) or health and social care (Hawkes 2018). As set out in Wong’s (2019) *Academic Insights* paper, probation provision is complex, resulting in the need for a range of outcome measures which can be tailored to the type of provision and produce a more complete and nuanced picture, helping to overcome the limitations of each measure on its own. Clearly, more can be done here to understand exactly how/whether the Inspectorate improves practice and related outcomes for people under probation supervision. Such work speaks to the fact that reoffending rates are neither an accurate nor realistic measure of probation work (Canton 2012; Hedderman 2009).

Staying with the theme of productiveness, the Inspectorate has demonstrated a commitment over recent years to reviewing, developing and promoting the evidence base. The need for probation work to be evidence-based is clear (Sanders *et al.* 2021) and the Inspectorate is seeking to use its own analysis, evidence and learning to drive improvement. For example, recently, the Inspectorate reviewed recent research activities and set out clear lessons for those implementing the new delivery model, so that: (1) sufficient regard is given to the evidence base; and (2) evaluations of new evidence-

informed approaches are encouraged, enabling the evidence base to continue to grow (HMI Probation 2021). Building a research/evidence-based culture, hardwired into organisational-wide delivery models, was identified as a key requirement, whereby supporting, co-producing or instigating research is recognised as a key part of working in probation, with clear links to professional learning, development and even career progression. Such a focus should result in more effective probation practice which results in sentences being more productive for those people subject to supervision.

In relation to proportionality HMI Probation plays a role by asking staff to take individual's circumstances into account (e.g. 2.2.1(c)) and adapting sentences to make sure people complete their sentence rather than being breached or recalled. This focus on completion and compliance rather than enforcement is one important mechanism through which the Inspectorate encourages practice which is reductionist in nature. However, research has suggested that a focus on compliance can sometimes be myopic in nature (Phillips 2016) and so care needs to be taken about how this is interpreted by both probation practitioners and inspectors. This is closely related to the way in which HMI Probation can support a parsimonious system of community penalties at an individual level.

More recently, the Inspectorate has played a significant role in reining in the excesses of the penal market through the work it did around the implications of *Transforming Rehabilitation*. In conjunction with work from other bodies (such as the National Audit Office (NAO) and the Justice Select Committee), the work of the Inspectorate has contributed to decreasing the extent of privatisation in the penal system. In Phillips' research, external stakeholders suggested that the Inspectorate is seen as a highly credible organisation which generates high quality evidence and data around practice. In this way, the Inspectorate garners considerable legitimacy from others who have considerable power in the field of community sanctions. Thus, these stakeholders reported that they regularly use the Inspectorate's findings to support their own arguments and agendas. Thus, when the previous Chief Inspector described the post-*Transforming Rehabilitation* probation landscape as

‘fundamentally flawed’ (HMI Probation 2019b), she not only made a strong statement against the process of privatisation but also added to the arguments being made by other organisations such as the probation staff trade union (Napo) and Clinks (an umbrella voluntary and community sector organisation). Indeed - along with the NAO report and then the JSC report - the publication of the Chief Inspector’s annual report in 2019 was described as the ‘final nail in the coffin’ for *Transforming Rehabilitation* by one participant in Phillips’ research. This important but often neglected area of work of the Inspectorate is a good example of how the Inspectorate seeks to influence probation across a range of levels from national policy to individual practitioner.

Conclusion

In this chapter, we have provided a brief overview of the history and work of Her Majesty’s Inspectorate of Probation. We have argued that policies underpinning what the Inspectorate does – its standards, effective practice and research products, and service user engagement work – are critical to the way in which it can support a *reimagined rehabilitation* in the field of probation. Through analysis of research by Phillips, inspection standards and findings and recommendations from inspections themselves, we have argued that the Inspectorate has the potential to improve the way in which probation providers and practitioners work towards the personal and social rehabilitation of people under probation supervision. There is also, we have argued, a role for the Inspectorate in creating the conditions for greater moral rehabilitation, especially through the way it engages with practitioners and encourages dialogue and engagement between practitioners and people on probation.

However, there is still limited evidence on whether and how the Inspectorate’s work changes things on the ground. The impact of its work is often indirect or mediated and this makes it difficult to capture exactly how inspection may result in reimagined probation practice. Although Phillips’

(2021a) research suggests the Inspectorate does shape policy and practice, there remains a need for clearer evidence on whether its work results in improved outcomes for people on probation who are, ultimately, the people who will benefit most from any attempts to reimagine rehabilitation.

Notes

¹ nDelius is the case record management system used by the Probation Service in England and Wales, whilst OASys is the main risk assessment tool used across the Service.

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