



# **Probation in Europe**

## **England & Wales**

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## **1. Introduction**

### **1.1 Probation organisation**

Probation services in England and Wales are delivered through the Probation Service, which is responsible for protecting the public and reducing reoffending, both by delivering and enforcing the punishments and orders of the court and by supporting rehabilitation through empowering people on probation to reform their lives. The Probation Service is a statutory criminal justice agency and is part of Her Majesty's Prisons and Probation Service (HMPPS) working together to supervise adult individuals at all levels of risk. People under the age of 18 who are serving sentences in the community are supervised by Youth Offending Teams, which are coordinated by local government authorities and overseen by the Youth Justice Board (a non-departmental public body). The Probation Service's operations are divided into twelve Probation Regions (eleven in England and one in Wales), each of which is overseen by a Regional Probation Director (RPD) who works closely with other local and national partners to deliver effective supervision and can commission rehabilitative services from external voluntary and private sector providers.

### **1.2 Probation activities in a nutshell**

There are various ways in which probation in England and Wales has been structured over the years. The Probation Service in its current form was created in 2021 to undertake the following activities:

**Advice to Court** – this includes preparing reports for the Court to assist in sentencing decisions, and liaising with sentencers to ensure they understand the full range of sentencing options at their disposal (including non-custodial sentences).

**Sentence Management** – formerly known as “Offender Management”, this includes ensuring the effective delivery of the sentence by carrying out assessment, risk management, sentence planning, enforcement, and rehabilitation (more information on sentence management is provided in section 6). This can be both in custodial and community settings.

**Resettlement** – this includes preparing individuals for release from custody by ensuring that the right services, practical support and approaches to monitoring are in place in advance of release (more information on resettlement is provided in section 5). The support includes preparing for the transition from the structured prison environment to the community continuing post release support to establish community ties.

**Interventions** – this includes the delivery of Accredited Programmes, Structured Interventions or approved change work (other work to help people change their lives), and Unpaid Work (more details on these interventions are provided in section 6).

**Victims' Services** – this includes liaising with victims of crime (more details on victims'

services are provided in section 3.4).

Other rehabilitative services – including accommodation, education, training and employment, and cognitive and behavioural change<sup>1</sup> – can be delivered by external providers who qualify via open competition, as can services aimed at specific cohorts, such as women and young adults.

Electronic monitoring is a core feature of the Probation Service, providing a valuable risk management tool to support and monitor compliance with other conditions and/or to review someone's whereabouts. Electronic monitoring can be tailored to the person's individual risk and needs to monitor compliance to set curfew periods, exclusion zones, attendance at appointments and/or review someone's trail (providing useful trail data beyond compliance with specific conditions). Sobriety tags are also utilised to monitor compliance with any alcohol abstinence monitoring requirement of a community/suspended sentence order.

Polygraph examination is used to strengthen the effective management of licences with specific cohorts who pose the highest risk of further offending and harm. It is used as an additional tool to test compliance with licence conditions and inform Probation Practitioner decision-making in relation to risk management.

In line with EPR Rule 27, some activities undertaken by the Probation Service focus specifically on the management of those individuals who pose the highest risk of harm to the public. For example, the National Security Division provides an enhanced level of management and intervention for the most high-risk, complex and high-profile offenders in the community, including those convicted of terrorist offences.

### **1.3 General remarks about the implementation of Probation Rules**

Rob Canton's 2019 assessment of the influence of the European Probation Rules (EPR) on probation services in England and Wales argues that they could be better known and used to form the basis of ethical probation practice.<sup>2</sup> Many of the key rules are reflected in recent probation reforms to introduce the unified Probation Service in 2021. For example, Canton emphasises the importance of Rule 10 on adequate resourcing for probation agencies<sup>3</sup>. Current ambitions to foster a well-resourced and highly capable Probation Service are set out in the Probation Workforce Strategy and reflected in the Target Operating Model for the 2021 reforms<sup>4</sup>. Moreover, Canton also emphasises Rule 16, which calls for competent authorities to

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<sup>1</sup> Cognitive and behavioural change is also delivered via structured interventions and one to one sessions.

<sup>2</sup> Canton, R. (2019), *European Probation Rules*, HM Inspectorate of Probation Academic Insights 2019/02, HM Inspectorate of Probation, p.4.

<sup>3</sup> *ibid*, pp.6-7.

<sup>4</sup> See Her Majesty's Prison and Probation Service (2021), *Target Operating Model for Probation Services in England and Wales*, p.152-54, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/959745/HMP\\_PS\\_-\\_The\\_Target\\_Operating\\_Model\\_for\\_the\\_Future\\_of\\_Probation\\_Services\\_in\\_England\\_Wales\\_-\\_English\\_-\\_09-02-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMP_PS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf) and Her Majesty's Prison and Probation Service (2020), *Probation Workforce Strategy*, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905417/probat-ion-workforce-strategy-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905417/probat-ion-workforce-strategy-report.pdf)

encourage the use of research to guide probation policies and practices<sup>5</sup>. This approach is embedded in the latest service reforms via the HMPPS Business Strategy principle of fostering “an open, learning culture”, which is evident in the 2021 Target Operating Model’s focus on developing new digital tools to enable improved decision-making and data-driven policy-making<sup>6</sup>. It is also worth noting that the EPR is embedded in the inspection standards and broader practices of Her Majesty’s Inspectorate of Probation (HMI Probation), and in the Probation Institute’s Code of Ethics – this latter point is particularly significant because many probation practitioners are members of the Probation Institute.

## **2. Historical Development of the Probation System**

### **2.1 History from the origins to 2011**

The Probation Service in England and Wales has its origins in voluntary work in the late nineteenth century. Concerns about the number of offences linked to drunkenness led the Church of England Temperance Society to establish a fund to appoint police court (now known as magistrates’ courts) missionaries to give the court the option of placing offenders under their supervision rather than punishing them. The first missionary was appointed in 1876, and by 1906 there were 124 missionaries. The 1907 Probation of Offenders Act transformed this voluntary service into a statutory responsibility for the government to fund, by enabling the court to release offenders from ‘punishment’ onto a probation order. The court was encouraged to appoint probation officers who had the stated duty to ‘advise, assist and befriend’ those under their supervision. Full-time officers were appointed following the Criminal Justice Act in 1925, and formal training was later developed. By 1957, there were approximately 30,000 people under probation supervision, with a statutory probation committee (including local magistrates) in each area and a local service led by a Principal Probation Officer.

Over the course of the twentieth century, the importance of the Probation Service’s work in supervising individuals in the community grew. For example, the 1967 Criminal Justice Act established the Parole Board, whose purpose was to advise the Home Secretary on the release of offenders on licence under the supervision of the Probation Service. Moreover, the 1972 Criminal Justice Act introduced Community Service Orders, a non-custodial sentence option that has remained an important and visible part of probation work – more recently known as an ‘unpaid work requirement’ or community payback. Additionally, although the Probation Service became professionalised during the twentieth century, it has continued to work closely with voluntary organisations in the community; indeed, by the 1990s probation areas were required to spend 7% of their budgets on work with voluntary organisations (including developing schemes focusing on accommodation, employment, substance misuse and education).

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<sup>5</sup> Canton, p.7.

<sup>6</sup> *Target Operating Model for Probation Services in England and Wales*, p.160-62.

Simultaneously, the role of probation practitioners developed during the twentieth century from the original duty to ‘advise, assist and befriend’ into a core set of duties focusing on public protection, reducing reoffending, facilitating and enforcing proper punishment, ensuring awareness of the effect of crime on victims and the public, and rehabilitation. This led to a greater focus on risk management and to the development of specific strategies for managing risk in the community, particularly through working with other criminal justice agencies and community partners. For example, the Criminal Justice and Court Services Act 2000 created (before being consolidated by the Criminal Justice Act 2003) the Multi Agency Public Protection Arrangements (MAPPA), through which the Probation Service takes a lead role in providing coordinated supervision in the community for individuals who have committed specified sexual or violent offences and may pose a high risk of harm to the public. Probation services also engage in public protection and crime prevention in cooperation with other agencies in the community via Integrated Offender Management (IOM), which focuses on managing the crime and reoffending threats presented by prolific offenders (who may not meet the risk threshold for MAPPA provision). For more details on MAPPA, IOM, and the Probation Service’s role in public protection and crime prevention, see section 3.3.

The development of the Probation Service over the course of the twentieth century also saw an increased focus on probation’s role in tackling the underlying causes of crime. For example, the Crime and Disorder Act 1998 introduced Crime and Disorder Reduction Partnerships (known as Community Safety Partnerships from 2010), which required probation committees to work with other local agencies – including the police, local authorities, and voluntary sector partners – to address the ‘social dimensions of crime prevention’ such as drug and alcohol misuse, and employment and housing. Additionally, the Criminal Justice Act 2003 saw the introduction of a new sentencing option of a single Community Order with twelve potential requirements, including those specifically seeking to address the health challenges faced by sentenced individuals, such as drug, alcohol, and mental health treatment requirements.

An additional notable feature of the development of probation services in the twentieth and early twenty-first centuries is the shift towards increasing the amount of private sector probation provision. In 1999 Home Detention Curfew (HDC) was introduced which enabled appropriately risk-assessed prisoners to be released early on a curfew, monitored electronically by private sector suppliers. The Offender Management Act 2007 transferred the responsibility for ensuring sufficient probation provision from local probation boards to the Secretary of State for Justice, who was then empowered to contract with voluntary and private organisations to provide some probation services. The 2007 Act also created the framework that provided for the establishment (and dissolution) of Probation Trusts. Trusts were executive non-Departmental public bodies, overseen by boards appointed by the Secretary of State, and contracted with the Ministry of Justice to provide probation services. By 2010, all 42 areas of the former National Probation Service (NPS) for England and Wales had been replaced by 35 Probation Trusts (34 in England and 1 in Wales).

## 2.2 Recent history from 2011 to 2020

Between 2011 and 2020, probation services have undergone two major reforms. The first was the 2013-2015 Transforming Rehabilitation programme, which restructured the 35 existing Probation Trusts into a new National Probation Service responsible for providing advice to the court (and judicial bodies, such as the Parole Board) and supervising those offenders who presented a higher risk of serious harm (or who were MAPPA nominals or classed as a public interest case), and 21 Community Rehabilitation Companies (CRCs) responsible for supervising medium and low risk offenders. CRCs were initially in public ownership but were transferred to mainly private ownership in 2015, with voluntary sector involvement mainly through supply chains. The rationale for these reforms was to open the market to a diverse range of rehabilitation providers and incentivise them to innovate through payment by results for their performance in reducing reoffending rates; also to extend probation supervision to around 45,000 offenders serving short sentences, with a view to reducing reoffending rates (which were particularly high for this cohort). The reforms also involved the introduction of ‘Through the Gate’ services to improve resettlement services, including the establishment of 89 Resettlement Prisons to better align prisons with community provision and therefore to enable continuous support on release from custody into the community.

The Transforming Rehabilitation programme delivered some of its key aims – particularly by bringing more offenders serving short sentences into probation supervision on release into the community, and by enabling innovative approaches to the delivery of key probation services (such as unpaid work) in CRCs. Overall, however, the programme did not achieve its aim of significantly reducing reoffending, or of enabling more significant involvement from the voluntary sector. Moreover, the payment by results mechanism proved vulnerable to unforeseeable changes in case volume, case mix, and reoffending performance, which left CRCs without the necessary funding to invest in innovative approaches. In 2018, the government opened a public consultation on the future of probation services, and in 2019 published its consultation response outlining its intentions for reform. These were described in further detail in a [Target Operating Model for probation services in England and Wales](#).

The new model, launched in June 2021, created a unified Probation Service integrating former NPS and CRC staff to supervise adult offenders of all risk levels. The delivery of interventions (including Accredited Programmes, Structured Interventions and Unpaid Work) was brought back into the public sector, whilst external organisations were given the opportunity to become providers of commissioned rehabilitative services via a procurement exercise run by HMPPS. Hence, in line with previous reforms, the new model emphasises the importance of probation services working in partnership with other local and national organisations. Additionally, under the new model the role of probation practitioners is underpinned by the duty to ‘assess, protect, and change’ This signals the probation service’s renewed focus on building relationships with people on probation to enable desistance from offending, alongside assessing and managing the risks and offending-related needs of people on probation and the duty of public protection.



### 3. Legislative Basis of the Probation System

#### 3.1 Legislative Basis

Probation services in England and Wales are grounded in national law and thus align with the EPR Rule 8. Beginning with the Probation of Offenders Act 1907, a number of Acts of Parliament have been used to make changes to probation practices, responsibilities and organisation, and to the sentencing powers of the court that probation services are required to put into effect. These Acts have often been supplemented by secondary legislation enabling the Lord Chancellor and Secretary of State for Justice (previously the Home Secretary until 2007) to make rules to specify the duties of probation in greater detail. Because this secondary legislation is numerous and wide-ranging, the table below focuses only on primary legislation and provides a brief summary of its impact on probation services.

Year	Legislation	Key Impacts on Probation Services
1907	Probation of Offenders Act	Enabled the court to release offenders on probation, introduced the probation order, and encouraged the court to appoint probation officers with the stated duty to “advise, assist and befriend” those under their supervision.
1908	Prevention of Crime Act	Established the borstal system, a semi-indeterminate custodial sentence for young offenders followed by supervision in the community (probation officers eventually became responsible for delivering this supervision).
1925	Criminal Justice Act	Required the appointment of full-time probation officers throughout England and Wales.
1967	Criminal Justice Act	Established the Parole Board to advise the Home Secretary on the release of offenders on licence under the supervision of the Probation Service.
1972	Criminal Justice Act	Introduced Community Service Orders as a sentencing option. Those sentenced to a Community Service Order were required to perform unpaid work under supervision for a specified number of hours.
1991	Criminal Justice Act	Enabled the 1992 introduction of National Standards for the Supervision of Offenders in the Community, establishing minimum standards for key areas of probation work, including commencement, supervision plan, frequency of contact, and the enforcement of community sentences. Introduced automatic release on licence after half of sentence for prisoners sentenced to between one and four years in custody.
1998	Crime and Disorder Act	Created the national Youth Justice Board to oversee the youth justice system, and established local Youth Offending Teams (YOTs) to work with young offenders. Established Crime and Disorder Reduction Partnerships in each local government area to ensure an effective multi-agency effort (including probation and the police) to reduce crime by addressing

		relevant social factors such as drug and alcohol misuse, unemployment, and housing.
2000	Criminal Justice and Courts Services Act	Created a unified National Probation Service with the following five aims: <ul style="list-style-type: none"> <li>- The protection of the public.</li> <li>- The reduction of re-offending.</li> <li>- The proper punishment of offenders.</li> <li>- Ensuring offenders’ awareness of the effects of crime on the victims of crime and the public.</li> <li>- The rehabilitation of offenders.</li> </ul> Provided the legal basis for National Standards (see below for more details).
2003	Criminal Justice Act	Introduced a single Community Order with 12 possible requirements (such as unpaid work, curfew, residence, and so on) that could be combined and delivered according to the balance sought between public protection, punishment, rehabilitation and reparation. Strengthened Multi Agency Public Protection Arrangements (MAPPA) – see section 3.3 for more details.
2007	Offender Management Act	Gave the Secretary of State for Justice responsibility for the provision of probation services (thereby also giving the Secretary of State the power to authorise private and voluntary organisations to provide probation services). This aligns national legislation with EPR Rule 34 – to permit volunteers to be involved in certain aspects of probation. Created the framework for the establishment and dissolution of Probation Trusts.
2014	Offender Rehabilitation Act	Extended post-release licence/supervision to prisoners sentenced to less than 12 months. Introduced Rehabilitation Activity Requirements, which are requirements (such as an Accredited Programme or a treatment requirement for alcohol or substance misuse) included in a community order or suspended sentence order to help secure people’s rehabilitation and prevent them from reoffending. Amended the definition of “Responsible Officer” such that this term indicates either an officer of a provider of probation services (public or private sector) or a person responsible for monitoring an offender in accordance with an electronic monitoring requirement.

The work of the Probation Service is governed by a set of National Standards issued by the Secretary of State for Justice under the Offender Management Act 2007. National Standards were first implemented in 1992 and prescribed a mandatory set of minimum contact levels with individuals under probation supervision. The Standards have since become less prescriptive and more accommodating of probation practitioners’ professional judgement, but they still aim to support prompt and purposeful contact with people on probation and require the sentence plan to be implemented. The most recent revision to National Standards was made in 2021 to support the delivery of probation reform. Each National Standard includes links to detailed

operational policies as set down in the relevant Policy Frameworks, Probation Instructions and practice guidance.

The work of the Probation Service in England and Wales is largely focused on adult individuals aged 18 years and over. As noted in the table above, the responsibility for the youth justice system sits with the Youth Justice Board and local authority Youth Offending Teams (YOTs), who work in an inter-disciplinary way with young offenders. The Probation Service retains a statutory responsibility to contribute to YOT partnerships, hosted by Local Authorities. Under the probation reforms implemented from June 2021, generic Probation Service teams will have embedded ‘concentrators’ who are specialists in addressing the needs of specific cohorts, such as young adults and women (for more information on specialist teams, see section 6).

### **3.2 Mission and Mission statement**

The purpose of probation in England and Wales is set out in law. Probation services are tasked with multiple objectives relating to protecting against further offences (protecting the public, empowering those that commit crimes to make positive changes and reducing the likelihood of reoffending), and to addressing the harm caused by the original offence (highlighting the effects of crime on victims and facilitating appropriate punishment). Different objectives of probation have been emphasised more strongly at various points in probation’s history, but the foundations and aim for the Probation Service following its most recent reforms are set out in the phrase ‘Assess, Protect and Change’, which can be elaborated as follows:

**Assess:** Undertaking accurate, timely assessments of an individual’s risks and needs that take into account protected characteristics and specific considerations arising from these.

**Protect:** Managing an individual’s risks and needs in conjunction with other agencies and taking effective action (including through providing the right interventions at the right time, and taking appropriate enforcement actions where required), and safeguarding victims.

**Change:** Empowering individuals to make lasting changes to their lives through building good and trusting relationships with them that help motivate them through any rehabilitative activities and support them in integrating into the community, working with them to identify what strengths they need, and assist them to gain those strengths, whether biological, psychological or social (including working closely with other agencies and community services to facilitate this). This focus accords with EPR Rule 1 – to establish positive relationships with people on probation in order to promote their successful inclusion and contribute to community safety.

These foundations for probation services are also closely linked with the government’s broader reforms to sentencing, which particularly focus on promoting the greater use of robust and

effective community sentences as an alternative to custodial sentences.<sup>7</sup> As noted in section 3.1, there is also greater emphasis in the 2021 reforms on targeting improved support at specific cohorts (such as women, young adults aged 18-25, those serving short sentences, and people from ethnic minority backgrounds) – more detail on this can be found in section 5.1.1 on pre-sentence reports, and in section 6 on sentence management and interventions.

The delivery of probation services is overseen by Her Majesty’s Prison and Probation Service (HMPPS), whose most recent vision also informs the foundations of the current system.<sup>8</sup> HMPPS’s aims – public protection, reduced reoffending, decent and safe prisons, high-quality sentence management, and a diverse, skilled and valued workforce – are underpinned by the following principles, which are also integral to the 2021 probation reforms:

**Fostering an open, learning culture:** monitoring and improving performance, increasing the use of evidence, insight and data, and learning and sharing lessons.

**Transforming through partnerships:** improving collaboration within and outside HMPPS to make the best use of collective expertise and resources, and to coordinate services to ensure access to the right interventions at the right time.

**Enabling people to be their best:** recruiting a more diverse group of staff and building an inclusive culture, better demonstrating care for staff wellbeing, and attracting and retaining staff through providing opportunities for career development.

**Modernising estates and technology:** investing in existing and new estates and improving technology and infrastructure.

These principles will be key to the implementation of the 2021 Target Operating Model over the next few years, and more detail is provided in section 10 on future developments in probation services.

### 3.3 Crime Prevention

Primary crime prevention – in the sense of public protection – is one of the statutory duties of probation services in England and Wales, and there are a number of arrangements which support the Probation Service in carrying out this duty. Firstly, as noted in section 2.1, probation services are required by law to work with other statutory bodies (including the police and local authorities) through Community Safety Partnerships (formerly known as Crime and

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<sup>7</sup> Ministry of Justice (2020), *A Smarter Approach to Sentencing*, pp.10-13, available at <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>.

<sup>8</sup> Her Majesty’s Prison and Probation Service (2019), *HMPPS Business Strategy: Shaping Our Future*, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/864681/HMPPS\\_Business\\_Strategy\\_Shaping\\_Our\\_Future.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864681/HMPPS_Business_Strategy_Shaping_Our_Future.pdf).

Disorder Reduction Partnerships and established under the Crime and Disorder Act 1998). These partnerships are based on local authority areas and include representatives from the police, the local council, and the fire, health and probation services (the ‘responsible authorities’), who are required to work together to develop and implement strategies to protect their local communities from crime and to help people feel safe. They establish local approaches to dealing with issues including antisocial behaviour, drug or alcohol misuse and reoffending. They also work with other groups and individuals who may be able to support their crime prevention strategies, including community groups and registered local landlords. In 2021, the government proposed making a priority of these partnerships (through provisions in the Police, Crime, Sentencing and Courts Bill 2021) a specific focus on reducing and preventing serious violence.

Secondly, as noted in section 2.1, probation services (along with the police and prisons) are the Responsible Authority in Multi-Agency Public Protection Arrangements or MAPPA, and have a duty to ensure that the risks posed by specified sexual and violent offenders are assessed and managed appropriately. To achieve this, they work with ‘duty to cooperate’ agencies, including social care, housing, and education, to provide coordinated supervision for specified offenders through (for example) information-sharing and MAPPA meetings. Guidance on MAPPA is issued by the Secretary of State for Justice under the Criminal Justice Act 2003. Moreover, probation services also cooperate with the police, public services, and voluntary, community and social enterprises through Integrated Offender Management (IOM). IOM brings a cross-agency response to crime and reoffending threats faced by local communities, with a focus on prioritising the most prolific and problematic offenders in neighbourhood crime (who often fall below the harm and risk threshold for MAPPA) to be jointly managed by police, probation and other partner agencies. A key feature of IOM is the use of Electronic Monitoring to enhance the management of offenders in the community, enabling swift action to be taken in response to non-compliance. The refreshed IOM strategy published in 2020 places greater emphasis on tertiary crime protection as a key pillar in reducing reoffending. MAPPA and IOM are examples of how probation services in England and Wales align with EPR Rule 98 – for probation agencies to make use of joint interventions and partnerships to develop crime reduction strategies.

Secondary crime prevention – in the form of targeting young people who have been involved in crime or anti-social behaviour or who are at risk of becoming involved in crime – is the responsibility of Youth Offending Teams (YOTs) under the auspices of the Youth Justice Board, although the Probation Service has a statutory responsibility to contribute to YOT partnerships.

### **3.4 Victim assistance**

Probation services have a statutory duty under the 2004 Domestic Violence, Crime and Victims Act relating to contact with victims of certain offences. This duty includes establishing whether

a victim wishes to make representations on the conditions of an offender's release (for parole eligible cases only), and, where eligibility criteria are met, whether a victim wishes to receive information about release and any other appropriate information (such as the key stages of the offender's sentence). Victim Liaison Officers (VLOs) carry out this role for the Probation Service through the Victim Contact Scheme (VCS). This originally focused on victims of offenders sentenced to twelve months or longer for a violent or sexual offence but is planned to include victims of offences characterised by stalking and harassment where offenders receive a custodial sentence of under twelve months. Due to changes in the Victims' Code, which sets out the entitlements of victims and witnesses of crime, VLOs are also now responsible for contact with victims of unrestricted patients (those with mental disorders whose progress and release is not overseen by HMPPS).

Victims can choose whether to join the VCS. Those who join are provided with a VLO, who will inform them of the length of sentence and release date, prison security category, when the offender is eligible for parole and how to challenge a parole decision, and how to apply for a "licence condition" to prevent the offender from taking certain actions on release, such as contacting the victim. Victims who choose not to engage with the VCS can change their mind and join the scheme later. The needs and interests of victims and witnesses are represented by the Victims' Commissioner, who is appointed by the Secretary of State for Justice but is independent of government, and whose duties include monitoring how well agencies are complying with the Victims' Code and Witness Charter, and engaging in research and comprehensive reviews of services in order to make recommendations on improvements and good practice.

Restorative Justice services (also known as Victim-Offender conferencing) are often commissioned by Police and Crime Commissioners and are delivered by a range of services or organisations, including probation services, police forces, schools, youth offending teams, local authorities, or specialist commissioned services. Providers are registered with the Restorative Justice Council (RJC), which is an independent third sector membership body providing quality assurance and advocacy for restorative justice, including by setting and championing clear practice standards. In line with EPR Rule 97, Restorative Justice aims to make amends for the wrong done, and the rights and responsibilities of the offender and victim are well defined.

Victims of all offences are offered the opportunity to make a Victim's Personal Statement at court. In line with EPR Rule 95, victims are informed that decisions regarding the sanctioning of offenders are taken based on a number of factors and not only the harm done to the victim.

### **3.5 Volunteers involvement**

Although, historically, volunteers were used to provide support to offenders, this became less common for the former National Probation Service during the period when its sole focus was on managing higher risk individuals. Practice has also become more skilled and systematic,

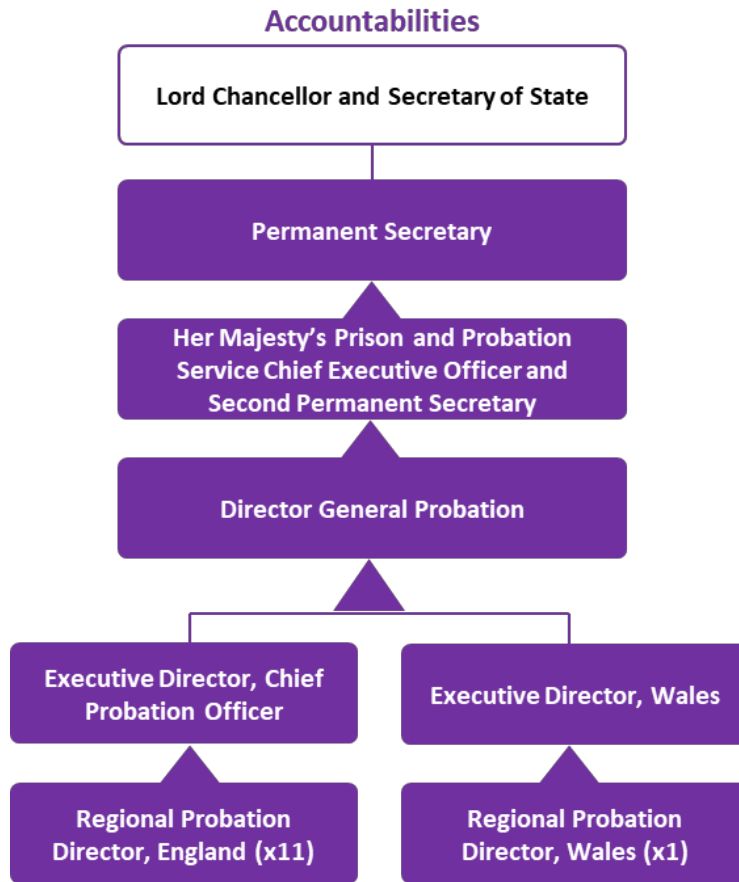
with the introduction of cognitive behavioural interventions and structured offending behaviour programmes over the last 20 years. However, opportunities for volunteers and voluntary organisations to work with people on probation have been increased through the 2021 probation reforms. This is particularly through the opportunity for voluntary organisations to become involved in the delivery of rehabilitative services commissioned by Regional Probation Directors via an open procurement exercise run by HMPPS. This may include delivering services such as wellbeing and social inclusion, and education, training and employment. Commissioned Rehabilitative Services also include provisions for targeting the needs of specific cohorts, such as services for ethnic minority groups, women, and young adults. The 2021 probation reforms were also developed through engagement with Clinks, which is an infrastructure organisation dedicated to supporting, promoting and representing the voluntary sector in its work with people in the criminal justice system.

Additionally, individuals who are successfully rehabilitated can contribute on a voluntary basis to the development and delivery of probation services. For example, they may become involved in peer mentoring schemes, which enable them to provide support to individuals in custody and in the community. Participation in these schemes can also be a pathway into employment for former service users, including within the Probation Service. The Probation Service also draws on insights from service user councils, and from charitable organisations such as User Voice, which is run by ex-service users to provide advice and support to offenders and to ensure the offender perspective is considered in service delivery.

## **4. The Organisation of Probation Services**

### **4.1 Main characteristics**

As is indicated by the organisational chart below, the Probation Service in England and Wales is ultimately overseen by the Lord Chancellor and Secretary of State for Justice, with the Chief Executive Officer of Her Majesty's Prison and Probation Service (an executive agency of the Ministry of Justice) and the Director General of Probation overseeing those responsible for the two main branches of probation services in England and Wales. The Probation Service is divided into 12 regions (for more information see section 4.2 below), with the Executive Director (Chief Probation Officer) overseeing the 11 Regional Probation Directors in England, and the Executive Director (Wales) overseeing 1 Regional Probation Director responsible for services in Wales. Regional Probation Directors oversee the delivery of probation services in each Region, including commissioning rehabilitative services from private and voluntary providers.

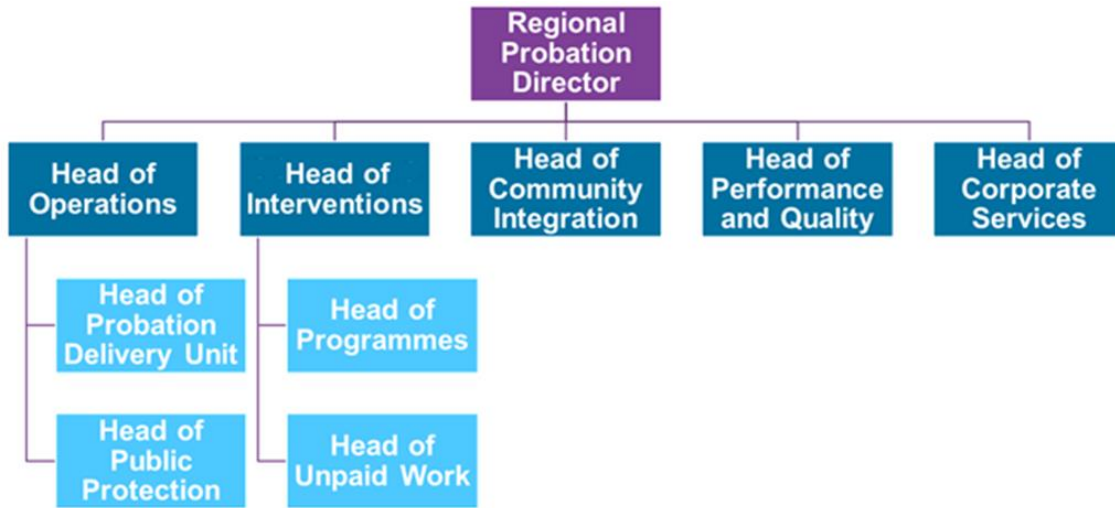


#### 4.2 Internal organisation

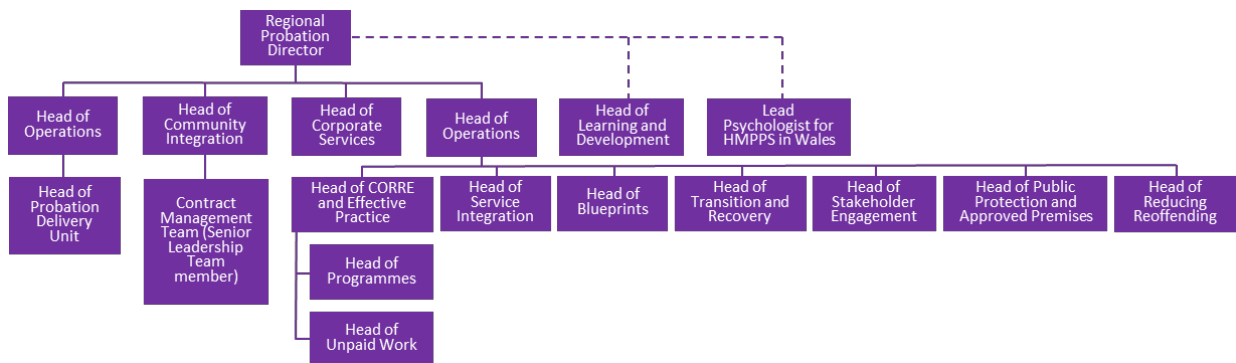
The Probation Service in England and Wales is divided into 12 regions, with 11 in England and one in Wales. Each region in England is overseen by a Regional Probation Director (RPD), who has responsibility for the overall delivery and commissioning of probation services in that Region. The operational delivery of probation services in each Region is divided between a number of Probation Delivery Units (PDUs), whose geographical boundaries align as far as possible with existing police force and local authority area boundaries. Each RPD in England is supported by the senior leadership structure set out in the diagram below. Operational delivery is overseen and provided with strategic direction by the Head of Operations, while the Heads of PDUs are responsible for local operational delivery and for local strategic engagement with relevant criminal justice partners. Public protection activity for the whole region is led by the Head of Public Protection. The Head of Interventions oversees and provides strategic direction to the operational delivery of Unpaid Work, Accredited Programmes, and Structured Interventions. The Head of Community Integration oversees partnerships and the commissioning and operational contract management of outsourced interventions, ensuring that services meet local needs and that probation services maximise the benefits of partnership-working and co-commissioning. Finally, strategic leadership for performance and quality is



provided by the Head of Performance and Quality, and dedicated leadership and management of back office and corporate functions is provided by the Head of Corporate Services.



In Wales, the RPD is supported by a different senior leadership structure, as follows:



This alternative structure reflects the distinct partnership arrangements arising from devolution, some business functions combining prison and probation services within HMPPS in Wales, and some of the other differences in probation services in Wales, such as the use of the Centralised, Operational, Resettlement, Referral and Evaluation (CORRE) Hub to identify and manage interventions, and the need for leadership of the development and implementation of joint Ministry of Justice and Welsh Government ‘Blueprints’ on services for women and young people. Wales does not require a Head of Performance and Quality as this function is provided in a shared resource with Public Sector Prisons and HMPPS HQ via the Strategic Support, Administration and Assurance function of HMPPS in Wales.

Across all regions, there are also a number of specialist teams within the Probation Service focusing on specific cohorts and processes – these teams are described in section 6.

#### 4.2.1 Probation workers

From 26<sup>th</sup> June 2021, the overall number of Probation Service employees increased as CRC staff transferred to the Probation Service. Figures presented here are based on the latest published figures (31<sup>st</sup> March 2021) and reflect only staff in the former NPS. In November 2021, figures will be provided reflecting all staff working in the new Probation Service.

*Table 1. The Staff Structure*

Total staff		
	Number of staff	10,766 (10,019.6 full-time equivalent (FTE))
Operational Staff	Probation Officers	3,788 (3,489.1 FTE)
	Probation Service Officers	3,094 (2,955.4 FTE)
	Senior Probation Officers	867 (822.5 (FTE)
	Other (Serious Further Offence teams; Quality teams etc.)	607 (578.3 FTE)
Management staff	Executive staff	13 (12.5 ETE)
	Other Management staff	159 (158.1 ETE)
Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.)	Total	24 (23.8 FTE) solely supporting NPS.
		1,816 (1,731.8 FTE) not solely supporting NPS.

With regard to EPR Rule 29 – that probation staff be sufficiently numerous to allow manageable caseloads - we have significantly increased the number of trainee probation officers we recruit each year. In 2020/21 the Probation Service committed to recruiting 1,000 new trainee probation staff. In 2021/22, we will increase our recruitment even further to 1,500 trainee probation staff.

In line with EPR Rule 22, - for staff to be recruited and selected in accordance with approved criteria - probation services are delivered and supported by professionals with the relevant qualification, experience or training required for their role. As Responsible Officers within the

definition of the Offender Rehabilitation Act 2014 (see the table at section 3.1), probation practitioners are tasked with delivering advice to court services, resettlement services, sentence management, and interventions. Sentence management is largely carried out via Probation Operational Delivery structures (PODs), which include probation practitioners across several grades and experience levels and a case administrator. Senior Probation Officers each manage several PODs and are responsible for ensuring safe practice. Within PODs, Probation Officers will eventually move (as the 2021 reforms are gradually implemented) towards managing mixed caseloads of high and medium/low risk of harm cases, while Probation Service Officers will move towards managing a mixture of medium and low risk of harm cases. Details of the tools, frameworks and processes which support probation work are set out in section 6.

The delivery of probation services is supported and monitored by Performance teams (providing management information and analysis and engaging with business units to understand and improve performance and data quality), Quality teams (providing quality assurance and improvement activities) and Serious Further Offence teams (undertaking reviews to improve future practice and assess practice in these cases against national guidelines). Corporate staff conduct activities related to transactional processes, complaints, staff engagement and communications, information assurance, ICT training and equalities. Staff in Commissioning and Partnership and Contract Management teams are responsible for commissioning services from external providers, day to day contract management, supplier relationship management, and commercial insight. The support provided for staff is set out in the 2020 Probation Workforce Strategy, which focuses on the actions HMPPS are taking to promote staff wellbeing, including implementing a wellbeing action plan, improving digital services and tools to enable remote working and better forecasting of caseloads, and creating a Probation Culture Code to foster a diverse and inclusive working environment.

#### **4.2.2 Education, training requirements and opportunities**

In line with EPR Rule 23 – that staff should have access to education and training appropriate to their role level of responsibilities - to become a Probation Officer, individuals must achieve the Professional Qualification in Probation (PQiP), which they can apply for providing they hold a Level 5 Qualification or above (such as an honours degree). The PQiP takes between 15 and 21 months to complete, depending on the prior completion of a number of key modules, and involves both theoretical learning and practical training with people on probation. Those who complete the PQiP are eligible to apply for Qualified Probation Officer positions and will manage cases of all levels of complexity and risk. Those who do not have a relevant Level 5 qualification and do not have relevant experience can instead apply to become Probation Service Officers (PSOs), who take on similar work to qualified Probation Officers but do not work with the highest risk individuals or on the most complex cases. If they can gain the relevant experience and qualification levels, PSOs can later apply for PQiP training to enable them to become Probation Officers. This aligns with EPR Rule 24 - that initial training shall impart the relevant skills, knowledge and values and that staff shall be assessed in a recognised manner and qualifications awarded that validate the level of competence attained.

In line with EPR Rule 25 – that staff shall maintain and improve their knowledge and professional abilities through in-service training and development – the 2021 probation reforms introduced a new learning and development model for staff, including a greater focus on career progression and continuous professional development. Intentions for staff development are also set out in the 2020 Probation Workforce Strategy, which describes HMPPS’s ambition to expand entry routes into probation, improve the existing PQiP, and launch an accelerated progression pathway from PSO to Probation Officer. HMPPS is also currently consulting on the establishment of Professional Standards for probation staff, which will sit as umbrella standards above the existing occupational, inspectorate, competency-based and quality standards. Additionally, HMPPS intends to establish a professional register for probation qualified practitioners in order to safeguard practice standards and increase public confidence in probation services.

#### **4.2.3 Other organisations involved in probation work**

Following the 2021 probation reforms, a range of rehabilitative interventions – including services to support people on probation with accommodation, with finance, benefits and debt, and with education, training and employment – as well as services targeted at supporting the needs of specific cohorts (such as women, young adults, and people from ethnic minority backgrounds) are commissioned by Regional Probation Directors (RPDs) from external providers according to local needs. The focus for these providers is on addressing the criminogenic needs of people on probation in order to improve their chances of achieving rehabilitation. This might include preventing homelessness, helping individuals to build skills towards gaining employment, or supporting individuals in moving away from negative behaviours and associates. Probation practitioners have a responsibility to select the right interventions and to liaise closely with external providers to ensure that progress is carefully reviewed and that challenges (such as failure to comply) can be dealt with appropriately. More broadly, and as noted in section 3.3, the Probation Service has a statutory duty to cooperate with other relevant agencies – including the police, education providers, and local authorities – in supervising individuals and protecting the public from crime, and in overseeing the delivery of Community Sentence Treatment Requirements as part of a Community Order (see section 5.2 for more details).

Probation practitioners may be members of a range of professional organisations, including trade unions, which represent their members to their employer and negotiate on behalf of their members on issues such as pay and conditions. As noted in section 1.3, probation practitioners may also be members of the Probation Institute, an independent organisation which aims to provide professional leadership for those delivering services that protect the public and rehabilitate offenders, and to link probation professionals across the private, public and voluntary sectors.

The above arrangements, as well as the MAPPAs arrangements are examples of how the Probation Service aligns with EPR Rule 37 – to work in cooperation with other agencies and wider society.

### 4.3 Probation and offenders abroad

With regard to aligning with EPR Rules 63, 64 and 65, working with individuals from foreign national groups is a regular feature of the Probation Service’s work. This includes those requiring visas (such as tourists, students, foreign nationals working in the UK) and those with secondary types of immigration status (such as Refugee Status or Exceptional Leave to Remain), asylum applicants, and people with irregular status such as undocumented migrants and those who have over-stayed their visas. Arrest for an offence often leads to an immigration status check, which may reveal that an individual is an irregular migrant or in breach of immigration rules. For foreign nationals whose residence in the UK is lawful, the commission of an offence – especially a serious offence – may still call into question their entitlement to remain and lead to deportation. In specific cases electronic monitoring can be used to manage foreign national offenders subject to immigration bail in the community. The Ministry of Justice is responsible for providing monitoring services to Home Office immigration Enforcement Services with plans to extend the service. Nationality is recorded in prison statistics, and figures from December 2020 indicate that foreign nationals made up 12% of the prison population in England and Wales (including one HMPPS-operated Immigration Removal Centre). Additionally, the Probation Service’s National Delius case management system enables the nationality and immigration status of supervised foreign nationals to be consistently recorded.

Regarding the processing of transferring foreign nationals abroad, for cases where the victim and/or the family have been affected by violent or sexual offending, the relevant Victim Liaison Officer (VLO) in the Probation Service is asked to inform the victim and/or their family (where the Victim/their family has chosen to sign up to the Victim Contact Scheme) of a prisoner’s impending repatriation and ask if they wish to make any representations against the transfer.

Any impact of Council Framework Decision 2008/909 was negated when the UK exited the EU. England and Wales will revert to CoE terms with the EU and bilaterally where those agreements exist outside CoE. The UK did never opt into Council Framework Decision 2008/947 and, therefore, it never applied in the UK.

## 5. Different Stages of the Criminal Justice Process

### 5.1 Pre-trial/remand/trial stage

*Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage*

Sanctions/Measures/Penalties/ Conditions attached to a conditional decision or sentence	Provision in legislation?	Probation Services involvement?	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor	No	-	-

Conditional waiver by the public prosecutor	No	-	-
Conditional suspension of the pre-trial/remand detention	Yes	No	-
Pre-trial/remand detention	Yes	No formal role	Provision of prison leavers' pack where relevant.
Police custody	Yes	Yes	Mainly around information sharing where someone is already well known to the Police. In particular, MAPPA cases, sex offenders, Integrated Offender Management (IOM) cases, priority and prolific offenders, etc. There is some variance across police forces.  Liaison and Diversion (L&D) services place clinical staff at police stations. They provide assessments and referrals to treatment. Probation staff are not directly involved, but they do receive L&D information in the court (to help inform pre-sentence reports) and community settings.
Bail	Yes	Yes	Provision of bail information
Caution	Yes	No	This will be minimal, if at all. Probation involvement is possible (for information sharing) if an offender is known to the police.
Surety	Yes	No	Probation staff do not comment on surety within bail proceedings. The defence and prosecution agree a suitable amount of surety for a bailee.
House arrest	No	-	-
Electronic monitoring	Yes	Yes	There is no involvement by probation in enforcing non-compliance of Electronic Monitoring bail conditions. Probation may, however, recommend Electronic Monitoring as part of a bail package.
Community service	No	-	-
Treatment order	No	-	-
Training/learning order	No	-	-
Drug/alcohol treatment program	No	-	-
Compensation to the victim	No	-	-
Mediation	No	-	-
Semi-detention	Yes	No	Probation only manage and have statutory responsibility for sentenced offenders. Probation are not, therefore, involved in, for example, the enforcement of breaches of curfew at the pre-trial stage.
Attending a day centre	No	-	-

Liberty under judicial control	No	-	-
Interdiction to leave the country	Yes	No	-
Interdiction to enter different cities/places	Yes	No	Probation only manage and have statutory responsibility for sentenced offenders. Probation are not, therefore, involved in, for example, the enforcement of breaches around geographical exclusions at the pre-trial stage.
Interdiction to carry out different activities	Yes	Yes	Probation may have some involvement at this stage, including making recommendations (e.g. for Electronic Monitoring) as part of a bail package.
Interdiction to contact certain persons	Yes	No	-
Psychiatric treatment	Yes	No	Diversion schemes.
Deferment of sentence	Yes	Yes	Probation would be asked to write a deferred sentence report, which would involve contact with relevant agencies and contact with the defendant - to comment on compliance with terms of the deferment.
Fine	Yes	No	
Other financial sanctions	No		
Others	No		

The Probation Service carries out two main activities at the pre-trial and court stage. The first is the provision of bail information, through which the Probation Service provides information to the court to enable a defendant to be remanded in the community at an appropriate address rather than in custody. The second activity, in line with EPR Rule 42, is the preparation of pre-sentence reports (or “PSRs”), which are described in detail in section 5.1.1 below. EPR Rule 7 (Any intervention before guilt has been finally established shall require the offenders’ informed consent and shall be without prejudice to the presumption of innocence) does not apply to probation activity as interventions are not provided by probation services prior to sentencing.

### **5.1.1 Pre-trial/pre-sentence report**

The Probation Service is responsible for the preparation and provision of pre-sentence reports (PSRs) to support sentencers (a magistrate in the lower court, or a judge in the upper court) in deciding on the most suitable sentence for offenders aged 18 or over. Not all cases require or receive a PSR, but an eventual aim of the 2021 probation reforms is that the Probation Service will provide PSRs for 75% of court disposals. The reforms also include plans to take a more targeted approach to PSRs, with a focus on specific cohorts (including young adults, women, and individuals from ethnic minority groups). Foreign nationals are also eligible to receive PSRs.

PSRs should provide information to enable the court to take decisions on the following questions: whether the community or custody threshold is passed; what is the shortest term of

a custodial sentence that is commensurate with the seriousness of the offence; whether the restrictions on liberty within a community order are commensurate with the seriousness of the offence; and whether the requirements are suitable for the offender. A PSR should not normally be requested where the court considers that it is appropriate to impose a fine. PSRs may be oral reports (normally for less serious offences when the court is seeking to sentence immediately) or they may be written reports in the following formats:

- Fast Delivery Reports (FDRs) – normally made available to the court within 24 hours and completed without a full assessment through our risk and needs assessment tool. FDRs (also referred to as same-day short-format reports) are popular with sentencers because they enable cases to be resolved quickly.

- Standard Delivery Reports (SDRs) – used where a custodial sentence is being considered or for high seriousness cases where a community order is being considered, and normally provided within 15 working days (or 10 working days if the defendant is in custody). SDRs must fully address the individual’s risk of harm to others/self and the risk of re-offending and are normally based on at least one interview with the individual during which a full assessment will be made using the risk and needs assessment tool. SDRs may also draw on information from other agencies involved with the individual and from family members.

Probation staff can determine the most appropriate type of report based on the circumstances of the case and the requirements of the court.

PSRs should contain the following information (this may be included in a reduced format in oral PSRs): basic facts about the individual and the sources used to prepare the report; an offence analysis; an assessment of the individual; an assessment of the risk of harm to the public and the likelihood of re-offending; and a sentencing proposal. SDRs are informed electronically by feeding data collected in the risk and needs assessment tool into the report template. Defendants and their legal representatives see a copy of the report and can challenge its content in court and, in this respect, the process aligns with EPR Rule 44 – to allow people on probation to see and provide their opinion on the report. The report is forwarded to the prison if the defendant receives a custodial sentence and forms part of the documentation used in other decision-making processes such as home leave and parole.

## 5.2 Enforcement stage

*Table 3. Sanctioning system and probation involvement in the enforcement stage*

Sanctions/Measures/Penalties/Conditions attached to a conditional sentence	Provision in legislation ?	Probation Service involvement?	Main characteristics of the probation activity
Imprisonment	Yes	Yes	Preparing individuals in prison for their transition to the community. This applies to all prisoners, irrespective of the prison from



			which they are being released. It includes some Sentence Management activities.  Adult offenders (18 years and over) who receive a prison sentence are subject to supervision on licence after their release.
Suspended sentence	Yes	Yes	A suspended sentence order can have requirements attached.
Conditional sentence	Yes	Yes	Sentence may be deferred for up to 6 months if the court believes an offender's circumstances are likely to change.
House arrest	No		
Electronic monitoring	Yes	Yes	Enforcing breaches (e.g. of curfews (Except Home Detention Curfews)).
Community service as sanction	Yes	Yes	Unpaid Work (known as community payback).
Semi-liberty	Yes	Yes	Enforcing breaches of exclusion conditions including Electronic Monitoring).
Semi-detention	Yes	Yes	Enforcing breaches of exclusion conditions including Electronic Monitoring).
Treatment order	Yes	Yes	Motivating, monitoring and enforcing attendance.
Training/learning order	Yes	Yes	Can form part of Unpaid Work order.
Drug/alcohol treatment program	Yes	Yes	Motivating, monitoring and enforcing attendance.
Educational measures	Yes	Yes	Community Orders can require education and training to be arranged and monitored by probation services.
Compensation to the victim	Yes	No	-
Mediation	Yes	Sometimes	Provision of Restorative Justice services.
Attending a day centre	Yes	Yes	Monitoring and enforcement.
Interdiction to leave the country	Yes	No	-
Interdiction to enter different cities/places	Yes	Yes	Enforcing breaches of a geographical exclusion (i.e. for a sex offender being prevented from being in proximity of a victim).
Interdiction to carry out different activities	Yes	Yes	Enforcement of breaches.
Interdiction to contact certain persons	Yes	Yes	Enforcement of breaches.
Fine	Yes	No	Probation plays no role in the enforcement of fines. Probation will, however, play a role in the management of unpaid work that can be

			imposed on an individual who defaults on a fine.
Day fine	No		
Other financial penalties	No		
In/out patient order (psychiatric treatment)	Yes	Yes	Monitoring attendance and enforcing breaches.
Security measures	Yes	Yes	Part of Sentence Management more broadly – e.g. assessing risk, ensuring monitoring arrangements in place prior to release, etc.
Combined order	Yes	Yes	As above / below.
Community punishment	Yes	Yes	Unpaid Work (known as community payback).
Conditional release / Parole	Yes	Yes	Risk assessment, monitoring and enforcing breaches.
Automatic release	Yes	Yes	Supervision on licence in the community.
Open prison	Yes	Yes	Preparing individuals for their transition to the community. This applies to all prisoners, irrespective the prison from which they are being released. It includes some Sentence Management activities.
Penitentiary program outside the prison	Yes	Yes	Very rarely, prisons arrange a prisoner’s release on temporary license (prior to their final release) to allow them to attend a programme in the community (with Probation’s involvement).

**Table 4. Other probation activities in the enforcement stage**

Providing support to the families of the offenders/detainees	In line with EPR Rule 56, probation services will provide information to families but will refer them to other organisations for support.
Coordinating volunteer prison visitors	This is undertaken by the Prison Service.
Preparing offenders for (conditional) release	Under the OMiC model (detailed below) probation practitioners will undertake risk assessments and be responsible for pre-release sentence planning.
Preparing prisoners for home leave and/or providing support during home leave	Probation practitioners will provide risk assessments, monitoring and enforcement of breaches for Release on Temporary Licence and Home Detention Curfew.
Providing support to persons that have been pardoned or amnestied	No
Providing advisory report with respect to amnesty or pardon	No
Other tasks that are not included here. Please add to this list and explain.	Commissioning and arranging the provision of resettlement and rehabilitative activities – for

	example, support with accommodation for prison leavers, support with wellbeing and finances.
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As Table 3 and Table 4 demonstrate, the Probation Service carries out or has a role in a wide range of interventions following sentencing.

Via the MAPPA and IOM arrangements, and the Crime and Disorder Reduction Partnerships (under the Crime and Disorder Act (1998)), as well the ability of Regional Probation Directors to commission services from external, voluntary and private sector providers, the Probation Service aligns with EPR Rule 12 – to work in partnership with other public or private organisations and local communities to meet the needs of offenders and enhance community safety.

The Probation Service is responsible for managing the following categories of sentenced individuals:

- All adult individuals sentenced to a Community Order or Suspended Sentence Order (except where a Suspended Sentence Order carries no requirements).
- All adult individuals released on licence from custodial sentences of more than one day.
- People sentenced as juveniles who subsequently transition from the youth to the adult system.
- All armed forces personnel who have been convicted by a service court and who have received a custodial sentence, including a suspended sentence, (other than a sentence of service detention) and who are (i) on licence (ii) under supervision; or convicted by a service court and who have had imposed upon them a service community order or overseas community order.
- Individuals who transfer in from another jurisdiction and whose sentence means they are subject to supervision either as part of a non-custodial sentence or after release from custody.
- Fine defaulters given a senior attendance centre order.

Sentenced individuals cannot refuse supervision from the Probation Service. As noted in section 5.1, the Probation Service may provide a pre-sentence report setting out recommendations for the type of sentence that the court should consider imposing.

Where a custodial sentence is imposed, the Probation Service plays a key role in the Offender Management in Custody or OMiC model, which was introduced in the closed adult male prison estate in 2019. Under the OMiC model, those with more than 10 months left to serve in custody from the point of sentence are allocated from court to a Prison Offender Manager or POM. POMs are based within the prison estate and have responsibility for sentence management until specific points pre-release, when this responsibility moves to the OMiC Community Offender Manager or COM, a probation practitioner based in the community. POMs also provide support to COMs where COMs have responsibility for the management of a case. The OMiC model was rolled out to the open adult male estate and to the women’s estate in early 2021 under

slightly different models (for example, women with high complexity needs spend more time with their POM rather than being assigned a key worker as they are in the closed male estate).

Under OMiC, in the majority of cases, POMs are responsible for assessing an individual's risks and needs and completing sentence plans, including ensuring specialist assessments for complex needs (such as mental health needs and substance misuse), setting objectives for the individual, and making referrals for relevant interventions and rehabilitative services. They will hand sentence management responsibility to a COM at the relevant point in the sentence, who will then be responsible for reviewing the sentence plan and completing pre- and post-release activities. This includes the production of a pre-release report in line with EPR Rules 45 and 46. POMs and COMs must also ensure victims' needs and concerns are taken into account in sentence plans and in plans for release by working with Victim Liaison Officers (also part of the Probation Service). Additionally, POMs and COMs are expected to work with other agencies (such as police and local authorities) in their sentence management and preparation for release activities.

The point at which individuals can leave custody on licence will depend on the type of custodial sentence imposed by the court, as follows:

**Standard Determinate Sentence (SDS):** This sentence type accounts for the majority of custodial sentences, and means that an individual is sentenced to a fixed amount of time in custody and must be automatically released halfway through their sentence (generally without any review from the Parole Board, unless an individual has been convicted of a terrorist offence, or of a serious sexual or violence offence). The second half of their sentence is spent on licence in the community.

**Sentences for Offenders of Particular Concern (SOPC):** This sentence type is given to individuals convicted of specified offences (including sex offences against children under 13 and certain terrorism offences) where a court decided not to impose an Extended Determinate Sentence (EDS) or life sentence. A SOPC comprises a specific custodial term (with any earlier release point determined only by the Parole Board) followed by a twelve-month fixed licence period.

**Extended Determinate Sentence (EDS):** This sentence type is given to individuals who have committed a serious sexual, violent, or terrorist offence and are considered by the court to pose a danger to the public. An EDS comprises a custodial term equivalent to the custodial sentence the court would normally impose for the offence, (with release at the discretion of the Parole Board), and an extension period served on licence which may last between five and eight years depending on the nature of the offence.

**Life:** A life sentence is mandatory for those convicted of murder and can be given at the discretion of a judge for other serious offences, with the court setting a minimum period (the 'tariff') that must be served in custody. Individuals may then be released by the Parole Board subject to the need to protect the public, with some individuals held indefinitely where release

is not considered safe. Once released, individuals remain on licence for their rest of their lives, though the conditions of this licence may change over time.

**Whole Life Order (WLO):** This sentence is imposed for the most serious cases of murder. Those sentenced to a WLO will spend their whole life in prison, with the rare exception of cases of compassionate release.

Key changes made to sentences and release points in recent years include the Terrorist Offenders (Restriction of Early Release) Act 2020, which was introduced in response to a terrorist attack in Streatham, London in February 2020, where the offender had recently been automatically released from prison halfway through a sentence for other terrorist offences. The Act prevented automatic early release for those convicted of terrorist offences and serving an SDS or SOPC, and ensured they would require assessment from the Parole Board. In 2021, the government also proposed a range of changes to sentencing in England and Wales as part of the Police, Crime, Sentencing and Courts Bill, including making WLOs the default sentence for premeditated child murder.

In England and Wales, convicted persons can receive the Royal Prerogative of Mercy (or RPM, also known as the ‘Queen’s Pardon’) from the monarch on the basis of a recommendation by the Lord Chancellor, but this is extremely rare. Notable examples include Alan Turing, who died in 1952 and received an RPM posthumously in 2013 in relation to his ‘gross indecency’ conviction (an anti-homosexuality offence that has since been repealed). In 2020, an RPM was used to reduce the minimum tariff that Steven Gallant was required to serve for murder before he could be considered for parole, in recognition of his role in confronting the terrorist responsible for the London Bridge attack of 2019.

Release, licence, and supervision arrangements on release vary according to the type of custodial sentence imposed, but there are standard licence conditions given in cases where a determinate sentence has been imposed, under which an individual must:

- Be of good behaviour and not behave in a way which undermines the purpose of the licence period.
- Not commit any offence.
- Keep in touch with the supervising officer in accordance with instructions given by the supervising officer.
- Receive visits from the supervising officer in accordance with instructions given by the supervising officer.
- Reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address.
- Not undertake work, or a particular type of work, unless it is approved by the supervising officer, and notify the supervising officer in advance of any proposal to undertake work or a particular type of work.

- Not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of the supervising officer or for the purposes of immigration deportation or removal.

Licences may include additional conditions, such as electronic monitoring or drug testing, and victims are able to request the imposition of licence conditions relating to them (such as conditions preventing an offender from contacting the victim). Probation practitioners have a role in recommending appropriate licence conditions and are responsible for monitoring adherence to these conditions. Where there is a breach of a licence, the sentence manager can apply for the individual to be recalled to prison. In line with EPR Rule 85 (that probation agencies shall work to ensure compliance of offenders with any conditions imposed and that they gain the offender's co-operation so as to not rely solely on the prospect of sanctions for non-compliance), formal learning and development and informal mentoring and local champions are provided to Probation Practitioners to enable them to build supportive and trusting relationships with people on probation. Relationship building is further strengthened by, where possible, offering continuity of Probation Practitioners supervising an individual throughout their order, helping them to achieve better outcomes. In line with EPR Rule 86 (that people on probation shall be made aware of what is required of them, of the responsibilities of probation staff and of the consequences of non-compliance) induction procedures set the tone for the working relationship between the person on probation and the practitioner and they aim to ensure that service users understand the sentence of the court and the consequences of non-compliance, which could include a range of sanctions, up to loss of liberty.

For individuals sentenced to between twelve months and two years in custody, a period of post-sentence supervision (PSS) applies after licence, such that virtually all individuals will be subject to at least twelve months of post-release contact from probation services. This comprises the period on licence, which is half of the total sentence length, plus the length of PSS time required to make up a total of twelve months of contact.

Where appropriate, some forms of early release on licence can be used to support individuals in their transition from custody to community supervision. For example, individuals may be subject to Release on Temporary Licence (ROTL), which allows them to be released temporarily from custody into the community for specific purposes (such as taking up employment, maintaining family ties, or receiving medical treatment). Those who present too great a threat to public safety are not eligible for ROTL, while individuals who have previously committed serious offences may be subject to restricted ROTL, which involves more stringent risk assessment and more robust monitoring arrangements. Additionally, Home Detention Curfew allows for the early release of individuals serving custodial sentences of at least twelve weeks but no more than four years, to be subject to an electronically monitored curfew and may be recalled to prison if this curfew is breached.

The process of an individual's transition from the custodial to the community setting under the supervision of the Probation Service is known as resettlement. In line with EPR rules 59

and 61, Resettlement describes the process of preparing individuals for release from custody, including by ensuring that the right services, practical support, and approaches to monitoring are established in advance of release. Under the 2021 probation reforms, all individuals who are sentenced to custody receive a pre-release assessment of risks and needs, and relevant local resettlement and rehabilitative interventions commissioned from external providers (such as accommodation and lifestyle and wellbeing support) are established in preparation for release. This may include a mentoring service for those who lack social support and are likely to struggle with the transition from prison to community to assist develop social networks in the community. All prison leavers are provided with a resettlement pack. To reduce the likelihood of having to start again on release, individuals serving a short prison sentence will also be supported to sustain any existing community ties.

The Probation Service also plays a significant role in the enforcement of non-custodial sanctions imposed by the court. A Community Order is a sentence in its own right, and the consent of the individual subject to such an order is not needed for the majority of requirements, with the exception of orders that include treatment, such as drug, alcohol and mental health treatment. As noted in section 2.1, the Criminal Justice Act 2003 created one Community Order under which a combination of requirements can be imposed. A Community Order must contain at least one of fifteen requirements to fulfil the primary purpose of sentencing as defined in the 2003 Act: the reduction of crime (including by deterrence), the protection of the public, punishment, reform and rehabilitation, and managing reparation to those affected by the offence.

The fifteen requirements that can make up a Community Order and the Probation Service's role in these requirements are set out in more detail as follows:

**Unpaid work** (also known as community payback and formerly as community service) requires individuals to work for a specified number of hours on suitable projects. It aligns with EPR Rule 47. The work can involve elements of education, training and employment activities (such as job applications or learning work-focused skills). Probation staff are responsible for undertaking a dedicated unpaid work assessment for individuals. In line with EPR Rule 51 and 52, probation staff are also responsible for consulting the individual to source suitable placements which benefit the local community and meet an individual's risks and needs, including finding suitable placements for specific cohorts. Probation staff are also responsible for supervising individuals during these placements. Unpaid work is administered in line with EPR Rule 48 – that it not be undertaken for the profit of probation agencies, their staff or for commercial profit.

**Curfew** may require an individual to be at a fixed address for up to 16 hours during a 24 hour period for up to 12 months and can be monitored via electronic monitoring (more commonly known as 'tagging'). The Electronic Monitoring Service is not delivered by the Probation Service directly, but the Probation Service may in some instances review data to identify risk and enhance/inform risk management, and Probation is generally involved in enforcing breaches of a curfew requirement where it is combined with other court requirements.

Monitoring services also include Global Positioning System (GPS) - referred to as location monitoring. This enables an offender's whereabouts to be monitored and can also include curfew monitoring. In alignment with EPR Rule 57 (requiring electronic monitoring to be combined with interventions to bring about rehabilitation and to support desistance) Electronic Monitoring encompasses the Alcohol Abstinence and Monitoring Requirement (AAMR) which gives courts the power to impose such monitoring as part of a Community Order or Suspended Sentence Order and to order an individual to abstain from alcohol for a fixed period to tackle offending behaviour where alcohol has been a contributory factor.

**Rehabilitation Activity Requirements (RAR)** require an individual to participate in activities to reduce their likelihood of reoffending. The court decides the maximum number of days for the RAR within which activities must be completed, and the individual's probation practitioner is then responsible for allocating the RAR days and for selecting and sequencing specific interventions which address the most significant areas of need linked to reoffending. Accredited programmes may form part of a RAR, but they also remain a standalone sentencing option (see below). The 2021 reforms introduced a portfolio of toolkits for probation practitioners to use in delivering structured 'change' sessions as part of RAR days.

**Programme requirement** (also known as Accredited Programmes) involves attending a course addressing specific offending behaviour. Accredited Programmes are accredited by the Correctional Service Accreditation and Advice Panel (CSAAP) and are delivered by trained facilitators from the Probation Service in a group setting for up to 12 individuals. Types of offending behaviour addressed by Accredited Programmes may include domestic abuse, violent offences, and sexual offences.

**Mental health treatment requirements** are only made where a court is satisfied that the individual's mental health condition is treatable and does not require a hospital or guardianship order, where arrangements have been made or can be made for the individual to receive the treatment specified by the order, and where the individual agrees to undergo treatment for their mental health condition. A qualified mental health practitioner assesses the individual's suitability and provides advice to the court. The responsibilities of the Probation Service include supervising attendance at appointments, responding appropriately to any failure to comply and managing breaches or recall to court activities, and maintaining regular communication with the relevant mental health treatment providers.

**Drug Rehabilitation Requirements (DRR)** are an intensive alternative to custody for tackling drug misuse and offending which involves referral into treatment, regular testing, court reviews of progress, and rigorous enforcement. A court can impose a DRR only if the offender expresses willingness to comply with its requirements, and failure to consent may result in a custodial sentence. The services available are part of the services commissioned by the NHS for the general population and may be delivered in a community or a residential setting. The Probation Service is responsible assessing the individual's risk level, exchanging information with treatment providers, presenting a written report to the court to inform a review of the DRR, and considering breaches for failure to comply. The Probation Service also has a role in



providing information to local authority commissioners about the treatment needs of individuals in their areas, in order to influence the availability of suitable treatment options.

**Alcohol Treatment Requirement (ATR)** are imposed only where an individual is dependent on alcohol, where this dependency requires and is susceptible to treatment, where arrangements for treatment have been or can be made, and where the individual is willing to comply with the requirements. ATRs are structured, community-based and care-planned treatments (for example, psychosocial therapies and support, interventions for assisted alcohol withdrawal). The arrangements for service provision and the role of the Probation Service is the same as those described above for DRRs.

**Prohibited activity requirements** prevent an individual from participating in certain activities on a day or days, or for a specified period of time, with the aim of preventing the individual from committing further offences of the same type as he or she has been convicted of. The Probation Service's role includes managing the order and any breach proceedings.

**Exclusion requirements** prevent an individual from going to a place or places where he or she is likely to commit offences, which can also be monitored electronically for key offender groups. The Probation Service will normally liaise with the police to agree where an exclusion requirement is needed and will make a recommendation to the court through a pre-sentence report. The Probation Service is not involved in monitoring this requirement but is involved in the overall management of the order, including any breach proceedings.

**Residence requirements** require an individual to live in a particular place as determined by their supervising officer. This could include a specific house or an Approved Premises (a 'probation hostel' managed by the Probation Service). The individual may only move with the approval of their supervising officer.

**Attendance Centres** (Senior Attendance Centres or SACs) are run by the Probation Service and are only available for individuals aged between 16 and 24 years, who are required to be present at an SAC for a maximum of three hours on specified days (usually weekends), and may undertake constructive group activities during these periods. The government has proposed provisions in the Police, Crime, Sentencing and Courts Bill (introduced to Parliament in March 2021) which would remove this requirement as a sentencing option.

**Alcohol Abstinence and Monitoring** - An AAMR may only be imposed as part of a Community Order or Suspended Sentence Order. Courts can impose a total ban on alcohol consumption for up to 120 days in order to directly address offending behaviour where alcohol has been a contributory factor. They may only be imposed on adults and may not be imposed on dependent drinkers or alongside an Alcohol Treatment Requirement.

**Electronic compliance monitoring requirement** – this requirement is aimed at securing the electronic monitoring of the offender's compliance with other court-imposed requirements including curfew, exclusion and attendance.

**Electronic whereabouts monitoring** – This requirement enables location monitoring of an offender’s whereabouts beyond their compliance with other requirements.

**Restrictions on travel abroad** require an individual not to travel outside United Kingdom, the Channel Islands or the Isle of Man, except with prior permission of their probation officer or in order to comply with a legal obligation.

There are also some specific obligations that the Probation Service must meet in relation to the delivery of services to women. Wherever possible, they must offer women the option of having a female probation practitioner and of being interviewed in a female-only environment, and of not being placed in an all-male work environment as part of an Unpaid Work or an Attendance Centre requirement.

### **5.3 Care and after-care outside the criminal justice system**

The 2021 probation reforms have established a new mechanism for the delivery of care and aftercare by the Probation Service outside of the requirements of an individual’s sentence in accordance with EPR Rule 62. The Regional Outcomes and Innovations Fund (ROIF) is a small pot of money available to Regional Probation Directors (RPDs) to enable them to lever investment in wider services (such as by entering co-funding arrangements with other local and regional authorities, such as Police and Crime Commissioners). These wider services should be aimed at reducing reoffending but are not concerned with directly delivering the order of the court. The ROIF specifically aims to enable RPDs to provide additional and ongoing support to individuals beyond the end of their sentence (or to individuals whose sentence provides limited opportunities for intervention but who are at risk of reoffending). The services commissioned through the ROIF are therefore based on individual needs rather than being dependent on specific sentence requirements. RPDs are able to work with a wider range of service providers and to discover innovative ways of working, as well as finding efficiencies through investing in joint initiatives and shared funding arrangements (which may enable them to access additional investment).

Beyond the Probation Service, care and aftercare is often delivered through voluntary organisations, such as the charity Unlock, which supports people in overcoming the challenges they face as a result of having a criminal record. Some charities also work with specific cohorts – for example, the organisation Working Chance focuses on helping women leaving the criminal justice system to access employment.

## **6. Probation Methodology**

Regarding EPR Rule 6 (that, as far as possible, the probation agencies shall seek the offenders’ informed consent and co-operation regarding interventions that affect them) the Probation Service provides supervision rather than assistance, and individuals cannot request or reject

probation supervision. However, as noted in section 5.2, Community Order treatment requirements do require an individual's consent, although withholding this consent may result in the imposition of a custodial sentence. It should also be noted that the Probation Service provides aftercare services outside of the requirements of court sentences to individuals to support them in turning away from offending behaviour and leading pro-social lives (more detail was provided on this in section 5.3). As with all probation activities, this additional support is delivered in cooperation with other agencies, including health providers, local authorities, and the voluntary sector. Through such aftercare services, supervision and treatment requirements, the Probation Service aligns with EPR Rule 55 – that probation not be purely controlling, but also advises, assists and motivates offenders with interventions delivered by probation or other agencies. In line with EPR Rules 76 and 77, interventions aim to be constructive, proportionate to the measure imposed and form part of an interdisciplinary approach based on relevant research.

The original duty of probation practitioners to 'advise, assist and befriend' emphasises the personal character of probation staff and their ability to foster change in individuals. The quality of the relationship between probation practitioners and people on probation remains central in current practice, with strong relationship skills seen as a pre-requisite for effective engagement, but this is now accompanied by robust, evidence-based methods aimed at achieving the Probation Service's goal to 'assess, protect, and change'. The dominant approach in contemporary practice can best be described as cognitive-behavioural – in other words, a key aim of probation is to support change in the way that individuals think. The focus is on understanding how the interactions between thinking, feeling, and acting have led to offending behaviour, and on using this knowledge to enable individuals to change their thinking and learn new problem-solving techniques. Under this approach, the methods of probation practitioners are based on the SEED (Skills for Effective Engagement and Development) model, which emphasises techniques such as relationship-building, the use of risk, need and responsivity principles<sup>9</sup>, motivational interviewing, and pro-social modelling. Good-quality interventions which address specific criminogenic factors are seen as particularly important in effecting lasting change.

In line with EPR Rules 80 and 81, each person on probation is assigned a probation practitioner whose responsibility it is to assess, co-ordinate and regularly evaluate the general work plan and to ensure contact with the offender and compliance. The decision on which interventions to include in a sentence plan is made by the individual's probation practitioner in accordance with the requirements of the sentence, which probation practitioners may influence through their recommendations in an individual's pre-sentence report. Where an individual is assigned a Rehabilitation Activity Requirement or RAR (see section 5.2), the probation practitioner has

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<sup>9</sup> The risk, need and responsivity principles are widely established and evidence-based and underpin our approach to rehabilitation. They help probation practitioners choose appropriate interventions and help practitioners focus on what is relevant to an individual's offending behaviour to protect the public and reduce reoffending.

scope to select a range of interventions as part of his, her or their work with the person on probation, and will decide on the most suitable interventions in response to an assessment of individual's specific risks and needs.

The factors probation practitioners take into account in selecting and recommending interventions are summarised below, alongside descriptions of the main types of interventions:

**Accredited Programmes:** These are evidence-informed interventions which are normally delivered in a groupwork setting and comprise a specified number of sessions to be delivered in a prescribed manner. They are used as part of a Community Order, or in prisons or as licence requirements, and each Accredited Programme is targeted against a specific type of offending behaviour (such as violence or domestic abuse) or a specific need (such as alcohol misuse or drug abuse). Probation practitioners can recommend their use to the court via pre-sentence reports where they consider an individual to be eligible and suitable, and trained probation staff are responsible for delivering the sessions. Programmes receive accreditation from the Correctional Services Accreditation and Advice Panel (CSAAP).

**Structured Interventions:** Formalised as part of the 2021 probation reforms, Structured Interventions are rehabilitative interventions with a consistent delivery model which are targeted at individuals who are not eligible for an Accredited Programme. They target three key areas of need – attitudes, thinking and behaviour, domestic abuse, and emotional management – with a focus on securing cognitive change, and have a core number of sessions with pre-set content delivered by trained probation staff in either individual or group settings. Structured Interventions are assessed using the CSAAP principles by a National Effective Interventions Panel. They can be used as part of a RAR, or during licence periods or post-sentence supervision.

**Unpaid Work:** As noted in section 5.2, Unpaid Work can be imposed as part of a Community Order which requires an individual to work for a specified number of hours on suitable projects. Suitable placements are sourced by probation staff and carried out under the supervision of Community Payback Managers. Although aims of Unpaid Work can be understood as punishment for an offence and the requirement to make reparation to the community, it also has a rehabilitative focus – for example, up to 20% of the assigned hours may be dedicated to education, training and employment activities (such as job applications or learning work-focused skills).

**Commissioned Rehabilitative Services:** These are rehabilitative interventions that are commissioned from and delivered by external providers based in the local community (including private companies and voluntary organisations). Probation practitioners source resettlement interventions (such as accommodation) in this way, as well as interventions which can be used as part of a RAR – for example, this might include services focusing on substance dependency and recovery, or on relationships with family and significant others. Some commissioned rehabilitative services are also selected because of their focus on specific cohorts, such as women and young adults.

As noted in section 3.1, the approach to supervision is contained in National Standards, which set out some minimum contact requirements – for example, that individuals subject to a Community Order, Suspended Sentence Order or released on licence must receive a minimum of one face-to-face appointment every four weeks with a probation practitioner – and establish broad approaches to enforcement, home visits, timelines and content of sentence plans. Individuals must be assigned to the appropriate tier of case (in terms of risk of harm) so that they can be assigned a probation practitioner with the right skills and experience, whose identity must be clear to the person on probation at all times. An individual’s first face-to-face contact with their probation practitioner must take place within five working days of sentence in the case of a Community Order or Suspended Sentence Order, or within one working day where an individual is being released from custody on licence. This first appointment must include a clear explanation of the expectations, obligations, rights, the method of contact, and the consequences of failing to comply.

Sentence planning should be completed within 15 working days of the first appointment for individuals subject to a Community Order or Suspended Sentence Order. For those serving longer custodial sentences (with more than ten months left to serve in custody), a pre-release sentence plan should be completed within three months of the individual being assigned to a Community Offender Manager (this allocation usually takes place between six and 7 and a half months prior to the release date). The sentence plan should be completed in collaboration with the person on probation, and must contain an identification of the risk of serious harm and reoffending, and of the needs of the individual, including their protected characteristics under the Equality Act 2010 to ensure services are appropriate. The plan should also name and set contact expectations with any other persons or agencies involved in the delivery of the sentence. For those who pose a medium/high or very high risk of serious harm, the sentence plan must include a completed risk management plan.

Probation practitioners are provided with a number of tools and protocols to support them in carrying out their responsibilities. In addition to the National Standards and the supporting operational Probation Instructions and Policy Frameworks, probation practitioners have access to detailed practice guidance via an online system called EQuIP. Probation practitioners also have tools and frameworks to support them in specific parts of sentence management and interventions delivery, as part of the 2021 reforms we are reviewing a number of these to develop a new digital approach to support more efficient business processes and better utilisation of data, these include:

**Court:** The Prepare a Case for Sentence service is a digital tool used by probation practitioners which enables rapid information gathering by providing an overview of those attending court on a given day, including details of their probation status and record.

**Assessing risks and needs:** The Offender Assessment System (OASys) is a tool enabling the assessment of risks and needs across prisons and probation. In prison settings, the Basic Custody Screening Tool is also used to gather information about individuals on reception into custody. Other risk-related tools include the Risk of Serious Recidivism tool, which generates

a score to indicate the likelihood of the offender committing a seriously harmful re-offence within two years, and the Violent and Sex Offender Register (ViSOR).

**Case allocation:** A Tiering Framework enables cases to be allocated to an appropriate probation practitioner according to the risk of harm and complexity of needs and is accompanied by a Workload Management Tool to facilitate the even distribution of workloads.

**Case management:** The Probation Service takes a case management approach to managing people on probation. The National Delius (or NDelius) system is a repository of the case record for individuals managed by probation. An individual's case manager is their assigned probation practitioner, and operational case management is overseen by the Heads of Probation Delivery Units in each local area, who in turn report to Heads of Operations and the Regional Probation Director. Case management is also supported by the Management Oversight Touchpoint Model, which provides consistent mechanisms for recording management oversight and decision-making.

**Interventions:** Under the 2021 probation reforms, a new digital service is being developed to enable probation practitioners to access and manage Accredited Programmes, Structured Interventions, Unpaid Work, and Commissioned Rehabilitative Services through one service. In Wales, the Centralised Operational, Resettlement, Referral and Evaluation (CORRE) Hub provides the interface between staff and the interventions landscape.

There are also standard report formats and templates probation practitioners should use, including for pre-sentence reports. Moreover, probation practitioners are provided with nationally approved toolkits to enable them to deliver structured supervision sessions focused on “change” work as part of an individual's Rehabilitation Activity Requirement days.

The work of the Probation Service in England and Wales is extremely wide-ranging, and in order to ensure an effective and expert service across the probation delivery landscape, specialised teams and individuals carry out specific tasks:

**Probation court teams** work directly in the court, undertake risk assessments and provide expert pre-sentence advice to sentencers. Under the 2021 reforms, some staff will receive specific training to work with individuals who have committed terrorist and other complex offences.

**Short sentence teams** are planned to be based in every Probation Region and focus on providing tailored support to those receiving short custodial sentences, including by ensuring access to key services (such as housing and financial benefits) is maintained wherever possible.

**Interventions teams** are responsible for the delivery of all the Probation Service's interventions, including Unpaid Work, Accredited Programmes, Structured Interventions, and Senior Attendance Centres. As well as sourcing placements and delivering interventions, these teams include the capability to design and test new interventions. Extremism programmes are delivered separately by specialist teams.

**Unpaid Work teams** deliver Unpaid Work, and in some instances Sentence Management where Unpaid Work is a single requirement of a community order. These teams include Community Payback Managers, who supervise groups of individuals while they carry out Unpaid Work.

**Victim Liaison Officers** work directly with victims and carry out all duties and responsibilities the probation has in relation to supporting victims (for more details, see section 3.4).

**Concentrators** – these are specialist probation practitioners embedded in generic teams who champion the needs of specific cohorts, such as women and young adults.

**National Security Division (NSD)** teams deal with individuals posing the highest level of risk (including those who have committed terrorist offences).

The 2021 probation reforms introduced a new performance framework, which established specific, measurable targets for each area of probation delivery, reported by the Ministry of Justice’s analytical services. In line with EPR Rule 103 and 15, delivery quality is assessed through audits by the Operational System Assurance Group (OSAG), an internal operational audit function of HMPPS for both community and custodial settings. OSAG also produces action plans in response to reports or inspections from external scrutiny agencies (which also monitor the Probation Service in line with EPR Rule 103 and 15), including Her Majesty’s Inspectorate of Probation (HMI Probation), which tests the effectiveness of provision in probation and youth offending services, and provides assurance, including making recommendations on best practice. Furthermore, the National Audit Office undertakes audits of probation services to assess whether they represent value for money and investigates concerns about service failures.

## 7. Finances, Accounting, Registration Systems and Evaluation Procedures

### 7.1 Finances

*Table 5. Prison / Probation expenditure*

	Probation Services	Prison System
Total current yearly expenditure	£1.022 billion 2019/20 ARA	£2.975 billion 2019/20 ARA
Average number of employed staff	10,766 former NPS only, March 2021 (10,019.6 FTE)	35,690 FTE, March 2021
Number of offenders/clients dealt with	223,973 (as at 31/12/2020)	78,058 (as at 31/03/2021)

In line with EPR Rule 10, the Probation Service in England and Wales is funded, in accordance with the standing and recognition it is accorded, through the financial settlement received by the Ministry of Justice from Her Majesty’s Treasury (HMT) as part of a Spending Review (the

process by which money is allocated to public services, which would normally cover a three to five year period). Regional Probation Directors (RPDs) hold the responsibility for business planning in their Regions, including for taking decisions on which rehabilitative services to commission from external providers. As noted in section 5.3, RPDs have access to a Regional Outcomes and Innovations Fund, which enables them to commission additional rehabilitative services to support individuals outside of the requirements of their sentences, and may also co-commission services with local partners (such as Police and Crime Commissioners), thereby sharing some of the cost burden of commissioned services with other agencies.

In line with EPR Rule 33, HMPPS continues to work with staff and trade unions to progress work on staff pay modernisation and improve the overall reward offer available as part of objectives to attract and retain suitable staff.

In line with EPR Rules 104 and 105, via the HMPPS business strategy - which establishes an open learning culture that will look continually for ways to increase the use of evidence and data – HMPPS aims to resource development of evidence-based practice that is based on sound scientific knowledge and research that meets internationally recognised standards.

## **7.2 Accounting**

Financial controls for the Probation Service are established by HMPPS as an executive agency of the Ministry of Justice, and spending on probation is subject to MoJ internal governance (for example, through the Audit and Risk Committee, which reviews internal controls and the integrity of financial statements). The Principal Accounting Officer for the MoJ is the Ministry's Permanent Secretary, supported by the Chief Executive Officer for HMPPS. At Regional level, Regional Probation Directors (RPDs) are expected to produce business plans setting out targets and priorities which are subject to a national approval process. RPDs are also required to carry out internal governance for their region in support of in-year oversight by HMPPS, including national quarterly performance boards between each RPD and the Chief Probation Officer.

Along with wider spending on the criminal justice system, spending on probation services is audited by the National Audit Office (NAO), which is the UK's public spending watchdog and reports to Parliament concerning the achievement of value for money in public services. All government departments and ministries are required to publish and present to the House of Commons an annual report and accounts, which are subject to scrutiny from the NAO. Additionally, the Government Internal Audit Agency (an executive agency of Her Majesty's Treasury) may carry out specific reviews into practices and processes (including financial controls) in agreement with a department or ministry, as well as providing a counter-fraud and investigation service.



## **7.3 Registration Systems and Evaluation Procedures**

As noted in section 4.2.2, there is currently no professional registration system for probation practitioners, although HMPPS intends to create one in the future. All probation practitioners are subject to vetting procedures to ensure they are suitable for the role, but information on vetting status is held internally only and is not made public. As described in section 6, and in line with EPR Rule 88, case records on individuals who are subject to probation supervision are held in a case management system, which contains information on all adult individuals and some young individuals who are subject to unpaid work requirements, and is used for sentence management purposes. This information is not publicly accessible, although people on probation can access their own case records (see section 9 for more details). In line with EPR Rule 91, the information recorded enables the probation practitioner to be able to provide relevant authorities with an account on case progress and compliance.

The data strategy underpinning the 2021 probation reforms aims to recognise and maximise data as a strategic asset, particularly in terms of gaining an improved understanding of individuals' needs in order to tailor support and target interventions more appropriately. The data strategy seeks to address evidence gaps and the current fragmentation of the data model, including by simplifying data access for staff via the transformation of digital services and architecture. This will enable the use of ethical data science and artificial intelligence/machine learning techniques to generate insights in real time to be shared with frontline staff to aid their decision-making, as well as enabling data-driven policy making cycles and evidence-based strategic decision-making.

## **8. Societal Support and the Views of People on Probation**

### **8.1 Societal Support and public opinion**

There have been no recent surveys or studies focusing specifically on societal views on probation, but public opinion about the Probation Service can be gleaned from broader surveys and studies on public attitudes to the criminal justice system. For example, the Office for National Statistics provided information on attitudes to the criminal justice system from April 2008 to March 2018, which demonstrate that agreement with the statement 'The Probation Service is effective at preventing criminals from reoffending' grew from 23% of respondents in 2008 to 31% in 2018 which suggests a small improvement in public perceptions of how effective the Probation Service is at supporting rehabilitation of people on probation.<sup>10</sup> However, these low results still indicate that more than two thirds of respondents did not have confidence in this key aspect of the Probation Service's work. There are limitations to such surveys, because people sometimes express punitive views depending on how questions are

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<sup>10</sup> Office for National Statistics (2019), 'Confidence in the criminal justice system, years ending March 2008 to March 2018, Crime Survey for England and Wales'. Available at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/010292confidenceinthecriminaljusticesystemyearsendingmarch2008tomarch2018crimesurveyforenglandandwales>

framed and contrary to other views that they are also keen for public money to be spent wisely on reducing likelihood of future crime.

A 2019 study by the research consultancy Savanta ComRes on behalf of the Sentencing Council also provides some insights into societal opinion and support for probation services, particularly in the sections of the study focusing on Community Orders and release from custody on licence. Community Orders were reasonably well-understood, including that they could comprise varied requirements, but respondents broadly considered requirements such as Unpaid Work to be punitive and had less awareness of the rehabilitative function of this and other Community Order requirements. There was mixed support for the use of Community Orders, with some viewing these as a ‘soft option’ (in line with what the study’s authors view as the dominant media discourse on community sentences), while others saw the value of their use in relation to specific crimes (such as theft). Members of the public were less clear in their understanding of the term ‘on licence’ and felt that more information was needed about the restrictions imposed as part of licence conditions.<sup>11</sup>

The Ministry of Justice and HMPPS do not typically carry out promotional activities or enact public relations policies in relation to probation services (except in relation to recruitment of probation staff). In line with EPR Rules 17 and 106 - 107, however, the government’s policies in relation to probation services are made publicly available on GOV.UK, which is the central repository for government services and information. Information on the 2021 probation reforms is available on a section of GOV.UK titled ‘Strengthening Probation, Building Confidence’, which provides access to all relevant documents (including the Target Operating Model for the reformed Probation Service) and contact details which the public can use to find more information, seek clarification, or raise concerns.

## **8.2 Views of People on Probation**

In recent years, and especially under the 2021 probation reforms, the Probation Service has sought to understand and be more responsive to the views of people on probation. Indeed, in designing the 2021 reforms, HMPPS engaged widely via surveys and focus groups with individuals who were currently or had previously been subject to probation supervision to seek their views and insights on key elements of the new Target Operating Model. Moreover, HMPPS also undertook specific engagement with people on probation according to their protected characteristics (as defined by the Equality Act 2010) to test whether services would meet their needs and experience – for example, to understand whether the reforms addressed the specific experiences and needs of black and Asian people in the criminal justice system. HMPPS has also recently employed individuals with experience of the criminal justice system

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<sup>11</sup> Marsh, N., McKay, E., Pelly, C., Cereda, S. (2019), *Public Knowledge of and Confidence in the Criminal Justice System: A Report for the Sentencing Council*, ComRes, pp.23-24. Available at <https://www.sentencingcouncil.org.uk/wp-content/uploads/Public-Knowledge-of-and-Confidence-in-the-Criminal-Justice-System-and-Sentencing.pdf>

to act as ‘lived experience consultants’ across its various programmes and projects, including the 2021 probation reforms.

To support and improve the delivery of probation services, HMPPS has developed national service user involvement standards of excellence in consultation with over 200 individuals, which aim to set consistent national expectations across prisons and probation. These standards will be used to drive improvements and assist with sharing good practice, as well as helping to establish a broader commitment to engaging and consulting with people on probation to help inform a rehabilitative culture. The 2021 probation reforms also emphasise the importance of input from people on probation in their sentence plans; in fact, the expectation that probation practitioners will undertake assessments and sentence planning in collaboration with people on probation is set out in the draft revised National Standards which accompany the 2021 reforms, and a new suite of digital tools currently under development to support these reforms includes an individual self-assessment which will be used in the development of the sentence plan.

In January 2021, the Probation Service adopted its first National Plan for involving people on probation in the design, development and delivery of services. This Plan, which will be reviewed annually, sets out a range of commitments to strengthen opportunities for people on probation to influence service delivery, undertake peer-led roles and secure employment in the Probation Service. Delivery against this plan is led by a national co-ordinator supported by middle- and senior-level lead roles in each probation region. There is also a nationally set expectation for Action Plans to be set in each probation region. A national contract will also be let at the end of 2021, to secure user led expertise and support to build internal capacity and capability within the Probation Service to more fully embed involvement and engagement of people on probation at every level.

The views of those who are or have been subject to probation supervision are also represented by a range of charities. These include User Voice, which enables people on probation to engage with probation services about their needs, concerns and priorities, and Revolving Doors, which draws on insights from those who are or have been subject to probation supervision in order to shape its policies and advocacy.

## **9. Rights of People on Probation**

There is no formal charter or code setting out the rights of individuals in their dealings with the Probation Service, and people on probation broadly have the same rights as other citizens (except to the extent that these rights are circumscribed by the sentence of the court or by the powers of the Secretary of State for Justice). People on probation are provided with a pamphlet (available in several languages) and their designated probation practitioner is responsible for explaining the obligations of people on probation and what they are entitled to expect from the Probation Service at the start of their period of contact or supervision. This will generally include that individuals should expect to be seen regularly and on time, that information should be explained in a way that they can understand, that individuals can expect to have input in

their sentence plan, and that individuals should expect to be treated fairly and with respect (including being allowed to attend religious or other important events subject to providing advance notice).

In line with EPR rules 41 and 89, the Probation Service ensures compliance with all relevant data protection legislation and ensures that it and providers are following National Cyber Security Centre, Authority and cyber security commercial best practice. In line with EPR Rule 92, people on probation also have the right to access information in their case files and case record, except in cases where information may need to be withheld for reasons of security or the safety of the person on probation or others, or where providing that information would break any confidentiality agreement with someone outside the Probation Service (such as a victim). Additionally, as part of a public authority, the Probation Service is required to conduct its operations (including its dealings with people on probation) in full compliance with the Human Rights Act 1998 and the Equality Act 2010.

Increasingly, probation staff are required to work with people who do not speak English as a first language. In these cases, a National Agreement on Arrangements for the Attendance of Interpreters in Investigations and Proceedings within the Criminal Justice System sets out standards and procedures and assures the quality of interpretation services. It is also worth noting that Welsh formally enjoys equal status with English in the court and other public services. There is a legal entitlement to use Welsh in court proceedings, and individual defendants have the right to have pre-sentence reports and other relevant documents provided in Welsh. In 2011, a framework agreement was put in place by the Ministry of Justice to provide language services (interpreting and translation) to the whole justice sector.

In line with EPR Rules 14, 100, and 101, there exists an accessible, impartial and effective complaint procedure. Where people on probation wish to complain about the delivery of probation services, they have recourse to a national complaints procedure operated by HMPPS (which is also available to others who wish to complain about the delivery of probation services, including victims of crime), whose procedures are formalised and set out in detail for staff in a Probation Instruction. Complainants are encouraged to use an informal stage of the procedure in the first instance but may progress straight to the formal stage, in which complaints are addressed to an appropriate Senior Official. In some cases, an appeals process may also be available.

Where a complainant remains dissatisfied with the outcome, under certain circumstances the complaint may then be put to the Prisons and Probation Ombudsman, who will attempt to settle the complaint and may also make wider recommendations to HMPPS on the basis of the complaint. If a complainant remains dissatisfied with the outcome, he or she can request that the Prisons and Probation Ombudsman examines the complaint again and may provide new evidence where relevant. If this process still does not resolve the issue, or there are concerns about the adequacy of the Prisons and Probation Ombudsman's investigation, complainants may ask the Parliamentary and Health Services Ombudsman (which investigates complaints from

members of the public about government departments and other public bodies) to investigate. All the complaints processes detailed above are free from any financial cost. People on probation are not entitled to criminal legal aid for the purposes of making complaints about their treatment by the Probation Service.

## **10. Developments to be expected**

### **10.1 Developments in coming years**

The most significant developments for probation services in the coming years will be the full implementation of the 2021 probation reforms, which is expected to take until 2024-25. Key changes resulting from the implementation of the new Target Operating Model (supported by significant increases in funding for probation services) include an uplift in the recruitment of probation practitioners, improved learning and development for probation staff, an increased use and improvement in the quality of pre-sentence reports, improved digital tools to support effective sentence management, the embedding of specialist teams (including Short Sentence Functions) in all Probation Regions, improved targeting and quality of interventions (including the increased availability of high-quality rehabilitative services commissioned from external providers), and an expansion of the Victim Contact Scheme to ensure more victims can be re-engaged at key points in the sentence.

Additionally, the 2021 reforms include investment to improve the quality of probation offices in order to support the needs of both staff and people on probation. Moreover, as noted in section 7.3, significant changes to digital services will also take place between 2021 and 2025 with a view to improving how the Probation Service gathers and uses data to inform evidence-based probation practice. In aiming to strengthen the knowledge base of the Probation Service, the 2021 reforms will focus in particular on criminogenic factors which are beginning to be understood but are not currently well-applied in probation work, including psycho-social maturity, the impact of brain injuries, and adverse childhood experiences. The data strategy will also focus on how factors such as experiences of the social care system and of learning and communication difficulties are linked to reoffending, as well as on how different factors combine to influence the risk of reoffending. By establishing a better understanding of these and other criminogenic factors, the Probation Service aims to be able to improve the targeting of interventions and enhance staff skills in order to reduce the risk of reoffending and support individuals in achieving long-term desistance.

The Probation Service's ways of working are also currently being assessed in the light of lessons learned from the COVID-19 pandemic, during which services were delivered under a range of Exceptional Delivery Models (EDMs). Some aspects of these EDMs – for example, taking a blended approach to supervision by using a mixture of face-to-face and remote contact – have the potential to improve and make probation delivery more efficient under normal circumstances. It is also of course important to note that the pace of implementing the 2021 probation reforms may be impacted by COVID-19, particularly in light of current uncertainty

over how well the virus can be suppressed and managed by vaccines, new treatments, and public health measures. The pandemic has also caused significant delays to court services, and although courts were stood up again quickly in the summer of 2020 (following a period of being inoperable at the height of the first wave of the virus in the UK), a backlog of cases remains. This may result in increased workloads for probation staff, alongside challenges in the timely implementation of the sentence of the court (such as Unpaid Work requirements) should restrictive measures remain in place for longer than anticipated or need to be re-introduced.

Developments in probation services in the coming years will also be influenced by wider changes in government policy towards the criminal justice system. The government's 2020 white paper *A Smarter Approach to Sentencing* sets out an ambition to deliver more effective community sentences, especially for individuals who commit low-level offences. This includes an ambition to make the delivery of key requirements of Community Orders – including those which involve forms of electronic monitoring, and Community Sentence Treatment Requirements – more effective and widespread, as well as introducing a new House Detention Order for individuals who have not responded to community sentences, which will include both curfew measures and rehabilitative interventions. Alcohol monitoring is a key example of this, as is the acquisitive crime pathfinder which seeks to use electronic monitoring for serious acquisitive offenders when they are released from prison on licence in a small number of police force areas. Other key changes to sentencing which may impact probation services include the piloting of problem-solving courts for prolific offenders with complex and high levels of need, and a new emphasis on support for neurodivergent individuals who receive community sentences. These changes, along with wider reforms to sentencing, were proposed to Parliament in the Police, Crime, Sentencing and Courts Bill, introduced in March 2021, and which is currently subject to scrutiny and amendments from MPs and Peers. More broadly, the proposed changes to community sentences are also interlinked with and dependent on the successful implementation of the 2021 probation reforms, particularly in terms of improvements in pre-sentence reports and in the assessment of individuals' risks and needs.

Finally, the Reducing Reoffending Delivery Plan (RRDP) was established in 2020. The RRDP represents a renewed effort to tackle the drivers of reoffending as part of a cross-government approach to cut crime and make communities safer. The RRDP acknowledges that people who leave prison with strong foundations in place are less likely to reoffend. The RRDP, therefore, seeks to address the following priorities:

Accommodation: More than £20 million is being invested in the creation of a new Community Accommodation Service, supporting into temporary basic accommodation (for up to 12 weeks) those prison leavers at risk of homelessness. While there, people will get help to find a permanent home. Launching in five regions, it will support around 3,000 people in its first year. At least £23 million of funding will go towards plans to build 200 new spaces in Approved Premises, as well as funding new training for staff, increased security, and vital repairs and maintenance.

Employment: Work to improve the approach to prison education is underway, providing offenders with an offer that addresses their complex learning needs and delivers the education and training that will give them the best chance of securing a job. More prison work coaches are also being introduced, providing advice and support on employment and benefits.

Good health, free from substance misuse: An extra £80 million is being invested in drug treatment services to give more support to offenders with drink and drug addictions. This new money will increase the number of specialist staff and treatment places for prison leavers and offenders diverted into effective community sentences and reduce drug-related deaths.

Additionally, as part of the RRDP, work is also underway to trial new approaches to reducing reoffending. Dedicated staff are being appointed in 16 prisons to act as brokers for prisoners so that they can get quicker access to accommodation, healthcare and employment support services as they are released.

## **10.2 Implementation of EU Framework Decision 947**

The UK never opted into Council Framework Decision 2008/947 and, therefore, it never applied while the UK was a member of the EU.

## **11. Important Publications**

### **UK authors**

Canton, R. and Dominey, J. (2018). *Probation*. London: Routledge.

<https://www.routledge.com/Probation/Canton-Dominey/p/book/9781138222786>

*A comprehensive introduction to probation, bringing together themes of policy, theory and practice to aid understandings of the work of probation, its limitations, potential and value.*

Duff, R A (2001) *Punishment, Communication and Community*. Oxford: Oxford University Press

*Challenges assumptions around what can justify criminal punishment and looks at the appropriateness of imposed sanctions and the purpose they serve for the offender, victim and the community.*

Farrall, S. (2002). *Rethinking What Works with offenders: Probation, social context and desistance from crime*. Cullompton: Willan Publishing.

<https://www.routledge.com/Rethinking-What-Works-with-Offenders/Farrall/p/book/9781843921028>

*Seeks to understand probation work from the perspectives of those who deliver it and those to whom it is delivered to study probation intervention as a whole and in the wider social contexts of those on probation and it assesses the policy implications of its conclusions.*

Kemshall, Hazel (2003) *Understanding Risk in Criminal Justice*. Open University Press  
*Examines the significance of the concept of risk in criminal justice policy, and in the role of criminal justice agencies and crime prevention initiatives.*

McIvor, Gill (1992) *Sentenced to Serve: the operation and impact of community service by offenders*. Aldershot: Avebury  
*The synthesis of a programme of research into community service by offenders in Scotland, conducted between 1986 and 1991.*

McNeill, F., Raynor, P., and Trotter, C. (2010). *Offender Supervision: New directions in theory, research and practice*. Abingdon: Willan.  
<https://www.routledge.com/Offender-Supervision-New-Directions-in-Theory-Research-and-Practice/McNeill-Raynor-Trotter/p/book/9781843929352>  
*Arises out of the work of the International Collaboration of Researchers for the Effective Development of Offender Supervision (CREDOS) and examines issues around research on desistance from offending.*

McNeill, F. and Weaver, B. (2010). *Changing Lives: Desistance Research and Offender Management*. Glasgow: Glasgow School of Social Work & Scottish Centre for Crime and Justice Research, Universities of Glasgow and Strathclyde.  
Available at: [https://www.sccjr.ac.uk/wp-content/uploads/2012/11/Report\\_2010\\_03\\_-\\_Changing\\_Lives.pdf](https://www.sccjr.ac.uk/wp-content/uploads/2012/11/Report_2010_03_-_Changing_Lives.pdf)  
*Provides a literature review on desistance from crime which explores: the purposes of offender management; desistance and the process and credibility of offender management, and; compliance with offender management.*

McWilliam, W (1987) *Probation, Pragmatism and Policy*. Howard Journal of Crime and Justice, 26 (2): 97-121  
*Considers the position of and justifications for the English probation system in the modern period. It plots the effects on the service of the demise of confidence in the diagnostic ideal and the subsequent dominance of policy considerations.*

Shapland, J., Bottoms, A., Farrall, S., McNeill, F., Priede, C. and Robinson, G. (2012). *The quality of probation supervision – a literature review*. Sheffield: University of Sheffield and University of Glasgow.  
Available at:  
[https://www.sheffield.ac.uk/polopoly\\_fs/1.159010!/file/QualityofProbationSupervision.pdf](https://www.sheffield.ac.uk/polopoly_fs/1.159010!/file/QualityofProbationSupervision.pdf)  
*Focusses on what research has revealed is seen as 'quality' in probation supervision, principally in England and Wales, but literature from other countries has also been included.*



Ugwudike, P., Graham, H., McNeill, F., Raynor, P. Taxman, F.S. and Trotter, C. (2020). *The Routledge Companion to Rehabilitative Work in Criminal Justice*. London: Routledge  
<https://www.routledge.com/The-Routledge-Companion-to-Rehabilitative-Work-in-Criminal-Justice/Ugwudike-Graham-McNeill-Raynor-Taxman-Trotter/p/book/9781138103320>

*Covers a variety of contexts, settings, needs, and approaches, and drawing on theory and practice, bringing together over 90 entries, offering concise and definitive overviews of a range of key contemporary issues on working with offenders.*

Ugwudike, P., Raynor, P. and Annison, J. (2018). *Evidence-Based Skills in Criminal Justice*. Bristol: Policy Press.

<https://policy.bristoluniversitypress.co.uk/evidence-based-skills-in-criminal-justice>  
*International research on skills and practices in probation and youth justice. It covers approaches to working with ethnic minority service users, women and young people.*

### ***Overseas authors***

Bonta, J. and Andrews, D.A. (2017). *The Psychology of Criminal Conduct*. London: Routledge.

<https://www.routledge.com/The-Psychology-of-Criminal-Conduct/Bonta-Andrews/p/book/9781138935778>

*Draws upon the General Personality and Cognitive Social Learning theory, providing an overview of the theoretical context and knowledge base of the psychology of criminal conduct and the bearing on prediction, prevention and rehabilitation.*

Trotter, C (2015) *Working with Involuntary Clients*. Sydney: Allen & Unwin

*Links theory to real-life to provide a practical guide for managing difficult relationships and working in partnership and communicating with reluctant and involuntary clients.*

## 12. Main Addresses

### Ministry of Justice

102 Petty France  
London  
SW1H 9AJ  
Tel: +44 (0)203 334 3555  
[www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)

### HMPPS

102 Petty France  
London  
SW1H 9DH  
Tel: +44 (0)1633 630 941  
Email: [HMPPSPublicEnquiries@justice.gov.uk](mailto:HMPPSPublicEnquiries@justice.gov.uk)  
[www.gov.uk/government/organisations/her-majestys-prison-and-probation-service](http://www.gov.uk/government/organisations/her-majestys-prison-and-probation-service)

### The Probation Service

102 Petty France  
London  
SW1H 9DH  
Tel: +44 (0)300 047 6325  
Email: [HMPPSPublicEnquiries@justice.gov.uk](mailto:HMPPSPublicEnquiries@justice.gov.uk)  
[www.gov.uk/government/organisations/national-probation-service](http://www.gov.uk/government/organisations/national-probation-service)

### Probation Regions

Addresses and contact details of probation offices across each of the 12 probation regions across England and Wales, are listed at:

[www.gov.uk/government/collections/probation-finder](http://www.gov.uk/government/collections/probation-finder)

### Her Majesty's Inspectorate of Probation (HMI Probation)

1st Floor  
Manchester Civil Justice Centre  
1 Bridge Street West  
Manchester  
M3 3FX  
Tel: +44 (0)161 240 5336  
Email: [hmip.enquiries@hmiprobation.gsi.gov.uk](mailto:hmip.enquiries@hmiprobation.gsi.gov.uk)  
[www.justiceinspectores.gov.uk/hmiprobation](http://www.justiceinspectores.gov.uk/hmiprobation)

### National Approved Premises Association (NAPA)

PO Box 502  
Newton Abbot  
TQ12 9GW  
[www.napa-uk.org](http://www.napa-uk.org)

### Trade Unions

#### NAPO - National Association of Probation Officers

Boat Race House  
65 Mortlake High street  
London  
SW14 8HL  
Tel: +44 (0)207 223 4887  
Email: [info@napo.or.uk](mailto:info@napo.or.uk)  
[www.napo.org.uk](http://www.napo.org.uk)

#### UNISON

UNISON Centre  
130 Euston Road  
London  
NW1 2AY  
Tel: +44 (0)800 0857 857  
[www.unison.org.uk](http://www.unison.org.uk)

## **Staff Associations**

### **ABPO - Association of Black Probation Officers**

Tel: +44 (0)20 7740 8537

Facebook: [ABPO Association of Black Probation Officers - Home | Facebook](#)

Twitter: [ABPO \(@ABPOnoms\) / Twitter](#)

Instagram: [ABPO \(@abponoms\)](#)

### **PROUD - People from Diverse Racial Origins Uniting the Department**

PROUD aims to improve the recruitment, retention and career progression of staff at all grades from diverse racial origins throughout the Ministry of Justice).

Email: [PROUDteam@justice.gov.uk](mailto:PROUDteam@justice.gov.uk)

Twitter: <https://twitter.com/mojproud>

### **RISE – Racial Inclusion and Striving for Equality**

Rise is the staff race network for HMPPS

Twitter: [RISE \(@HMPPS\\_RISE\) / Twitter](#)

### **Pride in Prison and Probation (PiPP)**

PiPP is the LGBTI+ staff support network within HMPPS.

Email: [pipp\\_hmpps@justice.gov.uk](mailto:pipp_hmpps@justice.gov.uk)

Facebook:

<https://www.facebook.com/groups/152653268080553>

Twitter: [PiPP \(@HMPPS\\_PiPP\) / Twitter](#)

### **Spirit**

The LGBT+ Network in the Ministry of Justice

Email: [spirit@justice.gsi.gov.uk](mailto:spirit@justice.gsi.gov.uk)

Twitter: [https://twitter.com/MOJ\\_Spirit](https://twitter.com/MOJ_Spirit)

### **Able Disability Network**

A staff network which spans across the MoJ

Email: [ABLE@justice.gov.uk](mailto:ABLE@justice.gov.uk)

## **Other Organisations**

Howard League for Penal Reform

1 Ardleigh Road

London

N1 4HS

Tel: +44 (0)20 7249 7373

Email: [info@howardleague.org](mailto:info@howardleague.org)

[www.howardleague.org](http://www.howardleague.org)

### **Penal Reform International**

The Green House

244-254 Cambridge Heath Road

London

E2 9DA

Tel: +44 (0) 203 559 6752

Email: [info@penalreform.org](mailto:info@penalreform.org)

[www.penalreform.org](http://www.penalreform.org)

### **Prison Reform Trust**

15 Northburgh Street

London

EC1V 0JR

Tel: +44 (0)207 251 5070

Email: [contact@prisonreformtrust.org.uk](mailto:contact@prisonreformtrust.org.uk)

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

### **Prisoners Abroad**

89-93 Fonthill Road

Finsbury Park

London

N4 3JH

Tel: +44 (0)20 7561 6820

Email: [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

[www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## ANNEX 1



# SUMMARY INFORMATION ON PROBATION IN ENGLAND AND WALES

## General Information

- Number of inhabitants (mid 2019):
  - England 56.3 million
  - Wales 3.2 million
  - Total England and Wales: 59.5 million
- Prison population rate per 100,000 inhabitants: 130.7:100,000
- Link to Probation Service:  
<https://www.gov.uk/government/organisations/national-probation-service>
- Links to websites:
  - [www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)
  - [www.gov.uk/government/organisations/her-majestys-prison-and-probation-service](http://www.gov.uk/government/organisations/her-majestys-prison-and-probation-service)
  - <https://www.napo.org.uk>
- Member of the CEP in: 2007

## Characteristics of the Probation Service

- Probation services are delivered by the Probation Service responsible for protecting the public and reducing reoffending, including by delivering the punishments and orders of the court, and by supporting rehabilitation.
- It is a statutory criminal justice service and works with Her Majesty's Prison and Probation Service (HMPPS, an executive agency of the Ministry of Justice) to deliver probation services for adult individuals of all risk levels.
- The Probation Service is divided into 12 regions (11 in England and 1 in Wales), each of which is overseen by a Regional Probation Director supported by a senior leadership team, with a number of Probation Delivery Units in each Region responsible for local operational delivery.
- The Probation Service's activities are defined by the phrase 'Assess, Protect, and Change'.

## Tasks

- Advice to Court: Probation practitioners assess individuals' risks and needs and provide information (in the form of Pre-Sentence Reports) to assist in sentencing decisions, as well as liaising with sentencers to ensure they understand the sentencing options at their disposal.
- Resettlement: Probation practitioners work in both custodial and community settings to prepare individuals for release, including by ensuring the right services, practical support and approaches to monitoring are established prior to release.
- Sentence Management: Probation practitioners have case management responsibilities and enable the effective delivery of the sentence by carrying out risk and needs assessment, risk management activities, sentence planning, enforcement activities, and rehabilitation activities (including selecting and scheduling appropriate interventions to support individuals in changing their behaviour).
- Interventions: Probation practitioners deliver the Probation Service's in-house interventions, including delivering Accredited Programmes and Structured Interventions to enable individuals to achieve behavioural change, and delivering Unpaid Work (or 'community payback') placements to enable individuals to make reparations for their offences and to gain new skills to prepare them for a non-offending future.
- Commissioned Rehabilitative Services: Regional Probation Directors commission appropriate rehabilitative services (such as accommodation, finance and wellbeing support, and cohort-specific services such as those aimed at women) from external providers who qualify through a procurement process. Probation practitioners select and sequence appropriate interventions according to individuals' risks and needs and are responsible for liaising with providers and enforcing breaches.
- Victims' Services: Victim Liaison Officers are responsible for working with victims of crime, including through the Victim Contact Scheme, to ensure their concerns and needs are represented both in the trial and for the duration of the sentence.
- Cooperation with other agencies: The Probation Service has statutory duties to cooperate with a range of partners in delivering the sentence of the court and protecting the public from crime, including police and prison services, and local authorities.

## Number of staff.<sup>12</sup>

Probation Officers:	8,356 (7,845.3 FTE)
Probation Managers, all grades:	172 (170.6 FTE)
Administrative support staff, all grades:	24 (23.8 FTE) solely supporting NPS
	1,816 (1,731.8 FTE) not solely supporting NPS
<b>Total:</b>	<b>10,766 (10,019.6 FTE)</b>

- Number of people subject to probation services: 223,973 (as at 31/12/020)

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<sup>12</sup> From 26<sup>th</sup> June 2021, the overall number of Probation Service employees increased with the creation of the new Probation Service and integration of former NPS and CRC staff. Figures presented here are based on the latest published figures (31<sup>st</sup> March 2021) and reflect only staff in the former NPS. In November 2021, figures will be provided reflecting all staff working in the new Probation Service

## New developments

- Significant reforms to the Probation Service began to be implemented in 2021, and full implementation will continue over the coming years – the key changes are set out in the Target Operating Model here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/959745/HMPPS -  
\\_The Target Operating Model for the Future of Probation Services in Eng  
land Wales - English - 09-02-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf)

## Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing pre-sanction report	X	✓	X
Supervising etc. sanction of probation	X	✓	✓
Supervising etc. conditional sentence	X	✓	✓
Supervising etc. special measures drug addicts	X	✓	✓
Supervising etc. community service	X	✓	✓
Supervising training or learning projects	X	✓	✓
Interventions with young offenders	X	X	X
Supervising etc. suspended sentence	X	✓	✓
Assistance/support of offenders in prison/detention	X	✓	✓
Preparing pre-release reports, prisoners	X	✓	✓
Supervising conditional release/parole	X	✓	✓
Supervising post custody, sex offenders	X	✓	✓
Preparing victim impact reports	X	✓	X